

# **Formal/ informal dialectics and the self- transformation of spatial planning systems**

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## **Abstract**

In this article, we present a perspective on the interaction between formal and informal institutions in spatial planning in which they transform each other continuously, in processes that can be described and analyzed as ongoing reinterpretations. The effects of configurations and dialectics are often ambiguous, only partially observable, different in different domains and at different times. By means of analyses of key concepts in planning theory and practice, this perspective is illustrated and developed. Finally, we analyze transformation options in planning systems, emphasizing the limits of formal institutions in transforming formal/informal configurations, and stressing the importance of judgment and conflict.

## **Keywords**

governance, property rights, institutions, evolution, innovation

## **1. Introduction**

Much has been said about formality and informality, also in spatial planning (e.g. Gualini, 2001; Verma 2007; Cars et al., 2002). We do not intend to summarize or recapitulate these discussions, but rather present a new conceptual frame on formality and informality in spatial planning, incorporating insights from transition studies, post- structuralist planning theory, new institutional economics, and social systems theory. We develop a perspective on planning institutions that prefers to speak of formal/informal configurations, as the combination of formal and informal together has certain effects. The impact of formal or informal institutions separately can often not be discerned. We speak of a dialectics of formal and informal institutions because they continuously shape and reshape each other (cf. Lindell, 2010; March & Olson, 1989; Pejovic, 1999). We discuss several key concepts in planning from this perspective: property rights, the roles of plans and planners, the role of organizations, and participatory

planning. By means of these conceptual analyses, we develop our perspective on institutional dialectics in planning further, bringing us to a series of observations on the analysis of planning situations and the potential for reform.

### **Formality and informality: ancient legacies**

Since Aristotle, informality has had a bad name. In the western philosophical tradition form was opposed to matter, and informality was on the side of matter, of the unstructured, of that what remains beyond the grasp of human cognition. Indeed, what makes something into what it is, and simultaneously makes it recognizable for outside observers, was the *form* (Roelants, 1993). Even long after Aristotle and the Aristotelean revivals were passé, the association between informality and irrationality and chaos lingered on in the collective consciousness (Fuller, 1964). The 17th century brought new modes of cognition, and the 18th century introduced the models of politics and law we still recognize as the basis of the modern, democratic and capitalist state (North, 1990; Weber 1904). In modern political theory, the rule of law emerged as both a precondition and a result of stable political institutions (Luhmann ,2008; Easterly, 2006; Commons, 1924). Political and legal institutions were understood as tools to structure the community and make it more knowable. They made society more rational in this double sense of structuring and bringing within the purvey of cognition. What was not visible to law and politics could not be restructured in manners considered more rational (Raz, 1979). Since a rational state also promoted morality, informality became also associated with immorality (Fuller, 1964; Easterly, 2006).

What we know now as informal institutions has to be understood against this background. The chain of associations linking informality with invisibility, irrationality, immorality and (fear of) chaos still taints the discussions. Even when informality is celebrated, there is often a silent reference to a negative standard interpretation of informality of the sort just summarized. Fear of dis- association of the social fabric perfuses many discussions. Simultaneously, the broken promises of modernism have inspired a cynicism with formal institutions (Lindell, 2010), with the power of laws, policies and plans to create a better world (e.g. Scott, 1998; Pressman & Wildavsky, 1973; Luhmann, 1990). In development studies, policy studies, environmental studies, economics and other fields and disciplines, discussions often revolve around the positive and negative sides of formality and informality, with one side arguing for an understanding of informality as the natural way of organizing things and formality as a usually oppressive exception in history (Scott, 1985; 1998; Platteau, 1994; Roy, 2005), while the other side argues for an evolution towards formality (March & Olson, 1989; de Soto, 2000; Seabright, 2010). The latter position embodies the spirit of modernism, and formalization is seen as politically and economically

rational, as bringing prosperity and justice to people. The proponents of informality have many reasons to embrace the concept. They can be disappointed with the results of modernist development strategies (Jacobs, 1961), they can focus on positive results of alternative coordination mechanisms (Easterly, 2006), or simply believe in plurality as the fundament of society, reality and thus regulation (e.g. von Benda- Beckmann, 2002).

## **2. Conceptual frame: Formal, informal and dead institutions**

We believe it is essential to take a distance from the old Aristotelean framing of formality and informality, and from its line of transformations in European intellectual history, if we want to come to a productive understanding of informality. We believe, with the neo- institutional economists (North, Ostrom, Greiff, Eggertsson, Easterly) that formal institutions emerge out of informal institutions under certain conditions, and that their benefits crucially depend on various contexts. We also believe, in line with Helmke & Levitsky and a tradition of transition scholars (Ledeneva, Grzymala- Busse, Allina- Pisano, Verdery) that it is more fruitful to investigate the interactions between formal and informal institutions, or, in Platonic terms, their *dialectics*, since formal and informal can be understood as shaping each other conceptually and functionally. In the spirit of social systems theory (Luhmann, Seidl, Fuchs, Teubner), we consider the ascendancy of formal institutions in European history intimately connected with the evolution towards higher levels of functional and organizational differentiation: specialized social systems can only function if they can rely on many unknown others and this often works best with formal coordination mechanisms (Greif 2007; Fuchs, 2001; Teubner, 1988). Even so, in many situations several rule- sets are available to coordinate actions and decisions (Bendor, 1985). *The distinction formal/informal has to be made each time a decision is taken.* In some cases, formality will be linked to state policies, laws and their enforcement apparatus, while other times the formal coordination option refers to rules that are not written down, that are restricted to a certain community, group or organization, but still count as the rules sanctioned by that community (Eisenstadt, 1984). Formal institutions, then, are the rules that are seen by the actors as the ones that are *supposed to govern interaction in the given situation.*

This position has some implications that have to be mentioned at the outset. It means that some rules that are written down, but not known to the actors, cannot be considered formal institutions. We speak of *dead institutions*. One can think of forgotten rules, of rules that were not communicated in society and of rules that are not considered rules, but stipulations interpreted as signs of intentions different from governing. This implies that there is a sliding scale between formal institutions and dead institutions, with dead institutions assuming the role of institutions that cannot be taken seriously as coordination tools, and

formal institutions as rules that could possibly be considered real (cf Ellickson, 1991). Such sliding scale is not a theoretical problem, since the distinction between formal and informal is a *labeling* that takes place with each and every decision.

A second implication is that neither formal institutions nor dead institutions can be considered the ones that necessarily bring forth the greatest public good as defined in the community. The formal, as that what is *supposed* to govern interaction, does not necessarily represent a negotiated balance between stakeholders, and the 'supposed' does not necessarily refer to an enforcing or expecting authority that is legitimate, capable, rational, or well-intended (Casson et al., 2010). It is possible that the choice in a situation to duck the rule considered formal is a choice for an informal coordination mechanism that is perceived to be more efficient or effective in producing something considered good by the community (Helmke & Levitsky, 2004). Eluding formal coordination can have many reasons, and the same is true for producing or enforcing formal institutions (Scott, 1985; Ellickson, 1991). Thus, formal and informal do not necessarily stand for public versus private goods (Kononeko & Moshe, 2011).

One can say then that it is not always possible to distinguish between formal and informal institutions. In some situations this is because there is only one coordination mechanism observed. In other situations a simple distinction might be irrelevant because there are many coordination alternatives (Rose- Ackerman, 1999). What is considered formal in one group might not have that force of expectation in a different one. In decision-situations various groups might be around the table or various identifications (and associated expectations) might vie for primacy with individual participants. A formality in a subgroup may be informal in a larger group one is part of; what is formal for a lower level governmental actor might be informal for a higher level actor or a different one at the same level. In each case, the labeling of a certain coordination mechanism as appropriate, as the most important expectation is a matter of *interpretation of the situation, and these interpretations become performative*. In other words: the interpretations of the expectations in a decision-situation steer the thoughts and actions of the participants and have real effects (Howard- Grenville, 2006; Seidl, 2005; Czarniawska, 2008). The fight over formality is then a matter of power, and the most powerful actors have the most chance to define the situation and the associated expectations (Bendor, 1985). In other words, power creates formality, and the expectations of powerful actors cannot be ignored by the others.

In complex societies marked by functional differentiation, specifically the ones that developed into democracies, the state is supposed to have a monopoly on the use of force, while both the state and citizens are bound by the law in their actions (Luhmann, 1990; Tyler, 1990). Laws, policies and plans

were thus endowed with the power of the state, since they were the product of governmental actors. In most democratic theories, the formal institutions governing the state are expected to be written down, and are supposed to represent a negotiated balance of interests (Whitehead, 2002; Wilson, 2005). Thus, a non-state actor does not have the same legitimacy as a state actor in defining a situation and its expectations, and the printed and proclaimed rules of state actors became commonly seen as formal institutions (Verdery, 2003).

However, the internal complexity of the state, with many often competing state actors, and regulatory systems that require discretion and interpretation (Van Dijk & Beunen, 2009; Griffiths, 2003), makes this equation of paper (state-backed) rules and formal institutions untenable (cf. already Pressman & Wildavsky, 1973; Axelrod, 1986). Moreover, many states do not function according to their own stated principles, and free market, democratic representation, and rule of law are usually imperfect (de Soto, 2000; Easterly, 2006). That implies, among other things, that there is room for private interests to hide behind the public interest, and that formal institutions backed by the state can be *interpreted, used, selected, combined and produced* in ways that deviate from the professed procedures or fill in perceived gaps (cf. Platteau, 1994). The complexity and imperfection of democratic government create these spaces of informality (Waters, 2004; Raz, 1979; Rosen, 2006), where both private and public goods can be strived for by means of informal institutions that can be described as *meta-rules*: rules to apply, select, enforce, and break the rules. It also creates places for formal institutions to die, but precisely their former formality creates possibilities to revive them later (Ledeneva, 1998; 2006; Allina-Pisano, 2008; Rose-Ackerman, 1999)

### **3. Formality and informality in planning**

We will use and develop this initial conceptual frame to look at the dialectics between formal and informal institutions in spatial planning. Much of the work on informal planning, urbanization, spatial development, has been done outside the planning discipline. Development studies (Easterly, 2006; de Soto, 2000), environmental studies (Mannigel, 2008; Van Assche et al., 2011a), anthropology (Verdery, 2003; Allina-Pisano, 2008), political science (Tyler, 1990; Wilson 2005) have all contributed insights in the often seemingly unruly processes of spatial organization and development in the developing world. Transition scholars have shed a light on the actual role of plans and planning in socialist countries (Grzymala-Busse, 2010; Czaplicka et al., 2009; Ruble, 1995). Within planning, several scholars have highlighted the limits of planning and planning ideologies in the non-western world. Ananya Roy analyzed with much acuity the development of cities in India (Roy, 2009), highlighting informality as a

form of urbanization that both enables and disables development. Berrisford and others unveiled the potential and limitations of legal reforms to tackle planning issues in Africa, elucidating not only the context-specific limits of formal institutions, but also the cost and instability associated with institutional transformation (Berrisford, 2011a; Benjaminsen & Sjaastad, 2008; Watson, 2002). Mapping and preparatory studies for planning reform can already prove de-stabilizing and planning itself cannot be seen as a neutral, expert-driven enterprise embodying and furthering the common good (Throgmorton, 1996; Benjaminsen & Sjaastad, 2008). Especially where other forms of coordination of land use and development functioned well for most stakeholders, and where the history of planning is interwoven with the history of a controversial regime, making an argument for even basic forms of planning will be hard, and implementation will be even harder (Van Assche et al., 2010).

As we do not believe (taking a post-structuralist stance here) that planners can or should prescribe communities how to organize themselves spatially, either in substance or procedure, we believe it is neither possible nor desirable to prescribe the precise role of formal institutions in spatial planning, and the precise role of planning in society (cf. Hillier, 2002; Van Assche & Verschraegen, 2008). It is up to a community to decide which form of planning they want to embrace. We do believe however, that planners can assist in choosing and implementing forms of planning that might work in the specific (ecological, cultural, political, economic) context and might bring a community closer to the form of spatial organization found desirable (cf. Healey, 1996; Throgmorton, 1996). Understanding the dialectics between formal and informal institutions can be most helpful in that role.

In spatial planning, we can distinguish as potentially formal institutions: *plans, policies, laws and unwritten rules* (deriving from tradition or from a conscious balancing of interests). All of these can potentially be informal (or dead). If a rule is taken as the formal one on many occasions (often in the context of a stable state apparatus), then it is to be expected that it has a substantial influence on the kind of alternative rules that develop (usually informal then) and their pattern of application. If a rule is taken as informal in many situations, then it is to be expected that it adapts over time to the formal environment (Tyler, 1990; Berrisford, 2011b). If formal institutions coexist with informal ones, and certainly if these alternatives are observed as potentially influential (positively or negatively), it can be expected that formal institutions evolve in adaptation to that informality. Otherwise, chances are that the formal institutions become dead ones.

The mutual shaping of formal and informal institutions is to be considered thus a matter of mutual adaptation in evolving governance (cf. Van Assche et al., 2011b). In such evolution, institutions can

switch roles. Formal can become informal and vice versa, and institutions can die. Both formal and informal institutions, even after role reversals, do not stop evolving. Dead institutions, if remembered and reinterpreted, can be revived, and after that resume their evolution as either formal or informal institution (Humphrey, 2002). Plans can be taken from the shelf in a new political context, they can lose or regain their credibility and impact on spatial decision-making, and the same applies to laws and policies affecting spatial organization.

In the following sections, we will analyze a number of core concepts in planning *through the lens of formal/informal dialectics* (cf. Pejovic, 1999). We selected conceptual domains where the importance of such dialectics for spatial planning could be made visible. We discuss the role of property rights, of plans and planners, the role of organizations, the question of participation vs representation.

#### **4. Planning topics and the formal/informal dialectics**

##### **4.1. Property rights**

What counts as property rights is de facto a bundle of use rights and restrictions, plus a set of rights and conditions regarding transfer of what is considered the property (Platt, 2003; Krueckeberg, 1995; Jacobs, 1991). As Thaize Challier (2009) and others showed, the object of what is used and transferred is co-constituted by those rules. A piece of land 'is' something that can be owned, built upon, sold and so forth. Many would even argue (cf. Scott, 1998) that the modern concept of the individual, as a person and as a citizen coincides with and is shaped by the rise of new property arrangements. The more positions there are with regards to property in society, and the easier it is to move between these positions, the more options to choose one's identity (Rosen, 2006; Ellickson, 1991). This way, the owner, the owned object, and the rules of ownership can start to define each other.

Property of land evolved in many places into different bundles of rights and restrictions. Anthropologists, emphasizing the diversity of property institutions, often prefer to speak of property relations (Verdery; 2003), and in development studies (and environmental studies) the concept of entitlements broadened the scope of investigations by looking at the actual access to resources (Leach et al., 1999; Sen, 1999). Also in transition studies, the actual meaning of formal property is revealed as dependent on a web of other institutions (Johnson, 2001; Allina-Pisano, 2008; Verdery, 2003; Humphrey, 2002). Given this variation in property institutions and the generally observed interdependence and path-dependence of institutions, what can we say in general about formal/informal dialectics with regard to property of land?

First of all, the institutions directly addressing property relations are only effective in governing them in a certain configuration of other institutions (Eggertsson, 2005; Ostrom, 2005). Informal institutions associated with kinship, reciprocity, equity, or governing the use of one particular resource can affect the functioning of formal property relations (Casson et al., 2010; Seabright, 2010; Blomley, 2008). Conversely, laws or policies governing access to resources, or kinship relation, marriage, inheritance, can affect the real impact of informal arrangements on land use (Jutting, 2003; Easterly, 2006; Greif 2007).

Secondly, one can observe that the relations between formal and informal institutions shaping access to and use and transfer to land cannot be caught in a few categories. (as in the famous Helmke & Levitsky, 2004 typology). Sometimes, it is possible to observe or predict easily whether a certain informal institution or practice undermines, reinforces or complements a formal institution, but in many cases the effects are not easily observed. The effects of formal and informal rules on property can undermine, reinforce, or otherwise affect other domain of rule- making that in turn *reshape the effect of the first rule* (cf. Johnson, 2001; Rose, 2008). It is possible that a history of coordination in a certain manner realigns interests and assets in such a way that the competition in rule making is affected (Ledeneva, 2006; Rosen, 2006). This in turn can alter the kind of formalization opted for, and the effects of that formalization (Grzymala Busse, 2010). Power and asset distribution can therefore never be excluded from the picture. Evidence from the transition countries demonstrated the importance of initial access to resources by communist elites to explain the path of transition, the formalization choices and the effects of formalization, the impact of the new laws and policies (Gallina, 2010; Solnick, 1998; Rose, 2008; Verdery, 2003).

Spatial planning, as the coordination of policies and practices affecting spatial organization (Van Assche & Verschraegen, 2008), can enter the picture in several ways. Planning is not a monopoly of planning departments or any governmental organization. Planning can be initiated from many sides and can deploy mixes of formal and informal coordination (Elster et al., 1998; Kornai et al., 2004). Where property rights govern most relations to land, other forms of planning, e.g. by means of plans, become more difficult (Platt, 2003). Planning, in whatever form, will affect both formal and informal property relations, and the dialectics between them. Planning can affect land values directly, it can reshape bundles of possible uses that can later alter values (contingent on actors taking initiative), it can also influence values by creating more or less interesting bundles in other places (Platt, 2003; Jacobs, 1991). These impacts on value will change the competition for control over, access to the land, and thus the informal property relations that

might appertain to it. Conversely, informal practices can govern the capturing of value after planning, and the content and form of the planning process itself (Solnick, 1998; Kussar, 2010).

#### **4.2. The role of plans and planners**

Plans and planners do very different things in different places. The power assigned to them varies dramatically (Forester, 1999; Allmendinger, 2002). That is not a problem. It merely shows different community choices, and different pathways of governance (Hillier, 2002). Planning can spatially integrate various policies, and look for synergies in that manner (Simeonova & van der Valk, 2009). It can be more or less design- oriented, and more or less determined by its legal tools (Platt, 2003). It can be more or less restricted by specific configurations of formal/ informal property rights, in other words it can have more or less power to reshape the territory (cf. Scott, 1998).

We argue that planning becomes easier once a role for the planner has crystallized (Forester, 1999). Once there is a ‘planner’ that is recognized as an actor, planning becomes more accepted by other actors as a way to coordinate interests, solve problems, and reach community goals (Luhmann, 1990). If there are traditions in a community that already resembled what we would call planning, this context makes it easier for planning to emerge (Verdery, 2003). The context can be formal or informal, and the planning that emerges can also be both (Prell et al., 2010). Civic traditions (Putnam, 1993) that make coordination of spatial organization more likely, can be formal or informal. The planning that emerges can become a new branch of government, it can engender new regulations and laws, or not (Gunder & Hillier, 2009).

Looking at the impact of plans, once produced, one can say that they always land somewhere, in a social, economic, political, ecological context (Van Dijk & Beunen, 2009). A plan, as a new formal institution, will become part of all these contexts, and the various effects it produces come from the formal/informal dialectics in each of them (Stringer et al., 2006). If plans are routinely legally undermined, politically attacked, or ecologically and economically implausible, their impact will be low (Ruble, 1995; French, 1995; Platt, 2003). Usually, plans do play *a* role. The new formality will be reinterpreted and used at least in certain regards, aspects, by certain actors (cf. Faludi, 1973). Even if plans remain largely paper tigers, they can function as a threat for some actors, or a potential resource for others (Gel’man, 2004; Allina-Pisano, 2008).

If plans formally lose power, the embodied principles, priorities and coordination mechanisms can still remain in place (Ruble, 1995; Czaplicka et al., 2009; Van Assche et al., 2010). Conversely, when informal coordination mechanisms are formalized, by rendering ad hoc gatherings or informal networks into organizations, by turning their principles and procedures into policies and laws, their coordinative power can also disappear (Sievers, 2002). Not only are there the issues of transaction costs, the costly transition to formal arrangements (Greif, 2007), and the risks of other informal institutions governing the transition to formality (Gel'man, 2004). There is also the fact that the full effects and embeddings of formal institutions can never be observed (Luhmann, 1995). Formalizing an institution or associated organization is therefore destined to spark off unforeseen effects. Moreover, if formalization entails integration in political structures and absorption of tradition into law (Luhmann, 2008; March & Olson, 1989), it is very well possible that the formalization undermines the coordinative function of the original institutions (Gallina, 2008; Sievers, 2002).

#### **4.3. The role of organizations**

Douglass North often asserted that institutions and organizations shape each other (e.g. 2005, 2009). Once certain coordination mechanisms are in place, this often leads, in modern societies, to organizational forms that host, enable and enforce those institutions (Seabright, 2010). One can add that the actors themselves in the evolution of western societies also took on the organizational form (Greif, 2007; Luhmann, 1995). If we link back to the section on property rights, one can say that the codification of the relation between owner and owned, of buyer and seller, and the coordination of actions took place more and more in a web of interacting organizations (a notion adumbrated by Max Weber). For North, organizations embody the most formidable path dependencies in governance and in economic games (2005). The rise of the business enterprise as organization, of the state as a web of organizations, of law firms, banks, insurance agencies as organizations not only tremendously extended the reach and intensity of economic and political transactions, it also made the evolution of society and its coordination mechanisms dependent on the evolution of their specialized organizations (Luhmann, 1990; Ligrom et al., 1990; cf. Weber, 1904).

Organizations can identify with specific (sets of) institutions, either because they are used to them and trust them, or because they see a direct connection with their perceived interests (Jermier et al., 1991). If a plan embodies for an organization a negotiated truce with competitors, the best negotiation result achievable, then it is more likely to defend the plan against changes and against alternative coordination mechanisms (Peng & Heath, 1996; Ledeneva, 2008; Gunder & Hillier, 2009). If new planning procedures

bring new actors to the table, that can cause uncertainty, and the new procedures can thus be seen as a threat.

While the rise of organizations is connected with the rise of formal institutions that are state-backed and written down, the dominance of organization in most spatial decision-making in the West by no means implies that informal institutions are marginalized. It does mean that there will in all likelihood be a set of institutions that represents itself as state expectation. The rise of organizations, with their formal/informal institutional microcosm, made more forms of coordination possible (Cashdan, 1990), but it also created a more complex formal/informal dialectics (Czarniawska, 2008). The effects of new formal institutions, such as plans, are the result now of *reinterpretation within each organization* (Seidl, 2005; Hernes & Bakken, 2003). In each instance, what happens within the organization is partly opaque for outside observers. To what extent it will resort to informal coordination is never entirely predictable (Luhmann, 1995).

If one looks at the formation and functioning of businesses in transitional countries, one could see that each country followed a different pathway of transition, marked by different interactions between businesses and other actors, and a different formal/informal dialectics (Elster et al., 1998; Burawoy, 2001; Grzymala Busse, 2010). The options for spatial planning to interfere in corporate games hinged there on these specific contexts (Gel'man, 2004). If business owners were also bureaucrats, planning could either be minimal or could be harnessed in their interest (Verdery, 2003). If business perceived government actors as the enemy, they resorted more often to informal arrangements to acquire land and real estate (Allina-Pisano, 2008). Informality then blends into illegality.

In spatial planning, organizations also show this double role of both simplifying coordination and making it more opaque (Wissink, 2000; Howard-Grenville, 2006). In complex societies, coordination of actors in planning has to take the character of coordinating organizations (Luhmann, 1990). Both in their internal decision-making and in their interactions with other organizations, a dialectics between formal and informal institutions can be observed, and the effects of the one on the other can be manifold (Czarniawska, 2008). Since virtually everything takes place in space, resource conflicts and rule-making conflicts are likely to have a spatial component, and access to the coordination of land use in planning can be rewarding for organizations (Berrisford, 2011a; de Soto, 2000).

For organizations involved in planning games, paper plans can still have functions (Allina-Pisano, 2008), and the same applies to paper laws (Fuller, 1964). They can be paid lipservice, to maintain a facade of

formality that also suits others (Jermier et al., 1991). They can be selectively used (Ruble, 1995) and there are many other potential functions: hiding the informal arrangements, serving as an alibi for informal institutions, as a threat for later, when application might follow (Gel'man, 2004). It can also serve as a facade that is useful in the communication with outsiders, e.g. foreign actors (Easterly, 2006). The possible functions of largely paper or nearly dead formalities can not be enumerated, because actors will always find new uses, and some of these uses will require opacity or selective access to information on the actual rules of the game (Gallina, 2008; 2010). In other words, dead institutions can be revived at any point, since the strategic situation is always partly unpredictable and opaque, and with that, the potential usefulness of reviving the dead. Thus, we come back to a point made earlier: the co-constitutive effects of formal and informal institutions cannot be categorized easily. The importance of organizations, with their own formal/informal microcosm, makes these effects even more wide-ranging, and their observation even more complicated (Czarniawska, 2008; March & Olson, 1989).

#### **4.4. Participation vs representation**

Can one overcome the problems of certain institutional arrangements by means of more direct citizen participation? We believe there is no clear and simple answer to the question. One could assume that more direct inclusion of more voices in the decision-making on spatial organization would enhance visibility of pro's and con's of the existing institutional matrix (Stringer et al., 2006). That can be true in some cases, but in other cases, more direct participation can reinforce formal/informal configurations that are perceived as unfair or ineffective by much of the population (Verdery, 2003; Suny, 1995; Van Assche et al., 2011a). It is possible that participatory planning gives more power to organizations that have no interest in the public interest (Mannigel, 2008; Rydin & Falleth, 2006), and undermines the slowly evolved institutions of political representation (Stringer et al., 2006; Mannigel, 2008). In addition, since the collective will cannot be seen as and cannot be voiced as the will of a certain number of individuals present in political arena's (including the planning arena) some form of representation is necessary. The new form of representation is in all likelihood less subjected to the checks and balances that evolved in many communities with representative democracies (Stringer et al., 2006; cf. Mansfield, 1996). To stabilize participatory structures, the actors around the table will have to be organizations, bringing back some of the issues of opacity and unpredictability mentioned in the previous section.

Moreover, just as new laws or plans land in a context that is already regulating and organizing itself in a certain manner benefitting certain players (Rose, 2008; Ruble, 1995), new participatory structures and

procedures land in the same context (Rydin & Falleth, 2006). One cannot assume a clean slate, honest players, and an incentive structure that will be entirely remade as a result of open discussion and deliberation (Hillier, 2002; Gunder & Hillier, 2009). Participation will also be interpreted as a new formal institution, and subjected to the same calculations as previous formal institutions (Elster et al., 1998; Van Assche et al., 2010). Since per definition the whole configuration of formal and informal is not visible to an individual actor (cf Luhmann, 1990), one cannot predict all consequences of the new formality (Pressman & Wildavsky, 1973), of the participatory process. If expectations were inflated, these unpredictabilities will undermine fragile trust in the new institution and reduce its effectiveness in coordinating different interests in land use and different visions for the community (Domingo Pasto & Beunen, 2012; Yang, 2006; Kornai & Rose- Ackerman, 2004). Or, a situation can be maintained where for outside observers ‘participation’ takes place, while old power structures are reproduced by means of the plans and policies that emerge (Van Assche et al., 2011a). Alternatively, the new arena can be maintained as facade, legitimizing the interests of actors benefitting the outcomes. In all these scenario’s, existing formal/informal dialectics determine the functioning of the new formality.

## **5. Formal/ informal dialectics in planning: implications for research and practice**

From the previous sections, it can be deduced easily that formal/ informal dialectics in spatial planning have effects that cannot be easily mapped, categorized and assessed. In assessing the relations between formal and informal institutions, it is possible, we believe, to formulate a number of implications for planning research and practice.

First and foremost, we would recommend planners analyzing a specific planning system or situation to be mindful that a set of formal institutions (plans, policies, laws) can only be effective thanks to an ongoing dialectics with informal institutions. What determines functionality is the specific configuration of formal and informal, and what has to be assessed is the functionality with regards to a specific issue -e.g. equitability, sustainability, inclusivity, stability, speed, transaction costs (cf. Guha- Khasnobis et al., 2007).

Secondly, *effects* of formal/ informal configurations and dialectics are often ambiguous, partly invisible, or visible from certain perspectives only (Grzymala- Busse, 2010; Allina- Pisano, 2008). Or, the effects are visible much later, or only in some places, not in others. ‘Planning’ cannot be considered one site of observation. Planning policies have effects in many places and many places and actors have an impact on planning policies (Berrisford, 2011a; 2011b). Whether a formal/informal configuration ‘works’ or not,

cannot be left to the assessment of one party, internal or external (Lindall, 2010; Guha- Khasnobis, 2007). The effects of the ongoing dialectics between formal and informal institutions are mediated by, sometimes amplified by, the effects on competition between actors. If elite competition dominates rule-making, as was the case early on in many transition countries (and even now in some), then the configuration of formal and informal will be exploited, twisted, altered by these elite players (Solnick, 1998; Gallina, 2008; Rose- Ackerman, 1999). The rules governing the dialectics between formal and informal, the combination and transformation rules will also be exploited and altered. In turn, once certain rule configurations (and, at the next level, the rules of the dialectics) are in place for a while, the configuration of elites will alter (Gallina, 2010; Grzymala- Busse & Jones Luong, 2002). Rules and roles shape each other, and when the game is simplified by having a small number of players, each powerful, that influence tends to be more significant and visible (cf. North et al., 2009).

Thirdly, when analyzing a planning system, it is important to understand the interaction between formal and informal institutions as *continuous reinterpretation*: reinterpretation of the place of each, their strength, compatibility, meaning. Coordination mechanisms change in the presence of alternatives, in a history of mutual adaptation. The players in each situation have to interpret the strength of expectations associated with the different coordination mechanisms, but one can also say that the institutions reinterpret each other, in the sense of Niklas Luhmann's mutually observing social systems (Luhmann, 1995). Institutions embody a perspective, using certain distinctions, and in that perspective, alternative coordination mechanisms can become visible as making different distinctions. Observation then enables adaptation. The role of organizations in modern governance renders this aspect of reinterpretation more important, as organizations necessarily reinterpret each other's actions, motives, adherence to rules, and advantage from rules.

## **6. Transformation options in planning systems**

Our analysis of formal/ informal dialectics has further implications for the transformation options available in and for planning systems. If planners, listening to different perspectives, do assess a certain institutional configuration less than desirable, how can alternative arrangements be conceived and implemented? Useful elements of an answer can be derived from a dialectical perspective.

Bringing in 'the community' and its voices by means of participation is not necessarily an answer. Sometimes it works, sometimes it won't (Rydin & Falleth, 2006; Stringer et al., 2006). It will land in a context of actors operating in formal/ informal configurations that suit them to different degrees. This

context has consequences for the application of rules to change the rules. In a democracy transformation options can be expected to be more abundant than in other political systems, but even the rules to change the rules are part of formal/informal configurations (Anderson, 1999; Mansfield, 1996). And these configurations and their effects change over time. Therefore, timing of reform is of the essence, timing derived from accurate observation of the evolving games between actors. As Berrisford (2001a) pointed out, reform requires windows of opportunities, certain points in the game where rules and roles allow for easier intervention, when the rules to change the rules are easier to implement. Implementation of institutional change entails redistribution of power, and changing power structures requires power and understanding of power (Rose, 2008; Elster et al., 1998).

This brings us to two oft discussed concepts in planning theory: judgment (or *phronesis* in the Aristotelean tradition) and conflict, or *agonism*. Whether designed by planners or by other political advisors, reform of planning systems can never simply be a matter of better laws and policies, of perfect institutional design. Deciding on timing, on discursive coalitions, narratives, on what rule would work where and when, takes judgment (Mansfield, 1996; Hillier, 2002; Czarniawska, 2008). It cannot work without leadership (Mansfield, 1996). Good judgment never follows from rules, it cannot be replaced by rules (Gunder, 2003). Relying entirely on formal institutions would be a generic example of lousy judgment. *Rules cannot make good rules, and good rules cannot dictate good decisions.* A logical regression, focusing on rules to make rules to make rules, or rules to control rules etc, does not help.

If leadership and judgment are not concentrated in one hand, which is deemed preferable in most communities, then conflict will enter the picture. Rules cannot and should not exclude conflict. Allowing conflicting judgments to play out, without undermining the institutional framework, is useful for many reasons (Mansfield, 1996; Gunder, 2003). It helps in bringing more ideas and policy options to surface (Allmendinger & Gunder, 2005), it helps in keeping actors within the game, and it functions as practical checks and balances (cf. Elster et al., 1998; Anderson, 1999). Coming to a consensus is not always possible and healthy. Rules to extinguish conflict can have negative effects, including the reduction of visible policy options. Most of all, they tend to diminish the exercise of judgment, and foster reliance on existing formal/ informal configurations without reflection (Lindell, 2010).

In the type of approach we presented, the practical conclusions of analysis will be different in each case. We argue that it does not make sense to advocate solely and simply for formalization (as de Soto, 2000), informality (as many applied anthropologists), or for one style of self- transformation (e.g. participation), as these will work well or not so well depending on the various mechanisms described above.

## 7. Conclusions

In this paper, we analyzed the dialectics between formal and informal institutions in spatial planning, arguing that formal and informal institutions co- evolve, mutually shaping each other in a process of continuous reinterpretation. Rather than considering the formal and informal institutions separately, it is the configuration and co- evolution of formal and informal that should command the attention of planners. Understanding the evolution of planning systems, the effects of plans, planning policies and laws, and the transformation options of planning system hinges on an understanding of the formal/ informal dialectics in the various contexts spatial planning tries to link up and coordinate. We introduced the triangle of formal, informal and dead institutions, arguing that they can morph into each other, reverse roles, and can be revived. Formality is seen as a matter of expectations, and of the interpretation of a situation and the dominant expectations. In complex societies, where formality received a special association with written, state- backed institutions, one can observe the simultaneous creation of new informalities, under the form of meta- rules, new spaces for interpretation and discretion.

For planners an understanding of formal/ informal dialectics is not only useful because it gives new insights in the roles and the tools at her disposal. It also offers a fresh perspective on the transformation options of the institutional framework governing planning practice. It can improve the conceptual frameworks used by planners to interpret a situation, issues, qualities and possible solutions. We embarked upon such endeavor by means of succinct analyses of the concepts of property rights, participation, the roles of plan and planner, and the role of organizations, through the lens of formal/ informal dialectics. A more comprehensive re- mapping of the conceptual territory of planning awaits.

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