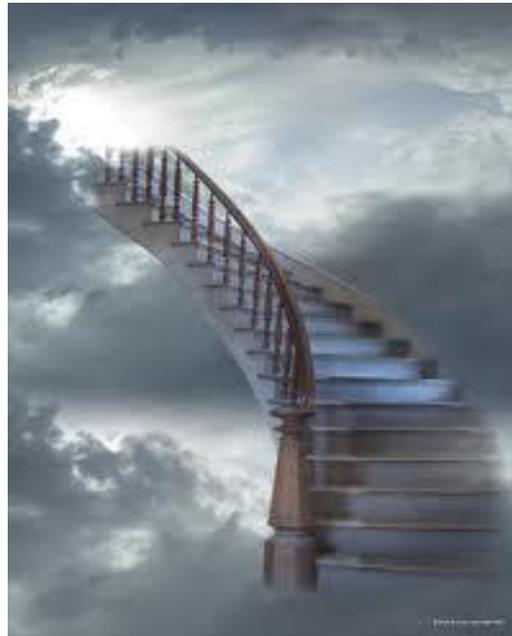


Still climbing the stairway to heaven: public participation in planning

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1. Introduction

Arnstein's famous conceptualization of public participation in planning as a ladder helped to illustrate the broad range of possibilities that exist when engaging the public in matters to do with the development or implementation of plans. While this conceptual ladder has been extended, turned into a loop and subject to other geometrical contortions, it has also been used in a way that Arnstein did not perhaps fully intend when she first proposed it: the ladder has been given a moral dimension in which joint decision making between planners and the public and the co-production of plans is the best imaginable form of public participation in planning (Collins & Ison, 2009). The manipulative and therapeutic lower rungs are often used to describe participatory exercises which are taken to be insincere or not genuine and which are a long way from the ideal of co-production. In this sense the ladder has come to serve as a stairway to what many would see as participatory heaven.

This paper challenges this moral dimension to Arnstein's ladder and its derivatives, whether it was her intention or not, and proposes an alternative approach based on a more systematic consideration of different possibilities of participation in practice as well as in theory. It reflects broader debates in political theory in which representative forms of democracy have developed in response to theoretical and practical concerns with more direct and participatory forms and suggests that in judging our participatory endeavours we should recognise the contingent nature of fitness for purpose and beware of applying universalist notions of democratic value.

2. Democratic theory and participation

While the various forms of public participation in politics developed by Pericles and described by Aristotle that emerged in Athens in the 5th century BC are often taken by contemporary advocates as the epitome of democracy, there is a tendency to forget that other notions of democracy exist and indeed developed in response to a substantial and significant critique of participatory democracy (Pennington, 2010). This is somewhat surprising as representative democracy is easily the most popular form chosen by institutions that consider themselves democratic as the basis of their organization of day to day government, even though critics speak of a crisis of legitimacy affecting many representative forms of government.

The Athenian principle of government in which 'the people' govern themselves begs a number of questions: what constitutes 'the people'; are all matters of government subject to popular rule; and does the scale or extent of 'the people' have any influence on the practicalities of popular government? While 'the people' is sometimes taken superficially to mean every member of a particular institution (citizens of a nation state for example, or residents of particular neighbourhood), any scrutiny of the term usually reveals a number of caveats and exclusions. In Periclean Athens the *demos* comprised property-owning males and women and slaves were excluded. In many contemporary nation state democracies the right to participate in elections is limited to citizens over a certain age, but excludes certain other groups including (in Australia) prisoners serving sentences of three years or more, people of unsound mind and convicted traitors. The extent to which other groups of people are considered suitable for participation is discussed in more detail later in the paper. The second question raised above concerns the scope of popular politics: is it sensible or indeed possible to subject each and every matter of day-to-day governance to the direct will of the people? It is not too difficult to imagine a somewhat Pythonesque scenario in which the people spend all of their time in the agora (or its contemporary equivalent) deciding what is to be done and as a consequence have no time to actually do anything!

Democratic theory has long wrestled with the problem of how and where to define a sensible boundary between matters of broad policy direction that can usefully be determined directly by the public and more prosaic matters of day-to-day governance which may be better left to some combination of political representatives and public officials skilled in implementing policies and programs. The final question relates to scale and to the suggestion that at some point the size or scale of a body of people becomes too large to be able to cope with direct participation in all forms of public decision making. While Periclean Athens is sometimes taken to represent the ideal or even the maximum scale at which direct democracy is possible, scholars have shown that not all citizens did in fact fulfill their civic obligation to participate and that active participation was in fact becoming even then the preserve of a particular class of political enthusiasts.

The fact that all kinds of institutions (including universities, clubs and societies, companies and charities) tend to delegate responsibility for the day to day running of the institution to a small number of members (including some employed specifically to carry out these tasks) suggests an innate recognition of the practical difficulties of involving everyone in every decision that has to be taken. Of course the way that those delegates are then chosen, held to account for their behaviour and subject to censure or recall is the very stuff of representative political theory. But there are arguments other than the purely practical for assuming that the active participation of everyone in everything is less than ideal and that limiting the power of the whole or the majority of members of any particular institution may be beneficial. Majorities sometimes (perhaps often) choose to behave badly towards minorities. Rawls' notion of justice as fairness suggests a set of principles including the promotion of liberty and equality and the recognition of difference that most people would agree to if they did not know at the time what their social position was, with these serving to limit the power of majorities to persecute minorities.

But if we are to avoid the problems of polarization in which participatory and representative forms of democracy are treated as mutually exclusive, then we should consider the circumstances in which different forms are more or less appropriate and in which they might mutually support each other. And of course this is what happens in practice as participatory forms of politics are developed alongside representative forms. Representative forms are often best for determining broad political direction and overall rules or policies, while more participatory forms can be more effective in deciding particular applications. The interface between these two forms and practices often reveals tensions and questions to be answered: how should differences between participants be resolved; can formal responsibility for a decision be delegated to others; is the right to be heard the same as the right to have your way, and so on. In concluding this section I would simply say that these questions must be answered on a case by case basis and not by resorting to an *a priori* claim that one form of democracy is inherently and self-evidently superior to another.

These relatively abstract arguments about the nature of democracy and the participation of citizens in democratic politics provide the context for a more focused consideration of the nature of public participation in planning.

3. Public participation in planning

Public participation has been an accepted feature of planning for almost as long as planning has existed as a statutory responsibility of local or metropolitan governments. But in the UK in the 1960s the publication of a report, *People and Planning*, into public participation in planning by the Skeffington Committee marked its elevation into a matter of considerable professional interest and public debate. Broadly speaking there was support for the idea that many of the perceived problems of planning could be alleviated by promoting greater public participation, although as many critics observed the nature of participation varied from the right to inspect and comment on draft plans through to some rather vague notion of engagement in the process of preparing plans. Not all critics saw greater participation as necessarily entirely beneficial and Lewis Keeble (1961), then of the University of London, spoke of giving planners a freer hand from 'month by month lay dabbling', while Colin Buchanan (1969) suggested that if planners performed to a higher professional standard then the demands for greater participation would dissipate or even disappear.

Damer and Hague (1971) in their critical review of public participation in the UK, note the importance of a number of factors in explaining its growing prominence. These include American planning experience and Kennedy's promotion of 'maximum feasible participation' as a key principle in his war on poverty; increasing interest in participatory rather than representative forms of democracy; clear evidence of bottlenecks in the operation of most planning regimes and an emerging concern to promote new values in planning. However, they are especially critical of Skeffington for a number of reasons. First, they claim it has no theoretical context which might explain how greater public participation and what might now be termed planning performance are causally connected. This leads, secondly, to a tendency to see participation as a way of increasing public knowledge of planning which would in turn lead to a more consensual and productive form of planning. As they note, this simplistic and naïve view of the nature of planning obscures the fundamental social and political conflicts that underpin much planning and other forms of state intervention. It was in this environment, albeit on the other side of the Atlantic, that Sherry Arnstein developed and promoted her ladder of participation.

To a great extent this lack of theoretical groundedness and a degree of political naïveté continues to characterize much writing about public participation in planning (Innes & Booher, 2004). The most up to date statement on public participation from the Planning Institute of Australia (PIA) begins by noting that we are all part of many communities (of interest, affiliation and place for example) and suggesting that members of these

communities 'reasonably seek to participate' in decisions that affect them. The PIA statement goes on to say that 'careful consideration of many points of view and competing interests is an essential part of good professional practice' and that 'good planning practice involves maximizing opportunities for participation in planning'. However, there is no consideration in detail of what constitutes 'good planning practice' or 'good professional practice' other than this procedural claim that it entails a degree of participation. Nor is there any calibration of the relationship between the two, so that we might be able to anticipate how much more participation might be needed in order to achieve a certain improvement in 'good planning practice'.

In the next section I propose and describe three questions that should be considered by anyone responsible for organizing and managing any participatory exercise in planning. The contention is that by contemplating these questions and coming to a view that is suitable for the particular circumstances, the exercise will be more likely to satisfy the expectations of both organizers and participants.

4. Principles of participation

In this section I present briefly three questions that should be considered by anyone organizing any program of public participation in planning. The questions relate to three important principles of participation, namely: the right and the obligation to participate; the scale or extent of the participatory exercise; and the nature of the participatory relationship.

Who should participate?

In relation to the question of who should participate, it is worth beginning with the most extreme case and considering why it should be anything other than everyone. However, we might propose that everyone in practice means everyone with the status of citizen, in other words we might feel justified in excluding those without the right to vote in local, regional or national elections. But there might be other grounds for restricting the right to participate, for example to those who are knowledgeable about an issue or to those who are enthusiastic about participating. In other words, various criteria could be applied in selecting from among a large group with a formal entitlement to participate. The value of organising around enthusiasms described by Bishop and Hoggett (1986) suggests we should select only those who are sufficiently motivated and interested to put themselves forward and avoid trying to cajole the uninterested, while remaining conscious of Michael Waltzer's warning of the dangers of rule 'by men with most evenings to spare' (1970: 235). The capacity and willingness to listen to a variety of alternative positions before coming to a view might also be used to exclude those with existing unalterable viewpoints in the same way that biased or prejudiced citizens might be excluded from a trial jury. One might select only those with a certain level of knowledge or experience of an issue. Opinions on the significance of this are divided: for example Arblaster describes an optimistic view of civic capacity in saying, '...political wisdom is not a matter of specialised knowledge, but something in which everyone has a share...' (1987: 21), while on the other hand referring to Schumpeter's less flattering view of the 'proven ignorance, irrationality and apathy of the people' (1987: 53). Thomas Jefferson proposed a fine resolution to this apparent dilemma when writing to William C Jarvis in 1820 (Peterson, 1984) saying,

"I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education."

Finally, the principle of random selection might be adopted on the grounds that it is inherently fair in avoiding bias during selection. It was used as one of the criteria in filling positions of public office in ancient Athens and has long been used in the selection of jurors for criminal trials. It serves as the basis for distributing substantial sums of money through national

lottery schemes and has also been used for over half a century in drawing unbiased and representative samples for social survey research. Moreover, more than one criterion might be applied, so that participants had not only to be interested but also knowledgeable in order to qualify for selection.

This discussion illustrates that a number of legitimate positions can be taken when thinking about who should be encouraged or allowed to participate in planning exercises. No one is self evidently superior and to some extent the most appropriate selection criteria will depend on the nature and scale of the exercise. But before considering this, we should think about the inclination and the obligation of citizens to participate?

Some may not be interested in participating in a particular debate, feeling that it is of no great consequence to their lives, while others may feel they know so little about an issue that their contribution to any public debate would be worthless. Others may simply be too busy going about their lives to have any time for such activities. Whether citizens have a more formal obligation to be active and to participate is another matter and as noted above the legal obligation on Australian citizens to vote in elections is somewhat peculiar in comparison with most other democracies. A more nuanced position might therefore acknowledge that not every citizen will choose to participate in every, or indeed any public decision making process that is open to them and that there are valid reasons for choosing not to do so. It is worth noting that for some, the disinclination to participate (in politics generally rather than in planning in particular) is evidence of underlying feelings of powerlessness or disempowerment that require positive strategies to remedy them. The assumption is that active citizenship is the norm, but if it is not the case in practice then there must be forces at work that are undermining this norm.

In summary, it is perhaps most important to recognise that reasonable and respectable arguments can be put forward for a variety of different selection principles. These principles can entail anything from the selection of all members of a particular constituency, through many to only a few. Thus when it comes to evaluating the success of participatory initiatives we must ensure that we are applying the relevant criteria of success rather than assuming a greater number of participants is always better than fewer.

Scope of decision and scale of participation

Decisions vary in terms of the extent of their impact and we can conceive of this variation as a continuum. At one end of the continuum are decisions that affect everyone in a particular constituency or jurisdiction, while at the other end are those affecting only a few. We can label these extremes as strategic (affecting all) and individual (affecting few) and perhaps define a point in between as programmatic where the impact of a decision is felt by an intermediate grouping somewhere between the many and the few. This continuum can exist both within and across spatially nested constituencies so that a strategic decision could apply to a neighbourhood, a city of which it is a part, a region of which it is a part and a country of which it is a part and so on. A similar way of conceiving this continuum is to distinguish between decisions about constitutional matters (eg who to include and the broad terms of engagement), about policy matters (eg principles of entitlement) and about the application of constitutional or policy decisions to specific cases (eg should I be granted a particular welfare benefit?).

The significance of this conceptual continuum is three-fold. First, as the number of people affected by a decision increases, so there is a corresponding increase in the number who can claim a right to participate in the making of that decision on the basis of being affected by it. Other things being equal this increases the likelihood that not everyone will choose to exercise this right if it is granted and, more significantly, that a smaller sample of people will be selected to participate. The political challenge is to be able to justify the criteria for selection and hence cases of non-selection, in other words, why was I not selected?

Second, strategic level decisions affecting the many often serve to constrain lower level decisions. In this sense they help set the rules or priorities applied at lower levels and may

therefore be important in influencing the outcomes of subsequent participatory exercises. For example, regional land use plans typically determine the total requirement of land for new housing developments and identify areas for growth. District level plans then identify particular sites and finally individual planning applications are determined on the basis of specific residential patterns and house designs. While an individual application may be rejected on the basis of design, the case for growth will already have been accepted at a prior and more strategic stage.

Third, the actual significance of strategic level decisions can appear to be inversely related to popular perceptions of their impact and hence to the propensity to participate. Thus, people are often more inclined to participate, whether by unfettered choice or following an invitation, in small scale and parochial decision making exercises than in broader and more strategic arenas. Managers of participatory exercises have long struggled to present strategic choices in ways that are meaningful and comprehensible to the large populations affected and stimulate popular interest and excitement. In contrast, very localised proposals (to close a school or post office or to open a residential home for recovering drug addicts, for example) often generate intense local interest and demands for participation through attending public meetings and signing petitions.

The nature of participatory relationships

The third question refers to the nature of the participatory relationship, or the relationship between those people who choose to, or are invited to, participate and those who retain formal responsibility for making the decision in question. At one end of the spectrum of possibilities, formal responsibility for taking a decision is handed to all participants, for example in a referendum, while at the other end participants are allowed only the most cursory degree of involvement and in ways that have no meaningful impact on the decision taken. Arnstein's ladder may have been the first and most well known conceptual representation of this spectrum, but others have offered variations on this theme including the International Association for Public Participation (IAP2) public participation spectrum (IAP2, no date), which serves also as the basis of PIA's position on public participation in planning.

The problem with Arnstein's ladder and subsequent variations is that it embodies a set of normative assumptions about the relative merits of the ends of the spectrum, without fully articulating and justifying them. Thus it is assumed that delegating the power of decision making to the people (however defined and delineated) is not only a good thing, but a better thing than simply asking 'the people' to choose between a predetermined set of options. This assumption only holds for certain models of democracy, typically those rooted in the participatory conceptions of Barber, Pateman and Hirst or further back in the work of Mill or Rousseau. In alternative conceptions, seen in the work of Schumpeter or Sartori and in Burke's notion of representation, popular participation does not serve as a yardstick for democracy and if anything signifies the potential for wasteful or even oppressive political activity. Unless we take the debate between representative and participatory forms of democracy to be settled in favour of the latter, we cannot accept that involving more people in co-decision making is necessarily and always for the best.

From this it follows that there may be situations in which simply presenting information, clearly and concisely, is the most appropriate. For example, regardless of how it was arrived at, presenting information about the composition and powers of a new state planning agency may be entirely appropriate and need not (indeed should not) invite comment on whether or not the decision to do so was good one. On the other hand, when asking for input to a long term plan for the pursuit and management of growth in a jurisdiction, it is sensible to include as many people as possible and be as clear as possible about the scope and parameters of the plan. Depending on the nature (ie the scope and scale) of the activity, judgments can be made about who it is best to invite to participate and the terms on which they might do so. These judgments have, of course, to be defended and some may be unconvinced by the

arguments and chose not to participate or may indeed choose to establish alternative channels and forms of participation.

In the next section we look in more detail at the application of some of these principles in the practice of public participation in planning.

5. Applications

It has become increasingly common in planning regimes in Australia and other developed countries to follow what is often described as a neoliberal agenda of reform in which lighter touch regulation accompanies a more streamlined and expeditious process of planning. As part of these processes the costs of more extensive programs of public participation and engagement often receive more attention than the benefits and streamlining tends to result in participation focusing on processes of plan making rather than on implementation and the assessment of development proposals.

The logic of this approach rests on the not unreasonable assumption that plans, in whatever form they take, serve as the basis for any subsequent assessment of development applications and so it is sensible to invest time, expertise and effort, including the time, expertise and effort of the public, in preparing plans that are as good as possible, however that may be judged. This is not to say that public participation in development assessment ceases or is reduced to an entirely tokenistic process (although this is often how unsatisfied opponents of particular development proposals feel), but the argument is made that it is better to focus participatory effort in developing a plan that has broadscale applicability than on a large number of specific development applications that would otherwise have to be assessed without an overarching plan or set of assessment principles. It is important to remember that these arguments are more about the relative balance of effort than about more absolute positions, although they are sometimes conducted in these terms.

A second notable aspect of this argument is that it reinforces a technocratic notion of planning in which it is possible to differentiate without too much difficulty between the legitimately political and the properly technical aspects of decision. This has of course has been the subject of intense debate among planning theorists and practitioners for many years and shows little sign of either abating or being resolved to the satisfaction of all. In brief the argument is that the process of plan making is necessarily political, both in the sense that it involves elected politicians and that the public at large have an acknowledged role to play in making choices about (for example) the desired pace and pattern of growth, the extent to which zones should be used to regulate land uses and the scope of aesthetic judgments about urban design. The argument continues that the assessment of development applications against the criteria and principles of an agreed plan can then be treated more as a process of professional and technical judgment with more limited opportunities for public participation. The opportunity for third parties, in other words neither the proponent nor the assessor, to lodge legitimate appeals against planning decisions is clearly a significant factor in the way the assessment of development applications is conducted in any particular planning jurisdiction.

In his recent memoir on life as a Minister in the New South Wales government, including time as Planning Minister, Frank Sartor reflects on reforms he introduced in an attempt to improve the planning system of that state (Sartor, 2011). Among measures to strengthen the metropolitan scale of planning, especially around Sydney, and to make state-wide investment in urban infrastructure more secure, he advocates the 'depoliticisation' of local government level development assessment. While this may appear to reveal a surprising degree of political naïveté in someone whose book describes decades of political manoeuvring within the New South Wales Labor Party, it reflects the practical experience of

contemporary planning in many Australian cities. His comments on public participation are especially noteworthy,

Current processes for public consultation have not engendered a culture of constructive debate, problem solving, mutual respect or consensus building. Rather, we have developed a culture of confrontation, mistrust and sloganeering by competing interest groups.' (2011:204)

It is unlikely that this description is limited to planning in New South Wales, but applies much more widely and could be taken to describe the norm rather than the exception. It is certainly a long way from the Habermasian ideal speech situation sometimes envisaged for planning (MacCallum, 2009) and even from the nuanced conceptions collaborative planning described by Patsy Healey (1997). But it does serve to illustrate the persistent gap that exists between our views of how we would like public participation in planning to operate and the stubborn reality of it in practice.

6. Conclusions

Debates in planning sometimes descend rather too quickly into polarized arguments in which absolutist positions are taken. Thus we can find ourselves arguing for or against participation *per se*, rather than treating it as a variable that we can engage in to a greater or lesser extent. Similarly, we can find ourselves driven by the moral imperative associated with many conceptualizations of participation and feel obliged to move towards the apparent heaven in which everyone affected by a decision is actively involved in preemptory debates and indeed in taking the decision itself.

If we are to continue to devote time and effort to encouraging and enabling public participation in planning in its various forms, then we should be reasonably clear about the potential benefits to be obtained in doing so and perhaps even more clear about whether these benefits are achieved in practice. We might expect that after at least fifty years of advocacy for greater public participation in planning we would have achieved a reasonable degree of clarity about these impacts from a series of research projects and evaluation studies. Unfortunately this is not the case. While there are some well designed and robust studies of the impact of participation, they are not yet commonplace and not all are in the field of planning whether we define this in terms of land use planning, urban and regional planning, spatial planning or strategic planning. There are more studies that take the form of practice stories and while these are perfectly legitimate research designs in themselves, they do not always allow a more comprehensive assessment of the value of public participation in planning.

In this respect it is not easy to answer the question: does participation in planning make a difference and is the difference we hope for? In part this is a methodological or research design challenge, but also an ideological one in that for some (perhaps many) the benefits of participation or rather of more than less participation can be taken for granted. Echoing another statement of democratic principle, advocates of participation hold these truths to be self evident. For the more skeptical, there is however a substantial methodological challenge in measuring the beneficial impacts of participation or in comparing its costs and benefits, but the challenge can be met (Burton, 2009; Burton, Goodlad & Croft, 2006; Lane, 2005; Williamson & Scicchitano, 2013). This is due mainly to the fact that participation is a variable rather than an absolute. We can do more or less participation and what we do under the banner of participation can and does vary substantially. Given the wide range of potential benefits described above this makes the design of robust research difficult and helps explain why focused practice stories are more commonplace when it comes to researching participation.

The critical stance taken in this paper is not intended to diminish the importance of public participation in planning. Any planning regime that systematically excluded the public from

processes of plan making and of implementation in the form of development assessment would probably not be effective, nor would it be seen as a legitimate part of a democratic system of local or regional governance. But we know from experience that many participatory exercises do not meet their own ambitions: there is no obvious connection with 'better planning outcomes', whatever they may be and both organizers and participants feel dissatisfaction with the process. I have suggested that by answering three key questions about any participatory exercise there is a greater chance that these shortcomings will be overcome. This represents a more productive way forward than using as a generic yardstick a set of principles derived only from models of participatory democracy, in which implausible notions of mass participation are used. Rather than seeing Arnstein's ladder as a stairway to participatory heaven, we would do better to abandon the moral dimension to her conceptual framework and rely on more contingent criteria for judging the success of participatory episodes.

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