

CITIZEN PARTICIPATION IN URBAN PLANNING
IN THE UNITED STATES AND GERMANY

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**Citizen Participation in Urban Planning
in the United States and Germany**

**An approach to the phenomenon of citizen participation in two parts:
A discussion and evaluation of basic problems and aspects of the phenomenon
and a comparative discussion and evaluation of legal and governmental provisions
for citizen participation in the U.S.A. and Germany.**

"He who wears the shoes knows best
where they pinch" (Hook, S: "Democracy"
Encyclopedia Americana)

Citizen Participation in Urban Planning in the United States and Germany

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Summary

Introduction

The unpleasantness and inhospitability of our cities is a fact that can hardly be called into question any longer. The Congress of the U.S. judges the situation under Title I of the "Demonstration Cities and Metropolitan Development Act of 1966" like this:

"The Congress hereby finds and declares that improving the quality of urban life is the most critical domestic problem facing the United States. The persistence of widespread urban slums and blight, the concentration of persons of low income in older urban areas and the unmet needs for additional housing and community facilities and services arising from rapid expansion of our urban population have resulted in a marked deterioration in the quality of the environment and the lives of large numbers of our people while the Nation as a whole prospers."¹

Questions arise.

How can the most critical domestic problem of the United States be solved? How can the needs for additional housing, community facilities and services be met? How can the environment and the lives of these large numbers of the U.S. population be improved? How can the problems of the poor that are obviously and to an essential extent underlying the problem of urban slum and blight be tackled?

Obviously, substantive programs are needed to revitalize and reshape the rundown central cities into attractive and creative areas, free from poverty and resignation; new jobs need to be created, existing employment, housing, health services, educational and all other public facilities have to be upgraded. All these will require the concentration and coordination of all kinds of resources, not only financial.

In order to carry out the necessary programs, these resources will have to be raised to a substantial amount on a nation-wide level. They will affect the future and fate of an uncountable number of men, for whom ultimately all this will have to be done. If this is right, does it not mean that it is morally unbearable that planners decide philosophically what is best for everybody? Is not it unbearable that they superimpose their plans on people? Doesn't it mean that the affected people have a right to decide their own fate? If they have that right, does this not necessarily mean their involvement in planning, their participation in all stages of the process, including the decision making?

As a matter of fact, urban residents have demanded to be heard, vigorously and distinctly in some cases. Today, citizen participation has become a political reality in the United States. The provision for widespread citizen participation in the basic Model Cities legislation has been implemented in the context of a growing social movement by residents of disadvantaged

neighborhoods for a greater role in neighborhood and city-wide decision making. And a great number of professionals express, in abundant discussions and articles, their opinion that probably no other issue is as vital to the success of solving America's urban crisis than the viable participation of urban residents in urban planning.

This paper intends to draw a picture of the American aspect of citizen participation as understood by a foreigner. It will raise a number of critical questions concerning the idea of citizen participation and focus on problems of its implementation. Finally, it attempts to compare with one facet of the European scene -- in this case with citizen participation in Germany -- and to draw some conclusions from the American experience for the future development of citizen participation in Germany.

Part A

Theoretical Aspects of Citizen Participation

1. The term "citizen participation"

"Participation of the governed in their government is - in theory - the cornerstone of democracy: a revered idea that is vigorously applauded by virtually everyone."² However, as soon as it comes to explaining definitely what "participation of the governed in their government" is, the consensus on one of the most fundamental principles of a democratic society seems to explode into many shades and unspecified vagueness. The answers range from "involvement" or just "self-help" to "absolute control of the governed over their government", or even to "a new kind of group therapy for the pathologically mental-ill group of the poors".

At this point it seems to be necessary and worthwhile to take a closer look at the term "citizen participation".

1.1 The term "citizen" and some implications

The first half of the term consists of "citizen". What does this term include and imply?

Is a citizen the one who belongs to a community? Is it the local political unit he belongs to, the municipality, city, town, village or whatever? Abundant examples in metropolitan areas, however, witness the fact that the citizen on one side of the street may belong to one municipality and his neighbor, on the other side, to another one. Concerning citizen participation, should the citizen on one side of the street have the chance and the right to participate - because he lives in that community - where an issue is subject to citizen participation, whereas his neighbor would be excluded, because he is a non-citizen? That seems reasonable. Yet we know he might eventually be more affected by those issues at stake than his neighbor living and participating in that very community where the decisions have to be made.

Would this mean the political unit is useless in this context? For our purposes would the citizen be better defined as the one who belongs to a neighborhood?

What then is a "neighborhood"? There is hardly something like a naturally defined neighborhood. The term is more than ambiguous. The inhabitants of an area (defined by somebody else and labeled thereupon "neighborhood") are almost never aware of their status, nor do they have an appropriate idea of what that neighborhood might look like (in regard to size, number and social structure of inhabitants, etc.), nor are they aware that they might share problems and of what kind these problems might be.

But even if we assume we could set up standards to define from case to case more or less what the unit should be, within which everybody who belongs to it should have the right to participate, what then does it mean, one "belongs" to that unit? What makes you "to be a citizen"? Do you have to live there? Or do you have, e.g., at least to live and work there? Or could it be regarded sufficient, for the purpose of participation in general, that you work or live there? If this would be regarded as O.K., then, if you just

work there, would you have the right to participate in certain questions only? And others, who just live there, would they be entitled to participate in other questions? If this would be regarded as correct -- that is to say that according to one's individual specifications (in regard to the place where one lives or works) one will have or one will not have the right to participate -- of what kind exactly should these specifications be? Are "resident" and "worker" useful classifications? What about "students", "welfare cases", etc.? And would not there be a danger of unintended discrimination in a great deal of cases?

For a limited number of cases one could probably take the term "user" instead of "citizen", e.g., the user of infrastructural setups or institutions.³ However, again there are many problems. How is, for example, the group of users of a freeway defined? How could the administration address to this group and work together with them? And what about the inhabitants of the areas assigned for a freeway? Would they be included in the group of users? Would they have the right of participation, too?

The Department of Housing and Urban Development (HUD) dealing with explaining the basics of the "Model Cities Program" has stated that eligible citizens are "residents of the neighborhood and the city as a whole" and that they "should have a hand in identifying the problems, planning, and carrying out the program."⁴ It hardly seems that this definition would prove itself efficient in severe disputes on who is entitled to vote if it comes to that in participating citizen groups.

1.2 The term "participation" and some implications

The second half of the term citizen participation consists of "participation". What does this term imply?

It does not seem that this term is less ambiguous and manifold than "citizen"; at least the literature on participation suggests that there is a tremendous variety of opinions of what participation means.

Depending on the writers' backgrounds, participation is defined as a process of "sharing power", of "gaining power", or "giving advice", of "influencing decision-making", of "getting and being involved", or is defined as "channeling one's view to the power-holders", "revolution", "reform", "control", "coalitioning", "identifying, documenting and dramatizing needs", "a search for legitimacy", "a change of the entire conception of what the planning process should be", "an experiment".

In addition, some speak of "true participation", which implies on the other hand something like "false" or "perverted participation". Who will judge about that? Furthermore, the question is discussed whether participation is a goal in itself or whether it is a strategy, a method, a way to get to some goal.

1.3 Conclusion

The terms "citizen" and "participation" are used in many and sometimes in the most contrary ways. Both terms imply a number of questions to which the answers will contribute from case to case to the definition of the various aspects of the phenomenon "citizen participation". So it cannot be considered astounding, any longer, that the term "citizen participation" is used to identify so many phenomena. After about one decade of widespread discussion the term has become most iridescent and compliant for the use of everybody. That is the reason why a valid definition of the term that would cover all phenomena cannot be given.

It will be in the following chapters that the most relevant aspects of citizen participation in urban planning will be displayed and discussed in more depth.

2. Characteristic aspects of citizen participation

As pointed out above, the term citizen participation covers many aspects. It can be seen, experienced, discussed and evaluated from many points of view, and many assumptions may underlie the various evaluations. So it seems to be necessary and worthwhile to describe first, on a rather abstract level, as part of the theoretical approach to the phenomenon of citizen participation, its nature. This will be done by the description and discussion of main components: among them the social, economic and political dimension of the phenomenon. Although these are by far not all dimensions characterizing citizen participation, they may cover the most important aspects and -- as there is a great complexity and interdependence among these and other aspects of citizen participation -- they may be used to outline a number of features of other aspects, too.

Further down, within part B, the realization and exercise of citizen participation in practice under various assumptions, conditions, suppositions will be described and analyzed. This is intended to cover also a number of those aspects that could not be dealt with in this chapter.

2.1 The moral or ethic dimension

Participation in urban planning seems to include to some extent the quality of an unalienable right. This is because of the close inevitable interrelations between a given environment -- in the widest conceivable sense -- and man living therein.

Mitscherlich⁵ argues that all organisms can characteristically be defined as having in common basically the tendency of what one may call impersonation or self-representation. That is to say, they all follow the inherent, evolutionary law towards increasingly specific and characteristic conduct and self-representation.⁶

This is true for man, too. By building cities, man creates a place to live; and by living there, this place becomes the field of his expression, of his impersonation. But, vice versa, this appearance, the reality of this place shaped by man, will shape him and his social behavior and the character of society, whereof he is a constituent part.⁷

And it is therefore -- since once man creates his material, cultural, social, and political field of interaction, it will shape him with the stubborn inexorability of a stamping die -- that man has an unalienable right to form his environment according to his intentions and his will. And it is therefore that it would seem morally unbearable and unjustified to take away from a citizen his right of participation to create and reshape his environment. Or positively expressed: people have a right "to have access to and influence on the process by which decisions about their lives are made."⁸

2.2 The social dimension

The social dimension of citizen participation is vast and manifold and represents another significant component of the phenomenon with a lot of aspects interrelated in great complexity and closely connected to aspects of other dimensions. Two main aspects of the social dimension will be discussed here in their relation and significance for citizen participation: poverty and education.

2.2.1...The significance of the social dimension of citizen participation for urban planning

As mentioned above, man creates -- and will in turn to the utmost conceivable degree be determined by -- his environment. This includes the social environment too. Dignity, pride, success, self-esteem, happiness are values that depend on the deeply rooted interrelations between man and his social environment, to which he is bound.⁹ So the social environment and its structure represent important and significant factors for the individual. They will decide much on his well-being. As the existence of personal social relations within a neighborhood -- and not just the physical structure of the neighborhood environment alone -- is one of the premises for the well-being and well-feeling of the residents, urban planning has to include this dimension too in its efforts to be undertaken. And thereby the social dimension of the phenomenon citizen participation receives its significance for urban planning.

2.2.2...Poverty and education: two major aspects of the social dimension of citizen participation

2.2.2.1 Poverty

Poverty is one of the major and important facets of the social dimension of citizen participation. And with which, significantly, the notions of "poverty" and "citizen participation" are quite often associated.¹⁰ Although

citizen participation does not mean a priori or necessarily that just the poor are to participate. However, as other groups of society -- classes who do better within the established concept of a society -- have always known how to play their role, how to participate and how to benefit from a system that they have conceived more easily as theirs, it becomes inevitable and a consequence most likely to expect that citizen participation-- quite often perceived as a new innovative idea -- got labeled as the participation of the have-nots, the underdogged, the underprivileged.

That may serve as a justification for giving poverty the priority and some additional weight in the description of the social dimension of citizen participation. Poverty can be seen and interpreted -- and is so quite frequently -- as a social phenomenon, a symptom of some malfunction in society.

One interpretation of that malfunction could be that society tolerates or even patronizes poverty. In this case the arguments would be that poverty is a deliberate strategy to maintain rule, or that poverty is the result of the exploitation of the working class by those in command of the production means. Before the Subcommittee on Urban Affairs of the Joint Economic Committee of Congress¹¹ the statement was made that indeed the poor have become such as they have been thrown out of the economic system by a capital that increasingly had become autonomous and that ruthlessly applied a technology, destroying the labor value of man within wide parts of the spectrum of the labor market. The result was an increasing number of unemployable, for whom there is structurally no room in the economy today.¹² Those became the hard-core of the poor, difficult to deal with in terms of the present society.

The mechanisms at work throwing workers out of their jobs -- not seldomly forever -- implicate an invitation to change the system in whole or in part. The question is just, how this can be achieved and what kind of a role will citizen participation play therein: an evolutionary or a revolutionary.¹³

Another interpretation would be that to a certain extent, at least, not the society is to blame for the fact of widespread poverty, but the poor themselves. The argumentation would be that it is the poor who are responsible for their misfortunes because they are not willing to use or not interested in the chances society offers them. This argument is directed towards making the poor learn to get involved, interested and to use their own capacities as well as available resources; then -- so at least is the prophecy -- poverty will soon come to an end. This idea is one of the basic concepts of citizen participation, and in all programs that put stress on "client" involvement this idea - in one or the other form - can be identified as one of the main ingredients.

Below another facet of the social dimension -- that has already shown up when poverty was discussed -- will briefly be discussed: education.¹⁴

2.2.2.2 Education

First of all, the negation of education -- namely no education -- may be an incentive for citizen participation to come into being.

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directly or indirectly, citizen participation. Then, the economic prerequisites for citizen participation will be discussed in more detail.

2.3.1 Economic incentives for citizen participation

2.3.1.1 Discriminatory or exploitative economic practices

An unpleasant or unbearable economic situation might in a number of cases be regarded as a dominant stimulus for citizen participation to come into being. This may apply to the consumer, who will find himself being exploited by discriminatory business practices or just by unjustifiable high prices, sloppy services, etc. And this may apply to the owner of a small business, who may constantly face illegal or unfair business practices as being exploited, discriminated or even extorted by the larger and more powerful businesses (trusts, banks, etc.). The incentive would be in these cases to strive for a more satisfactory economic situation by those means that citizen participation can provide.

2.3.1.2 Economic development inducing urban renewal

Closely related to the aspect of discriminatory or exploitative economic practices, being incentive for citizen participation, is the aspect of economic development as an incentive for citizen participation, because it induces urban renewal and urban planning.

Today's economy is more or less permanently growing and changing its structure. This affects directly urban structures as the economic activities are located therein. To take only one of countless numbers of examples that could be given: there is the tertiary economic sector that drastically expands and is in permanent need for more space for its activities. Characteristically, these activities have a tendency to agglomerate for a number of well-known reasons in the inner cities - more or less - at least in Germany and in many other European countries. As the capacity of the existing inner cities is limited by several constraints, they are supplemented by additional areas surrounding them. Furthermore, limitations of the access to inner-cities are removed and the inner-cities themselves reorganized. All this affects citizens directly as they may oftentimes live in the prospective extension areas of the city core or as their neighborhood may be divided or destroyed by new traffic lines, such as wide highways, vast intersection areas, etc.

Economy may induce indirectly citizen participation as poverty may grow by its structural changes (see above). This again affects the urban scene because certain areas may become slums and their inhabitants possibly will represent just that certain class that is mostly subject to the change in the economic system. And as the area becomes a slum, renewal will probably be undertaken sooner or later.

2.3.2 Economic prerequisites for effective citizen participation

Besides the economic incentives that will induce citizen participation, there is the aspect of the indispensable economic prerequisites for effective

citizen participation. This is obviously the more relevant aspect within the given context. The importance of this aspect of the economic dimension has to be seen in that it will be the economic resources of a citizen participation group which very likely put strong limitations on its effectiveness. For example, the implementation and feasibility of strategic alternatives to be developed in order to reach the specific and established goals of a participatory group, depend much on the presence of financial and other material resources.

2.3.2.1 Financial resources

There is the question of money. Money will always be necessary to pay for the costs of an organization. The availability or absence of financial resources will decide the goals being reached or not, or the process of involvement being initiated or kept going.

2.3.2.1.1 The significance of financial resources for participatory groups

The great influence of financial resources can easily be realized when taking into consideration that, characteristically, planning requires considerable expenditures in order to be sufficiently profound. A profound planning, or proposals towards a better planning, can hardly be done without qualified professional assistance. Qualified professional assistance, however, is expensive and has to be paid somehow.

In addition, citizen participation, bearing in mind to be meaningful and potential, needs to be organized. As the problems grow, the work to do will grow, too. But the greater the work grows, the less participants will be able to do completely without some kind of organization. In the long run only some permanent staff, which may be small in size, will assure continuous work and effective activity. And again, organizational structures have to be paid. Especially in regard to the problems of hiring staff, the availability of financial resources must be sure for comparatively long terms as one cannot hire today and fire tomorrow. In addition, rooms have to be rented, equipment has to be bought, etc. This is because there is office space normally not just at the disposal of participatory groups. And as from time to time they need to react extremely fast (that is within hours), they need equipment to print flyers, posters, pamphlets and so on to call the community for mass demonstration, meetings, hearings, and what else might be necessary to insure support.

All this is to demonstrate how dependent citizen participation is on an adequate organization structure and its staff and thereby on economic resources.

2.3.2.1.2 The significance of the source

Clearly the importance of a steady flow of funds emerges. Where are these funds to come from?

Principally, one can take the position that the necessary funds have to be collected from the constituent members of a citizen participation group. This position is taken from time to time as it inherits one major advantage: the organization is completely independent of outside sources and therefore independent of any "strings" usually indirectly attached, independent of any pressures from outside and from the temptation of bargaining for money against ideas and goals.¹⁵

As up to now those being the most underrepresented are the poor and as they are the ones most badly in need of some type of participation, representation and exercise of power through their organizations, the question arises, whether the society as a whole is not responsible to pay these funds. This would seem to be fair and according to democratic ideals. But as long as there is made no firm commitment by the government (whatever kind of government it may be) towards a guarantee for further payment for long terms and as long as there is no legal right for these groups to claim their funds in court (if not paid), a great danger (that is involved in any outside and voluntarily financial grants) appears: namely the withdrawal of funds. The withdrawal of funds will cause disastrous results for those organizations because it will cause, almost all of a sudden, a grinding halt to even the best work, the most ambitious projects. In addition the staff will have to be discharged and the best-informed, those who know most about planning in general and the given situation specifically, will have to go.

At the same time as one will become aware of the danger inherent in the dependability on unpredictable, vague funds, one has to verify the tremendous temptation that originates just in this weakness of the realization potential of citizen participation. Not much fantasy is necessary to imagine how soon pressure will be put on politicians or administrators to have them withdraw funds or any other kind of assistance, if the kind of participation chosen by the citizens is no longer in accordance with the aims, already established interests by society. Experience showed often enough -- as will be detailed further below -- that the option of withdrawing funds, or at least the threat to do so, was successfully used to eradicate disagreeable political tendencies of citizen participation groups. The frustration and bitterness on the side of participants, their hate and readiness for uncontrolled actions is not too difficult to understand and seems very often more than justified. However, the ingenuity to cut off disagreeable tendencies is great and not limited to the given example.

Another method, by far more elegant, smoother and not so startling in the political scene, is to buy off the most active leaders. Since in general the leaders command the greatest skill and knowledge in how to negotiate with the public administration and other relevant political or economic formations of a society and since they are very often the most stimulative parts within an organization, their pay-off will cause great negative effects on a citizen participation organization and its power potential. But fortunately the buy-off of leaders is not without negative implications for the buyers. What limits this way to get rid of a political opponent and the ideas for which they fight. As they hire citizen leaders, they pay at the same

time for infiltration¹⁶ for one can expect that the convictions of the citizen leaders will not necessarily disappear, when they leave their participatory groups.

2.3.2.2 Other resources

Although the question of financial resources seems to be most important in the context of the critical discussion and evaluation of the economic prerequisites for effective citizen participation, it must at least be mentioned here that other resources can have some importance, too, for participatory groups. Among these may be mentioned the lending of personnel, equipment or facilities (as rooms, etc.) from outside, that is to say either from other existing organization, such as churches, existing ethnic groups, etc., or from the public administration.

2.4 The political dimension

Citizen participation would only have been described partly without the aspects of its political dimension. The political dimension has outstanding importance, as it describes and covers many aspects of citizen participation, and probably may come closest to what this phenomenon is.

Participatory groups in their struggle against grievances and hardships will find themselves, almost automatically and quite naturally, in a competitive situation with other and already established interests in society. They will therefore have to recognize the necessity to legitimate their intentions and to define a strategy for their actions. However, the prerequisite to do so is, very logically, to articulate clearly what they wish to achieve. Otherwise, the legitimization of their claims and the definition of a strategy will be impossible, because if there is no goal, where then could a strategy be directed? About that the definition of a strategy requires a profound understanding of the political decision-making process and its mechanisms. And it is because of these characteristics -- identification and articulation of needs, goals and claims in a proper manner within the framework of societal rules, the competition with others within this framework for more power, more rights, more influences on the affairs of the public and the definition of a strategy to achieve the articulated goals -- that citizen participation is basically a political process.

A number of aspects of the political dimension of citizen participation shall be discussed here in further detail.

2.4.1 Education

As already mentioned above, where it was dealt with under the social dimension of citizen participation, education is also one of the facets of the political dimension. This is because the concern for education represents the basic democratic ideal of equality to develop all individuals as persons. This concern for the development of the individual person is to help him attain self-realization and self-fulfillment which can be understood as the original, ethical goals of the democratic idea. Closely related to this goal

is the democratic concern to enable citizens to use their mind intelligently and critically in regard to all political questions open to decision. This is an indispensable necessity within the ideology of a democratic society (as will be shown in more detail when the idea of democracy is discussed). The intelligent and critical use of the mind of citizens is then, indeed, what applies for the process of learning undertaken to understand political mechanisms. As on one hand this process of learning and understanding has been identified as the initial stage for the deliberate development of strategies and their further exercise, and as on the other hand political mechanisms are today most complex (because they are closely interrelated to all other fields in society), the importance of education emerges clearly: education has the role to provide the basis for any political understanding, for any meaningful political action.

2.4.2 Legitimacy

Legitimacy is obviously another aspect of the political dimension. The problem of legitimacy is actual, because those bringing forward an idea for change in society will always find themselves in competition with established interests and will have to seek some kind of justification for their proposals to be heard, taken into consideration and given way. This justification of innovative proposals is necessary as new planning ideas, especially those of the underprivileged, will impose limits on the so far executed freedom of others and their established interests. That new limits and restrictions have to be imposed on the freedom of others is so, since in today's societies there are hardly even the tiniest spots of the social, economic or political domains left uncovered or unclaimed as legitimate territory by representatives of hitherto established interests. And even if such spots could be found, it is hard to imagine how someone could claim this to be his legitimate field of influence and existence without conflicting in that of others. Therefore, citizen participation groups necessarily have to conflict with those whose functions or purposes have hitherto been acknowledged and have not been limited so far. And therefore, the problem arises to justify and claim effectively having a legitimate title to bring that kind of changes about that the planning proposals imply.

This problem is inherent in all innovative planning and not just a characteristic of planning proposals of participatory citizens. However, they face this problem because their appearance on the political stage is often innovative and they are regarded not to command the sources of legitimations usually claimed by their competitor.

As such legitimations are known expertise, bureaucratic position and professional values.¹⁷

2.4.2.1 The authority of expertise

The legitimation for intervention of planning based on the "authority of expertise" says that planning need not be involved in the political process and its irrationalities and opportunistic bargaining, but should be devoted to professional expertise only.

2.4.2.2 The authority of bureaucracy

The legitimation by the "authority of bureaucracy", however, is based on the experience that political independent planning leads to isolation, impotence and futility. Therefore it promotes the close interrelation of politics and administration, arguing that the planner thereby will get the legitimation for all his doing from the politician who in turn gets his power and responsibility from the voter.

2.4.2.3 The authority of professional values

However, as scope and complexity of public bureaucracies make them increasingly independent of review by elected officials, because they, the bureaucracies, control the biggest part of information and they outlast the politicians, the legitimation by the "authority of professional values" was sought. This approach seeks legitimacy in professional values to which the planner is committed. This is easy to do, as urban planning is still a value-laden profession.

2.4.2.4 The authority of the consumer

These sources of legitimations for innovative planning not being considered too reliable or too profound, another source was sought. It was found in the legitimation by the consumer. This approach tries to obtain legitimacy for programs, reforms or proposals by getting endorsement and support, or by being created by the recipients of these programs, services, etc. It is based on the needs of people to be serviced. Ultimately, the aspects of the moral dimension and their implications, as described above, can be found again behind the argument: if a human being has a right to decide how the environment shall look and be formed, because of him being inescapably exposed to this environment (which will gracelessly shape him), and if therefore all planning is finally for the benefit of the human being, why then not take him as the yardstick? Why shall the technicians, the planners know best the needs of the people? Why not assume that the people themselves know their needs best?

This approach is a way out of the dilemma of the dead-end roads, into which the other three approaches had run, and provides an effective legitimation not only for planning of the administration, but also for planning efforts undertaken by citizens' participatory groups.

As a direct consequence of the efforts to find legitimation for innovative planning and by the approach to legitimate planning by the consumer, a new method of planning came into being that henceforth served the clientele of participatory citizens: advocacy planning. This kind of planning will be dealt with later within another chapter.¹⁸

2.4.3 Power

Power is another aspect of the political dimension of citizen participation and obviously one of the key aspects to many questions and problems arising in the context of participation.

"Power has to do with whatever decisions men make about the arrangements under which they live, and about the events which make up the history of their times. The problem of who is involved in making decisions is the basic problem of power."¹⁹

This definition of power and of the basic problem of power applies exactly for citizen participation in urban planning, since:

- a) urban planning deals "with the arrangements under which men live" (not only the physical but the socio-economic arrangements, etc.), and since
- b) the basic demand of participating citizens is to get more opportunities to influence the planning process, which means nothing else than to be "involved in making decisions".

So the questions will inevitably arise, who shall have the right to make decisions in the planning process (which means, according to the definition given above, who shall have the power to do so), and whether the recipients of a planning project shall have power over decision-making, to what extent this shall be and whether all of the recipients -- or only some (if it is so; who among them?) -- shall receive the power of decision-making.

Undoubtedly the answers to these questions depend a great deal on the form of government a society has given itself (or under which it lives). In the context of this paper, in a later chapter²⁰, the question of citizen participation will be dealt with in more detail under the aspect of a democratic society, especially of its representative form. One of the results of that discussion shall already be taken into account here (at least as a preliminary assumption, to be discussed and analyzed later). As it comes to decision-making that is in one kind or another generally obliging, citizen participation is only compatible with the idea of a representative democracy, if that decision-making process is properly institutionalized. That means: institutionalized according to the basic requirements and principles of this form of government. To these basic principles may be counted: the granting of power to representatives by the people, the representatives being held politically responsible, and the option to withdraw power, if not being used in a satisfactory manner. Therefore any participation that provides for citizens the authority of decision-making must be called incompatible with the idea of a representative democracy as long as these basics are not given way in an appropriate manner. That is to say, as long as the existing institutional and political framework is not rearranged, the new instrument of citizen participation does not fit properly into the existing network of interrelations and interdependencies among all kinds of already established institutions.

As far as these questions are concerned (which participants can be given authority of decision-making? and: to what extent this authority can be given to them?) two proposals will be made in a later chapter.²¹

As a conclusion of the discussion of power, so far, it can be said that power is an inseparable and outstandingly important component of the political dimension of citizen participation. This is so because:

a) the basic problem of power in general (namely: who is involved in the decision-making about the arrangements under which men live and how someone is involved) was found to be the basic problem of citizen participation, and because

b) power is (among other characteristics as the identification and articulation of needs, claims and goals and their strategification) one of the most important ingredients of politics, as it decides to greatest extent on the success of a policy.

Policy can be defined as "The art and science of the management of affairs" or "The definite course or method of actions selected to guide and determine present and future decisions". So, the circle is logically closed from citizen participation, representing the basic problem of and dealing with power, which is the main ingredient of politics and policies, which is the method of action to determine future decisions, which finally is the topic of citizen participation.

More aspects of power being a part of the political dimension of citizen participation will be discussed in connection with the presentation of a typology of citizen participation, as this typology is based on a scale of power exercised.²²

2.5 Other aspects

Beyond the given aspects of the moral or ethic, social, economic and political dimension, there are a number of other aspects, of which a description and analysis would contribute to the characterization of citizen participation, too. But both time and the knowledge of the basics of other disciplines to be brought with on the side of the author (respectively the opportunity and ability to enter the grounds of new disciplines) were limited during the elaboration of this study. In addition it was felt that the aspects discussed under 2.1 to 2.4 cover the most relevant parts of the phenomenon, at least as the theoretical approach is concerned.

Furthermore, the nature of citizen participation seems to enclose manifold interrelations between all aspects. So, other aspects, not dealt with by themselves, are to a certain extent covered by the description and analysis of others. Therefore, the theoretical approach to the phenomenon of citizen participation, part A of this paper, will not cover by itself the legal and institutional aspects, which are undoubtedly of considerable significance. However, as the aspect of power has been discussed, the institutional aspect showed up already and will again be discussed in Chapter 5.

Finally, the understanding and evaluation of the practice of citizen participation is impossible without taking the legal (respectively the judicial) and the institutional aspect into consideration. So the later parts will deal again with these aspects and in more depth.

3. A typology of citizen participation

In this chapter a typology of participation will be presented.

How a typology looks depends a great deal on the criteria according to which such a typology is arranged. As such criteria could e.g. be used

- the extent of mutual information that different types of participation will allow, or
- the effectiveness of the planning process when different types of participation are applied, or
- the degree of attractiveness and the capacity to involve citizens in a planning process, and many other more.

A very useful typology of citizen participation that will contribute to a further understanding and the analysis of the phenomenon was found in the typology by Sherry Arnstein.²³ This typology takes as criterion and scale the amount of power that is at the disposition of participants on the different levels of participation and the by underlines the importance of the aspect of power for citizen participation.

The typology is arranged in a ladder pattern for more illustrative purpose. Each rung of the ladder corresponds to the extent of citizen's power over the determination of the plan or program. The ladder has eight rungs and is obviously a simplification, but it illustrates the point that there are significant gradations of citizen participation.

At the bottom end of the ladder the rungs describe levels that Arnstein calls levels of "non" participation while further up on the ladder there are levels of citizen power with increasing decision making authority.

3.1 Pretended forms of citizen participation

3.1.1 Participation on the level of "manipulation"

Participation as "manipulation" ranges on the lowest rung of the ladder.

Citizen participation is arranged from outside, by the power holders, for the expressed purpose to educate citizens and for the less openly expressed purpose of "persuading", that is to say of manipulating, these citizens.

As Mills²⁴ defines three main types of power - "authority", (that is the power justified by the beliefs of the voluntarily obedient), "manipulation" (power that is wielded unknown to the powerless) and "coercion" - one can conclude: Under this kind of participation, citizens do not only lack the power to influence decision-making. Power may instead be easily used by their counterparts in the political process to guide them to where it seems those (who exercise power) to be most opportune. This is to ensure the power-holders to achieve their own goals, receiving their own benefits out of the political process. Participating citizens are used to prove the

sincereness of purposes of the "establishment" and its good will in order to get approval (respectively signature, where needed) of the citizens involved.

At best, citizen participation could be called public relation, in this case.

3.1.2 Participation on the level of "group therapy"

Participation as group therapy assumes that powerlessness is synonymous with mental illness. The poor are to blame for their misfortunes. The argument goes: if the poor and the powerlessness could only be engaged in devising a better future for themselves, they would learn to make better use of the existing resources. Their poverty and powerlessness - as well as the thereby generated problems - would come to an end.

The focus in this case is to cure from their pathology those to be involved. No power for decision-making can be found on the side of participants.

3.1.3 Evaluation

Manipulation and therapy can be seen as pretended forms of participation as the achieved power of citizens to take part in decision-making is practically zero. These two levels of "non" participation seem to have been contrived to enable power-holders to keep citizens away from genuine participation.

3.2 The forms of tokenism

"Information", "consultation" and "placation" are the next rungs further up the ladder. These forms of participation have in common with one another the fact that participants get a change to hear and to be heard.

3.2.1 Participation on the level of "information"

Informing citizens is undoubtedly a most important first step towards meaningful citizen participation. However, participation based on information has to be mutual in order to be meaningful: there also has to be a feedback of information from the side of participants to the side of planning officials besides the generally exercised flow of information from officials to participants. As the latter is concerned, it is absolutely imperative that information be provided at an early stage of planning. It has to be avoided that informations flow only one way and that these are provided at a late stage of planning, when citizens have little or no real opportunity at all to influence a program or a plan.

3.2.2 Participation on the level of "consultation"

In addition to information as a form of participation, consultation provides for participants that they will be asked for advice. That is by far more than being asked just for information, because asking for advice is asking for an idea, a concept. This already implies the assumption that participants are able to develop such a thing. This in turn acknowledges them to some extent as equal partners and raises them to the level of the ones who understand their thing and know how to handle it.

3.2.3 Participation on the level of "placation"

Placation as a form of participation allows citizens to advise and to plan. As far as the latter is concerned, however, officials are not required to make use of the planning proposals submitted by participants. As far as citizens' advice is concerned, a typical example of placation is to place some participants, preferably the more active ones, on boards of any kind of commission dealing with planning issues. This level of participation is characterized by citizen board members having a right to vote, but leaving them still in the minority so that they can easily be out-voted if they take an opposite standpoint.

This form of participation is little obliging for the power holders. It seems that it is designed to keep participants calm by suggesting to them the idea that they are involved, have a hand in the process. This kind of participation may be referred to as placation.

3.2.4 Evaluation

Although information, consultation and placation represent an improvement in participation, there is still no power on the sides of the participants. Information, consultation and placation - if meant truly - can be evaluated as signs of good will, given by planning officials. Therefore, these levels of participation are called levels of tokenism.

As long as participation is restricted to these levels, there is, however, no "follow-through", no assurance that the will of participants will be given consideration in one or the other way, since there is no power. Furthermore, one has to consider that these forms of participation may be handled dishonestly. This may happen as one side, the side of the public administration, has an almost non-restricted share of power if compared with the other side, the participants, who command only very little amount of power, which is almost constantly subject to withdrawal by official sides.

As far as placation is concerned, however, one may concede that there already exists first, institutionalized commitment towards participants that they have right for participation, since this form of participation is characterized by citizens called on boards, that is to say by integrating them into planning institutions.

3.3 Participation with decision-making authority

On the upper end of the ladder "partnership", "delegation of power" and "citizen control" can be found. As will be shown, these are degrees of citizen participation with at least some power on the side of participants to assure them that they have a hand in generally obliging decision-making.

3.3.1 Participation on the level of "partnership"

On the level of partnership, planning and decision-making responsibilities are shared. This form of participation is characterized by negotiated ground rules between the partners, that have become binding for both sides and that are no longer subject to unilateral change.

Essential ingredients of this partnership, on the side of participants, are: an organized power-base in their community, financial resources to pay their leaders for their time-consuming efforts, and the power to hire and fire their own staffs. If these ingredients were not given, one partner, the participants, would be too weak, too little informed to play effectively its role, and would thereby constantly be in danger of losing its independence.

3.3.2 Participation on the level of "delegation of power"

On the level of participation power is delegated to citizens.

One possible model is that they receive dominant decision-making authority over a particular plan or program. In order to resolve differences, power-holders, as well as participants, need to enter the mutual bargaining process on the political level. At this level of "delegated power" the ladder has been scaled to the point where citizens are sure to hold the significant cards in the process of negotiating what will guarantee sufficient accountability of the program to them.

Another model of delegation of power is separate and parallel groups of citizens and power-holders, whereby citizen veto is provided for in the case that differences cannot be resolved through negotiation.

3.3.3 Participation on the level of "citizen control"

At this level citizens have at their disposal a degree of power and control, which guarantees them to govern a program or an institution, to be in full charge of policy and managerial aspects, and to be able to negotiate completely independently the conditions. Citizens handle the entire job of planning, policy-making, and managing a program.

Citizen control can be considered as the ultimate goal of underprivileged citizens groups, as this kind of participation will re-install them into a position, which guarantees the presence of the full range of inalienable rights to manage their fate, to lead their life in a fully respected, non-discriminated manner.

3.3.4 Evaluation

These three levels of participation have in common with one another that participants command a considerable amount of power. This charges them increasingly with responsibilities, so that they need to be organized. At least their leaders need to be skilled (considerably more than in the cases dealt with before). Funds have to be available. Staff is needed. Therefore, even from the side of the participants, it is not always desirable to reach these levels of participation, as participants - mostly if unexperienced in the affairs of participation - may very well be over charged.

However, principally only these levels of providing citizens with power will assure meaningful participation. This is so because, as was shown above,²⁵

citizen participation deals with the arrangements under which men live and the decisions to be taken to manage the system of arrangements, which in turn is nothing more than politics, of which the basic characteristic is to deal with power, which again is the basic precondition of the exercise of any policy.

On the other hand one has to recognize and take into account that with increasing power for participants there is a growing danger of some kind of balkanization of public services, separation in general may be favored, as participatory groups being successful will try to keep for their own as much as possible of what they have gained, and finally the planning process to which powerful citizen-participation is applied may have a tendency to be more costly, more time-consuming, and less efficient.

These questions will have to be looked at in more depth in later chapters.

4. Options for the implementation of citizen participation

4.1 Advocacy planning

4.1.1 Some reflections on the term

The term advocacy-planning was coined by Paul Davidoff,²⁶ but unfortunately neither the term nor the role it implies was ever precisely described.²⁷ Its vagueness has muddled the discussions, its threatening connotations "have sent undue fear into the hearts of federal as well as local officials."²⁸

4.1.1.1 To the analogy between advocacy in planning and advocacy in legal representation

There are some analogies between advocacy in planning and advocacy in legal representation. In both cases there is some kind of institution, the planner, the lawyer, that is supposed to take care of the interest of people who, for any reason whatsoever, prefer to have their interests brought forward, defended, etc. by professionals; there is a consultant-client relationship both times. So far the analogy exists. However, in a number of ways the analogy between advocacy in planning and advocacy in legal representation breaks down. The lawyer, for example, responds to the client and has nothing else to do than that; however the advocat planner first normally raises the issue himself (what client will raise the issue of the distribution of public resources as between highways and mass-transit?) and, second, looks for a clientele.

To give another example: the lawyer has a clear forum and clear procedures for adjudication; not so the planner, whose issues are "adjudicated" at the forum of politics, where decisions are made in a power confrontation. So the advocate planner works with petitions, meetings with senators, protest marches, mass meetings, negotiation; his forum is the street, the newspaper, the session of the common council, the conference room. The procedures are everywhere different and are nowhere comparable to the exactly spelled out provisions for procedures that the lawyer is ensured of.²⁹

4.1.1.2 Conclusion

The term "advocacy planning" labels correctly only a few of the many aspects it includes. The term will have to be described further.

4.1.2 The two main assumptions of advocacy planning

Two main assumptions underlie the theory of advocacy planning -- if there is something like that --

1) a planner can receive legitimation for his position and his planning only by the needs, choices and preferences of the consumer, the user, the client or whatever the target of his service may be called,

2) those people, those groups need the planner being the expert in order to make their case.³⁰

4.1.2.1 The assumption of legitimacy

As was shown above in the context of the political dimension,³¹ the argument of legitimation of a planning proposal by its recipients was born to help planners out of their dilemma, to find a justification for the transformation of innovative planning into reality.

However, the planner, who intends to service groups of society henceforth underrepresented, will find that they lack quite frequently homogeneity, community feeling and common interests. This is so, since "the class culture of poverty is characterized by a prevalence of defeatist attitudes and negative self-images"³² since "the poor are not accustomed to acting but rather to being acted on".³³ Therefore, advocate planners cannot but have to develop, first, a strategy to evoke those groups' interest for planning issues and have to formulate the issues for them. However, just that makes advocate planners dangerously similar to other manipulators of the poor's interest. Even without administrative power, the advocate planner is a manipulator, for the power to conceptualize is a power to manipulate. Admittedly, the planner may not be the first to identify "problems" of an urban area, but he puts them on the agenda, he plays a large part in defining the terms in which the problems will be thought about. And indeed, those terms will play a large part in determining the solution.³⁴

As thus, the advocate planner, too, becomes a manipulator and as such is conceived quite frequently by the people he intends to work for, and as this makes the people suspicious and reserved about him, principal questions arise: whether, and how far, an advocate planner can honestly pretend to enjoy his clientele's confidence (if he does not happen to be a member of their community or at least of their social class or group) and whether this source of legitimacy can be regarded as sufficiently satisfactory in the context of the competitive, political resource distribution and allocation process.

4.1.2.2 The assumption of citizens' request for professional assistance

The arguments backing up the second assumption that people need the planners to make their case are many.

4.1.2.2.1 The aspect of the complexity of urban problems and the institutional urban framework

The assumption of people in need of planners must be understood in the context of the management of a modern, highly developed city.

The increasing complexity of the management apparatus has made it difficult for ordinary voters to make judgments and develop choices relevant to its exercise. Sophisticated techniques (being used to analyze areas and evolve programs for dealing with them), combined with the widespread geographic diffusion of urban problems, generate for many (even for well-educated citizens) a feeling that metropolitan and local problems are too technical and complex to follow closely. They will often attempt some kind of knowledge only, when problems become scandalous or critical. But even then the interest raised will last a short period of time.

4.1.2.2.2 The aspect of the clientele and its specific social situation

It is no wonder that the people at the bottom of the system, those who are less educated and less technically sophisticated, do not know how to respond to maps, diagrams and statistical tables. It is no wonder that they do not understand the people speaking that language of maps, etc., that is to say the professionals.

Furthermore (and this is another reason why citizen participation, although not a priori a matter of the poor, is yet associated with them) the poor are widely described as the non-joiners, the ones that are the hardest to organize, the ones who tend to separate themselves and get separated from the "world" around them, whose behavior is "private regarding", and who generally fail to comprehend society or just their community.³⁵ But "the poor man not only fails to comprehend society or his community, he is simply out of touch with it. He reads fewer newspapers, hears fewer news programs, joins fewer organizations, and knows less of the current life of either the community or the larger world outside than more prosperous, better educated people do. Nor do the poor associate among themselves more than minimally. Experiencing separation from society and each other, it is natural for them to feel alone and detached. And feeling no identity, even with each other, they view the world as indifferent and distant."³⁶

There can be no doubt about these poor being the most underrepresented and the ones who need most badly advice and their interests brought forward, defended, etc. Whereas, the classes who are better off have always known how to play their role and how to participate³⁷ (at least through their leaders, who have not just access, but run the political machineries).

4.1.3 Strategies of advocacy planning

Any planning process depends on certain suppositions, facts and constraints as being part of the given specific problemacy, and the goals it attempts to achieve. In this it depends on the whole range of components that make up the scenario, in which the planning process is embedded and will have to be developed.

And so does advocacy planning, too. As a result, advocacy planning has to face and to deal with the basic problems of the poor and the underprivileged since it is mainly them who become the clientele of advocacy planners.

So advocacy planning has to develop two kinds of strategies: the one kind has to be directed toward the clientele, the other one toward the scenario in which the clientele is embedded, that is to say, in our case, the public administration, planning officials, and the political institutions.

4.1.3.1 Strategies directed toward the clientele

Since the advocate planner has to face the basic difficulty of possibly being considered by his clientele as a manipulator from outside, he tries to develop and follow a strategy of entertaining a rather intimate relationship with his clients in order to gain the trust of the group as well as insights into the problems and specific needs of the people.

Part of this strategy of gaining trust can be that advocate planners require, e.g. from their client groups written contracts containing a clause that he, the hired planner, can be released according to specified rules (for example, release on twenty-four hour notice, or something similar). This is expected to create the image and substance of a legal, not a paternal, relationship and thereby will contribute to establish trust.³⁸

Another part of the strategy can be directed, as mentioned above, to evoke the group's interest, to stimulate the group in considering the situation and understanding the consequences of possible steps to be taken, to develop and/or discuss and evaluate planning alternatives. Thereby the planner will not only get inside information from the group but will involve the group in the virtual planning process.

The involvement of the group turns out to be a key question, as otherwise the advocate planner has to fear that during the planning process his clientele will remain aloof in critical scepticism and rejection of all that happens; or the clientele will remain in indolent indifference not perceiving the significance of the process for the pursuit of their own interests, well being and luck. The results would be that, as soon as it comes to obliging decision-making (together with public planning authorities), the advocate planner will either lack significant support from the side of his clients or will find himself being confronted with a vigorously upspringing of opposition. This would be the consequence of him not having established sufficient contacts with his clients during the planning process, before, and having not created

an atmosphere of mutual trust. Examples of advocate planners' roles thus being performed insufficiently do not seem to be that rare. Peattie³⁹ describes how she found herself, together with her fellow advocates, in sudden isolation from her client group when in a meeting the question was raised, whether and how the community group should discuss its strategy toward the redevelopment authority. Thabit⁴⁰ reports that in moments of crisis the consultants for an East New York planning project were used to being asked by the citizens: "Are you going to do what we tell you, or are you going to do it your way (even) if we disagree?"⁴¹ Kaplan⁴² found himself "subject to charges of being out in front or too slow to respond"⁴³ and that there do not exist "easy answers . . . for the professional as he works with his client" since "he (the professional) must continuously resolve questions of integrity."⁴⁴

4.1.3.2 Strategies directed toward the general public and public planning authorities

4.1.3.2.1 The necessity of such strategies

"Advocate planning has been defined as the exercise of the planning on behalf of specified individuals and groups, rather than on behalf of a broadly defined public interest."⁴⁵

As this is so, it easily enlightens the "public" (as well as its constituent members and their social formations) in the pursuit of its (respectively their) more or less clearly defined interests and can hardly be expected to accept a priori the claims and demands brought forward by the representatives of advocacy planning. On the contrary, the opposite is true: the legitimacy of these claims and demands is denied (or at least it is said to be impossible to fulfill these demands and to be incompatible with the pursuit of already established interests) and the representatives of citizens' planning groups have to enter the public process of negotiating interests and of mutual bargaining just as well as the representatives of all other kinds of interest groups do. This is neither to deplore nor "just to accept", because the representation of citizens' interest and its pursuit is basically a political process. As it is a political process, it is subject to be handled as such. And as a matter of fact, the rules of the political process provide for the negotiation of interests and mutual bargaining.

4.1.3.2.2 Common features of such strategies

Consequently there are a great many strategies to be achieved within this political process, as well as possible, the goals of citizens' planning groups. They take into account the specific situations for which they are designed. It is impossible to present or discuss them here in detail.

However, they have at least two features in common:

- 1) they have to take into consideration the fact that so far under-represented, underprivileged and often discriminated social classes have to be represented and that therefore

2) already the mere attempt of an assertion of these interests will frequently be understood by the establishment as a threat to their hitherto pursued interests.

Therefore the strategies of the representatives of citizens' groups will:

1. have to aim at the mere acknowledgement and acceptance of the new force that is going to enter, or has already entered, the political scenario (since as long as this has not happened, there is no way to start the political negotiation - and bargaining - process) and then

2. have to find coalition partners in that process (which possibly will require a re-definition of the goals and strategies).

4.1.3.2.3 Evolutionary and revolutionary aspects

The possibility exists that citizens cannot achieve acknowledgement and acceptance of their position. If this should happen, citizens would face only two choices: to resign or to look for a new strategy. In the latter case they would again face two different options:

1. the evolutionary way to pursue one's interest (which they already tried but found obstructed);

2. the revolutionary way, which does not require the admittance of their interests by the established powerholders and which is still open to them.

So the possibility of underprivileged citizens taking the revolutionary way in the pursuit of their interests is principally relevant and can hardly be excluded.

One can assume that established powerholders are aware of this possibility and therefore one can easily conclude that they will admit citizens to the political forum as soon as they calculate that the option of revolution has become a reality, that is to say, as soon as they consider the power of henceforth unrepresented and excluded groups great enough to revolt. To a certain extent the admittance of the so-far excluded to the political forum, is in turn an indication that the establishment realizes and acknowledges the dangerous potentials of those powers.

It is almost needless to say that indeed the underrepresented and their advocates have made use of that potential by threatening, at least implicitly, with "civil disturbances" and thereby had regarded this means effective to achieve their goals. At least since 1967 this threat showed some effect in the United States. And the discussion on citizen participation and advocacy planning also reflects this fact.⁴⁶

4.2 Mass-based organizations

A simple formula summarizes the sequence and relationships between citizen participation, power and organization: "Citizen participation requires the political process; the political process requires power; power requires organization."⁴⁷ That is why it seems necessary also to deal with the organizational aspect in this context.

First, some general aspects considering the organization as such will be discussed. Then, the form of mass-based organization will be presented because of its significance for citizen participation.

4.2.1 Some main advantageous and disadvantageous aspects of organization

4.2.1.1 Organization as an indispensable prerequisite of the successful implementation of citizen participation

The know-how of organizing people and of keeping an organization viable, strong and powerful is one of the basic prerequisites for the successful implementation of strategies of citizen participation.

This is so because, generally spoken, in the long run only some kind of organization can be expected to represent the interests of a group and its constituent members sufficiently effective. The reason for this is simply that it is absolutely impossible for all citizens to serve continuously their community in the pursuit of its interests. So the delegation of these services, at least to some extent, becomes inevitable and indispensable. So does the delegation of power, since any action taken by delegates needs the power and the legitimation to do so by its constituency. Therefore, some members become, according to democratic rules (elections, etc.) responsible for carrying out all necessary steps to achieve the defined goals of the group, while others may become responsible for the definition of these goals and while again others may review both groups of elected representatives. Thereby the group can reach instantly through its representatives, if the appearance of a new situation may require this, and does not need to go through the whole process of announcing the new situation, calling for a meeting, holding the meeting, deciding who shall take steps and how shall be reacted. In other words, the group is equipped to prevent, or at least to counteract effectively, extortionate strategies of opposite parties who eventually may try to launch questions and make them serious obstacles for the pursuit of participants' interests at a critical point of time when the whole group as such would possibly never have an opportunity to get together, counsel, and make adequate decisions to adapt their strategies to the new situation.

4.2.1.2 Organization as an end in itself

Principally organizations tend to use up a part of the energy that is put in and frequently witness the tendency that their structures keep themselves alive just for their own sake, if there is no longer a motivation from outside for their existence.⁴⁸

The fact that organizations use up a part of the input energy is a result of the necessity to raise funds to support and to administer the organization itself. The raising of funds may indeed be energy consuming since most citizen participation groups will count the poor as their members so that it will be necessary to collect the money little by little and comparatively frequently. As to the self-administration of the organization: this seems hardly to be a problem because the organizational apparatus set up by participatory groups will always be small.

4.2.1.3 Implications of the evolvement of leadership

An important aspect of the delegation of power and the constitution of an organization is the development of leadership. This shows some positive as well as some negative consequences.

On the one hand, leaders becoming experts in the affair of urban planning and its pursuit in negotiations with planning officials will tend to get isolated from their constituency and become a new kind of inside manipulator (similar to the advocate planner who comes however from outside). This is frequently a problem that participatory groups have to deal with and that generally seems hard to be avoided.

On the other hand, however, leadership will provide for expertise, one reason being that representatives of citizens' group will, more than the other members of the group, be concerned with the analysis of data, the development of programs and strategies for implementation, and the negotiation of interests. The acquisition of expertise has to be considered as a great plus because the tendency of participatory groups to command only comparatively little knowledge of professional basics in the field of urban planning and to command little expertise therein is one of their main weaknesses. So, if not organized, they usually have little chance to really compete with their counterparts of the administration, who can easily play out the cards of better professional argumentation.

4.2.2 Mass-based organizations

For the purpose of participants one of the possible organizational options to choose is the mass-based organization. This kind of organization is especially well fitting for participants in urban planning.

4.2.2.1 Basic assumptions

One of the basic assumptions is that the planning process has to be seen in the context and as a part of the general political process and that therefore the use of power is indispensable. As the priorities in our modern, western-type, democracies are generally set by the economic and the political process, and as in addition the poor and underprivileged citizens do not command sufficient economic power, and as they are more or less excluded from the real decisive economic process, they have to rely for their participation on the equal access to the political process which is guaranteed by the constitution to the citizens. However, the power of an underprivileged single

participant is close to zero since his political power is practically restricted to the use of his vote, which is more or less considered to be subject to manipulation and therefore is of diminished value only. Consequently the way out of the dilemma is the aggregation of these very small power components. Provided a sufficiently large enough number of participants, who are willing to delegate their power and to contribute to the activity of the thereby established organization, a considerably powerful political element can be created, able to influence significantly the decision making process in urban planning: "There is nothing like 15,000 city voters held together by neighborhood, self-governing authority to get some resources from the city, the State and the Federal government."⁴⁹ In other words: Bringing together many followings makes it possible to amalgamate sufficient power to extract from the larger society - and its major systems - recognition of the organization, its representatives, and its demands. This thesis is backed up by Rein⁵⁰ advising the advocate planning "to collect and harness fragmented power in order to bring about planned change".

4.2.2.2 The structure of mass-based organization

The democratic mass-based organization is characterized by its fundamentally democratic anatomy.

First of all, the base of the power has to be understood. A mass-based organization's power is largely people. Other resources may accrue to the organization from time to time but its fundamental base is its constituency - the community. So, the first process of organization is to assemble this base, to aggregate this power.

The base may - most probably - consist of associations and organizations of a smaller scale than are already in existence (this seems frequently to be so in the U.S.⁵¹) or may - less probably - be constituted directly by the aggregation of single citizens. In any case a considerable amount of time will be necessary to organize the people. Time spans of usually one year up to four years (and even more) are the rule.⁵² The assembling of already established organizations into a mass-based organization will most likely require less time. Another plus is that this is the much more effective way of involving "all the people" than in some huge general membership process, as experience indicates.⁵³ The reason is, the organizational base tends to be more stable and can provide a more dependable and effective financial base than one would have by individual membership constituency and fees only.

The second process of organizing the organization is to authorize and enable the use of its power, since every organization needs to describe its power and the way it is going to be used: definition of a constitution and of policies. The constitutional organ will be some kind of general assembly, congress, convention, or whatever it might be called, that resembles the parliament, the legislative body of a democratic State and that is made up by representatives chosen either indirectly (namely as representatives of the constituting base organizations) or directly by the general membership body. The typical number of representatives on such assemblies will vary between 500 to 2500.

The next step for the organization will be to use its power to act according to those stated policies: executive action. The responsibility for the implementation of policies is on the side of some kind of a governing board that will be selected by the general assembly and that has the characteristics of a government.

Finally, a representative organization has to provide an accountability for its action or use of power: review.

The larger an organization, the more power it has, or the geography it encompasses, the more complex it becomes. In a large organization - like in a mass-based organization - the delegation of power within the organization is inevitable. The power gets fragmented into many divisions, committees, etc. This must not become chaotic. Therefore, such a differentiation of the structure and the subdivision of its main structural parts has to be carefully fitted into the whole and still has to serve the basic idea of assembling power, making it visible and using it for the realization of the defined ideas and goals.

4.2.2.3 The aspect of information and communication

A mass-based organization is characterized by a central and pervasive concern for communication. This is mainly an emphasis on the informal neighborhood network.

Word-of-mouth and face-to-face are the basic characteristics of MBO (mass-based-organization) communication, for communities of the have-nots are in the oral tradition. This is one place where the mimeograph machine is not good, and action is not defined by the size of the stacks of memos, reports, and other written paraphernalia. The telephone is heavily utilized, but not as a substitute for face-to-face contact. In the homes of the poor, a telephone is usually an absent luxury. Where a local radio station identifies with the MBO community, it becomes an important part of the communication network. The potential of television is largely unexplored because it is usually dominated by the establishment. There are some exciting proposals for development and use of closed-circuit television to serve dual purposes of communication and teaching in MBO communities. Thus far, costs have prohibited this development."⁵⁴

5. The compatibility of citizen participation and the democratic idea

A critical evaluation of the significance and the role of citizen participation in urban planning in a democratic society.

The organization of the planning process and the typical approach of planning being used, give proof of whether or not planning is considered to be a legitimate and accepted means of the democratic organization of a society. The application of socially relevant planning may be, on one hand, the manipulation of a so-called "democratic" mass society by a small power elite, while on the other hand, the application of socially relevant planning

may be the means of a rational conscious society, by which it tries to master its fate by its own. Therefore, the two categories, planning - and how it is used - and society - and how it is understood cannot be seen as independent from each other, both are closely interrelated and connected to the social development and welfare of a society. That is why the questions "who shall plan?" and "how shall it be planned?" cannot be answered without defining what democracy is and means.

So, a short description of the basic ideas of a democratic society will be given. Further, it will be attempted to outline briefly what the main characteristics of the two major categories of democracy, the direct and the representative one, are supposed to be.

From this base the role of citizen participation in urban planning and its relation to the social system, to the system of government will be traced. This in turn will provide the base for suggestions towards citizen participation as a compatible factor in a representative democracy.

5.1 The basic ideas of democracy

The basic idea of democracy is simply that men can govern themselves. The word democracy has its roots in the two Greek words "demos" (people) and "kratos" (rule of) and therefore freely translated means rule by the people. That is to say, the governmental power belongs to all people rather than only to one person. So, democracy can be defined as "self-government", or in other words, as government "of the people, by the people, for the people".

Certain fundamentals are necessary for self-government. They have developed during a long historical process within different countries and different cultures and had at different times different meanings. Among these fundamentals, liberty, concern for the general welfare, majority rule and respect of the rights of minorities are today considered to be main fundamentals.

As these fundamentals were developed, different conceptions of democracy were formed. Two main categories can be distinguished under which the different democratic conceptions can be filed: the concept of the direct democracy and the concept of the representative democracy. Within these two main categories a variety of conceptions developed to meet the requirements of specific societies with their specific set of social, social-economic, social-psychological, institutional, etc., conditions, values and goals.

5.1.1 The concept of the direct democracy

The basic idea of this form of a democracy is that both the nature of the interests of the constituents of this political system and the realization of these interests require mutual adjustment and aggregation. Further, the idea is that adjustment and realization can only be achieved by the constituents who make up and participate directly in the managing and governing processes of their society. And only by direct participation can agreement on the realization of interests be achieved, because political participation is not

just seen as a means to come to agreements but as a goal, a value in itself. This is to say that the constituents do not esteem just the private sphere of their lives as a way to achieve self-destination, self-realization, and self-fulfillment. They regard their playing-a-role and their participation in the public, political life as a sine qua non to achieve these goals.

The main assumptions and prerequisites of the theory of the direct democracy are: the number of constituents has to be small, the organizational and cybernetical problems that are to be dealt with have to be of the nature that they can be solved by the constituents themselves (so that experts are not required to contribute to the solutions) and the constituents be willing to work on solutions for these problems. While, to a certain extent, the number of those who are entitled to participate can be reduced by their definition, modern societies have become so complex today, the problems to be solved so difficult, the alienation of the individuals of a society from their society so strong, that today in its pure version this model of democracy seems hardly applicable to any existing modern society.

5.1.2.....The concept of a representative democracy

The basic idea of the representative democracy is that the tasks of governing and leading the society can be delegated.

By having delegates, the number of those running the society can be drastically reduced while the number of those living in a democratic society is theoretically unlimited. So each delegate represents a multitude of members in society (and their interests). The policies necessary to run a society can be discussed and negotiated in a clearly arranged, workable, small circle of representatives. Thereby, representative democratic societal structures eliminate one of the main problems of the direct democracy, namely that the number of members in society can only be small, because - by definition - they all have to interrelate in order to adjust and balance their interests and aggregate them towards a common policy by which they can govern society.

An inherent feature of a representative democratic system is that the delegates become experts in all questions of running a society. If not by thorough preparation and education they will command, at least through their permanent involvement in political questions, a reasonably greater skill and knowledge than the normal political layman.

In regard to the quality and effectiveness of political decision-making in a democratic society this is undoubtedly a great advantage of the representative over the direct democratic system.

However, inseparably connected to this plus is the loss of the individual's direct relationship to and his direct influence on the political decision making process. While in a direct democratic society this was something like a guarantee for keeping the members of society interested in all political questions and while this was repeatedly an incentive considered worthwhile to exercise one's own political will and power, it turns out that in a

representative democracy political disinterest and apathy become the typical, well-known and widespread pathological trait of the system. Consequently, close contacts from the citizenry to the representatives will not be established and the representatives will more or less become isolated from their electorate. This again has two consequences: the will and the goals of the people may no longer coincide with those of the "representatives" and these tend to establish their own class of political leaders.

At this point the basic idea of democracy - namely that men can govern themselves - would become turned into the contrary (that is to say, that people would be governed and power will be exercised over them by a class of leaders according to their will, to their own responsibility), if the institutions of "elections" and the "public" were not established. The idea of both these institutions is to guarantee a feed-back and control of the political leadership by the governed through critical discussion, evaluation, and reconfirmation, or withdrawal of the mandate.

However, today "public" on the level of the whole society falls apart because of the contradiction of the objective societal politization, on the one hand, and on the other hand, the simultaneous de-politization of the citizenry, whose political statements of will and commitments, become transformed into the relatively non-committal, non-public opinions and the so-called "public" opinion of political institutions.⁵⁵ As a well-known fact, however, these institutions (as well as all those who own or have power over all kinds of mass-mediae) develop a manipulative publicity.⁵⁶ The "public" becomes the goal of manipulation and a means to face upon non-controlled claims of power. Thereby, the essential democratic assumption that the government of men by themselves is because of the critical rationality of the members in society is led ad absurdum.

The same is basically true for the institution of "election".

Electoral campaigns are not run to enable the critical mind, the rationality of the politically conscious citizen to decide deliberately for the benefit of the society and himself, but to appeal massively to his hopes and fears, to his feelings, so that his well prepared subconsciousness will guide him when it comes to make the decision for whom to vote. Today the way the public mind and public opinion is produced is completely analogous to the way gone by commercial advertisement techniques to produce demand:⁵⁷ by all kinds of modern psychological influencing methods the public-will is built up by the political parties in accordance to their power interests. Therefore, the source of public and governmental will is no longer the peoples but the party headquarters.⁵⁸ Those win an election, whose party headquarters lured the best manipulative technicians, and not necessarily those who will present the better program, the better arguments.⁵⁹

5.2 The relation of citizen participation and the representative democracy

Representative democracy puts two major constraints on citizen participation; first, the principle of delegation and representation, second, the political responsibility of the delegates.

In contrast to the direct democracy, principally based on the plebiscitarian way of building the public mind, engineering consensus, and of making political decisions, the representative democracy is characterized, as described above, by solving all questions of running the society and governing the people by delegates of the people, the representatives. This principle of delegation and representation of political will and power would cause direct participation in a representative democracy to evoke the most serious malfunctions and consequences for the system. The representative democracy provides, by the institution of elections, for the instrument to hold the delegates politically responsible by withdrawal or granting anew the mandate. However, the political responsibility of the delegates would not longer be in existence, if any member of the society would have a right, also, to decide on the process of leading a society and governing a people. As on the other hand meaningful citizen participation -- that is to say a participation that has at least some authority to make decisions (as was pointed out above) -- requires to some extent the delegation of power, because power is an absolutely necessary prerequisite to make generally obliging decisions on the political level,⁶⁰ the exercise of citizen participation is only compatible with the idea of the representative democracy, if that delegation of power is institutionalized and keeps those responsible who receive that power and if the responsibility of the already institutionalized representatives is regulated anew. Otherwise, citizen participation would have to be left without any authority for generally obliging decision-making in order to keep it compatible with the idea and the values of the representative democracy. Since such a participation would hardly turn out to be either attractive or meaningful, the only way to achieve both -- the compatibility of participation with the system and the livability of citizen participation -- is to invent forms of participation within an institutional framework that fits into the given democratic system.

5.3 Suggestions for institutionalized forms of citizen participation being compatible with the representative democracy

Since granting direct authority of making generally obliging, political decisions proves to be incompatible with the system of the representative democracy as long as such a grant is not institutionalized, clearly defining the question of public responsibilities according to the basic principles of a representative democracy, two proposals will be suggested to provide for a proper role of meaningful citizen participation in a representative democracy.

5.3.1... Citizen participation by further differentiation of the political-societal system

This suggestion is directed to additional organizational provisions and to further differentiation of the political-societal system and its sub-systems.

As there is today the level of the states besides (or below) the federal level and as there is below the level of the states the local level, one could imagine additional levels in an altered model. These new levels to be established would have to be provided with specific and clearly defined responsibilities and authorities. As the existing three levels have their representative

institution, the parliament, and their executive institution, the government with the dependent administrations, so too could have the new levels.

By introducing additional subsystems besides (or below) the systems now in existence, one could, first of all, get by far a greater number of individuals as elected representatives of the people and a greater number as there is today being politically responsive. Their political engagement would have to be performed according to the defined principles of a representative democracy. That is to say, again, there would not exist a right for direct participation by everybody. Again, only the representatives - now however in greater numbers and representing smaller areas or a smaller part of the spectrum of public responsibilities - would command the right of political decision-making.

The advantage would have to be seen in the more sensitive division of the societal system and in the positively changed ratio of the represented to the representatives. Instead of 100,000 or even 1,000,000 of represented individuals of society there could be just 100 or 1,000 per representative.

This proposal to divide the whole societal system into smaller political and organizational units represents not a qualitative principle but a more gradual quantitative alteration being in conformity with the system as the evaluation of the whole system is concerned. Within the perspective of the citizen, however, this improvement of his opportunities for participation - being objectively seen as quantitative - may result in a new quality, because to him this alteration would mean getting a relatively real and therefore attractive chance to express and fight for his own ideas and to get some kind of meaningful response.

As a disadvantage of the proposed differentiation of society on the political level one could probably note that as a consequence of the enormously widened political organization of the system, a tremendously increased input of time and energy would be unavoidable.

One could further argue that this input has to be taken away from the production - and distribution - process of other goods and services. To a certain extent this is correct. Indeed, a significantly enlarged share of the overall human resources of the society would have to be contributed. These costs would, however, be used to enjoy the greater benefit of more effectively met demands - more effectively because better directed to the needs of the society and its constituent members.

Concerning the increased input, it would generate another beneficial output: the original ideal of the direct democracy - the complete self-realization of the individual by his deliberate, critical, rational and engaged participation in the public life of society could be realized to a significant extent. An education directed to this ideal - and the successful and visible practice of this ideal alone would be effectively educational - would cause the democratic ideal to get a higher priority in the minds and intentions of the citizens. Under the aspect of the trend towards more spare time in the

highly industrialized societies in their early post-industrial period of their development, it seems to be very likely that the necessary contributions of time and energy will partly be made voluntarily and within the expanding sector of spare time.

If seen under this aspect and related to the advantages mentioned above, the implicit disadvantage of this proposal - namely the necessarily highly increased inputs of human resources by time and energy - seems to be less important and more easily acceptable.

5.3.2. Significant citizen participation by citizen integration into the administrative planning process

While the first suggestion was good to the introduction of new societal subsystems, the second suggestion is directed to change the relationship between the administration and the administered.

The suggestion proposes to integrate, as early as possible, participating citizens into the administrative planning process, thereby avoiding the fatal subordination of the "powerless" citizens under the "powerful" public administration as well as their hostile polarization. On the other side the proposal will leave the authority of final decision-making with the existing political responsible institutions.

To some extent the proposal is based on existing models of cooperation between citizens and administration, which have already introduced to a certain degree the citizen component to the public administration. Thus the administration in Germany, for example, installed so-called "Widerspruchsausschüsse".⁶¹ These boards include - in a number of cases - both citizens and administrators, to review decisions that were previously made by the administration, but caused citizens' opposition and denial. The citizens on these boards have the task and the option to judge from their point of view about the contradictory decisions and to propose and vote for a new decision. This is not a law suit; although there are a number of parallels.⁶²

The concept of citizen integration into the administrative planning process would therefore mean that the administration would be obliged to cooperate, from the beginning on, with the affected citizenry as it comes to urban planning. It seems to be essential to institutionalize this new relationship and to define carefully the rule of cooperation. These would have to include exact determinations of the kind and extent of citizen participation, so it would not be necessary any longer to negotiate this point again and again. Further, it would be essential that the title of cooperation could be claimed in court, if necessary; that is to say: if the administration refused cooperation or tried to keep it short. In these cases the provisions have to be that any planning, so far developed exclusively by the administration, could principally not be realized.

In this regard the provisions of the German "Bundesbaugesetz"⁶³ could serve (to some extent) as an example. This law provides for regulations in favor of participating citizens in the regard that all plans -- before common council can pass them as a law -- have to be shown to the public for a certain amount of time.⁶⁴ Everybody can propose changes and criticize the plan. These "suggestions and criticisms"⁶⁵ have to be "taken into consideration" by the administration according to the criteria spelled out by the law, otherwise everybody can fight the plan in order to have it declared illegal.

This example is not intended to stand for exemplary provisions in favor of citizen participation; but obviously the BBauG provides at least a useful beginning to build on.

In extension of the regulations of the BBauG at least two additional main requirements seem to be absolutely necessary to provide for meaningful citizen participation: first, the integration of the citizen into the planning process as early as possible (as pointed out above); and second, a guarantee of a real and honest evaluation and consideration of the citizens' suggestions and criticisms.

The proposal of citizen integration into the administrative planning process raises a number of questions.

The interest of citizens and the probability of their participation may be regarded as a given fact, as urban renewal projects are concerned. However, who will represent the interests of future citizens as it comes to urban planning for new urban developments? As a matter of fact the future residents, e.g., of a new residential area, are not known at the time when the plan is evolved.

Another principal question is, how to integrate lay-men effectively into the planning process; a process about which they usually have no knowledge and to which they may probably contribute just their individual knowledge and experience of what people being affected by the plan expect.

Then there is the question of whether citizens can realistically be expected to participate in a process that may eventually never show a result, that will in any case last for comparatively long periods and that requires, for sure, a tremendous amount of time and patience of those being involved.

As to the question of "who is willing, able and legitimated to represent future constituencies not yet constituted" and as to the question of "how to prove certain minimum qualifications for participating citizen members of the planning team" it can be said: the realization of the proposal to integrate participating citizens into the administrative planning process may very likely generate attractive incentives for more and meaningful participation and a sufficient number of participants to establish on the side of the citizens some kind of an organizational network of urban planning groups. This would thus allow to represent future, yet unconstituted social groups by the delegation of participants for such areas. Accordingly, the principle of delegation and representation could be used for principal, overall planning issues, such as a city-wide land-use plan.

After a "break-in" period these locally oriented urban planning organizations would command enough skill and experience to instruct new participants. This would provide, to some extent at least, for the necessary skill of participants. About that the school system, universities and the administration itself could train participants and thus contribute to a more effective planning process.

As to the question of whether the amount of time necessary to participate meaningfully would not prevent people from getting involved in the urban planning process, it is to say that those obstacles such as time losses during working hours and financial expenses can be easily removed by some kind of reimbursement. That is no problem. As it comes to the considerable amount of time (to be spent as a donation of the individual's spare time for the idea of citizen participation), it is again assumed that there is and will be a trend to more spare time and a growing interest in urban planning and willingness to participate.

This assumption of a growing public interest in urban planning and the willingness to participate, on the part of the citizens, is however one of the crucial points in the discussion of citizen participation. If this assumption fails the whole idea is death-born.

Part B

Practical Realization of Citizen Participation

Part B consists of two main chapters: American Experiences and German Experiences.

The first main chapter will cover the main programs under which experiences were sought in the United States. This part will include short descriptions of the programs and the basic ideas that were intended to be promoted by the realization of these programs. Further, it will be attempted to trace, in greater depth, by using the legal provisions, the legal histories and policy guides as well as the descriptions of actual events found in the literature, how citizen participation developed during the past decade, what the results are and how they can be evaluated.

AMERICAN PROGRAMS AND EXPERIENCES

6. Main programs

"By the mid-1960's, problems of poverty and race in the nation's cities had reached crisis proportions. In an effort to help the cities solve their problems, Congress had adopted more than 100 new programs (not to speak of the many State programs and local efforts undertaken). Even so -- and despite impressive achievements -- it was difficult to see much progress. Problems were still multiplying and increasing in intensity. It was apparent that a new approach was needed."⁶⁶

Undoubtedly, part of such a new approach had to be citizen participation. In various forms this had already been a key element in the Kennedy administration's "Juvenile Delinquency Demonstration Program", based on the "Juvenile Delinquency and Youth Offenses Control Act of 1961"⁶⁷ and in the Office of Economic Opportunity's (OEO) "Community Action Program" (CAP), based on the "Economic Opportunity Act of 1964".⁶⁸ In 1966/67, the Department for Housing and Urban Development's (HUD) "Model Cities Program", based on the "Demonstration Cities and Metropolitan Development Act of 1966",⁶⁹ was launched.

These three programs are generally looked upon to have been the "testing grounds for the evolution of the foregoing ideas of involvement".⁷⁰ Each of these act as a conduit for federal funds, each is aimed at local program development, and each has encouraged organization of the affected citizenry as well as their participation in the policy making process.

These three programs will therefore be introduced and discussed in this paper. The first two programs will be presented here, not the least for the reason that they were the predecessors to the Model Cities Program. Thereby, the discussion of these programs will show the development of the idea of citizen participation and will contribute to the understanding of the latter one, which -- since being the more relevant program for this paper -- will be discussed in more detail.

6.1 Antecedent programs to the Model Cities Program

6.1.1 The "Juvenile Delinquency Demonstration Program"

6.1.1.1 Basic intentions of the program

The Juvenile Delinquency and Youth Offenses Control Act of 1961 is "an act to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency problem."⁷¹

The relevance of the program, developed under this law, for this paper has to be seen in the program's conception that the strength (or weakness)

and the involvement of a community can itself be a major factor to achieve a political goal of a governmental program.

6.1.1.2 Analysis of legal provisions and policy guidelines

The policy guide⁷² to the presentation of proposals for funding under Public Law 87-274 expresses clearly and specifically the basic assumption of the program: "... increasing the competence of target area residents and organizations... will be expected to increase the capacity to participate more effectively in decision (making)...", and "... such a capacity would facilitate the attainment of the project's goals".⁷³ Furthermore, the policy guide requires that "... evidence must be shown that careful thought was given to plans for increasing the competence of... organizations".

With regard to the findings of Part A of this paper,⁷⁴ this requirement appears to be the indispensable consequence of the formerly spelled out expectation that citizens can contribute to the attainment of the project's goals.

The requirement to increase the competence of organizations resulted in a development of concepts for such neighborhood organizations as well as in strategies for increasing the competence of the residents themselves. Such strategies were:

- "1. To increase the ability of local residents to participate in and influence the social and political life of their community.
2. To identify, document, and dramatize community needs.
3. To widen channels of communication between lower class persons and institutional personnel or decision makers.
4. To increase community integration.
5. To improve the confidence of the leaders to deal with grievances and to defend their constituents' rights and privileges".⁷⁵

6.1.1.3 Evaluation

These strategies reveal what the program was basically invented for: to serve as some kind of therapy (to cure the poor from the pathological symptoms of their class-culture -- such as apathy, disinterest, defeatist attitudes, negative self-images⁷⁶ -- and thereby get a basis to engage them in desiring a better future, to make them learn using better the available resources) and provide better information. Strategies 1, 2, 4 and 5 apply to the aspect of therapy, respectively group therapy, strategy 3 applies to the aspect of providing better information. Both of these kinds of strategies to involve citizens were earlier defined as a "pretended form of citizen participation"⁷⁷ and a "form of tokenism".⁷⁸ Both kinds were found -- since they provide no power for citizens in the decision making process -- to be (at the best) either a sign of good will given by the powerholders⁷⁹ or (at

the worst) another way to keep citizens away from genuine participation.⁸⁰ At least there is no follow-through, and no assurance that the will of participants will seriously be given consideration.⁸¹ Accordingly, Mogulof thinks that "eight years of history have made the quality and quantity of neighborhood involvement in juvenile delinquency policy-making seem at best minimal".⁸²

However, the program provided at least many important steps for the issue for future neighborhood involvement. There was some encouragement of lower class citizens to organize themselves and some stir to get involved (by getting informed about what was on in the political process of the pursuit of the ideas represented in the program). And in this regard the efforts under this program and the achievements made can be considered as predecessors to similar and further-going efforts in the "Community Action Programs" and later in the "Model Cities Program".

6.1.2 The "Community Action Program"

6.1.2.1 Basic intentions of the program

The Economic Opportunity Act of 1964 is "an act to mobilize the human and financial resources of the Nation to combat poverty in the United States".⁸³

The relevance of this law for this paper has to be seen in the Community Action Program (CAP) being one of a whole bunch of programs under the Economic Opportunity Act. It was intended to "stimulate our communities to initiate local action programs to attack the roots of poverty".⁸⁴ Of interest, is Title II of the law which "concentrates on poor communities and will stimulate and help them to undertake, through the efforts of local governments and organizations and local people, concrete programs to attack . . . poverty".⁸⁵ Further, it was intended to "carry out a multifaceted coordinated attack on the interrelated causes of poverty".⁸⁶

"Politically it is by far the most explosive program because it is the only one that requires 'maximum feasible participation' by representatives of poverty areas . . .".⁸⁷ Just that makes the program relevant for the discussion of participatory efforts in this paper, namely: the basic idea that maximum feasible participation of residents and groups of the target areas provides the basis to tackle the problems of the poor.

6.1.2.2 Analysis of legal provisions and policy guidelines

The relevant basic provision of the law concerning citizen participation has to be sought for in Title II. Sec. 202(a) of P.L. 88-452 defines a CAP as being one

- "(1) which mobilizes and utilizes resources, public and private, . . . in an attack on poverty;
- (2) which provides services, assistance and other activities . . . (to improve) human performance, motivation and productivity, and

- (3) which is developed, conducted and administered with the maximum feasible participation of residents of the areas and members of the groups served . . . "88

Accordingly, the CAP-guide states clearly that neighborhood residents are to be part of the program's policy apparatus:

"A vital feature of every community action program is the involvement of the poor themselves . . . in planning, policymaking, and operation of the program", and: "to be broadly based, a Community Action Agency (CAA) must provide ample opportunity for participation and policymaking by . . . population to be served by the Community Action Program".⁸⁹

However, almost contrary to the sense of the law, which expresses its concern for "maximum feasible participation",⁹⁰ and contrary to what the guide stated before, this policy-guide indicates in a later paragraph: as minimum standard for representation on the policymaking boards would be considered at least "one representative selected from each of the neighborhoods or areas in which the CAP will be contracted".⁹¹ No wonder that Mogulof reports minority leaders making "a battleground over the creation of CAA policy boards in a way that had never occurred"⁹² before. (The conflict between the legislative language and the officially stated policy was resolved later by adopting the amendment⁹³ requiring that at least one-third of a CAP's board had to be representative of the poor).

The representation of the poor on policy-boards was one concern of the CAP. The other one was the democratic selection of these representatives. The CAP guide asked for a selection process to be "designed to encourage the use . . . of traditional democratic approaches and techniques -- such as group forums and discussions, nominations and balloting".⁹⁴ The democratic approach was to be stimulated by "grass-root involvement", committees, by block elections, petitions and referendums". Further the guidebook required that residents should be given ". . . meaningful opportunities . . . either as individuals or in groups, to protest or to propose additions to or changes in the ways in which a community action program is being planned or undertaken".⁹⁵ Obviously it was the hope that thereby the possibility could be minimized "that a representative does not command the support or confidence of the group that he represents".⁹⁶ This concern was indeed justified since the CAP dealt with areas . . . areas that were very often politically very little structured because of the people living in these areas represented the very bottom of the social scale.⁹⁷ If the areas had not been involved in the Juvenile Delinquency Demonstration Program there was hardly a point where to start. Consequently, the OEO field staff was concerned with:

1. Low-income representation ("to approximate one third of the representatives of the policy boards" and "such representation be selected by those being served")
2. Representation of key minority groups (" . . . representation from the key minority group is not necessarily representation from the low-income sector; rather it should more appropriately be seen as part of our general community representation sector")

3. Neighborhood councils ("... the poor themselves need to be placed on these councils")⁹⁸

Neighborhood councils were seen as vehicles to involve citizens and to provide a constituency base for those representing the neighborhood on the CAA policy body. The later was undoubtedly for those who ran the program, the OEO, the more important part⁹⁹ (at least for some time as Moynihan restricts).¹⁰⁰ Therefore, in many Community Action Programs the first funding efforts were toward a central administrative structure and something labeled "neighborhood organization".

The concern for more democratic selections of representatives resulted in forming responsive constituencies and creating neighborhood organizations. A side effect was that neighborhood organizational needs were regarded as distinct and separate from the larger community. "Where . . . staff services and other resources, including equipment and facilities . . . are absent or without the confidence of the poor, staff can be made available for the purpose of developing autonomous associations and organizations".¹⁰¹

6.1.2.3 Evaluation

The Economic Opportunity Act of 1964 (and the 1966 Quie amendment) provides for "maximum feasible participation" of the citizens. This could be considered to be much more than the provisions under the Juvenile Delinquency Demonstration and Youth Offenses Control Act of 1961.¹⁰² However, the minimum standard originally set by CAP (namely that "one" representative resident to be seated on the policy-making boards would be considered as sufficient) and the later provision (namely that at least one third of the board members had to be representatives of the residents of the serviced areas) cannot be evaluated to have provided for a significant opportunity for citizens to participate meaningfully. A policy board always can easily outvote a one-third minority and will do so for sure, if - as is most frequently the case - such opposite groups are seated on the same board like the white middle-class majority - representing the involved agencies - and the poor, black lower class minority - representing the community.

The nice clause that the selection process of representatives should be designed "to encourage the use of traditional democratic approaches" (wherever feasible) does not improve the situation for the poor and is not much more than the sweet trimming around the bitter core of CAP.

Many results of the efforts under CAP cannot be evaluated to be much more than "manipulation" of the have-nots and underprivileged, their "therapy" and "placation".¹⁰³ Giving a mere one-third of the seats of a policy-making board to the poor may perhaps be a sign of good will that one is going to consider the situation of the underprivileged and that one thinks something should be done. But it is nothing more. It is by no means an offer to work together in a partnership, or even to delegate power, not can it be attractive for citizens to participate. The results speak for themselves. Elections among the poor to choose representatives for the CAP

governing boards turned out to be successful as this: the turnouts were in Philadelphia 2.7%, Los Angeles 0.7%, Boston 2.4%, Cleveland 4.2%, Kansas City 5.0%.¹⁰⁴

However, not everywhere were CAPs manipulated, the involved citizens placated. Mogulof reports of "... three large cities ... in the Western Region of OEO (where) CAA's (Community Action Agencies) gave to their neighborhood councils veto power over any CAA programs to be funded in their neighborhoods".¹⁰⁵ Moynihan reports the case of Syracuse as an example where, "In a city of 222,000 inhabitants, with only 16,000 Negroes, the Crusade ('Syracuse Crusade For Opportunity') began with a white majority on its board." But "systematic agitation began among the Negro poor, demanding that Negroes take over Crusade For Opportunity. Early in 1966 the white Jewish executive director resigned ... and was replaced by a militant Negro, James Tillman, Jr. A year later, Negroes acquired a majority on the Board itself, and a Negro board chairman was chosen."¹⁰⁶

Arnstein¹⁰⁷ refers to cases like these as "... the genie of citizen power ... which ... had escaped (in a few cities) from the bottle as a result of the provision stipulating 'maximum feasible participation'" and thinks that "negotiations between citizens and public officials (could) also result in citizens achieving dominant decision-making authority over a particular plan or program." "CAA (boards) on which citizens have a clear majority of seats and genuine specified powers are typical examples. At this level ... powerholders need to start the bargaining process ... to resolve differences."

Conclusion:

Obviously the intention was, when the law was designed, to provide indeed for maximum citizen participation. However, as it came to the realization of the legal provision, cuts were made. While in a number of cases strong engagement of citizens could achieve by apt negotiating and/or blunt threatening¹⁰⁸ powerful positions on policy-making boards, the opposite seems to be more frequently the rule: namely, that the so far not organized, incompetent residents (at which one of the main concerns¹⁰⁹ of the law was aimed) were kept out of decision making at a meaningless, little attractive level of participation.

6.1.3 The significance and effects of the Juvenile Delinquency Demonstration Program and the Community Action Program for the evolution of the idea of citizen participation

Both programs have a number of features in common as well as they differ significantly in some points relevant for the discussion of citizen participation.

6.1.3.1 Common features

Both programs intended to mobilize the entire community, to energize and organize the residents of the target area. They did "not only correspond in

detail, lent in the priorities assigned to the various activities".¹¹⁰
 "A striking quality about the MFY proposal (Mobilization for Youth) is the degree to which its Program for Action corresponds in structure and detail to the Economic Opportunity Act that was presented to Congress two and a quarter years later" ¹¹¹

Common features of both programs were:

1. Establishment of local organizations (to define the nature of the problems prior to organized intervention).
2. Emphasis on local program development (to meet assumed local differences about the problem).
3. Designation of a clearly defined population or area of service.¹¹²
4. Predominance of programs in neighborhoods occupied by the black poor.
5. Formation of a policy-making body by the sponsoring agent.
6. Encouragement of "coming together" of the effected citizenry at the neighborhood level.¹¹³

Numbers 1, 2, 3 and 6 are indispensable prerequisites for the introduction and establishment of citizen participation as was demonstrated within Part A of this paper.¹¹⁴

Number 5 may be considered as such a necessary prerequisite from the viewpoint of the sponsor of the program (that is to say some public administrative body, be it an agency founded especially for that purpose, or whatever). Under the sponsor's viewpoint the formation of a policy-making body under his guidance probably appears as the most efficient, or even the only possible way to bring such a body into existence. This coincides, however, with the comfortable and easily accepted side-effect that he, the sponsor, has to a good deal his hand in the composition itself of the board, what it will look like and how it will work. But just this makes the formation of a policy making body by the sponsoring agent a controversial affair, because from the viewpoint of the citizens the formation -- and later its decision-making function -- of that body receives a new quality: namely, that of a new manipulative instrument.¹¹⁵ Although one may assume that originally the creation of such a manipulative body was not intended, when the Juvenile Delinquency Act and the Economic Opportunity Act were designed, one has at least to take into account that it was frequently handled as such.

No. 4 reflects the role and situation of the blacks in the U.S. - American society¹¹⁶ which in turn explains their role in the discussion about citizen participation, and which should be kept in mind in order to understand the situation correctly. One implication is that the development of the two programs discussed here "have been influenced by - and have influenced - a parallel black community movement away from integration toward a focus on independent black community development."¹¹⁷

6.1.3.2 The evolution of the participatory idea in the Community Action Program compared to the Juvenile Delinquency Demonstration Program

As these two programs are to be compared, it may be pointed out that there was "in a remarkably short period of time, as measured from the start of the Delinquency Program (1961) to the Quie amendment, . . . a radical shift in the notions of legitimacy for federally funded decision-making bodies".¹¹⁸ While in the former one, it was regarded as sufficient that "careful thought" was given to plans to increase competence of residents and organizations, it was in the latter one necessary to prove that "maximum feasible participation" was achieved in order to get programs federally funded.

Concerning this, there "was an equally important movement to democratize the way in which . . . representatives were chosen".¹¹⁹ "It was only in the Delinquency Program where . . . the selection of such representatives was always at the discretion of the sponsoring agent, with no formal attempt to have the affected neighborhood select its own representatives."¹²⁰ Therefore, there was basically "no significant representation from the neighborhood".¹²¹ As to the Economic Opportunity Act, however, provisions were made to "encourage the use . . . of . . . democratic approaches"¹²² in order to minimize the possibility that "a representative does not command the support or confidence of the group . . . he represents".¹²³

6.2 The "Model Cities Program"

The Model Cities Program deals more directly with urban planning than the Juvenile Delinquency Program and the Community Action Program. Therefore, this program shall be discussed here in further detail.

To understand the following chapters, one should know that the provisions were that cities eligible under the program "were to receive one-year planning grants with which to prepare Comprehensive Plans to "improve the quality of life" in their Model Neighborhoods. Both implementation and on-going planning would occur over a five-year demonstration period. Nearly 200 cities submitted applications for the (so-called) first round of planning grants . . . indicating a high degree of determination on the part of the cities to attack their tough social, economic and environmental problems HUD selected 75 cities for the first round of planning grants".¹²⁴

6.2.1 Basic intentions of the program

"The Model Cities program is designed to concentrate public and private resources in a comprehensive five-year attack on the social, economic, and physical problems of slum and blighted neighborhoods. Authorized by Title I of the Demonstration Cities and Metropolitan Development Act of 1966, its purpose is to upgrade the total environment of such neighborhoods".¹²⁵

"The Model Cities program is not slum clearance or strictly physical rebuilding. The . . . program also emphasizes treating the social and economic needs of residents."¹²⁶ However, "increasing the supply of adequate housing is a major goal":¹²⁷ "the proposed target area . . . should be largely residential, and a substantial portion must be hard-core slums with a high concentration of low-income families."¹²⁸

"Residents of the neighborhood and the city as a whole (including labor, business and other civic groups in the community) should have a hand in identifying problems, planning, and carrying out the program. To assure them a meaningful role in improving and rebuilding their communities, neighborhood must have clear and direct access to the decision-making process in the Model Cities program."¹²⁹

Generally speaking, "the Model Cities program is as much interested in the process by which cities develop plans and programs . . . , as it is in the actual plans and programs themselves."¹³⁰

6.2.2 Analysis of the legal provisions, policy guidelines and reports

Section 103(a)(2) of P.L. 89-754¹³¹ requires that a program under this act has to provide for "widespread citizen participation" to be eligible for federal assistance. HUD's CDA¹³² Letter No. 10B defines: "Citizen Participation for Model Cities programs is the continuing process of citizen interaction with local government in the development of policies, plans, and programs and in the execution of these programs"¹³³ and, furthermore, gives "Criteria for meaningful citizen participation:

1. A representative structure
2. Timely receipt of relevant information
3. An ongoing communication between citizens and local governments . . .
4. The availability of adequate resources by which citizens can receive assistance in understanding policies, plans and programs
This shall be provided through the staff of local government, the staff of program agencies, financial resources for independent technical assistance."¹³⁴

While the definition speaks of citizen participation as a process of "interaction" -- without specifying this term -- and the criteria call for "ongoing communication" between citizens and local governments, the earlier CDA Letter No. 3 on citizen participation still states that: "the neighborhood citizen participation structure must have clear and direct access to the decision making process of the City Demonstration Agency so that neighborhood views can influence policy planning and program decisions".¹³⁵ "The city government, as the principal instrument for carrying out the Model Cities program, will be responsible for insuring that whatever organization is adopted it provides the means for the model neighborhood's citizens to participate and be fully involved in policy making, planning and the execution of all program elements."¹³⁶

However, again, no indication is given what exactly can be understood under "influence" or being "fully involved".

Instead the responsibility of city government is stressed - because it is "the principal instrument for carrying out the Model Cities program" - and compared with the role of citizen participants the role of the city is defined much more clearly: "... residents cannot run the program apart from the city government. . . ., since a successful . . . program depends on . . . services which are largely the responsibility of the city government . . . "137 And: "the elected government of the city or county has final responsibility from the local Model Cities program".138 "All HUD funds for the Model Cities program go to the city government. There are no direct contacts between HUD and local citizen's organization HUD's objective is to encourage a working relationship between neighborhood and city government".139 Finally: "The city is responsible for selecting the (model neighborhood) area after consultation with and recommendation from interested citizen groups and residents."140

6.2.3 The emergence of powerful, autonomous citizen participation

So far two things have emerged:

1. the less clearly defined, smaller role of citizen participation in the program ("less clearly" and "smaller" is compared to the provisions of the Economic Opportunity Act) and
2. the dominant role of the city government in the program.

These two conditions obviously do not favor too much citizen participation.

However, most unexpectedly, citizen participation emerged as a powerful momentum and furthermore even escalated¹⁴¹ considerably during the planning process.

It came unexpectedly because the Model Cities legislation had quite deliberately provided just for "widespread" citizen participation, a much milder formulation than the "maximum feasible" participation formulation of the Economic Opportunities Act, the legal predecessor. About that there was "the definite proviso that . . . the local municipal authority would retain ultimate control and responsibility for the program."142 According to these provisions "applications for planning grants were developed by city hall with some help from a number of city wide agencies Little or no resident participation went into most of the original planning grant applications . . . "143

The city of Atlanta may be taken as a typical example to illustrate this situation.

There, immediately after the Model Cities program became a fact, an ad hoc task force was brought together to prepare the application for the first round of planning grants under Model Cities. This task force was set up by

order of the Mayor and contained representatives of existing State and City agencies, including the City Planning Department, the Housing Authority, the Community Council for the Area, the School Department, the Metropolitan Regional Planning Commission and the State Employment Service. "No residents from potential Model Neighborhood Areas were asked to join this group."¹⁴⁴

The omission of citizens in the drafting of the application did not cause conflicts. The reason was that the citizens were simply manipulated. They were told that the application was not a plan and that lengthy discussion would jeopardize getting the federal grant, because of time limitations set by HUD. Further, citizens were promised that later in the planning process they would be involved in a meaningful way. Although the city was correct in that the application was not a plan, that there was a time limit set by HUD and that the administration (probably) intended to involve participants more meaningfully at a later time, the full truth is, however, that it was from the beginning the declared intention of the Mayor "to make Atlanta first".¹⁴⁵ And indeed Atlanta's application was the earliest to be submitted (delivered by the Mayor personally!): a month and a half before the deadline arrived (out of five months!). Furthermore, it was only partly correct to maintain that the application was not a plan, for the future structure of the CDA, its responsibilities and authorities, the structure and position of the Technical Advisory Board, the Executive Board and of the Model Neighborhood Area Council were carefully designed as a part of the application. Almost unnecessary, now, to say that the CDA was to be directly attached to the Mayor's office, that the Executive Board was to be the policy making body and not a single resident belonged to it, that the Technical Advisory Board was solely made up of agency representatives. Finally, just the Model Neighborhood Area Council would be composed of resident representatives. Its (overwhelming) function: to review, comment and endorse (!) the proposals and questions presented to it.

However, after submittance of the applications citizen participation grew strong in most cities during the eight-month HUD selection period. The reason was that "several related events took place . . . which had an effect on the program".¹⁴⁶

"In most of the cities the Model Cities developments during this entire period¹⁴⁷ were dominated by the struggle of neighborhood residents with City Hall for various degrees of power or control over the program . . . neighborhood resident organizations . . . had determined . . . to fight their way into a position of greater decision-making power than city administrations wanted to give them."¹⁴⁸ "Neighborhood power and a measure of control, envisioned neither by HUD, nor by the cities, gradually began to slip in under a number of negotiating tables."¹⁴⁹

To take again the example of Atlanta: immediately after the application was submitted, people became aware of the significance of the application for them.¹⁵⁰ All hell broke loose: Negro leaders of the Model Neighborhood castigated the absence of Blacks on the Technical Advisory and Executive Boards. "A riot broke out during the summer in the Dixie Hills area."¹⁵¹ While City Hall responded with moderation ("in typical Atlanta style"¹⁵²) and

sought the causes in others' failures ("if only HUD would hurry up"¹⁵³), leaders of the black population intensified their criticism of the citizen participation component of the Model Cities application. "At the same time the board of Aldermen showed more willingness to increase resident involvement":¹⁵⁴ one resident, last and not least, was added to the Model City Executive Board by appointment(!).

When Atlanta was notified that it had become a Model City, it received a discussion paper from HUD that raised among other issues also the issue of citizen participation. The city prepared a formal response stating, among other changes, that six Model Cities residents would be added to the Model Neighborhood Executive Board and would be elected by area residents in a Mass Convention. "The City's response to HUD's discussion paper seemed to significantly enlarge the role of residents. However, the amendments were more a result of events occurring at that very time, than any change of heart on the part of the staff and City officials."¹⁵⁵

6.2.4...Conclusion

As a result of the analysis of why neighborhood residents have "come on strong", why their participation emerged so powerfully, it may be concluded that the following three main factors came together:

1. Citizen participation groups realized that they had got tremendous leverage over city hall in the fact that they could prevent their cities from receiving a contract with HUD unless their own channels of power and control over the program were satisfactorily established. This was a direct result of HUD's announced policy that any plan would be regarded not to be eligible for being contracted that did not "spell out" how fully involved participation of model neighborhood's citizens in policy making, planning and the execution of all program elements was to be carried out.¹⁵⁶ To prove this, the city needed agreements of citizens groups. And many -- but not all, compare Atlanta! -- were aware that by holding their agreement back, the city would face losing enormous federal grants and would therefore be willing to negotiate the role of participatory groups. The position of aware participatory groups thus became close to extortionately strong.

2. A social dynamism existed in many disadvantaged neighborhoods proposed for funding under the Model Cities Program. This dynamism probably goes back to the Community Action Program and to some degree further back to the Juvenile Delinquency Demonstration Program. Participants had already developed experience in organizing themselves, in formulating objectives (and strategies to achieve these), in bargaining with city hall and, not at least, in knowing about the power that riots, or the threat of riots, had given them.¹⁵⁷ (And at places where citizens had missed using their power before applications were submitted - like in Atlanta - just this, riots or threats of riots, turned out to be a powerful argument to receive more influence on decision making in a later stage of the planning process.) In addition, citizens knew that a one-third minority on policy making boards that they had held in CAP's were good for being outmaneuvered and outvoted by the other two-thirds of votes belonging to representatives of other than their interests.

They knew that if their participation in Model Cities was to be meaningful they needed to gain substantially more power.

3. Because most of the submitted applications showed clearly that they were a product of a small group of insiders of the administration and very little access - if at all - was given to citizens to participate in the process, HUD required, or at least supported, redefinition of the role of participating citizens. Thereby HUD forced the administration to re-open anew the negotiating and bargaining process on the role of citizens in Model Cities planning and execution.

It was mostly these three factors which provided for a meaningful role of citizen participation in many cities despite the deliberately thought-out provisions for a somewhat cut-back kind of citizen participation in the program and despite the provision that city government would command ultimate control over the program. Apt and aware citizen participation groups had a real chance to participate, as they had a real chance to gain a significant amount of power. So, dependent on the involved citizens, participatory groups remained either on the level of manipulation through established powerholders or were able to climb up the ladder of participation to the level of partnership, delegation of power or even citizen control.

GERMAN EXPERIENCES: LEGAL PROVISIONS AND THEIR CRITICAL EVALUATION¹⁵⁸

In Germany - similar to other technically and culturally "advanced" nations - a tendency towards the organizational society can be observed that is frequently accompanied by a consolidation of its managing classes plus their separation from the remaining societal system and by a more or less extensive alienation and exclusion of that remainder from decision-making and managerial process of the system. Against this kind of background those efforts for democratization and more participation have to be projected and evaluated that can be observed in Germany for some years.

The discussion concerning these efforts was - and still is - led extremely vigorously among students and labor union members. The main field of their efforts has undoubtedly been the participation in decision making in plants, enterprises, parties, the unions themselves, schools and universities. That is to say - in a general category spoken - the main field of these efforts have been participation that is directed at a democratization of inner-organizational structures respectively of the subsystems within the whole social system. This emphasis on inner-organizational structures is a main characteristic of the German societal development.¹⁵⁹

Since urban planning is - abstractly spoken - nothing else than "the projection of anticipated future main functions of a society in the spatial context",¹⁶⁰ this second main chapter of the second part of this paper will deal, too, with participation in a societal process. A process that is of outstanding significance. This chapter will not deal with inner-organizational social structures and processes, where the emphasis for more participation has been during the past years.

The two relevant German¹⁶¹ planning laws - the "Bundesbaugesetz" of June 23, 1960¹⁶² and the "Stadtebauforderungsgesetz" of July 27, 1971¹⁶³ - will be used here to trace the quality of citizen participation in urban planning and the extent to which it is provided for. Significant legal passages of the law will be quoted, analyzed, and evaluated, and both laws will be compared to each other, finally.

7. The relevant laws

Both the "Bundesbaugesetz" of 1960 (BBauG) and the "Stadtebauforderungsgesetz" of 1971 (StBFG), are classified as laws of the category of the building laws, where they belong to the subcategory of the urban planning laws.

This subcategory emerged during the past hundred years out of the category of building laws, where they originally contained - as building codes - laws of police character in order to avert dangers, such as fires, collapsing of structures, etc. Consequently that part of the administration responsible for the enforcement of these codes was called "building-police" (board of surveyors). This was true to the very recent past and undoubtedly this kind of descent had - and still has - some negative impact on the relationship of citizens to the planning administration.

This is even more the case, as most citizens usually get first contact to the board of surveyors in questions of urban planning, which are in some way related to them: it is the board of surveyors that watches over the correct realization of urban plans, and questions of urban planning mostly become acute for the single citizen (at least up to now) in the case that he has some intentions to build, rebuild or extend existing buildings or to change the kind of use on his property.

While the subcategory of urban planning laws was developed out of the building codes, in recent years the subcategory of regional, state and nationwide planning laws emerged out of the context of "urban" planning laws. This has become an own, distinct field and clearly is directed to planning within larger fields of concern than the urban planning laws do. These deal with planning on the local level of a municipality as a whole or parts of it.

It is assumed that planning on the local level affects more directly (and more easily conceivably) the people, than planning that deals in a state or nationwide framework. Therefore only the BBauG and the StBFG shall be analyzed here.

The StBFG supplements the BBauG, which is in turn part of the StBFG. Both laws were passed by the parliament of Western Germany in accordance with its legislative frame-competence on this field. The realization of these laws is, however, within the full responsibility of the municipalities, since urban planning is regarded to be one of the issues, which are subject to the self-administration authority. This authority is guaranteed to the municipality by the Germany basic-law (constitution).

The BBauG replaced more than 70 preceding laws, by-laws and ordinances and unified and extended a field of jurisdictional and legal concern that was split up in great variety and was handled differently by the 11 states and the great number of municipalities in Western Germany.

7.1 The "Bundesbaugesetz" of 1960

7.1.1 Contents and basic intentions of the law

The basic intention of the law is to guide, promote, respectively restrict (where necessary) the urban development and the use of land in cities, towns and villages.¹⁶⁴

To achieve this purpose the law provides for two kinds of urban plans and details the principles and procedures of the planning process as well as dealing with steps to be taken that a conceived plan can in fact be realized. Furthermore, it deals with the order and the arrangement of the land and its property status, with the applicability and use of expropriation of land-owners, with the urban infrastructure, etc.

The one of the two kinds of urban plans that are requested by the BBauG is the so-called "preparative plan" or "land-use plan".¹⁶⁵ This kind of a

plan shows the concept of the intended general and overall urban development and the thereby resulting land-use in a given, entire municipality (or sometimes in a cooperating number of them).¹⁶⁶ These plans do not affect directly and legally the citizenry or a private body. But they do bind:

- a) all relevant branches of the public administration (since they were involved in the planning process and had opportunity to influence the plan according to their ideas) as well as they bind
- b) all other "representatives of the public interest" (since they, too, had an opportunity to participate in the planning process).¹⁶⁷

The second kind of urban plans are the so-called "compulsory plans".¹⁶⁸ They are based on the "preparative plan" of a municipality and usually show smaller pieces of it in significantly greater scale and are by far more detailed and explicit. The plan shows precisely for every piece of property the future applicable use of land, zoning determinations, etc.¹⁶⁹ "Compulsory plans" become local law and legally bind all natural persons and jurisdictional bodies, public or private, to the same extent.

For the individual, as well as for the private body, these plans become mostly relevant only if they intend to build or to change the use of existing buildings or the buildings themselves. This is so, because the compulsory plan limits - sometimes to a considerable extent - the rights of ownership (as the free discretion over the land that one may own) in order to guarantee the achievement of the established goals of a plan, and because therefore the compatibility or incompatibility of a project with the planning ideas is to be determined on the basis of the plan.

The relevance of the BBauG for this paper has to be seen in the fact that it is the basic and comprehensive law for all urban planning on the local level in Germany and that it is on the local level, where citizens are most sensitively exposed to the effects of space related planning. This is so, because

- 1. it is their environment that is affected
- 2. it is here where their freedom of ownership may be restricted. And just because of these restrictions of citizens' interests one can expect their participation to take place most probably (if at all!) in connection with compulsory planning on the local level.

In addition, it is on the local level, where citizens usually command most (of their sometimes little) experience in the field of urban planning, where therefore they can be expected to be mostly interested in and have the greatest opportunities for their contribution to and participation in the urban planning process.

7.1.2 Analysis of the legal provisions

7.1.2.1 Quotations

The relevant provisions are few. Within the first part, first chapter - "General Provisions" - the law requires that both described plans (see above) shall be determined - among many other criteria - by "the social and cultural needs of the population, its safety and health", and that the plans shall serve "the housing requirements of the population".¹⁷⁰

This first chapter gives instructions for the planning procedure and indicates, for example, that "conceptualizing the plans such public authorities and such bodies shall be involved, who represent the public interest".¹⁷¹ When the plan is ready for a vote in the representative political organ of a municipality, private interests may enter the process: "The municipality has to display publicly the concepts of the plans (together with an explanatory report and the arguments for the plan) for the duration of one month. At least one week in advance, place and duration of display have to be announced as "locally usual", pointing out that "criticisms and suggestions may be brought forward during the display. . . . The municipality examines the criticisms and suggestions being brought forward during the time of display and announces the result".¹⁷²

As soon as the representative political body of a municipality has voted for the plan and as soon as the controlling "upper" administrative authority (state administration) has attested the legality and correctness of the planning process and of the adopted plan, "Everybody can request information on the contents of the plans, the explanatory reports and supporting arguments".¹⁷³

There are no more provisions in regard to the participation of citizens in the planning process.

7.1.2.2 Discussion of the legal provisions

How do these legal provisions affect citizen participation? Of what kind may the participation be that is feasible under these provisions?

Some main characteristics of these provisions seem noteworthy:

First: it has to be pointed out that the law speaks of the public interest and how it shall be involved. However, no such a thing as the private interest is explicitly mentioned.

Obviously the representation of public interests are equated with the public benefit. The public interest as such is conceived as existant and well organized (which it is indeed). So, the law provides for its representation and incorporation in the planning process according to a certain procedural mode and by certain representatives.

On the other hand, there is no indication that the law assumes a well organized private interest could emerge (similar to the public interest). Instead it is obviously based on the assumption that private concern and private interest in planning can be manifest in private ownership only. Since the plan decides just about the future status of that ownership (e.g. whether and how that ownership can be continued or whether such ownership can be founded) the implicit assumption of the law seems to be very consequent that the private interest can only be presented by the single individual; in other words, the one who indeed is - or will be - affected by the provisions of the plan. The law, however, did not anticipate the possibility that the entity of those affected by a plan could come together, constitute - and act as - a "public" of the affected citizens, and aggregate, express and pursue their interests.

Second: it seems to be important to note that the BBauG does not just miss to distinguish clearly - and provide for - the public and private interest, but that it favors strongly the public interest in providing for better opportunities for its participation in the planning process: the representatives of the public interest may bring forward their ideas, their requests at an early stage, when the conceptualization of the plan just begins to start and, then, as long as it is under way. About that the cooperation between the public interest and the administration in charge of the plan is in general good and is directed to the objective issues of the plan: "Besides some basic dissensions between authorities in general concerning questions of competence, the integration of the public interest in the plan can be regarded as relatively little problematic. The forms of cooperation are well-known, accepted, attuned and practiced for long times. Date, kind, and extent of involvement are normally no issue of discussion. There is consent and agreement of certain generalized procedures to solve conflicts. Usually the participation is reduced to an objective interest for planning and mostly not rendered difficult by the problemacy of the use of land being owned by one of the participatory representatives. One may conclude that both the procedural model - organized in accordance with the objective and impartial principles of the public administration - and the action taken - on the base of laws, bylaws and ordinances - guarantee a certain objectiveness . . . "174 and effectiveness of the process.

The individual, however, enters the process much later at a time when the planning process as such has more or less come to an end and a completed product is presented to the public during the one month period of display. In addition, no mode of cooperation exists between the public planning authority and those who want to bring forward their private interests except the announcement of the display period, that period itself, the request for written exchange of statements, and the fact that these statements will be "taken into consideration" by the planning authority. There is no form of discussion, mutual negotiating or bargaining. There is no objective scale to be used by the administration, when it examines the written proposals and criticisms. It is not too difficult to imagine that of course the yardstick of own expertise and "year-long" experience will be taken by the administration. If those who conceptualize the plan and those who judge about the acceptability of proposals and complaints are identical, what then can be expected of the whole procedure?

And indeed there is usually little willingness to change more than trifles. That is quite naturally, for the matter of private dissension, the plan, was evolved, so far, over a long time by a great number of experts of all branches of the public administration, lots of ideas and good will have been invested, countless negotiations have been held between the representatives of the public interest and the planning authority; the plan has become a highly complex structure of mutual compromises; and to take one element out of this structure would frequently mean to start anew with the whole planning process, since a chain reaction of withdrawals of already achieved consent would have been caused.

Third: even if one would assume that a meaningful participation of citizens is still possible at the given date, late in the process, one would have to admit that any private opponent of a plan would principally be in a disadvantageous situation. This is simply so, as he is always confronted with the "normative power of facts". That is to say: the supposition of the correctness of a phenomenon is always first with what exists; anything else raised later will inevitably have to prove the incorrectness of that which exists and then prove the correctness of its own assumptions, before it may count on being accepted. However, a lay-man in planning affairs, who has no access to necessary and relevant basic information or to documents of the foregoing planning process, how can he maintain - and prove! - that he has the better planning proposal? The answer is: he can't. And so his proposals run a priori - and with great probability - the risk to be put aside easily without being taken seriously into consideration by the examining planning authority.

Fourth: although there is a two way flow of information - citizens can state their criticisms and suggestions and the administration will have to respond - there is no real mutual understanding and learning involved, there is almost no give-and-take. This is so because the exchange of information is highly formalized.

First the administration passes its information by the means of the official explanatory report accompanying the "tentative" draft of the plan (which is carefully elaborated, yet, and more or less supposed to represent the final product). The report is held in a professional, abstract language and contains a conglomerate of elsewhere defined terms and turns (only professional insiders can probably understand the report to full extent). Then "anybody" may respond: in written form¹⁷⁵ and within the period of public display. Finally the administration will announce the result of its review of the public response.

The review of that response and the fact that the administration has to take it into consideration means little and by far not necessarily that there has to be given way to any of these proposals. Planners can always easily refer to a lack of comprehensive understanding in the responses of citizens or the incompatibility of proposals with the ideas of the plan.

To draw a fair picture of the planning procedure and the way in which the response of individual citizens is taken into consideration, it should again be pointed out that the BBauG provides for a control of the planning

authority in evaluating and balancing fairly the private response to the plan: "...criticisms and proposals not given way have to be passed with a comment of the municipality to the 'upper' administration, when the plans are submitted for approval".¹⁷⁶ However, it should not be too difficult for the municipality to disqualify "insubordinate" criticisms of citizens, since they lack the necessary basic knowledge of data and the professional skills to put together a profound critique, as was pointed out above.

As the body that has to control the planning authority in its just and serious examining of the private responses is not independent, but still the administration, it makes the whole procedure at least questionable.

Furthermore the BBauG does not provide for any procedure to settle protest of citizens, who feel their suggestions were not seriously taken into consideration, and there is even no indication what steps have to be taken in the case that the controlling upper administration feels that criticisms and proposals were not adequately given way.

7.1.3 Evaluation

The relevant provisions in the BBauG for the participation of citizens are not only few, they also provide only for little - and hardly for any meaningful - participation. Participants have no effective lever at all that would at least enable them to start a meaningful discussion with those in charge of the plan or that would even enable them to establish a working relationship of mutual exchange of ideas and information. So, as one evaluates the participation feasible under the BBauG (again the typology and criteria shall be used given under chapter 3 of this paper) one can hardly attest that the kind of participation, for which citizens have a legal title, is on the level of information. The main characteristics of participation on this level are mutual information (with an opportunity for a feedback of ideas in the plan) and the early beginning of the information flow.¹⁷⁷

Obviously these characteristics are not provided for under this law.

Of the remaining lower levels one may apply the category of "manipulation" for the kind of participation that is provided for under the BBauG, if one assumes that the reason that the opportunity to respond to a drafted plan, before it probably becomes a law, may purposely be used to suggest to the single citizen that he really participates in the planning process and that he really has a chance to represent and defend his own interests.

However as long as the definite purpose to suggest participation in the minds of citizens is not prevailing, one should better admit to be confronted with provisions for a mixture of public relation, some information and some good will, interwoven with implicit hope for acclamation and consent by the side of affected citizens, at least for their silent appreciation. In other words, the provisions of the BBauG deal with a phenomenon in the forefield of an aroused problem consciousness of citizen participation and hardly with citizen participation itself, as it was understood in this paper.

7.2 The "Stadtebauförderungsgesetz" of 1971

7.2.1...Contents and basic intentions of the law

This law supplements the Bundesbaugesetz. Its basic intentions are mainly to promote, assist and provide for the preparation and the actual realization of urban renewal - and urban development projects, "of which a uniform preparation and a speedy, delay-free realization is in the public interest."¹⁷⁸

Urban renewal projects are defined by the law as "projects that aim - especially by the removal of buildings and the rebuilding, respectively modernization, of structures - at substantial improvement and reshaping of areas or urban misconditions".¹⁷⁹

Urban development projects are projects by which - according to the goals of regional and state-wide planning -

1. new towns will be created, or
2. existing towns, villages, etc. will be transferred into new urban units, or
3. existing cities, towns, villages, etc. will be supplemented by additional and new urban quarters.

These projects have to deal with and aim at "the structural improvement of agglomerations, an increase in the density of dwelling units and job facilities in connection with axis of further urban development, or in centers of further urban development outside of density-areas especially such who keep behind the general pace of prosperity."¹⁸⁰

The law provides in detail for the following, main successive steps in urban renewal - as well as in urban development areas (with the exception of no. 1).

1. Initiation and announcement of the preparation of studies concerning the social and urban conditions of the prospective renewal area, and the elaboration of criteria and material for the evaluation of the area.¹⁸¹

2. Definition, establishment and announcement of the boundaries of the urban renewal, respectively development, area.¹⁸²

3. Initial compilation - and further continuation - of all relevant social data and all prospective steps to be taken by a "social plan".¹⁸³

4. Preparation of a compulsory plan and its legalization.¹⁸⁴

5. Carrying out of the urban renewal, respectively development project.¹⁸⁵

6. Completion of the project.¹⁸⁶

In order to promote and assist the uniform preparation and delay-free realization of urban renewal and development projects, the law obligates the federation, the states, and all public bodies and foundations to cooperate with the municipalities and support these in planning and carrying out the projects.¹⁸⁷ A "German Council for the Urban Development" will be established which will - among other concerns - advise the federation, the states and the municipalities in questions of their cooperation.¹⁸⁸ The main share of the tasks, however, is with the municipalities. The main steps listed above are all at their responsibility (with the exception of no. 2 in the case of an urban development area, which would be in the states' responsibilities). About that the states have control functions concerning the legality of the procedures undertaken by the municipalities, and they grant financial aids, guarantee credits, etc. The federation, too, makes considerable financial contributions and grants tax exemptions.¹⁸⁹

7.2.2 Analysis of the legal provisions

7.2.2.1 Quotations

As a basic requirement the law states that "The interests of the target people - especially of owners, renters and leaseholders - and those of the general public have to be balanced in a fair manner".¹⁹⁰ Therefore, the law requires that "The target people shall receive the opportunity to cooperate and contribute to the preparation and realization of the projects"¹⁹¹ and that, on the other hand, "landowners and others entitled to some kind of use in the area shall contribute - according to their capabilities - to the realization of urban projects under a fair balance of the public and private interests."¹⁹²

In connection with steps 1...3 (see above¹⁹³) the law furthermore requires "Owners, renters, leaseholders and others entitled for the possession or use of land, buildings, or parts of them... are obligated to give the municipality information on all facts, which are necessary to know for the evaluation of an area in regard to possible urban renewal... "¹⁹⁴ While doing so the municipality "shall find out the attitude... of the above mentioned target people... and the willingness for cooperation for the intended renewal."¹⁹⁵ In addition, proposals shall be welcomed.

In order to avoid - as much as possible - negative effects "the municipality shall develop ideas and discuss these with the affected population as soon as the preparations for the renewal project will allow this"¹⁹⁶ and "shall continue during the realization of the renewal project the discussion with the target people, whereby especially the professional-, income- and family situation, age, housing needs, social interrelations as well as local ties, involvement and dependencies shall be considered and acknowledged. The result has to be put down in written form (Social Plan)."¹⁹⁷

The above quoted "continuation of the discussion" is specified by the law:

After the boundaries of the renewal area have been established and announced "... the municipality shall discuss as soon as possible the prospective new shape of the renewal area with ... (the target people) ... and shall discuss opportunities for thier participation in the realization of the renewal project."¹⁹⁸ About that the law points out that the municipality "shall offer the opportunity to all people working in the area ... to comment on the anticipated design of the renewal area."¹⁹⁹ "If requested, an adequate amount of time has to be granted to all involved for the formulation of their opinion."²⁰⁰

As it comes to the realization of the project, the law obligates the municipality to do the rearrangement of the land-property structure, the moving of the people and the business, the demolition of structures, the supply with public facilities as sewer, water, streets, and electricity (and possibly central, urban heating lines), and all other steps necessary to allow the rebuilding of structures. This is in the responsibilities of the owners and includes the erection of all new structures, respectively their modernization, and the realization of other kinds of use legalized (or required) by the compulsory plan.²⁰¹ In addition, the StBFG already anticipates what will be dealt with in another law: "Landowners, renters, leaseholders and all other entitled for use in the area as well as others interested may form a renewal-cooperative for the exclusive purpose to realize together the renewal project."²⁰²

In regard to urban development projects the law does not provide for further-going regulations in regard to the participation of citizens.

7.2.2.2 Discussion of the legal provisions

In the context of this paper the questions are again: How do the provisions, cited above, affect citizen participation? What kind of participation is feasible under these provisions?

The StBFG is characterized by a differentiated approach to the questions of who shall participate, when and how.

As shown above,²⁰³ it is the municipalities who undertake and are responsible for all steps from the initiation of preparative studies to the final completion of a project. So, they become the main agents and their strong role in the process is very obvious. Consequently the law relates the municipalities to and links them with other participants in the process - be it those who represent the public interest, be it those who represent their private interest. So the cooperation of the municipalities with the federation, the states, and their public bodies and foundations, on the one hand, and with the citizenry, on the other hand, is necessarily one of the important issues that the law deals with.

It seems opportune to examine the role of participatory citizens according to their status of the law, first.

The law distinguishes different groups of citizens. The entity of directly affected citizens, the population of the area, is referred to as "owners", "landowners", or those who are "entitled for the possession or use of land, buildings or of parts thereof", "renters" and "leaseholders", and "people who work in the area" - according to their status and function. (Besides these groups, which are directly affected by the projects, the general public is mentioned once.) According to their status or function the different groups get - to some extent - different roles in the planning and realization process of the projects.

The group of citizens e.g., who own property or property-like rights, expectedly will be involved in the process mostly, since their rights are to the greatest extent subject of change to be brought about by the envisioned projects. In extension to the involvement and participation open for other affected citizens of the area, they are to participate in the actual realization of the projects. From there a rather strong position can be expected for their participation during the planning process of the very important compulsory plan (compare step 4, see above, 7.2.1) and even so during the drafting period of the social plan (see above, step 3), the definition of the boundaries of the project areas (see above, step 2) back to the preparation of studies concerning the elaboration of criteria for the evaluation of the areas (step 1). Besides that there are a great number of further provisions that were not cited above as they especially aim at the legal position of property owners and their specific rights, liabilities, etc. These provisions, too, allow for their participation and that they have a hand in the wind-up of the whole business.

Those who rent or lease in an area have a priori a less strong legal position, although they are frequently the most problematic group in renewal areas. Their mobility and their abilities are often smaller - for a number of reasons. Undoubtedly they cannot participate - at least not to the same degree as property owners do - in questions of e.g. the compensation for property to be expropriated, etc. But besides these specific provisions this group enjoys the same opportunities for participation and the municipality has to involve them to the same degree as the foregoing group: proposals can be made at any stage of the process; and at any stage access to the evolved ideas is guaranteed; there is a right for the discussion of these ideas as soon as these are evolved by the municipality (as well as at any point of time later in the process); all affected people can discuss the prospective shape of the area and comment design proposals by the municipality.

People who work in project areas are explicitly mentioned only once, when their right for comment of the design proposals is listed. Since business in urban renewal areas is very often small, operates at marginal costs and benefits since any relocation will possibly mean that they cannot exist any longer, and since even bigger business would experience severe structural changes in regard to business volume, kind of products produced or sold, employees, customers, etc., one may very probably conclude that - in the sense of the law - people working in the area are "affected persons". For these, however, the basic provisions apply - as well as all further provisions for the participation of this group - that they "shall receive the

opportunity to cooperate and contribute to the preparation and realization of the projects."²⁰⁴ Citizens, who neither own, nor live or work in the area, that is to say, who are not directly affected, are not specifically mentioned by the law (besides that they are part of the so-called "general public"). They can participate only under the provisions of the BBauG²⁰⁵ when the compulsory plan will be prepared (see above, step 4).²⁰⁶

Generally spoken the kind of cooperation between the participants and the municipality seems to be a fair give and take.

While the law provides for the opportunity for citizens "to cooperate and contribute to the preparation and realization of the projects", it obligates them also to provide the municipality with relevant information concerning the planning process and urges them - especially owners - to assist for a "fair balance of the public and private interest". As well the municipality has to discuss its ideas "with the affected population as soon as the preparations for the project will allow this" and it has to continue that discussion during the further process. Citizens, in turn, may bring forward their ideas for discussion, too, at these occasions.

The kind of participation that applies in the different cases is mostly circumscribed by the law by terms of "discussion", "cooperation" and "contribution". This means that the municipality shall offer the opportunity to the affected people to discuss the problemacy of the projects or contribute to and cooperate in solutions. Provisions for these offers are many in the StBFG, as the quotations above may have shown; at all stages of the process citizens have the opportunity to get informed by the municipality. And the law provides for as many as such opportunities for citizens to bring forward their ideas and their proposals.

However, nowhere is it spelled out how far these offers have to go, what they have to include, or what the minimum requirements are that such offers have to satisfy at least. The practice of the law will show how the provisions will be interpreted.

Furthermore it is the municipality which sets the pace in the planning and participation process. The municipality acts. The affected citizenry may then react. This is very questionable in regard to citizen participation, since it may raise severe problems for the participants, as they may feel the municipality tries to overrun them by a procedure that is too speedy.

This probably will turn out to be the case - as the American experiences with the Model Cities Program and the complaints of involved citizens (concerning the lack of time) have already shown - although the StBFG provides for an "adequate amount of time" for the citizens to formulate their opinion in regard to the reshaping of the area. It seems unlikely that there can be achieved a consensus over what an adequate amount of time is. Instead, it seems more likely that the administration will tend to take the one month period of the BBauG as a guideline. This however is almost for sure not a sufficient span of time in most cases, since participants mostly lack sophisticated knowledge in regard to urban planning in order to respond immediately.²⁰⁷

In addition the position to react rather than to act will probably not prove to be very attractive and encouraging for citizens to participate. The impression may become prevalent that all is done, anyway, and will be done by the municipality, that the offer and quest for participation is nothing else than a political nicety, and that basically there is neither a real chance, nor is it worthwhile to try to influence or determine the process.

7.2.3 Evaluation

In regard to the typology of citizen participation, given under Chapter 3 of this paper, it turns out that the kind of participation for which the StBFG provides is at least on the level of information. That kind of participation was described as a first step towards meaningful citizen participation, if the information is mutual and allows a feedback from the sides of the citizens into the planning process and if the information is provided at an early stage. This was found to be the case under the provisions of the StBFG.

To a certain extent the kind of participation that will be achievable may be on the level of consultation. Participation on this level was earlier characterized by the quest for advice (in addition to mere information about facts) by those who are in charge of the planning process. It cannot be maintained for sure that such advice will be requested for (the law is still not long enough under application, experiences published not yet known), however the legal provisions seem to indicate that at least some steps will be taken in this direction, since "proposals for the project shall be welcomed" and the municipalities are asked to find out "the willingness for cooperation of the people".

Although neither partnership, nor delegation of power, or citizens control can be applied for the kind of participation, citizens are entitled for under the StBFG (because no provisions are made for any delegation of power), it may eventually turn out that the "urban renewal cooperative"²⁰⁸ which will be in full charge of the realization of urban renewal projects and for which an additional law has to be passed, will indeed get some power even during the planning process. Their kind of participation may then be regarded as a partnership or even as a control of the program. However, again it must be said that so far no publications are known dealing with experiences under the StBFG and how the provisions are interpreted by the administration, the courts, etc.

7.3 Comparison of the BBauG and the StBFG

7.3.1 Main relevant commonalities

In regard to citizen participation it has to be noted that both laws have in common the provisions for a strong and dominant role of the municipalities among all participants in the processes. The reason for that is, they both deal with space-related planning on the local level, that is to say: on the level of the smallest autonomous and political spatially defined units in Germany. These units own the authority of self-administration, that is the authority to govern and administer autonomously all affairs

of specifically local interest. Space-related planning belongs to these affairs as one of the very important responsibilities of a municipality.²⁰⁹ Therefore both laws had to provide for such a strong role of the municipalities.

Furthermore, they both make clear the distinction between the representation of the "public" and "private" interest and ensure early and effective representation of the public interest. They either provide that "conceptualizing the plans such public authorities and such bodies shall be involved, who represent the public interest"²¹⁰ or that "the municipality shall allow the representatives of the public interests . . . to comment on the project as early as possible"²¹¹ and that "the federation . . . , the states, and all other public bodies and foundations shall support . . . the renewal and development projects".²¹²

7.3.2. Main relevant differences

Both laws differ in a number of aspects of their approach for the participation of citizens. While the BBauG turned out to be very reluctant in offering opportunities for citizens to participate, the StBFG provides for participation throughout the whole process from the first tentative studies concerning the problemacy of an area to the final completion of a project that had been announced in the concourse of further studies and was then planned for and carried out according to the specifications of the law.

Citizen participation in the BBauG was attested to be hardly meaningful, providing neither a base for discussion and mutual understanding, nor the probability for citizens to make some significant input in the planning process. The only opportunity found for the participation of citizens is that they can file criticisms and suggestions at a date, when much time, money, and good will has been invested, when plans are completely elaborated, and when it is therefore very unlikely that changes can - or will - be made by those who are in charge of the preparation of the plans. It was constituted that citizens participation in the urban planning process under the BBauG operates obviously in the forefield of an aroused problem consciousness concerning the questions of participation.²¹³

On the other hand, citizens participation in the urban planning process under application of the StBFG was found to operate at least on the level of mutual information, if not on the level of consultation. That is to say: on a level where advice from the participating citizens is requested by the community.²¹⁴ Even speculation could be made in regard to §14 of the law - dealing with the so-called "urban renewal cooperatives" - whether under the law to come for further provisions for these cooperatives it will be possible to make the next steps towards more participation: to partnership, delegated power or citizens control. Although there is some indication in the StBFG that steps probably will be made in that direction, it must remain subject to future discussion to judge about that.

If one takes a closer look at participants in both processes, another significant difference will emerge.

The BBauG explicitly mentions only the public interest. This, however, implies that there is on the other side a private interest, too. As such one may regard the interests of single individuals.

Indeed, of these individuals those who own land or command similar rights have frequently taken the opportunity to criticize the displayed drafts of plans and have made own, further suggestions. This is very probably so, because they feel mostly affected and limited in the execution of their property rights. However, neither a common aggregated interest of groups of individuals or the aggregated interest of the entity of all affected citizens was taken into consideration by the BBauG. The organized private interest simply does not exist as such for the law, nor is it constituted in a relevant institutionalized form. Therefore, there cannot be a direct negotiation and arrangement between the official representatives of the public interest and the representatives of the private interest. In other words: there is no plan-related, functional public that could serve as a medium for the solution of conflicting, anticipated innovations. The only type of public that exists is the "general public". But it is very little plan-related and functional in regard to the discussion of problems arising in the context of urban planning and it offers little opportunity to negotiate and achieve consensus on conflicting issues.

The StBFG on the other hand distinguishes clearly the two main types of a public: the general public and the public of those who are concerned with the planning in the area. That includes the representatives of the public interest as well as the group of affected citizens, of which the law specifically mentions owners, renters and leasers, and people working in the area. Thereby an intermedium is created that allows to discuss, negotiate and anticipate innovations, that allows to avoid conflicts between the involved. The affected citizens - in contrast to the general public - have an opportunity for specific and early information on and confrontation with innovations and for the exercise of influence, in order to get a plan changed according to their needs and interests.

In 1965 Ernst, Zinkahn and Bielenberg already stated (still in regard to the BBauG): "It would certainly be appropriate . . . if the municipality would inquire as early as possible for the intentions and wishes of the owners . . . before it (the municipality) begins with the conceptualization of the compulsory plan."²¹⁵

That is exactly what the StBFG requires today.

8. Comparison of the legal and governmental provisions in the U.S. and Germany

8.1 Comments in regard to the comparability of the two cases

The question has to be, first, whether citizen participation in the U.S. and Germany is principally comparable.

As long as equal qualitative, respectively quantitative, dimensions are given, a comparison seems to be simple: given factors can be measured and

then compared to each other (or against constants) by some kind of a correlation, etc. The comparability of factors becomes problematic, however, as soon as there is a lack of comparable qualitative or quantitative dimensions.

This is obviously what applies to large extent for citizen participation in the U.S. and Germany. First of all, the backgrounds, against which the evaluation of participation in the U.S. and in Germany has to be projected, are most different.

On the one side there is a long democratic tradition paired with a deep and honest -- although sometimes somewhat naive -- faith of wide parts of the population to belong to a nation of most outstanding democratic values, which is at the same time the richest in the world with the highest standard of living, but that has forced -- or at least has tolerated -- minorities for 250 years to live in poverty, discrimination and alienation from their society.

On the other side: little democratic tradition, serious doubts about its own ability and effectiveness of performing as a democratic society, increasing efforts towards national income redistribution -- although comparatively far developed -- therefore high taxation, but almost no poverty, and no minority problems.

This brief confrontation of just a few evident differences shall illustrate how difficult a comparison will be between both countries' legal and governmental provisions.

In addition, it should be noted that the kind of available sources quoted from was different and that therefore both sides already would not be comparable to full extent. For the U.S. examples the extensive policy guidelines and the many publications regarding this specific field could be used. Equivalent German sources are either not yet published up to now or not available for a number of technical reasons. While thus almost all relevant quotations in regard to the U.S. - American situation were not taken from the laws, all quotations made in regard to the German situation had to be taken from the two planning laws.

3.2 Main commonalities

The three U.S. - American programs and both German planning laws have in common the fact that they were passed within about the last decade.

Furthermore they are directed to local program development: "The purposes of this (law) are... to enable cities of all sizes... to plan, develop and carry out locally prepared... comprehensive city demonstration programs...",²¹⁶ "in implementing this title the Secretary shall emphasize local initiative in the planning, development and implementation of comprehensive city demonstration programs."²¹⁷ In Germany it was the Supreme Court that declared the responsibility for urban planning of the municipalities and that restricted the federation to a legislative frame competence only. In both Germany cases, and at least in the best comparable case of the "Demonstration Cities and Metropolitan Development Act of 1966", there is consequently (as an outcome of the emphasis on the local approach) a strong and dominant role of "city hall" in the planning process.

Especially the Model Cities Program and the StBFG show some amazing commonalities: HUD states: "Residents of the neighborhood and the city as a whole . . . should have a hand in identifying problems, planning and carrying out the program" and "The neighborhood must have clear and direct access to the decision-making process in the Model Cities Program".²¹⁸

The corresponding German part of the StBFG reads: "The interests of the target people . . . and those of the general public have to be balanced in a fair manner. The target people shall receive the opportunity to cooperate in and contribute to the preparation and realization of the projects."²¹⁹

Both sides go along in that the directly affected citizenry ("residents of the neighborhood" - "target people") shall have an opportunity to participate ("should have a hand in", respectively "must have clear and direct access to the decision-making process" -- "shall receive the opportunity to cooperate in and contribute to") in the anticipation of their future environment. Furthermore, in both cases there is not only provided for the interests of the population in the target area itself, but the whole municipality ("and the city as a whole" -- "and the general public") is included in the participation process.

While HUD defined the following criteria (among others) for meaningful citizen participation: "Timely receipt of relevant information" and "continuing citizen interaction with local government",²²⁰ the StBFG, too, requires that "The municipality shall discuss as soon as possible the prospective new shape of the renewal area with . . . (the target people) and shall discuss opportunities for their participation"²²¹ and "The municipality shall continue with the discussion with the target people during the realization of the renewal project."²²² That is to say: in both cases the significance of an early involvement of citizens ("timely receipt of information" - "as soon as possible"), an early flow and the continuation of this flow of information ("continuing citizen participation" - "the municipality shall continue with the discussion") are clearly acknowledged for the anticipated citizen participation.

8.3 Main differences

Due to the reasons already briefly mentioned at the beginning of this chapter, the list of differences between the two countries' legal and governmental provisions for citizen participation in urban planning is much longer than that of the commonalities.

8.3.1 Categories of differences

Two main categories of differences can be observed:

1. A problem is perceived as such in one case but not in another. Possible conclusions can be drawn from this fact in regard to the problem-consciousness that prevails.

2. A problem is perceived in both cases, but provisions are different. To contrast both kinds of provisions will probably allow to draw a number of conclusions in regard to

- the perception of the problem
- the kind of approach to solve the problem.

Conclusions made from both kinds of differences may help to make recommendations about improvements of citizen participation in Germany.

8.3.2. The relative prevalence of social aspects in the researched U.S. programs versus the prevalence of physical aspects in the two German laws

The main difference observed (under which most of the observations - in regard to the different approaches - can be assumed) is that the U.S. programs deal primarily and extensively with social aspects, while the two German laws deal primarily (StBFG) -- or almost exclusively (BBauG) with physical aspects.

All three programs discussed in the U.S. - American context basically deal with the problem of minorities. Part of this problem is the tremendous social and economic discrimination of racial minorities - especially of the blacks - and the (still frequently) undertaken purposive attempt to exclude them from as many decisive societal innovations and improvements as possible. The results of that discrimination are not only the too well known, chronic poverty, hard-core unemployment, and vast, deteriorated, blighted urban areas that catch easily anyone's eyes, but also - less evident, but not less "existant" - deeply rooted hopelessness, segregation and extensive alienation of these discriminated classes from their society. The existence of an everywhere present reserve or even aggression towards the majorities is another result. "A parallel focus on independent black community development"²²³ is proof for this as well as the clearly visible riots during the mid-sixties.

The two German laws, however, deal mostly with the physical aspects of urban planning. Admittedly one of the laws, the StBFG, considers the social aspect, too, in more detail than just in general statements (as the BBauG does). But this consideration is specifically and exclusively directed to the social implication of urban renewal and is only one among many other aspects, which are at least as important as this social aspect. It is not directed to problems of discrimination, poverty, unemployment, alienation, etc. that do not seem to exist to any somehow similar extent in Germany as they do in the U.S.²²⁴ And even the physical aspect of urban renewal is of another category than in the U.S. Vast areas of abandoned houses, e.g., are entirely unknown, neither are there ghetto-areas, not the excessive overpopulation that can be found in a number of slums in big U.S. agglomerations (such as New York's Harlem).

This confrontation of the different emphasis of the provisions on both sides may allow to conclude that (obviously as a result of the different backgrounds and of the different urban as well as societal realities) the perception of social problems and their relation to the urban sphere is by far more developed in the U.S. than in Germany. This difference in the perception of the socio-urban problemacy becomes relevant for citizen participation mainly under the following two aspects that were earlier defined as being outstandingly important for effective and meaningful citizen participation: "organization"²²⁵ and "education".²²⁶ Or in other words: the aspects of the aggregation of power and of the competence of citizens.

8.3.2.1 The aspect of organization

The aspect that people affected, or to be served, ought to be organized in order to participate meaningfully is stressed by the U.S. provisions.

The analysis of the "Juvenile Delinquency Demonstration Program" and of the "Community Action Program" resulted e.g. in the findings that "both programs intended to mobilize the entire community, to energize and organize the residents of the target area".²²⁷ Emphasis in both programs was laid, among other criteria, on:²²⁸

1. the designation of a clearly defined population or area of service (that is to say: the definition of a neighborhood, an organizable entity),
2. local program development (that is to say: a development within that organizable entity, the neighborhood community),
3. an encouragement of a "coming together" of the affected citizenry at the level of the neighborhood (that is to say: stimulation of communication among prospective members of the anticipated organization in order to start the process or organizing),
4. the actual establishment of local organizations. Furthermore, first funding efforts of local CAPs were frequently directed to finance neighborhood organizations where these were not created by the foregoing Juvenile Delinquency Demonstration Program.

In addition, in the later Model Cities Program the existence of neighborhood organizations was regarded to be an indispensable prerequisite for a successful carrying out of the program. HUD speaks explicitly of the "neighborhood citizen participation structure" that should have access to the decision-making process²²⁹ and provides that "whatever organization is adopted - in order to represent the interests of the citizens and function as a partner of the municipality in the program, its planning and execution - (it) provides the means for . . . neighborhood's citizens to participate".²³⁰ In addition, one of the conclusions (in the context of the questions why citizen participation emerged so powerful) was: "participants had . . . developed experience in organizing themselves".²³¹

In short: the three U.S. programs laid emphasis on the community (neighborhood) being or becoming structured as a responsive societal entity that could function as a partner for its administrative counterparts being in charge of the program or the plan. The indispensable necessity to assist these societal entities in their efforts to build up organizations for the representation of their interests was clearly recognized by the programs, and provisions for assistance were made.

Similar provisions (to assist and to further organizational efforts of citizens) are not made by the two German planning laws.

3.3.2.2 The aspect of the competence of participating citizens

Besides a different emphasis that both sides give to the organizational aspects of citizen participation, there is a difference in the evaluation of the significance of the educational aspects, too.

The U.S. programs point out the relevance of sufficient competence for meaningful citizen participation, as e.g.: "... increasing the competence of target area residents and organizations... will be expected to increase the capacity to participate more effectively...".²³² "... to participate effectively in solving the social and physical problems of their community... (it) requires a means of building self-esteem and competence".²³³ "In order to initiate and react intelligently in program matters, the (citizen participation) structure must have the capacity for making knowledgeable decisions".²³⁴

The BBauG and the StBFG do not deal with this aspect.

3.3.2.3 Conclusions

The prevalence of concern in the U.S. programs for a number of specific social questions is very probably caused (at least to some extent) by the specific U.S. - American social problemacy. In addition they demonstrate, too, a considerably higher level of awareness about the relevance of social factors for meaningful citizen participation.

Thus, the American programs do not only provide for opportunities to participate, they are concerned with the implementation of participatory ideas, too.

And undoubtedly just that made it possible at all to bring citizen participation into viable being. Participants would by far not have been as successful, as they have in fact been in the U.S.A., and without significant assistance (especially from the side of program innovators) for founding and funding their organizations, and without the realistic assumption that organizing themselves would be the inevitable prerequisite in order to get a hand in the decision-making process.

On the other side, the problemacy of the implementation of citizen participation does not seem to be existent in the German case. The absence

of concern in the BBauG and the StBFG for social questions (similar specific as those dealt with under the American programs) seems to indicate that the problems are either not relevant at all or have not reached the same extent or degree. This, however, produces the side effect that not to the same extent consideration is given to the problemacy of citizen participation and that there is a significant lack of awareness of the implementational aspects. Questions of organizing participants, of power aggregation, of funding of such organizations, etc. are obviously not perceived as problems by the German legislator. At least no provisions can be found in the laws. Although it would theoretically be possible that it is therefore the administration, which might feel the responsibility to assist citizens in their attempts to implement the idea of participation, it is yet hard to see how this could happen. This is so, since the administration in charge of the planning process will very probably conceive participants rather as opponents than as partners.²³⁵

Therefore, the position of German participants has to be evaluated as considerably less favorable than that of American participants from the point of view that in Germany - because of a different problem structure - the implementational aspect of citizen participation is very little developed, at least by official sides.²³⁶ In regard to the findings in the theoretical part of this paper²³⁷ it seems almost for sure that this lack of implementational aspects being developed will considerably restrict citizen participation.

8.3.3 The awareness of the significance and relevance of the political dimension of citizen participation, in the U.S., versus lack of concern about the political implications of citizen participation, in Germany

Closely related to the questions of different social and cultural heritage and of different social structures and problemacies in both countries today, as briefly discussed above, is another characteristic difference between the U.S. and Germany: the stress on the political aspect of citizen participation, and on democratic methods in the American approach, and the lack of concern on the German side.

8.3.3.1 The aspect of democracy, democratic procedures, and democratic representation of the citizens' interests

As was pointed out in the theoretical part of this paper, citizen participation will either be without power for decision-making (and will therefore be restricted to meaninglessness²³⁸) or it will be with power (and then inherit the potential for meaningful involvement in the planning process²³⁹). However, as soon as power for decision-making in the planning process is granted and delegated to participants, the question of the compatibility of citizen participation and the representative democracy arises. One of the findings of this paper was earlier, that "since meaningful citizen participation . . . requires . . . the delegation of power . . . , the exercise of citizen participation is only compatible with the idea of the representative democracy, in that delegation of power is institutionalized and keeps those (politically) responsible who receive that power".²⁴⁰

Furthermore, it was stated that the responsibility of existing institutionalized representative bodies has to be regulated anew.

The U.S. provisions indicate that a considerable amount of concern was given to the political aspects of citizen participation, especially to democratic procedures and the democratic representation of the citizens' interests.

The CAP guide, e.g., asks for a democratic selection process of participants on policy-making boards, which are to be "designed to encourage the use . . . of traditional democratic approaches and techniques - such as group forums and discussions, nominations and balloting . . . grass-root involvement, committees, block elections, petitions and referendums."²⁴¹ Minimum requirements for the representation of participants on these boards (one third) were set up. Furthermore, it was attempted to create neighborhood councils with the expressed purpose to structure the neighborhood politically, that is to say to provide by these councils a constituency base for those who intended to serve on the policy-making boards. HUD pointed out that "citizen participation is political participation"²⁴² and required for its Model Cities Program "a representative structure" for the different participation groups. "From one point of view, it (citizen participation) is merely a new phase in the American tradition of local democracy - it parallels the mechanisms of decision-making social control, and conflict resolution which have been established over the past two centuries".

The political aspect of citizen participation is not mentioned in the two German planning laws. Therefore, a comparison to the U.S. programs does not seem to be possible. About that, all indications of the political significance of citizen participation and of the desirability of a democratic approach were taken out of other sources than the respective U.S. laws. For the German case, however, only the laws could be used, whereby at least the utilization of the comparison is impaired.

8.3.3.2 Conclusions

Again, the differences observed between the two cases are of the kind that provisions are made in one but not in the other case.

The little concern for (respectively the absolute lack of awareness of) the political dimension of the phenomenon citizen participation in Germany may have its roots in one or all of the following reasons:

- The planning process is primarily not conceived as a political process, but as a technical one, and only the political dimension of the final act of that process is acknowledged (namely the plan being passed as a local law by the municipality's council).

- The representiveness of the political system is not seriously doubted by the German citizens in general, at least not as the representation in

questions of urban planning is concerned. So the necessity was not felt to attribute - or quest - the political dimension to the process.

- The political dimension of the process is indeed perceived, but on the other hand the necessity for delegation of power and adequate representativeness is not accepted.

Very probably all factors together - rather than one exclusively - will explain in their contradictness the factual, contradictory denial of the significance of the political dimension of citizen participation in Germany. In regard to the above cited findings of this paper, in the theoretical part,²⁴³ it seems however indispensable to admit and provide for the political dimension of citizen participation, if it is to be meaningful. As long as the political dimension will not be involved it will be nothing more than an empty ritual, about that, one in which the death blow was installed from the very beginning on.

Summary

The Structure of the Paper

The paper consists of two main parts: Part A, which contains "Theoretical Aspects of Citizen Participation," and Part B, "Implementation of Citizen Participation: the Relevant Programs and Legal Provisions for Citizen Participation in the U.S.A. and Germany."

In Part A basic problems and aspects of the phenomenon citizen participation are discussed and evaluated. The first two chapters deal with the character and nature of citizen participation. The third chapter brings a brief presentation of a typology of citizen participation. These three chapters provide the theoretical basis for the evaluation of two principal options for the implementation of citizen participation being introduced in the fourth chapter. In Chapter Five the most important question of the compatibility of citizen participation and the representative democracy is raised. Again, the foregoing chapters provide the criteria and the basis for the discussion and evaluation of this part.

Part B briefly describes - on the one hand - citizen participation in the United States, taking three main programs in consideration, and discusses and evaluates legal and governmental provisions made in connection with these programs. On the other hand two German planning laws are analyzed and evaluated. Finally both cases are confronted and compared, and conclusions drawn in regard to citizen participation in Germany. Part A as a whole serves as the theoretical basis for the evaluation of observations and findings made in the context of the implementation of citizen participation in both countries, in Part B.

Contents and Main Findings

Part A

Chapter 1:

The term "citizen participation" - and the way it is frequently used - is analyzed and a great number of questions raised in regard to the implications of the term. The result of the chapter is that the term is used in so many different and even opposite ways that one valid definition cannot be given which would cover all aspects of the phenomenon.

Chapter 2:

As the phenomenon citizen participation involves many aspects, these were discussed in some detail and used to describe the character and nature of citizen participation. Especially the aspects of the social, economic and political dimension were analyzed, furthermore - in short - the moral or ethnic dimension. (Aspects of the legal dimension seemed more adequately to be dealt with in Part B of the paper. Organizational aspects were covered in the fourth chapter, Part A.)

The discussion of the moral or ethic dimension elaborated the point that man has something like an unalienable right for participation in urban planning. This is so, since man - as all other organisms, too - is defined by his basic tendency for impersonation, respectively self-representation. Man-made environment is an outstanding example for this impetus for expression. As vice versa this environment will inexorably shape him, man, and his social behavior, participation in the planning of this environment seems unalienably to be within his responsibility and authority rather than of anonymous administration or governmental powers.

Poverty and education were discussed as two major aspects of the social dimension of citizen participation. Although citizen participation does not mean a priori - or necessarily - that just the poor are to participate, it is on the other hand a fact that

- those groups of society, who have been known to play their role in society, have already participated in relevant processes and benefitted, too, from the system, and that
- those groups of society, who are less well off, who are under-privileged, are under-represented, too.

The point is made that therefore citizen participation will frequently be a participation of the poor, the underprivileged and under-represented, that the solution of their special problemacy often becomes the idea, the goal of citizen participation and that thereby it obviously owns strong evolutionary characteristics.

Furthermore participation can be perceived as a means to make the poor learn to use their own capacities by getting involved and thereby to defeat their disadvantageous fate.

This already leads to education as another aspect of the social dimension. Education - as was elaborated - can either serve as an incentive for citizen participation or represent one of the indispensable musts for meaningful participation.

The economic dimension of the phenomenon citizen participation is closely related to the social one as the aspect of poverty clearly shows. The findings are that economic aspects can either serve as incentives for citizen participation - especially in the cases when discriminatory or exploitory economic practices are applied or when the urban economic development induces urban planning (renewal, etc.) -- or that they determine the chances of citizen participation. The latter is substantiated in that economic resources decide upon the opportunity of participants either to take part at all (off-time during work hours, etc.) or to enlarge their competence by hiring professionals and staff for the elaboration of qualified planning proposals.

Analyzing and discussing the political discussion of citizen participation the findings were:

Planning is a political process. This is so, because it is an innovative, creative process that deals with the anticipation and decision-making of arrangements of societal components, thereby attempting to set new rules for social interactions.

As planning is a political process, citizen participation in planning is inevitably a political process too, since it deals with planning.

Since citizen participation is a political process, it needs power. Without power it is irrelevant, for it is the character of political processes to be determined by power.

Furthermore, the significance of education as a political aspect was pointed out. Education is politically relevant since one of the basic assumptions of the democratic idea is that citizens will use their minds intelligently and critically in regard to all political processes in society.

Finally, the political relevance of the aspect of legitimacy was analyzed. The problem of legitimacy is acute because planning being innovative sets new constraints for the interaction of members of society. Therefore planning - as well as citizen participation in planning - has to justify the proposals, give reasons for it and seek to be supported.

Chapter 3:

A typology²⁴⁴ of citizen participation is presented. The scale that is used is the amount of power that is at the disposition of participants. The lower levels (manipulation, group therapy) are called "pretended forms of citizen participation" or "non-participation." The achieved powers of citizen are practically zero. The medium levels (information, consultation, placation) are called "forms of tokenism." Participants have a chance to hear or to be heard. Powers of citizens, however, are little, not guaranteed, and constantly subject to withdrawal.

The upper levels (partnership, delegation of power, citizen control) provide citizens with decision-making authority. That is to say with power. These levels are evaluated as the only meaningful kinds of participation.

As far as the upmost levels are concerned (considerable amount of power delegated, full citizen control) the critical question has to be, however, whether such an increase in the power of citizens will not result in (or at least tend to) a balkanization of public services, separationism, and thereby to an increase in costs and other resources needed to solve urban problems.

Chapter 4:

Two options for the implementation of citizen participation are discussed: advocacy planning and mass-based organization.

Two main assumptions were found to underly advocacy planning:

1. citizens need the planner, being the expert, to make their case
2. planners need citizens to receive legitimization for their planning proposals.

Furthermore, advocate planners were found dangerous similar to other manipulators of citizens' interest; as they are confronted quite frequently with a lack of homogeneity, community feeling and common interests, they have to evoke their clientele's interest for planning issues and have to formulate the issues for them.

This raises the question whether - and how far - an advocate planner can pretend to represent his clientele.

Two main strategies were found to be characteristic for advocacy planning: one strategy inwards directed, to the clientele; the other one outwards directed to the scenario in which the clientele is imbedded. The inwards directed strategy tries to build trust between advocate planner and clientele, and to evoke the clientele's concern. This is important in order to ensure the planner of support from his clientele and to avoid vigorously upswinging opposition in times of confrontation with the "outside." The outwards directed strategies are indispensable by definition of advocacy planning being "planning on behalf of specified individuals and groups, rather than on behalf of a broadly defined public interest." As the attempt to assert the interests of so far under-represented groups will frequently be understood by established interest groups as a threat to the pursuit of their interests, outwards directed strategies will first have to aim at the mere acceptance of the new potential force, they represent, and second at winning coalition partners for the political process.

The idea of mass-based organization was found to stress on the consideration that comparatively powerless individuals can constitute a powerful political element by the aggregation of small, fragmented individual power units. This enables such organizations to play a significant role in the planning process, what makes them an excellent means for the implementation of citizen participation in urban planning.

Chapter 5:

This chapter intends to discuss and evaluate critically the compatibility of citizen participation and the democratic ideas. The basic idea of the representative democracy is that the tasks of governing and leading a society can be delegated. Thereby representative, democratic,

societal structures eliminate one of the main problems of the direct democracy, namely that the number of members in society can only be small. As a result of the delegation of societal responsibilities, however, individuals lose their direct relationship and influence on the political decision-making process. The danger of citizens of a representative-democracy becoming alienated from their society is typical. Therefore, participation can be considered as a contribution to minimize these negative side-effects.

The representative democracy puts two major constraints on citizen participation: first, the principle of delegation and representation; second, the political responsibility of the delegates. The first principle would cause direct participation in decision-making to evoke most serious misfunctions and consequences for the representative democracy, as it would disturb the second principle the political responsibility of delegates. Therefore, the conclusion is, that the exercise of power in the citizen participation process is only compatible with the idea of the representative democracy if the delegation of power is institutionalized and keeps those responsible, who receive that power. Otherwise citizen participation would have to be left without any authority for generally obliging decision making in order to keep it compatible with the idea of the representative democracy.

In addition this chapter deals with institutionalizable forms of citizen participation that are compatible with the representative democracy and makes two suggestions. One suggestion is directed to citizen participation by further differentiation of the political-societal system. This suggestion elaborates on the point that by introducing additional political subsystems besides or below the existing systems a more sensitive deviation of the societal system would be possible with a closer relationship of delegates to citizens (what the positively changed ratio of delegates per citizens would express).

The other suggestion is directed to citizen participation by citizen integration into the administrative planning process.

Part B

Chapter 6:

The three U.S. programs taken as an example for citizen participation in the U.S. are: 1) the "Juvenile Delinquency Demonstration Program," 2) the "Community Action Program," and 3) the "Model Cities Program."

All three programs are analyzed by quoting from the laws, they are based upon governmental policy guidelines, other governmental papers, and all kinds of other publications. The findings of Part A serve as criteria for the evaluation of the different provisions for citizen participation in the three cases. Citizen participation under the "Juvenile Delinquency Demonstration Program" is found to be at the levels of pretended forms of citizen participation or at the levels of tokenism. However, the program is considered to have provided important steps for the following programs.

Under the "Community Action Program," providing for maximum feasible participation and one third of policy-making board members to be representatives of the residents to be served, citizen participation could reach the highest level of citizen control over a program in a number of cases, where citizens already organized were aware of their possibilities. More frequently, however, participants were obviously kept with a one-third minority position on a more or less little attractive level of participation.

Both programs emphasized local program development and establishment of local organization. Both programs were precedent to the following program, the "Model Cities Program," in the evolvement of citizen participation.

The Model Cities Program provides for a somewhat cut back kind of citizen participation, only. However, in many cases participants achieved nevertheless a strong role because of the following reasons:

1. Citizens had an effective lever over city hall in that they could prevent their cities from receiving a contract with HUD, as long as they did not approve the cities program.
2. A social dynamism existed in a greater number of communities because of the mobilizing organizational efforts under the preceding programs.
3. HUD required to review the role of participants, where obviously too little involvement of citizens was envisaged in the applications.

The conclusion is that depending on the involved citizens, participatory groups either remained stuck up on the level of manipulation by established powerholders or climbed up the ladder of participation to the level of delegation of power or citizens' control.

Chapter 7:

Both German planning laws are described, then discussed and evaluated.

The findings in regard to the BBauG are that the provisions for the participation of citizens are only few and allow hardly any meaningful participation. Obviously the provisions of the BBauG deal with a phenomenon in the forefield of an aroused problem consciousness of participation.

The StBFG - supplementing the BBauG and only very recently passed - provides at least for participation at the level of information, if not even for participation on the level of consultation.

Both laws provide for a strong representation of the so-called "public interest" and less strong for the representation of the single individual. Participation by organized groups is not perceived.

Chapter 8:

Although the legal and governmental provisions for citizen participation in the U.S. and the provisions of the two German planning laws are hardly comparable, some commonalities and some differences can be observed.

As far as the U.S. "Demonstration Cities and Metropolitan Development Act of 1968," with its "Model Cities Program," and the German "StBFG" is concerned, they both stress emphasis on local program development, respectively on the execution of plans. Both go along in that the directly affected citizenry shall have an opportunity to participate in the anticipation of their future environment, that they shall be involved early and that the process of interaction shall be continued.

Both laws differ in that the Demonstration Cities and Metropolitan Development Act (as well as the Model Cities Program and the other programs, too) emphasize the social aspects of the urban problemacy, while the StBFG (as well as the BBauG) deals almost exclusively with physical aspects. This difference in the perception of the socio-urban problemacy becomes relevant for citizen participation mainly under the important aspects of organization, (that is to say: the aspects of the aggregation of power) and education (that is to say: the increase of the competence of citizens). While the American programs acknowledge and point out the significance of organization and residents' competence, the German laws don't deal with these aspects. The conclusion is that in regard to the findings in Part A of this paper this lack of concern for the implementational aspects will considerably restrict citizen participation in Germany. Very similarly there also is little concern for the political dimension of the phenomenon citizen participation in Germany. The conclusion is that as long as the significance of the political dimension is not admitted, citizen participation is not much more than an empty ritual, little attractive and little meaningful.

Therefore, the recommendation for citizen participation in Germany to be improved in the future, has to be: to consider in a serious, meaningful manner, and to give way to, the two most important categories of aspects:

- 1) The political aspects (the delegation of power, the institutionalization of this delegation, and holding politically responsible those who will receive that power)
- 2) The organizational aspects (the aggregation of fragmented power elements, assistance in founding and funding organizations).

Footnotes

1. Title I, Sec. 101 of Public Law 89-754, ("Demonstration Cities and Metropolitan Development Act of 1966").
2. Arnstein, Sherry R., "A Ladder of Citizen Participation" in A.I.P. Journal, July, 1969, p. 216.
3. Brandt, St., "Zur Demokratisierung des Planungsprozesses" in arch +, 3/1970. Heft 8, p. 19.
4. HUD, "The Model Cities Program - Questions and Answers", Washington, D.C., p. 3.
5. Professor Alexander Mitscherlich, German psychologist, philosopher, peace researcher, director of the "Psychosomatische Universitätsklinik Heidelberg" and author of a great number of critical dissertations of present societal and cultural symptoms, among these dissertations his pamphlet: "Die Unwirtlichkeit unserer Städte: Anstiftung zum Unfrieden" (The Inhospitability of Our Cities: Instigation to Discord).
6. Mitscherlich, A., "Dies Unwirtlichkeit unserer Städte: Anstiftung zum Unfrieden", Frankfurt, 1967. 4th edition, p. 14.
7. Mitscherlich, A., op. cit., p. 9: "Menschen schaffen sich in den Städten einen Lebensraum, aber auch ein Ausdrucksfeld doch rucklauffig schafft diese Stadtgestalt am sozialen Charakter der Bewohner mit Da sie (unsere Städte) aus harter Materie bestehen, wirken sie auch wie Pragestocke".
8. HUD, "Technical Assistance Bulletin No. 3. Subject: Citizen Participation in Model Cities", Washington, D.C., December, 1968, p. 2.
9. Compare HUD: "Technical Assistance Bulletin No. 3", op. cit., p. 1: Citizens who had suffered for generations from the . . . exclusion of power have found new dignity, ambition, and hope through participation in planning and implementing public programs".
10. This will be discussed further within part B of this paper, where the main U.S. programs in favor of citizen participation will be analyzed. At this point it will be attempted to trace the social dimension of poverty and its relevance for citizen participation in urban planning from the theoretical level.
11. Subcommittee on Urban Affairs of the Joint Economic Committee, Congress of the U.S., 90th Congress, 1st Session. Hearings on Sept. 27, 28, and Oct. 2, 3, and 4, 1967. Source: Spiegel, H.B.C.: "Citizen Participation in Urban Development", Vol. 1, Washington, D.C., 1968.
12. Compare statement of Milton Kotler, Institute for Policy Studies, Washington, D.C., in Spiegel, H., op. cit., p. 275.

Footnotes (cont'd)

13. Compare below, chapter 4.1.3.2.3 "Evolutionary and revolutionary aspects".
14. Education can also be regarded as a facet of the political dimension of citizen participation and will be discussed as such there, below in this paper.
15. Ruoss, M., "A Closer Look at Mass-based Organization" in Spiegel, H.C.B., editor, "Citizen Participation in Urban Development", Vol. II, Washington, D.C., 1969, p. 56.
16. For the relevance of this argument compare Rein, M., "Social Planning: The Search for Legitimacy", A.I.P. Journal, July, 1969, p. 235 (second last chapter).
17. Rein, M., "Social Planning: The Search for Legitimacy", A.I.P. Journal, July, 1969, p. 223.
18. See sub-chapter 4.1 "Advocacy Planning".
19. Mills, C. Wright, "Power, Politics, and People", New York, 1963, p. 23.
20. See Chapter 5, "The Compatibility of Citizen Participation and the Democratic Idea".
21. See sub-chapter 5.3 "Suggestions for institutionalizable forms of citizen participation compatible with the representative democracy".
22. See below, Chapter 3, "A Typology of Citizen Participation".
23. Arnstein, Sherry R., "A Ladder of Citizen Participation", in A.I.P. Journal, July 1969, pp. 216-224.
24. Mills, C. W., as cited above, p. 23.
25. See above: 2.4.3 "Power".
26. Davidoff, P., "Advocacy and Pluralism in Planning", Journal of the American Institute of Planners, November, 1965, pp. 331-338.
27. Kaplan, M., "Advocacy and the Urban Poor", Journal of the American Institute of Planners, March, 1969, p. 97.
28. Ibid., p. 97.
29. Compare Peattie, L. R., "Reflections on Advocacy Planning" in Spiegel, H.B.C., "Citizen Participation in Urban Development - Volume II", 1969, Washington, D.C., p. 248.
30. Peattie, L. R., op. cit.
31. See above, 2.4.2 "Legitimacy".

Footnotes (cont'd)

32. O'Neil, B.J., "Advocacy Planning Follows Tradition of Reform", in Planning/Network, Fall, 1971.
33. Ibid.
34. Peattie, L. R., op. cit., p. 247.
35. Compare Wilson, J. Q., "Planning and Politics: Citizen Participation in Urban Renewal" in Wilson, J. Q. (editor), Urban Renewal: The Record and the Controversy, 1968 (2nd paperback printing) Cambridge, London, p. 413.
36. Ireland, L. M. (editor), "Low-income Life Styles", U.S. Department of Health, Education, and Welfare, Government Printing Office, p. 5.
37. See above, 2.2 "The social dimension" and there 2.2.2.1 "Poverty".
38. Kaplan, M., op. cit., p. 101.
39. Peattie, L. R., op. cit., p. 246.
40. Thabit, W., "Planning for the Target Area: East New York", Housing Development Administration, New York City, 1967.
41. Ibid., p. 2.
42. Kaplan, M. op. cit.
43. Ibid., p. 101.
44. Ibid.
45. Davidoff, P. and L., Newton Gold, N., "Advocate Planning for an Open Society", Journal of the American Institute of Planners, January, 1970, p. 12.
46. Compare, for example:
 1. "Hearings before the Subcommittee on Urban Affairs on the Joint Committee, Congress of the United States", op. cit., pp. 275, 276, 290;
 2. Editor's introduction to Journal of the American Institute of Planners, July, 1969, "Planning and Citizen Participation" (see: last sentence), no page ind.;
 3. Mogulof, M., "Coalition to Adversary: Citizen Participation in Three Federal Programs" in Journal of the American Institute of Planners, July, 1969, p. 231;and others.
47. Ruoss, M., "A Closer Look at Mass-Based Organization" in Spiegel, H.B.C., Volume II, op. cit., p. 48.
48. Compare Ruoss, M., op. cit., p. 49-50.

Footnotes (cont'd)

49. Kotler, M., Institute for Policy Studies, Washington, D.C., during the "Hearings before the Joint Economic Committee", op. cit., p. 279.
50. Rein M., op. cit., p. 223.
51. Ruoss, M., op. cit., p. 51: "Overt organization begins only after fraternal groups, church groups, block clubs, social, civic and business associations...formally come together... For example, the Woodlawn Organization, well known for its role in humanizing urban renewal and desegregating Chicago's public schools, has 83 member bodies.... The organization for the Southwest Community has 135 member local organizations which encompasses the majority of adults.
52. Ruoss, M., op. cit., p. 50.
53. Ibid., p. 51.
54. Ibid., p. 53.
55. Compare: Kaberuas, J., "Strukturwandel der "offentlichket", Neuwied, 1962.
56. Karnischfeger, H., "Planung in der socialstaatlichen Demokratie", Neuwied, Berlin, 1969; S. 35.
57. Schumpeter, J. A., "Kapitalismus, Socialismus u. Demokratie", 2. Aufl. Bern, 1950; S. 413.
58. Karnischfeger, a.a.O; S.70 ff.
59. Burdick, E., "Mister Amerika", Munchen, 1971, Foreword.
60. Compare above: 2.4 "The political dimension", and there: 2.4.3. "Power".
61. Compare: German "Verwaltungsgerichtsordnung" of 1950 and Model-Creifelds: "Staatsburgertaschebuch" 9. edition, Munchen, 1969. p. 226 ff.
62. Model-Creifelds, op. cit., pp. 327, 328 and "Deutsches Richtergesetz" of 1961, § 45.
There is another example provided by the German court-constitution that integrates lay-judges into trials of professional judges.
63. Bundesbaugesetz (BBauG) is the federal planning law and applies to all kinds of land-use and masterplanning, providing procedures, standards on plan requirements, etc.
64. Not less than one month (BBauG of June 23, 1960: § 216).
65. "Bedeuken und Anregungen" (BBauG, § 2(6).)

Footnotes (cont'd)

66. Marshall Kaplan, Gans and Kahn: "The Model Cities Program. The Planning Process in Atlanta, Seattle, and Dayton", New York, Washington, London, 1970, p. 7. (Parentheses mine)
67. Public Law 87-274.
68. Public Law 88-452.
69. Public Law 89-754.
70. Mogulof, M., op. cit., p. 225.
71. Compare: P. L. 87-274, "preamble".
72. U.S., Department of Health, Education, and Welfare (HEW): "Policy Guide to the presentation of Proposals for Funding Under P. L. 87-274, Washington, D.C., undated.
73. Ibid., p. 7.
74. 2.2.2.2 "Education"; 2.4.1 "Education"; 4.1.2.2.2 "The aspect of the clientele and its specific social situation"; 4.2.1.1 "Organization as an indispensable prerequisite of the successful implementation of citizen participation".
75. Mobilization for Youth, Inc.: "A proposal for the Prevention and Control of Delinquency by Expanding Opportunities", New York, 1961, p. 239. The above mentioned strategies were developed within "Mobilization for Youth" (being one of the programs developed under P.L. 87-274) by Mobilization for Youth, Inc. that was founded as a non-profit membership corporation composed of agencies and institutions on the Lower East Side of New York City.
76. Compare: 4.1.2.1 "The assumption of legitimacy" (second chapter).
77. Compare: 3.1.2 "Participation on the level of group therapy".
78. Compare: 3.2.1 "Participation on the level of information".
79. Compare: 3.2.4 "Evaluation".
80. Compare: 3.1.3 "Evaluation".
81. Compare: 3.2.4.
82. Mogulof, M., op. cit., p. 227.
83. Compare: P.L. 88-452 ("Preabmle").
84. U.S. Code Congressional and Administrative News, 88th Congress, Second Session, 1964, 2nd Vol. (Legislative History), St. Paul, Brooklyn, 1965. p. 2901.

Footnotes (cont'd)

35. Ibid., p. 2902.
36. 88th Congress, Second Session, House of Representatives, Report No. 1453, Economic Opportunity Act of 1964, p. 11.
37. Loftus, F. A. in "The New York Times", April 28, 1966, quoted from Moynihan, D. P.: "Maximum Feasible Misunderstanding. Community Action in the War of Poverty", New York, London, 1969, p. 151.
38. P.L. 88-452.
39. U.S. Office of Economic Opportunity: "Community Action Program Guide", Washington, D.C., February, 1965.
90. Compare: Moynihan, op. cit., pp. 86-87 for the reasons why the clause "maximum feasible participation of residents of the areas and members of the group served . . ." entered the inner governmental discussion: namely, to "ensure that persons excluded from the political process (blacks) in the South and elsewhere would nonetheless participate in the benefits of the community action programs . . ." (p. 87).
91. CAP Guide, op. cit., pp. 17-18.
92. Mogulof, M., op. cit., p. 228.
93. Sponsored by Albert H. Quie, Minnesota, R.
94. CAP Guide, op. cit., p. 18.
95. Ibid.
96. CAP Guide, op. cit., p. 18. About that, compare this paper: 4.2.1.3 "Implications of the evolvement of leadership", and: 5.1.2 "The concept of a representative democracy".
97. Compare Part A, this paper, especially: 4.1.2.2.2 "The aspect of the clientele and its specific social situation".
98. All three brackets taken from OEO staff memorandum, 1966 (publicly not available) quoted from Mogulof, M., op. cit., p. 229.
99. OEO staff memo, op. cit.
100. Moynihan, D.P., op. cit., p. 144-145: "...protests from city governments about the tactics of the new community action agencies were already (Spring 1965) pouring in. The issue was policymaking And thus . . . the Executive Office of the President began to exert a steady pressure on OEO to keep community action programs as quiet as possible, which in effect meant to keep the role of the poor in policymaking to a minimum."

Footnotes (cont'd)

101. CAP Guide, op. cit., pp. 27-28.
102. Namely: "to increase the competence of target area residents and organizations", see above 6.1.1.2.
103. Compare, this paper: 3.1.1 "Participation on the level of manipulation", 3.1.2 "Participation on the level of group therapy", 3.2.3 "Participation on the level of placation", 3.2.4 "Evaluation".
104. Rubin, L.: "Maximum Feasible Participation. The Origins, Implications and Present Status" in Poverty and Human Resources Abstracts, Nov-Dec 1967, p. 12, quoted from Moynihan, op. cit., p. 137.
105. Mogulof, M., op. cit., p. 230 (parentheses mine).
106. Moynihan, D.P., op. cit., pp. 132-133 (parentheses mine).
107. Arnstein, Sherry, op. cit., pp. 220, 222 (parentheses mine).
108. Compare: 4.1.3.2.3 "Evolutionary and revolutionary aspects".
109. Namely, community action (besides jobs and action for young people); compare for this: Moynihan, op. cit., p. 58.
110. Moynihan, D.P., op. cit., p. 58.
111. Ibid., p. 56.
112. Compare: P.L. 88/452 Title II Sec. 202(a)(3): "... maximum feasible participation of residents of the areas and members of groups served".
113. Mogulof, M., op. cit., pp. 225-226.
114. Compare, for example, for No. 1: 4.2.2.1 "Basic assumptions" (on mass-based organizations) and 4.2.2.2 "The structure of a mass-based organization"; for No. 3: 1.1 "The term 'citizen' and some implications".
115. See above: 6.1.2.3 "Evaluation".
116. Mogulof, M., op. cit., p. 225: "... poor became a euphemism for Negro".
117. Ibid.
118. Mogulof, M., op. cit., p. 229.
119. Ibid.
120. Ibid., p. 226.
121. Mogulof, M., op. cit., p. 226 and: see above: 6.1.1.3 "Evaluation".

Footnotes (cont'd)

122. See above 6.1.2.2 "Legal provisions and policy guidelines".
123. Ibid.
124. Marshall Kaplan, Gans, Kahn, op. cit. p. 7.
125. HUD: "The Model Cities Program. Questions...", op. cit., p. 3.
126. Ibid., p. 17.
127. Ibid.
128. Ibid., pp. 10-11.
129. Ibid., p. 3.
130. Marshall Kaplan, Gans, Kahn, op. cit., p. 3.
131. Demonstration Cities and Metropolitan Development Act of 1966.
132. City (or: County) Demonstration Agency.
133. HUD: "CDA Letter No. 10B", Washington, D.C., March, 1970, p. 1.
134. HUD: "CDA Letter No. 10B", op. cit., p. 2.
135. HUD: "CDA Letter No. 3", op. cit., p. 1.
136. Ibid.
137. HUD: "The Model Cities Program. Questions...", op. cit., p. 17.
138. Ibid., p. 6.
139. Ibid., pp. 8-9.
140. Ibid., p. 10.
141. Compare: Warren, R.L.: "Model Cities First Round: Politics, Planning and Participation", in Journal of the American Institute of Planners, July 1969, p. 245.
142. Ibid., p. 246.
143. Ibid.
144. Marshall Kaplan, Gans, Kahn, op. cit., p. 16.
145. Ibid.

Footnotes (cont'd)

146. Marshall, Kaplan, Gans, Kahn, op. cit., p. 20.
147. That is the eight month period used by HUD for selection of applications and announcement of awards.
148. Warren, op. cit., p. 246.
149. Spiegel, H.B.C. and Mittenthal, St. D.: "Neighborhood Power and Control: Implications for Urban Planning", Institute of Urban Environment, Columbia University School of Architecture, New York, 1968, p. 62.
150. The question arises of whether this wasn't probably the reason for the Mayor forcing the application through in the short time to prevent people from responding before the paper was submitted.
151. Marshall Kaplan, Gans, Kahn, op. cit., p. 20.
152. Ibid.
153. Ibid., p. 21.
154. Ibid.
155. Ibid.
156. See above: chapter 6.2.2 "Analysis of legal provisions and policy guidelines and reports" (compare especially quotations from CDA Letter No. 3).
157. Warren, op. cit., pp. 248, 249.
158. All quotations in this chapter from German sources translated by me. For the original quotations please refer to the sources indicated. All underlining by me unless otherwise indicated.
159. Up to here compare: Naschold, F.: "Organisation und Demokratie", Stuttgart, 1969; pp. 7... 11.
160. Ernst, Zinkahn, Bielenberg: "Bundesbaugesetz: Kommentar", Munchen, Berlin, 1965; § 1 Rn 50.
161. In the context of this paper "German" and "Germany" refers to the "Federal Republic of Germany" (Western Germany) only.
162. "Bundesbaugesetz" vom 23. Juni 1960, BGBI. I S.341.
163. "Gesetz uber stadtebauliche Sanierungs - und Entwicklungsmapnahmen in den Gemeinden" vom 27. Juli 1971, BGBI. I S.1125.
164. Compare BBauG, op. cit., § 1(1).
165. Ibid., §§ 5-7.
166. BBauG, op. cit., § 2(4), §§ 3,4.