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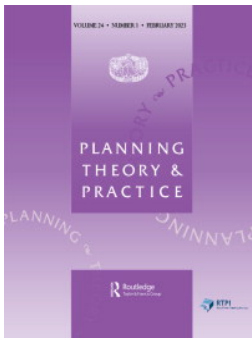
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## Public Planner – A Deliberative Authority

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## Public Planner – A Deliberative Authority

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### ABSTRACT

Beyond merely mediating between particular interests, deliberative planners are in need of a firmer agency in shaping attention to common good concerns. However, locating such agency legitimately in the context of deliberative ideals is difficult, and not well supported by theory. A key problem is the weak conceptualization of legitimate forms of power-over, regarding the deliberative planners' agency. To address this theoretical challenge, the article employs Haugaard's rethinking of power-over, Salet's dialectics of public norms and performative aspirations, the "systems" turn of deliberative democracy theory, and Warren's related work on authority.

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## Introduction

[H]ow can you have a profession (whose *raison d'être* is the application of expert knowledge) if you argue that there is no such thing as expert knowledge, only different opinions to be brought together? (Allmendinger, 2009, pp. 220–221)

Deliberative planners find it difficult to take a stand when planning processes and outcomes are contested. They often feel unsure about their agency when there is disagreement. Merely mediating between the parties in controversies may seem unsatisfactory for the planner's role, when the planning agenda is turned into an arena of conflicting narrow interests. The planners need firmer agency in shaping attention to various kinds of common good concerns. However, locating such agency legitimately in the context of deliberative ideals is difficult, and, as we aim to argue, not well supported by planning theory.

In our view, the underlying problem is that the theoretical work on communicative planning,<sup>1</sup> and related ideas on deliberative democracy in planning, mainly focus on illegitimate forms of exercising power over others (power-over) and thereby do not conceptualize legitimate forms of power-over, regarding the public planners'<sup>2</sup> agency. In communicative planning theory, the deliberative planners are left without theoretical justification for their use of power-over, even when it is directed to drawing attention to common good concerns, beyond the conflict settings between narrow interests.

To address this problem, we employ Mark Haugaard's rethinking of power-over, Willem Salet's dialectics of public norms and performative aspirations, and Mark Warren's theoretical

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work on authority in the context of deliberative democracy. Our approach to authority stems from the Weberian understanding of the concept as legitimate<sup>3</sup> use of power-over; such power-over that is considered appropriate by those over whom it is exercised (Weber, 1921/1978). We approach deliberative democracy theory, in turn, from the recently emerged “systemic turn” perspective. We aim to argue that the planner’s use of power-over is justifiable if it is motivated by attempts to gain power-to, in terms of advancing the common good. However, we further argue that, in a deliberative democracy context, the public planner is in need of a specific kind of institutionally grounded authority that is subjected to public scrutiny – especially since, as a planning objective, “common good” is not a clear-cut and uncontroversial concept. Thereby we aim to contribute to the development of communicative planning theory, regarding theoretical grounding for identifying the conditions for public planners’ legitimate use of power-over that is supportive of deliberative democracy.

Our theoretical argument is structured as follows: first we will review critically communicative planning theory in its approach to power-over. In the vein of Lukes’s theory of power, it views power-over, in its interactional and structural dimensions, negatively in terms of domination that is counterproductive to deliberative democracy in planning – or, at best, a necessary “evil” that has to be tolerated. This approach, we will argue, leads to unresolved dilemmas in building a sound theoretical basis for justifying planners’ measures in remediating uneven power relationships and the domination of particular interests at the expense of common good concerns. Then, with the help of Haugaard’s critical re-reading of Lukes’s theory, we will explain how power-over, in certain conditions, can be viewed positively, as instrumental to power-to. In explaining such conditions, a dialectical approach to interactional and structural dimensions of power is needed. We then add to this perspective Salet’s dialectics between performative aspirations and public norms, and discuss how the concept of common good enters this dialectics. In the context of deliberative democracy theory, such a dialectical approach calls for a “systems” view. It means that the planner’s use of power-over is viewed in relation to how the planner’s authority is institutionally constituted, and how this relation may systemically contribute to deliberative democracy. Drawing on Warren’s theory of deliberative authority, we will then discuss the interactional and structural conditions for the public planner’s legitimate use of power-over that is supportive of deliberative democracy, also discussing its implications in the context of Nordic planning systems and practices. Finally, we will make conclusions on our theoretical argument and its contribution to further development of communicative planning theory.

### **The Theoretical Dilemma of the Deliberative Planner’s Power-Over**

In his book *Planning in the Face of Power* (1989), Forester took a Lukesian (Lukes, 1974) approach to power, identifying power negatively as domination in its different dimensions. He saw as the normative role of the planner to emancipate the participants in planning processes by counteracting unnecessary structural constraints on the participants’ access to information. In Forester’s view, there is a degree of unavoidable structural domination on the availability of information to the participants, but also a realm where the planner has a crucial role in opening up information. He analyses this realm in terms of Habermas’ (1979) validity criteria (managing truth, consent, truthfulness and comprehensibility). He calls this “shaping attention.” Healey shares this view, while also putting emphasis on the differences of the participants’ “meaning systems” (Healey, 1992, 1997). She has further elaborated the approach in developing strategic spatial planning theory, in which the planner’s role is to frame strategically the planning issues,

to ideally build a Deweyan “community of inquiry” and to mobilize the participants’ attention towards joint strategic action (Healey, 2007, 2009). Such an approach to power in planning aims to generate ability to act in concert (power-to) in planning interactions, by critically identifying and counteracting unnecessary power-over at the structural dimension, in which the public planner has a key role.

While this approach to power may indeed be viewed as normatively justifiable in forwarding deliberative democracy, our claim is that it is too limited, and it is vulnerable to the recent criticism of communicative planning theory by e.g. Bengs (2005), Allmendinger and Haughton (2013), Purcell (2009), Fainstein and Fainstein (2013) and Gunder (2010). The critics’ central argument is that by focusing on broadening the scope of participants and promoting deliberation between them, the theory is powerless in balancing the structurally uneven power relations between the participants, and thereby inadvertently serves to legitimize the structurally powerful actors’ domination by giving it an appearance of mutual deliberation. This criticism is often associated with the criticism of neoliberal motives “framing” planning agendas. It is evident that shaping attention among potential participants and raising their awareness of the political relevance of planning issues is not sufficient as such, in balancing the participants’ power relations that are structurally biased at the outset.

First with Krumholz (Krumholz & Forester, 1990) and later in numerous accounts of planners’ practice stories (Forester, 1999, 2009, 2013), Forester has analyzed various practical means of how a planner can situationally counteract such power imbalances in interactional handlings with the participants, mostly in terms of empowering the weaker groups by sharing information selectively. Sager (2013) has similarly attempted to “revive” communicative planning theory by handing a more activist role to the planners, empowering the weaker groups by balancing the power relations of the participants while encouraging deliberation between them. In a nutshell, what Sager is arguing is that activist planners ought to form alliances with radical civil society groups to pressure powerful stakeholders to come to the table and engage in “real” deliberative processes. But, at the same time, he is saying that, in order to be legitimate, communicative planning ought to support “anti-paternalism” and the autonomy of the participants (Sager, 2013, 2017). This sounds somewhat contradictory. Isn’t an activist planner necessarily a paternalist “power balancer” to a degree, who in their balancing meddles with the participants’ autonomy?

The anti-paternalism approach would paradoxically, on the one hand, introduce interactional power-over (uneven treatment of the participants in planning interaction to remedy the structural unevenness between them) as a necessary means for the planner to advance deliberative democracy in planning, and, on the other hand, condemn such exercise of power-over as illegitimate. Activist planning is about empowerment, but it is also about power-over. Theoretically this poses a severe confusion, as, in communicative planning theory, power-over has generally been understood as domination that the deliberative planner is hardly justified to intentionally resort to (Westin, 2022). So, how to justify the deliberative planner’s power-over theoretically, as in the case of the activist planner?

From the Habermasian (Habermas 1990) and Rawlsian (Rawls 1971) perspectives, a further problem is how to promote the quality of deliberation: how to enable the unbiased perspective of “generalized other” or “original position” to be approached in local planning, and thereby prevent the planning discussion from becoming dominated by the participants’ particular interests?<sup>4</sup> A common assumption has been that bringing the citizens and marginalized groups as participants to the planning processes would somehow by itself be instrumental to the

emergence of common good concerns – as if the economically and politically powerful developers, investors and landowners were the only groups with particular or private interests in mind. This is an unjustified assumption. There is no evidence to suggest that the citizens would necessarily have more “noble” concerns. Rather, they often tend to have NIMBYist motivations (Kopomaa et al., 2008) and, with those who are homeowners, worries of property value development, too (Eranti, 2014).

A related assumption, not supported by the recent “systemic turn” in deliberative democracy theory (Mansbridge et al., 2012), has been a “scalar bias” of suggesting deliberative democracy to be enabled the better, the more local the realm of deliberation is (see also Purcell, 2006). It is clear that taking a view of “generalized other” or “original position” becomes the more difficult, the closer your contacts and relations to your fellow deliberators are.<sup>5</sup> For instance, Mansbridge’s (1983) studies suggest that while it is easier to reach agreement in local, small groups than in broader groups where communication is more impersonal, this is often because it takes courage to disagree when this would put into jeopardy existing or future friendships. This means that people might have good arguments that they choose not to express in the local forums, because they have personal hopes of being approved, and above all, fears of being disapproved by their community (Mansbridge, 1983). For sure, local and small-scale forums of deliberation are important, as in these realms people learn the basic civic skills needed in broader arenas (Pateman, 1970; Barber, 1984; see also Healey, 2015a). Nonetheless, instead of focusing only on certain local forums of deliberation, a broader “systemic” perspective is needed, in which these are viewed in relation to institutional rules and roles constraining and enabling deliberative processes (Mansbridge et al., 2012; Moore, 2017).

In view of the above, if we take the role of the public planner to be about shaping the participants’ attention to planning issues, and, further, to specifically empower the marginalized groups, we then have to ask, how can they influence the planning discussion to reach broader horizons than merely those that are determined by particular interests or group pressures? How can they find justification for taking such a role? Indeed, in communicative planning theory, the quality of deliberation has not received proper attention, as it has been assumed that broad and balanced local participation under certain procedural rules would somehow by itself lead to the emergence of common good concerns<sup>6</sup> (Campbell & Marshall, 2002; Moroni, 2017). In turn, we suggest that the planner’s own agency in shaping the participants’ attention to concerns of the common good is essential. Indeed, how could concerns of the common good emerge, if the dialogue were held solely in terms of particular interests?

And herein lies a further need for the planner’s agency. Procedural rules on democratic processes cannot guarantee socially just outcomes on their own. As critics of communicative planning theory, notably Fainstein (2010), have observed, when focusing on procedural conditions for participatory democracy, the theory fails to recognize the possibility of such conditions producing unjust outcomes. As noted by Campbell and Marshall (2002, p. 182): “[N]o account of planning, politics and the public can be of value if it is empty of all substantive content, of what is at stake.”<sup>7</sup> In our view, the public planner has a critical role in shaping attention to common good concerns in both procedural and substantive terms (see Hoekveld & Needham, 2013, p. 1643). In the latter case it would mean aiding the participants to conceive and discuss from different common good perspectives the substantive planning issue at hand, how it can and ought to be problematized, and what planning solutions might be available and desirable – and offering their proposals with justifications in reference to the deliberation about the common good.

## Power-Over as Instrumental to Power-To

In its relation to power, the main target of communicative planning theory has been to critically identify and resist power-over in planning, understood as domination. However, thereby it has neglected the identification and elaboration of *desirable* forms of power-over. In our view, the problem of the theory lies, firstly, in associating power-over straightforwardly with domination, and, secondly, following this association, in treating structural power only negatively in terms of domination. Thereby the planner is given the task of reducing unnecessary domination at the structural dimension through emancipatory shaping of attention at the interactional dimension.

The Foucauldian approach of treating structural power as productive is not an answer to this problem, as it concerns subjectification at the deeper layers of the structural dimension but is weak in explaining transformative agency of the “structurally determined subjects” at the interactional dimension. Nevertheless, Foucault did introduce in his later work the concept of “parrhesia” – speaking truth to power – that has been used to describe the transformative agency of subjects in interactional contexts, such as the planning context (Grange, 2017). However, the concept seems to contradict Foucault’s earlier work. How can planners speak truth to power, if their conception of truth is a result of their subjectification to power? Moreover, even if the subjects would have transformative agency in the Foucauldian context, transformation in this context does not equal to progress or emancipation, and power does not produce anything constructive for the society. As Grange (2017) points out, Foucault stresses that human interaction even in the most democratic contexts has a tendency to regress into something uncritical and affirmative of the prevalent opinion. Therefore, in this view, the focus needs to be kept on the possibility of critical and disruptive agency, instead of settling with the idea that power could be legitimate. This, of course, rules out the very possibility of public planning as a progressive collective activity. Thus, it is not surprising that the current theorizing on communicative planning, as it has adapted to popular Foucauldian viewpoints, leaves deliberative planners lost and unsure about their agency.

In tackling the theoretical problem of structural power as non-domination, Haugaard’s (2012, 2015, 2018) insights that build on the critical debate of Lukes’s (1974) “radical theory of power” are extremely helpful. Initially, Lukes (1974) had positioned his theory of power in the 1950s–1960s tradition of pluralist political theory, approaching power as domination and accepting Robert A. Dahl’s (1961) famous definition: “A has power over B to the extent that he can get B to do something that B would not otherwise do” (Lukes, 2005, p. 16). While adding structural depth to this power-over concept of power, Lukes had positioned his theory critically to those of Arendt and Parsons who had understood power as individuals and groups gaining capacity to act in concert (power-to). However, especially in response to Morriss’ (2002) criticism, Lukes (2005) later had to withdraw from this position. In Morriss’ view, power-to is the essence of power: the ability to effect outcomes – not the ability to affect others.

Key to this reassessment was Morriss’ (2002) distinction between power-over as an *end* and a *means*. As an end, power-over is domination, exercise of power for the purpose of securing compliance. However, power-over can also be exercised as a means for gaining abilities to reach certain ends. Thereby power-over can be instrumental to power-to, a form of power which is to be distinguished from domination. By approaching power-over only in terms of domination, Lukes had missed such instances of power-over; instances that can be found, for example, in situations when people willingly submit to decisions of experts or political authorities that they trust are made for their own, or common, good.

Here we are dealing with a certain kind of dialectics between interactional and structural power-over. At the interactional dimension, people may willingly submit to power-over by experts or political authorities, if they, often habitually, acknowledge the latter to carry the institutionally determined roles of “experts” or “political authorities” that are equipped with certain professional or political capacities and constrained by ethical norms, or political responsibilities and accountabilities, in acting on behalf of others for the common good.<sup>8</sup>

To illustrate this dialectics between interactional and structural power-over, Haugaard (2015) elaborates Dahl’s (1961) example of the traffic police officer. The drivers submit to the traffic police officer’s instructions in the traffic junction and stop their cars if so instructed, because they recognize the police officer as a “police officer,” with their uniform indicating their institutionally bestowed authority to, not only to direct traffic, but to do so in order to manage the fluency of traffic and avoid jams. Thus, the drivers usually follow the police officer’s orders willingly, acknowledging that this is done for the greater good of traffic fluency that is beneficial to all drivers entering the junction. While such submission to power-over in interaction is done habitually, as a result of both the submitter and the submitted becoming socialized into following a certain societally institutionalized pattern of rules, it should not blind the analyst from recognizing that, indeed, such power-over is not domination. Instead, in Haugaard’s (2015) terms, it is *concerted power-over*: interactional power-over that is instrumental to structural power-to. Of course, this is not to say that there are no incidences of exercising power-over that can appropriately be identified as domination – and Lukes’s (1974, 2005) work indeed eloquently elaborates the different ways how this can be done.<sup>9</sup>

### Planner’s Legitimate Power-Over and the Common Good

To a degree, from the above traffic police officer example, an analogy can be drawn to the authority of a local public planner. The planner has an institutional mandate, in the societal division of roles, confirmed by legislation and other public norms, and their own profession’s status of expertise and related ethical standards, to make plans that are aimed for the common good. The planner’s institutional authority is legitimized in liberal democracies on the grounds that the goods that they deal with, having to do with distributive justice, infrastructure provision, externalities of development, and so on, require social coordination. Thus, engaging in social coordination, the urban planner is expected to enable the urban populace to attain goods that otherwise would not be attained. In the liberal contract tradition, the planner’s authority is justified when it is exercised in service of the people, helping them to attain common goods (see Warren, 1996). Following this tradition, similarly to the traffic police officer, the planner would be expected to act on behalf of others for the common good. Were they to succeed in this, they would use interactional power-over for the sake of gaining structural power-to.

However, such a view of the planner’s agency would be too straightforward. Determining how common good ought to be understood and what ought to be done to achieve it in various, often highly complicated and value-laden planning issues, is, by far, a much more complex and normatively ambiguous matter than that of managing car traffic in a junction. There is a philosophical and societal discourse that extends hundreds of years in history on the concept of common good and how to approach it (see Puustinen, Mäntysalo, Jarenko, 2017a). Such historically developed approaches to common good as consequentialist, deontological and deliberative co-exist in our present-day planning discourses, having often contradictory implications in terms of situated planning solutions (e.g. Alexander, 2002; Campbell & Marshall, 2002;



Dadashpoor & Sheydayi, 2021; Maidment, 2015). In some discursive contexts, the common good is perceived primarily in terms of competitiveness, in others in terms of sustainability and future generations, and yet in others in terms of distributive justice, positive externalities, or communicativeness of the planning process itself (see Puustinen, Mäntysalo, Jarenko, 2017a). Some even suggest, following Laclau's (2005) terminology, that the concept has become an "empty signifier" (e.g. Maidment, 2015; Wullweber, 2015): a label for transforming a particular statement or goal, in a hegemonic discourse, into a universal vested interest and concern, in order to conceal particular vested interests of those determining the discourse.

While some regard common good as a superficial concept for instilling legitimacy in public measures, and some even dismiss the term for having negligible substance and normativity (Dadashpoor & Sheydayi, 2021), it still remains at the centre of planning. According to Maidment (2016), planners cannot act without some perception or definition of the common good. Indeed, there is a dire need for finding ways to deliberate on the common good concerns in planning, since, despite its controversial nature, the concept is still found necessary in evaluating and legitimizing public planning and its use of power-over (e.g. Alexander, 2002; Campbell & Marshall, 2002; Maidment, 2015; Moroni, 2004, 2017, 2019).

So, on the one hand, the public planners are institutionally authorized to aim for the common good in their planning, but, on the other hand, they are not authorized to determine on their own what that implies. The planner has to deliberate on the implications of their legitimate albeit multifaceted aim. The planner's preferences, opinions, and proposals referring to the common good, however well-grounded epistemically, must be informed by, and reflective of, the preferences and opinions of fellow citizens (Mansbridge et al., 2012). Indeed, the planner's claims need to be subjected to contestation. Through contestation by fellow citizens, the planners' implicit framings, values and interests that risk becoming embedded within their expertise and role in the government can be revealed (Moore, 2017). Thereby public deliberation on the common good is critical to prevent the planners' own claims referring to the concept from turning it into an empty signifier.

Even if the planner managed to guide the public deliberation to focus on common good concerns, winners and losers will be implied and consensus is rare, perspectives to the common good differ and planning problems tend to be complicated and ill-structured. But precisely for the reason of lacking consensus on what we value as worthy and right common good goals, it is necessary to submit to public norms (Moore, 2017).<sup>10</sup> Introducing the idea of public norms adds the structural dimension to the concept of common good, besides the interactional dimension of deliberating on the common good in a planning issue at hand. At the level of public norms, common good is held as a result of publicly accepted normative frameworks that determine right and wrong at the level of general principles (deontological approach), while at the level of situated planning deliberations it is referred to as guidance to reach certain planning goals (consequentialist approach) (see Moroni, 2020). According to Salet (2019), public norms on the common good are general in the sense of morally indicating "what is appropriate and what not," whereas situated planning deliberations on the common good are performative, indicating claims and actions. While contestation at both levels is necessary to reveal justifications, the interactional deliberations on the common good have to rely on the institutional norms of appropriateness: "[T]hey would run wild without simultaneous orientation on the ongoing institutionalization of public norms [...]" (Salet, 2019, p. 263).

Such institutional guidance is offered especially by the law. While the law indeed ought to serve an instrumental function in offering guidelines for responding to situated planning

problems, at the same time, as an authoritative legal condition, it serves another function of expressing intrinsic relationships between citizens, the government, the court, and other civic groups. This function concerns the legality of public action. According to Salet (2018a), it leads to focusing on the common good as “*res publica*,” the rules of legitimate appropriateness of public action, and the relational rights and responsibilities of public organs and citizens in using and being subjected to public power – when all actors are ultimately subjected to the “rule of law,” not the “rule of men.”

This distinction, between the planners’ deliberative action on the common good and their adherence to public norms on the common good, corresponds with the distinction that Hoekveld and Needham (2013, p. 1649) have made between the ethical principles that a public planner as an individual professional ought to follow, on the one hand, and the normative principles that address the public organization practising spatial planning, on the other hand. The latter set of principles concerns planning as institutional activity (Moroni, 2020). The public planner’s authority stems from their role as a representative of a public organization conditioned by institutional norms. Under the rule of law, authority is prevented from slipping into authoritarianism (see Levitsky & Ziblatt, 2018). Therefore, in a situation of dissensus or uncertainty, “[Y]ou should obey someone ‘in’ authority not because she is wise or right, but because she has been put ‘in authority’ by an established procedure” (Moore, 2017, p. 61). According to Moroni (2020, p. 567), the distinction between planning by individual planning professionals and planning as an institutional activity is not always recognized by communicative planning theorists (however, see endnote 11).

Herein lies the key to the local public planner’s legitimate power-over, authority, that is not domination. Their interactional power-over is justifiable when it is directed to counteract, also self-critically, the domination of particular interests and to shape attention to common good concerns. With shaping attention from the domination of particular interests to common good concerns we do not mean that the deliberation ought to dismiss particular interests. Instead, we stress the importance of contextualizing particular interests from the viewpoint of common good concerns. Thereby different common good perspectives to assessing and interrelating particular interests in a planning case or broader policy at hand may be examined, whether understood as, e.g. consequentialist search for a highest aggregate utility in view of particular interests, or deontological rights-based treatment of participatory, subjective and land property rights holders, or, rather, a combination of these. Hence, what we view as contrary to deliberation on the common good is not particular interests as such, but the *domination* of particular interests in the planning discourse.

The planners would exceed the limits of their legitimate power-over if they were to dictate – without opening their reasoning to the other participants’ scrutiny – how the common good in a given planning issue ought to be understood and what ought to be done to achieve it. That would be interactional power-over in the sense of domination, and *here* the planner would be fairly criticized for being paternalistic.

### Planner’s Deliberative Authority

The public norms place the public planner in an authority position based on, on the one hand, their *authority of expertise* and related public norms of professional ethics, and, on the other hand, their *authority of public office* and related norms of legislation and “good governance.” Each set of norms both capacitates and binds the planner as an authority at the same time.

However, as a public office holder, the planner is also subjected to the *political authority* of local parliamentary bodies, as dictated by the public norms on decision hierarchy in the institution of the “local state,” of which they are part in their relational position of authority. In our modern liberal democracies, the ultimate decision-making power must rest in the hands of the people, as exercised through the democratic process institutionalized in the public norms of the “local state.” While being institutionally subjected to the political authority of the parliamentary council and boards in the “local state,” the planner still retains certain autonomy in terms of public office status and professional authority. It means that they have a legal-administrative and professional-ethical responsibility for seeking truth according to the standards of their professional community and “good governance” (see Moore, 2017). While communicative planning theorists are worried about public planners having acquired powers of paternalistic guardianship, thus downplaying their authority role, they, at the same time, undermine planners’ institutional powers to speak truth to the political powers of government. That is, to declare, when necessary, the urban planning and development projects of political elites incoherent, unsustainable and counter-productive.

This is, of course, easier said than done. Without a doubt, in local governments planners often find themselves guarded by a Flyvbjergian *Realpolitik* in which the public planner is handed the role of rationalizer of the political-economic elite’s short-sighted and shifting interests (Flyvbjerg, 1998). However, the public planner’s authority as an official does not reside in whatever organizational role they are given in the local government. Instead of the local government, their authority is anchored in the “local state.” Following the sociological theory of Richard Scott, Salet (2018a) makes a crucial distinction between “institutions” and “organizations” (see also Moroni, 2010). Institutions are not organizations; they provide the public norms that condition the purposive activity of organizations. In this vein, Salet also makes a distinction between “state” and “government.” Government is an organization, the conduct of which is conditioned by the public norms of the state. This separation of state and government enables critical observation on how governments and their administrators and political decision-makers behave in relation to their institutional rules of state, including democracy and law. Governments may well abuse their institutional legitimacy basis in their practices – for example, when making exclusive public-private planning agreements that violate the transparency norms of public governance. Sometimes, however, in so doing they may also engender institutional evolution by reinterpreting and adapting their institutional rules to better meet the changing circumstances.

Be that as it may, the utilization of public planners’ expertise would arguably work best when they are afforded autonomy in terms of their organizational role in the local government, appropriately reflecting the conditions of their institutional authority. Such autonomy would enable the public planners to give advice and exercise judgment on the common good concerns in both parliamentary arenas and participatory forums, without dictating political judgment in these arenas and forums (see Moore, 2017). In a deliberative democracy, acknowledging the authority of the public planner to give advice and exercise judgment does not hinder the political representatives and participants in the deliberative process from exercising their own judgment and even questioning and contesting what the planner tells them – especially when understandings on the common good differ, and its implications to the complex planning issue at hand are unclear.

The view of the public planner as a legitimate authority *both* promoting the common good *and* deliberating on it calls for a reassessment of the relationship between authority

and deliberative democracy. Here, the planner's authority is not to be approached as an unavoidable evil in modern liberal democracies, delimiting the realm of deliberative democracy, but instead it ought to be seen as necessary in realizing deliberative democracy. In this reassessment, Warren's (1996; Mansbridge et al., 2012; see also Moore, 2017) reconceptualization of the role of authority vis-a-vis deliberative democracy is illuminating. According to Warren (1996, p. 51), "[d]eliberative democracy requires authority but of a specific kind, an authority that simultaneously complements and reinforces deliberative decision making, enables a society to make good use of its resources and capacities, allows individuals to experience their environment as relatively secure and predictable, and underwrites opportunities and encouragements for political participation." People have scarce resources in engaging in deliberation on numerous planning-related matters and decisions. "Any democratic system – indeed any decision-making entity of even the slightest complexity – must rely on experts at all levels within the system" (Mansbridge et al., 2012, p. 13). Necessarily, people need to place trust in the authority of the public planners, and their related practical judgment, to shape their attention to those issues that matter and have political importance. According to Warren (1996, p. 58), "to the extent that authoritative decision making frees deliberative resources for those issues most relevant to individuals, authority will be supportive of deliberative participation."

But, on the other hand, planners' authority needs to be institutionally designed so that "forums," "arenas" and "courts" (see Bryson & Crosby, 1996) are structurally set for making the planners accountable for using this authority; making them justify, whenever challenged, their proposals and claims. The public planner's authority is not set on a normatively neutral ground, but instead requires, as a rule, that subjects are treated as autonomous agents who are capable of political judgment. Such agents are to be assisted in reaching the capacity to exercise public judgement – that involves shaping their attention to politically relevant issues by "translating" technical complexities and expert considerations into a form sufficiently comprehensible to them (see Mansbridge et al., 2012; Warren, 1996). For functional reasons, the planner's authority necessarily has to stand in for participation in a large share of planning issues requiring professional judgment. But, following Warren (1996, p. 55), "its manner of standing in should be determined by (1) institutionalized opportunities for discursive challenge and (2) a critical political culture, institutionalized as public spheres."

The legitimacy of the planner's power-over, as concerted power-over, rests on the institutionally warranted possibility of critical scrutiny, and the planner's authority is strengthened when they show interactional capacity to respond adequately to criticism: "[O]ngoing critical challenge is essential to maintaining an authority as an authority" (Warren, 1996, p. 56). Overall, the planner's structural power-over is not something to be outright condemned or, at best, tolerated in deliberative planning, but only such power-over that is not institutionally warranted to be open and responsive to possible criticism at the interactional level. *The planner's power-over that is motivated by the common good while being institutionally warranted* is indeed essential to well-functioning deliberative democracy in planning.

We need to recall that the good of an authority relationship is that those subject to it see judgments made on their behalf as legitimate. In relations of authority, the meaning of authority depends on subjects authorizing others and judging that the authorization is warranted. It is these judgments that distinguish authoritative relationships from coercion, domination, manipulation, or mere acquiescence. (Warren, 1996, p. 54).

## The “Systemic Turn” in Deliberative Democracy Theory and the Nordic Planning Systems

The “systemic turn” in deliberative democracy theory (e.g. Mansbridge et al., 2012; Moore, 2017) settles theoretically the uneasy relationship between the public realm and democratic institutional structures, while in practice this relationship needs to be continuously re-settled. It builds on the “two-track” theory of deliberative democracy that Habermas developed in his later work (Habermas, 1996; see also Mattila, 2020), and approaches deliberative democracy as structured dynamics between the informal realm of public opinion formation and the parliamentary institutions of will-formation. In this dynamics, the informal and institutional realms of deliberative democracy are seen as mutually interdependent, complementary and reciprocally corrective.

Democracy provides the ideological link between rule-of-law -based decision-making and communicative processes. The concept of *democratic rule of law* includes them both, constituting public authority democratically. In it, the rule of law is largely a tool for the implementation of popular power, from which legal regulation derives its legitimacy (Heinilä et al., 2021). While a well-functioning democratic system needs to subject its institutional norms and rules to critical contestation by various informal publics, and make reforms when necessary to keep them in pace with societal development, these norms and rules also have a necessary function in providing institutional continuity for its decision-making. This is true especially for public planning, as it, despite political controversies, is expected to provide an apparatus for closing contingencies and providing certainty and permanence (Pløger, 2018, p. 270).

As such, communicative planning procedures are also subject to requirements of rule-of-law forms of decision-making. In communicative procedures, the use of power should be controlled and accountable, and all parties should be provided with equal and equitable opportunities to participate in them and express their views. The communicative planning procedures are also subject to expectations of substantive feasibility. (Heinilä et al., 2021.) Heinilä and his colleagues (2021, p. 68) note that the normative conditions that e.g. Healey (1997, pp. 228–229) has formulated for the structures and practices of collaborative planning, including rights and means of controlling the exercise of power, align with those that are implied in the concept of the rule of law.<sup>11</sup> In general, collaboration would be difficult or impossible without the rights and freedoms guaranteed to individuals by the rule of law. However, legislation also forms a more concrete framework for communicative processes.

In the Nordic context, although legislation inevitably creates limitations and challenges for communicative planning processes, its task is also to create a framework of public norms for these. At the same time, it guarantees that certain practices, at least with regard to minimum requirements set by the law, are adopted in all local (and regional) governments and their planning projects. In this way, the Nordic planning regulation forms a fairly strong institutional framework for communicative planning. (Heinilä et al., 2021.) Although, in the Nordic planning legislation, the general purpose of advancing communicativeness in planning expresses ideals of deliberative democracy (Mäntysalo et al., 2011), by, for example, requiring opportunities for stakeholders to participate in the preparation of the plan at a sufficiently early stage, the means of interaction actually required by legislation primarily remain at the level of traditional requirements for information sharing, hearings, consultation and appealing. However, as planning legislation in these countries is also quite flexible, it leaves much room for the planner’s discretion and ingenuity in their varying planning cases on how to arrange and conduct the related participatory processes. Ideally, such participatory processes would complement rule-of-law -based

parliamentary decision-making (Heinilä et al., 2021.) They can, for example, bring in local views, thus contributing to the maintenance and enhancement of certain specific local values and ways of life, provided that these values and ways of life are not contradicting the common good in a broader sense.

The stories that Forester has collected from deliberative planning professionals are illustrative of the different means and techniques that skillful planners may employ to engage the participants in joint fact-finding and creative problem-solving, with a view of human and spatial resources and limitations provided by the local conditions, and spatial implications of different proposals and solutions (Forester, 2013; Forester et al., 2011). Such deliberative planning goes well beyond mere mediation, as it utilizes as a necessary resource the planner's professional knowledge and skills in the search for procedurally and substantively feasible and justifiable planning solutions. As we have claimed above, such agency of the public planner as a professional is not to be seen as domination that would undermine deliberative democracy, but instead as a capacity on which the system of deliberative democracy relies.

However, a crucial part of the planner's role is also to make clear to the participants of such informal realms of co-planning that the ultimate decision powers lie in the hands of the parliamentary organs. In the Nordic planning systems, urban and regional planning are still formally authority-led processes, where the decision-making power rests with a governmental body that accepts the resulting plan. The forms of participatory democracy are therefore subordinate to the forms of representative democracy, although, from the point of view of adding procedural and substantive legitimacy, they are also crucially complementary to it. In this complementarity, much depends on the public planner's will and ability in combining their professional skills and institutional resources for making planning more deliberative.

## Conclusion

In combination, the theoretical ideas of the dialectics of public norms and performative aspirations, the "systems" view of deliberative democracy, institutionally warranted authority as its central component, and concerted power-over it draws on, provide the theoretical groundwork for identifying the conditions for public planners' legitimate use of power-over that is supportive of deliberative democracy. In this article, we have suggested that public planners' exercise of power-over is justifiable when motivated by the common good concerns and guided by the public norms of appropriateness. Yet, while building on Salet's (2018a, 2019) dialectics of the common good as situationally performed and institutionally anchored by public norms, we have also acknowledged the controversiality of the concept. We have further argued that, for a deliberative planner, such power-over rests on their authority that arises from a system of deliberative democracy in which necessary warrants to this authority are institutionalized, thereby enabling parliamentary and public scrutiny of the planner's reasoning around the common good.

At the same time, we have also highlighted the importance of institutional autonomy of the deliberative planner to enable them to speak truth to power. We acknowledge that the *Realpolitik* of planning in different local (and regional) governments does not often allow much leeway for the planner to adopt such a role. *But*: a theory that directs the planner's attention merely to their performative role as mediator or facilitator in these governments, thereby disregarding their "deeper" authority position as public official and professional, only guides them to move away from those institutional powers of truth-speaking that they *do* have. In a given local

government, the planner's role and related room of maneuver may be more or less constrained, but the "deeper" institutional level of the "local state," upon which the legitimacy of the local governments themselves rests, positions the planner relationally as an authority, with a duty to attend to the common good and guard the institutional ethics of planning. This authority position offers the planner certain institutional resources, as related to planning and municipal legislation, alongside the institutional resources that are offered by the more or less formalized ethical codes of their profession. These resources should not be overlooked.

Communicative planning theory has so far drawn on "older generations" of deliberative democracy theory (Mäntysalo & Jarenko, 2014)<sup>12</sup>, focusing on performativity of planners at the expense of the institutional perspective (Hytönen, 2016; Puustinen, Mäntysalo, Hytönen, et al., 2017b; Moroni, 2020; Salet, 2018a) and emphasizing the Lukesian reading of power-over in terms of domination. The more recent developments in deliberative democracy theory, institutional planning theory (e.g. Salet, 2018b) and "post-Lukesian" theory of power call for a reassessment of communicative planning theory's approach to public planners' power-over and authority. We hope to have laid some theoretical groundwork for such reassessment. In our view, too, a key role for a deliberative planner is to shape attention to planning issues that matter politically, as Forester (1989) has explained. But, in addition, we suggest that, as a legitimate authority, the deliberative planner has an institutionally designated duty to shape attention so that concerns on the common good are brought in, as guided by public norms of appropriateness – and then a further duty to deliberate on the meanings and implications of these common good concerns, both procedurally and substantively. Controversies may not be avoided in these efforts, which only highlights the importance of relying on public norms of the "local state." Properly deliberative democratic processes do not emerge by just enabling participation, but need the planner's institutionally anchored agency in steering the processes away from domination of particular interests, group pressures and unjust outcomes. Through deliberation, the planners themselves are also helped to self-reflectively reveal their own biases and dominant discourses in which their views may be embedded.

We do not claim that such a normative view of the deliberative planner would be foreign to the contemporary communicative planning theorists. We merely claim that they have not been clear theoretically on how a public planner as an *authority* can be contributive to deliberative democracy in planning, and how the planner's related structural power-over can thereby be a *normatively positive force* – and not something to be outright rejected as paternalism. The structural power-over of dominant interests and hegemonic discourses remains a challenge to communicative planning theory, but conceiving the structural power of the planner merely as a further contributor to this domination blinds us from acknowledging the possibility of this power having power-to effects as a balancing force. We hope that our theoretical work can help reduce ambiguity around deliberative planners' agency, when they engage in planning interactions from a position of authority. By conceiving that the very realization of deliberative democracy in planning also depends on planners' exercise of power-over, a theoretical basis for a firmer agency of the deliberative planner as a public official and professional can be built.

While these ideas need to be elaborated further in terms of theory, further work is also needed to study their implications for actual planning work in various legal-administrative contexts. Arguably they are well suited for liberal-democratic constitutional states with strong local self-governance and related planning powers, where planning enjoys relatively high institutional trust by the citizenry, and where the regulative frameworks of planning have been built on norms of public inclusiveness and democratic ideals, such as the Nordic countries

(Heinilä et al., 2021; Puustinen, Mäntysalo, Hytönen, et al., 2017b). As in these contexts regulative frameworks leave a lot of leeway for implementation in local planning practices and can only provide certain minimum requirements for democratic conduct, it is for empirical studies to reveal, whether and where deliberatively democratic planning practices can be found and whether and how public planners have contributed to these. Certainly there is evidence in Nordic planning, too, of development-led and exclusive partnership-based planning practices that undermine deliberativeness and inclusiveness (e.g. Mäntysalo et al., 2011; Mäntysalo & Saglie, 2010; Sager, 2009; Valtonen et al., 2017).

Much of the criticism of communicative planning theory leads to the conclusion that planners are necessarily serving economic power, and assuming otherwise would be naïvety. But this view, too, runs the risk of facilitating the interests of the economically powerful groups in making the planners look helpless vis-à-vis neoliberal pressures. In our view, a planning theory is needed that is able to address the potential of public planners' authority to make a difference.

## Notes

1. Our focus in this article is on those theories of communicative planning that are based on theories of deliberative democracy, especially Jürgen Habermas's theory, which was the central source of inspiration for John Forester (critical pragmatism), Tore Sager (dialogical incrementalism or critical planning theory) and Patsy Healey (collaborative planning). In turn, our article does not cover for instance Judith Innes's theory, which departed from deliberative democracy theory's ideals of rationally motivated consensus, instead aligning with the tradition of interest-based negotiation and mediation, where balancing of interests can take place without attempts to go beyond interest-based positions through argumentative processes (Innes, 2004, p. 5; see also Mattila, 2020, p. 3). This being said, we acknowledge that also Healey has gradually moved away from the Habermasian or deliberative democracy theory -based position, coming closer to the position of agonistic theories of planning, which highlight the irreducible differences in participants' positions and views; differences that cannot and should not be eliminated via deliberation (Healey, 2015b, p. 441; see also Mattila, 2016). We also stress that communicative planning theory is not equal to participatory planning theory. As portrayed by deliberative democracy theory-inspired communicative planning theorists, planners may work inside or outside the formal participatory arrangements. For instance, Sager's "activist planners" (Sager, 2013) or Forester's "activist planner-mediators" (Forester, 1998) may work outside the formal context of participation. Here, our focus is on the *public* planner working within the (local) government, with a view of developing communicative theory towards the direction of "systems" turn of deliberative democracy theory, aiming for structured combination of formal and informal deliberation and participation processes.
2. By "public planner" we refer to planning officials working for public sector organizations, such as municipalities, and having certain legally mandated powers and responsibilities related to their position as officials.
3. Beyond the Weberian conception of legitimacy, we, however, acknowledge that legitimacy requires normative justifiability.
4. As sometimes noted, local planning is typically about "situated ethical judgements" (Campbell, 2006). As such, ethical judgements in planning do not always require a position of "generalized other" or "original position," the terms that Habermas and Rawls, respectively, use as they discuss justice and rights in abstract and universalizing terms. It is often sufficient that people who make ethical judgements can see beyond their particular perspectives, relating to the values of their particular communities. Nonetheless, it is not rare that there are several communities of value sharing the same place, and that different local values come into conflict. This then typically gives rise to more abstract and universal questions related to justice and rights (Mattila, 2016, 2020).
5. Different means to circumvent the domination of particular interests in local deliberative democracy have been suggested, e.g. by Hendriks (2006) according to whom there are two options: (1) place deliberative practices in the public sphere, where it is free from the potentially illegitimate use of state power, but where other kinds of power imbalances (especially economic) might distort the



outcomes, or, (2) place it in well-organized mini-publics with certain rules for argumentation etc., so that the outcomes can be more rational, but it might turn out that the coordinating role of the public authorities would corrupt the outcomes. In Hendriks's view, the solution is to have a continuum between these two ways of practicing local deliberation.

6. "Although participants do not come into the process looking for the public interest, as they accommodate diverse interests, the proposals come closer to something that can be viewed as in the common good." (Innes & Booher, 2015, p. 205)
7. However, Sager (2013, pp. 205–207, 2017, p. 100) has argued for the possibility of translating the procedural values of communicative planning theory into substantive ones on what makes a "good plan," such as the plan accommodating diverse lifestyles, ensuring accessibility of the disadvantages groups to services, and including necessary modifications beyond the solutions communicatively accepted, in view of those not involved, such as taxpayers in general and future generations.
8. In this article, we use the term "common good" as synonymous to "public interest," while acknowledging that their meanings can also be differentiated in relation to their different historical origins and connotations (e.g. Puustinen et al., 2017a). In our argumentation we choose the term "common good" to better align with Haugaard's theoretical discussion on the connection of power and "good."
9. Besides the distinction between power-over and power-to, made by Lukes, Morriss and Haugaard, the theoretical literature on power has introduced also other, partly overlapping, concepts of power, such as consensual power-with (see Allen, 1998; Arendt, 1970; Parsons, 1963) and empowering power-within (see Rowlands, 1997). However, for the sake of theoretical clarity, we choose not to employ those concepts.
10. A Rancierrean and Mouffeian reading might challenge this claim as fostering the "police" order of continued hegemony of those recognized to have a "voice." However, the "systems" view of deliberative democracy theory, on which we build, acknowledges this criticism and aims to incorporate it into its "system" (Mansbridge et al., 2012). Thereby it also takes a broader approach, critically addressing the "agonistic bias" of the Rancierrean and Mouffeian discourse: "[...] a tendency to identify democracy itself with practices of critique and contestation and 'opening up' of issues to public scrutiny" (Moore, 2017, p. 112). This normative focus on politicization offers little guidance on how to achieve closure in the form of actual decisions. While public norms ought to be critically contested from time to time in public discourse, and reforms ought to be made accordingly, to keep them in sync with societal development, they provide necessary institutional continuity for the operations of the democratic system. As Moroni (2019) observes, also Mouffe makes a related and crucial distinction between issues to be included in agonistic debates and those to be excluded from them: "A democratic society cannot treat those who put its basic institutions into question as legitimate adversaries" (Mouffe, cited in Moroni, 2019, p. 10).
11. Healey (1997) has distinguished between hard and soft infrastructure, both of which, according to her, are ultimately necessary conditions for collaborative planning. The hard infrastructure, including legal-administrative structures, is needed to manage and control power relations to enable the emergence of horizontal spaces for deliberative discourse between the stakeholders. Soft infrastructure, in turn, refers to the actual practices by which collaborative planning is conducted. According to Healey, the shaping of these practices should take place locally and be specifically collaborative. According to Healey, local collaborative practices cannot be captured in any a priori process model (which can also be a rigidly formulated planning practice), but must start from the needs of the given situation (Heinilä et al., 2021). Healey's distinction between hard and soft infrastructure somewhat corresponds with the distinction made above between institution and organization. See also Schmidt's (2008) distinction between the programmatic level and policy level in the institutional field in her discursive institutionalist theory.
12. We identify the systemic turn of deliberative democracy theory with what Elstub (2010) calls the third generation of deliberative democracy theory. Its focus is on institutionalization of deliberative democracy and the related interaction between micro and macro spheres of deliberation – while the first generation focused on the justification of deliberative democracy based on the work of Habermas and Rawls, and the second one on fusing the ideas of Habermas and Rawls with practical requirements (Elstub, 2010).

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