

# Linking planning theory, implementation analysis and planning law

Planners' Beacon, Compass and Scale

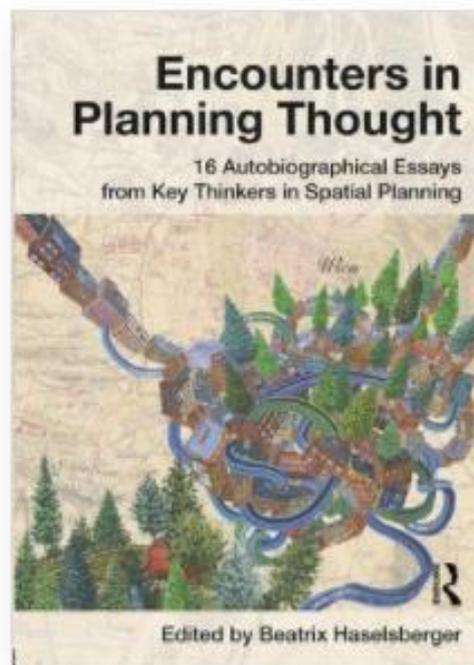
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**16 Autobiographical Essays from Key Thinkers in Planning**

Edited by Beatrix Haselsberger of TU Vienna



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**From the book's author description:**

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**Other contributors to the book:** Louis Albrechts, Michael Batty, Peter Hall (passed away before book published), Andreas Faludi, John Forester, John Friedmann, Cliff Hague, Patsy Healey, Charles Hoch, Judith E. Innes, Klaus Kunzmann, Peter Marcuse, Luigi Mazza, Barrie Needham, Gerhard Schimak.

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Rachelle Alterman

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**Encounters in Planning Thought:**

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The invitation to contribute to this volume has given each of us, 'The Chosen 16', the rare opportunity to reflect rigorously on the evolution of our own thinking as part of broader global trends. Our thoughts will not remain as reminiscences recounted to a group of respectful students visiting elderly scholars at the fireside. For me, this opportunity comes many years before I plan to retire.

What have I learned from the exercise of delving inwards? I now realise that three seemingly unconnected themes have been intertwined in my work: *planning theory*, *implementation analysis*, and *planning law*. I picture them as the *beacon*, the *compass*, and the *scale*. Planning theory is the beacon because it provides planners with the normative-ethical light, with a sense of public mission. Implementation analysis is the compass because it offers realistic directions that planners should take in order to achieve their missions. Planning law is the scale – the proverbial symbol of justice. It helps planners to balance contending goals and interests. However, what is considered appropriate or just also differs from country to country. So I have adopted the powerful perspective of *cross-national comparison* to provide an additional sense of scale. The connections among these ingredients are the backbone of this chapter. Interspersed are chronological accounts of my roles as a student, planning educator, builder of new academic institutions, and a researcher with a resolve to transfer knowledge across continents and disciplines.

Throughout this journey, being a female student and academic was a pervasive fact, so at the end of this paper I will share some experiences and thoughts on this matter.

My journey in the planning world began as a student in the City Planning Program at the University of Manitoba, Canada.

## **The beacon: planning theory**

I first realised that planning theory was my beacon in July 1969, during a working visit to sub-arctic Churchill in northern Manitoba. This was the ‘summer’ in that desolate town. I flew there from Winnipeg as part of my student job as a planner with the Manitoba branch of the Canadian Federal Government’s Public Works Department. I was then a graduate student in the City Planning Department at the University of Manitoba.

My task was to propose urban planning policy for the town’s future, after the army base was phased out. Churchill’s population was composed of army personnel and their families, civilians employed in government or commercial services, and an isolated tribe of Northern Indians (as they were called then). Having studied sociology in my BA Honours degree, I recognised that the tribe was in a state of severe social and health breakdown. My written report to the Federal Government went well beyond the official mandate and added unconventional recommendations to help improve the state of the Indians within the town’s fabric.

Baffled by the dilemmas embedded in my first real-life planning task, I decided to devote my Master’s thesis to making sense of them. I looked to the then-nascent field of planning theory to be my beacon. Unlike ‘regular’ theories, which search for explanations for external phenomena, planning theory is mostly inward-looking (as explained in Friedmann’s chapter). My journey across cultures and continents may have stimulated and influenced my view of planning theory and education.

### ***Studying planning theory during the field’s early years***

Even back in 1968–70, when I took my MCP degree in Manitoba, planning theory offered me powerful lenses for analysing the gap between the ostensibly technical task I had been assigned in Churchill and the complex conflicts I discovered even in such a small town. The analysis culminated in my first academic paper, ‘The Ubiquity of Values in Planning’ (Alterman & Page, 1973). We argued that the value conflicts that played out in Churchill were embedded in four dimensions: the planner’s own culture, language, knowledge, and personality; the planning profession’s inherent conflicts between the ‘scientific method’ and ‘ideology and ethics’; the employers’ values; and the interests and worldviews of the various ‘client’ groups. Value conflicts occurred within each of these dimensions and across them. If this model seems somewhat naïve today, it’s because planning theory has made much headway.

My thesis advisor and co-author was Father Dr John Page – a Jesuit priest and Rector of the Jesuit College at the University of Manitoba. Unfortunately, he did not publish much and passed away in mid-life, but he taught me the importance of recognising the deep philosophical grounding of planning thought. Dr Page, who had earned his PhD from the University of Pennsylvania’s path-breaking planning school, introduced an up-to-date planning theory course to the planning programme at the University of Manitoba. His own teachers and colleagues at Penn included Britton Harris, Martin Meyerson, Paul Davidoff,

Tom Reiner, Ann Strong, Seymour Mandelbaum, and other giants in American planning thought. Meyerson and Banfield's 1955 book, *Politics, Planning and the Public Interest*, which was already a classic, opened my eyes to the role of politics in defining the elusive 'public interest'.

Almost all the authors we read in our planning theory class and those I read for my thesis were Americans. A few years after I graduated from planning school, a young European scholar – Andreas Faludi (a colleague in this volume) – assembled the writings of the leading American authors in his *Reader in Planning Theory* (1973). He thus played a major role in framing planning theory and facilitating its journey across the Atlantic.

Over the years, I have come to know most of the American theorists personally and benefitted from their advice. Interestingly, Canadian planning education at the time was not greatly influenced by British scholarship, despite the Commonwealth affiliation. Nor did World War II resonate much in our readings, unlike the accounts of the European authors in this volume.

One day in 1968, Paul Davidoff visited Dr Page and our Planning Theory class. He had a 'Davidoff for Congress' pin on his jacket. He spoke with the passion of a secular missionary, telling us that if planners wish to influence, they should not shun politics (he was not elected). We had all read Davidoff's 1965 paper 'Advocacy and Pluralism in Planning' – a paper that reflected his legal training. That paper is still the highest-read in American schools (Klosterman, 2011) and also a classic outside the USA. In later years, when I met Davidoff at conferences in the USA, I told him he may have been the subliminal role model in my decision to study law, but he died in mid-life (1984) before I had made much headway in my quest to link planning theory and law.

### ***Back in Israel – a woman in the academy***

Despite attractive offers in Canada and the USA, in 1970 my husband and I decided to return to Israel. I felt that as a planner I could have greater impact in a small country undergoing rapid change. I registered for a PhD in planning at the Technion – Israel's oldest university (established pre-State in 1924), with high international prestige and very high expectations of its faculty and students. The Faculty of Architecture and Town Planning was as old as the Technion.

Upon our return to Israel, we realised that gender equality, though better than in Canada or the USA at the time, still had far to go. While the proportion of female students in architecture was higher than in the USA and Canada, the percentage of female faculty members was very low in the entire university. When I was about to graduate with my PhD in 1976 and expressed interest in academia, one of the full professors – all male architects – said to me bluntly: 'We don't need any women here'. Without the backing of my mentor, Morris Hill, who was an all-through humanist, I would have had little chance of getting an academic position.

In 1972 a small group of female graduate students and young academics, led by an American doctoral student from Haifa University, founded the first feminist group in Israel. The group pioneered institutional and legal changes that became models for other cities and the nation. I was responsible for the newsletters and media. Being known as a feminist was not always pleasant, but both my academic advisor and my husband shared the egalitarian norms. In 1973, Shulamit Aloni –Israel’s clearest voice for gender equality and a Member of Knesset - decided to form her own party. With no organization or resources, she turned to our small feminist group to assemble the required signatures for forming a new party. We approached passersby on city streets, and despite some derisive comments, managed to get the necessary number of signatures. The RATZ Party (later MEREZ) was formed. The elections were delayed due to the terrible October 1973 war. In the 1974 elections RATZ spearheaded the issue of the Occupied Areas and became Israel’s major peace party. Before the 1988 elections, Aloni asked me to join her slate for the Knesset. I agreed at first, following Davidoff’s steps, but soon realized that planning education and research, not party politics, were my calling.

Many years later, in 1994, after I became the first female full professor ever appointed in the Faculty of Architecture and Town Planning, I resumed feminist activity, this time as the Advisor to the Technion President on the Status of Women. I served in this post for a full decade. The Technion became a national model for path-breaking policies for gender equality in Israeli academia, and other universities followed our model. I asked a Technion female statistician to develop a model to test whether there were signs of possible discrimination towards female faculty in the length of time for promotion from rank to rank. Guess what...

Things are very different at the Technion today. Recruiting more female faculty has become a declared objective. There are dedicated scholarships for female faculty members to go for post-docs abroad – a requirement in Israeli universities.

### ***Teaching and researching planning theory and public participation***

The Graduate Program in Urban and Regional Planning was a programme under construction. It was established in 1969 by Morris Hill. He too was a Penn graduate and, by coincidence, Dr Page’s classmate. Hill, known best for his Goals Achievement Matrix (Hill, 1968), ensured that planning theory would be a core course.

The Technion’s Planning Program was Israel’s first. As in most other countries at the time, Israeli architects or civil engineers considered their professions as encompassing urban planning. During the Program’s formative years, students lacked role models of what planners could do as planning practitioners. I saw that my mission in the planning theory course was even more crucial than in countries where the profession was well established, and sought a way of measuring the evolution of the students’ conceptions of planners’ roles. I then came across Howe and Kaufman’s (1979; Howe, 1980) questionnaires about American planners’ roles and ethics, scaled from ‘technically oriented’ to ‘politically oriented’. I adjusted the scenarios in the questionnaires to the Israeli context, and applied them every year. In the 1980s, the Israeli class average leaned to the ‘technical’ side. But over the years, the average

moved more to the ‘political’ side, reflecting the deep-seated changes that occurred both in Israeli society and in planners’ roles as change agents.

Wishing to stimulate change in the norms of governance prevalent in Israel back then, I developed Israel’s first course in public participation. My aim was to couple the ‘beacon’ view that sees participation as an ethical call, and the ‘compass’ perspective that seeks effective change. To accompany the course, I developed a conceptual framework for designing alternative modes of public participation, with an eye to implementation in a variety of contexts (Alterman, 1982). Colleagues and I wrote Israel’s first Guide to Public Participation in Planning. This Guide became popular among planners and NGOs. Gradually, we helped to create participation norms in government agencies. On the research front, Morris Hill, a graduate student and I analysed the degree to which public participation actually impacts on the decisions of planning bodies. We chose to analyse the UK, because the official rules about public participation had already been institutionalised there. We discovered influence, but to a modest degree (Alterman, Harris, & Hill, 1984).

I would like to share my thoughts about language of publication – a burden often felt by academics who don’t happen to live in one of the few English-speaking countries. My university, like many elite universities around the globe, bases its hiring and promotion criteria on international academic publications. Early on I decided that if I want to be relevant to local decision makers and the general public, I should be willing to do ‘extra-curricular’ work and publish in Hebrew as well. Many of the 60 books, papers, and reports published in Hebrew have indeed had direct impacts – a nice reward for the difficulties of being an academic in a tiny country with its own unique language.

In 1981–2 I took my first sabbatical year and, with my husband and our two kids, went to the University of North Carolina in Chapel Hill. Ed Kaiser, Raymond Burby, and David Godschalk were my eminent seniors. I co-taught planning theory and what may have been the first course on comparative land-use planning.

### ***Planning versus policy analysis***

By that time, I was acquainted with the British legacy of planning education and practice. I was concerned about the strong trend whereby many American planning schools – unlike their European counterparts – were emulating the fast-growing field of public policy studies. My concern was that planning would lose its anchor in land, thus leaving a vacuum. The professions from which planning broke away would step back in, thereby rolling back essential achievements of planning research and practice.

So I sought out Prof. Duncan MacRae, an eminent scholar from Chapel Hill’s Public Policy School. Our introspection of our respective fields produced the paper ‘Planning and policy analysis: Converging or diverging trends’ (Alterman & MacRae, 1983). I am told that the Planning Accreditation Board, which assesses planning schools in the USA, found this analysis useful. Perhaps we contributed something to planning education in the USA by

curtailing the trend of becoming too ‘footloose’ and generic and abandoning its unique spatial understanding.

### ***Communicative planning and language***

A decade later, my students and I were inspired by the remarkable turns in planning theory towards communicative, deliberative, and collaborative planning (Innes, 1995; Healey, 1997; Forester, 1999). I was especially tantalised by the attention given to the use of language in planning communication. Tamy Stav and I employed concepts derived from linguistics to analyse, quantitatively, the language of selected American and UK plans. We assessed the degree to which the words and syntax conveyed public openness. In another study, we developed scales to evaluate the language of Israeli Government plans when addressing the land issues of the Arab or Druze citizens (I am not referring to the occupied areas). The findings about this highly contested issue showed a trend of rising fairness over time in the government argumentation (Alterman & Stav, 2001). A colleague and I are currently studying modes of communication in legally-mandated public hearings in Israel, the UK, and the Netherlands. Seemingly minute variations make a great difference in practice.

### ***Planning theory and situations of crisis***

Sometimes, research topics just come our way. I had never intended to study the role of planning theory in times of crisis. In 1990, a once-in-an-academic’s-lifetime challenge came my way. I received a phone call from a national Planning Administration official who said: ‘You teach planning theory, don’t you? Do you know what approach we may use to handle the unprecedented crisis on our hands?’ Israel was experiencing a totally unanticipated wave of immigrants from the collapsing Soviet Union – penniless, of all ages, and health conditions. The expectation was that the existing population of 4.7 million was to absorb 1.5 to 2 million new immigrants within three years, starting immediately. I had no idea how to respond. None of the planning theories I had been teaching had any answers.

Nevertheless, I agreed to serve on several Israeli national and professional decision bodies which were quickly established. The Israel of 1990 was no longer the developing country of the ’50s. Government bodies were looking for strategies that could avoid mass housing shortages and social upheaval. In a small country, I was able to be a participant-observer in major decision bodies, but needed time and distance to digest what I experienced.

In 1992–3, while on sabbatical at the University of Wisconsin, Madison, I sat back to analyse the large box of government reports which I had taken along. I also searched the literature in planning, public policy, and corporate management for theories to guide decisions in similar crisis situations. The literature on disasters was unsuited to what I called a ‘positive crisis’. About to give up, I came across Karen Christensen’s modest paper (1985). She offered insight into how charismatic political leaders can reframe a crisis situation into a less imposing problem and channel other decisions around it. This shed light on how the crisis in Israel was indeed managed to a reasonable degree. My analysis was first published as an article (Alterman, 1995) and later as a book, *Planning in the Face of Crisis* (Alterman, 2002).

Although my research focus today is more in the direction of planning law and land policy (discussed later), my interest in planning theory has not subsided. While pursuing international comparative research, I have had opportunities to observe planning education in more parts of the world. Planning theory as we know it is by no means a universal component of planning education. A paper on the transferability of planning theory is still on my ‘to write’ list.

### **The evolution of planning education and the profession**

Perhaps because I chose to live in a country where planning education was not yet well established, I became keenly aware of the difficulties facing planning education and the profession in various parts of the world.

#### ***The hybrid model of planning education***

Planning is a relatively new profession, one that Donald Schon (1984) classified as among the ‘minor professions’. Planning first became recognised as independent from architecture in Britain in the 1930s, and initially made its way only among English-speaking countries. In many countries, planning has not yet established its independent educational and professional turf. Other professionals carry out planning work. Their identity varies across the world, reflecting very different traditions (Alterman, 1992).

Looking back at my education in Manitoba, I realise that the planning degree already had a relatively long history, having been accredited in 1952, among the first four schools in Canada.<sup>1</sup> The planning profession too was already well established through the Town Planning Institute of Canada, founded in 1919, only five years after its globally pioneering parent – the British (today Royal) Town Planning Institute.

The planning education I received at Manitoba was a hybrid between the older physical planning, design-oriented model and the newer social science model that had already been adopted by leading American planning schools. The European authors in this volume also note their experiences with this transition. This hybrid model later enabled me to help in phasing-in planning education in Israel. I was also able to understand different modes of planning education in other parts of the world, where the social science model is not yet dominant.

The transition mode in Manitoba also applied to student admission. Unlike leading planning schools in the USA, in Manitoba the first student with a social science degree was admitted only in 1967, the year before I enrolled. In my class I was the only student with such a background. In order to enter the MCP programme, candidates like me were required to complete an additional year beyond their BA degree (pre-Master’s BA Honours). But once admitted, a student with background such as mine received excellent training in physical planning too.

#### ***The uphill battle to establish planning education and the profession in Israel***

The establishment of planning education in Israel turned out to be a much rougher ride than I had expected. As a PhD student-teacher and later a young academic I became involved in an intense professional ‘turf war’, which is not over to this day.

The nascent planning programme at the Technion, established in 1969, was (and still is) located in the Faculty of Architecture and Town Planning. However, the term ‘town planning’, as the school had been named since its foundation in 1924, was not intended to mean more than urban design. The faculty members – all architects – never intended to offer a planning degree.

The story of how planning was introduced into the Technion after all is almost incredible. In 1968 the faculty members in Architecture had a severe internal ideological dispute between two contending views of architectural concepts. The university imposed an external dean. At this fortuitous time, Morris Hill, who had just arrived from the USA, approached the new dean with the idea of introducing US-style planning education. The Technion’s leadership saw this as an opportunity to introduce a group of ‘unaffiliated’ faculty members to help quell the feud. I arrived as a PhD student in 1970, at the same time as three newly-recruited faculty members in planning – all with PhDs from US planning schools.

Since then, the small Graduate Program in Urban and Regional Planning has flourished academically. Gradually, some colleagues in architecture have come to recognize planning as a field and to cooperate in interdisciplinary teaching and research. However, the Israeli professional architects’ association is no less adamant today that the “real” planners are architects. They express their opposition in the legal arena, the workplace and the media.

I was convinced early on that as a planning educator I had a duty to help create the planning profession beyond the university. I could not tolerate the disparity between the high-grade professional education we were offering, and the hurdles the graduates were encountering in exercising their profession. So I became active in the nascent Israeli Planners’ Association, served as its Deputy Head, and spoke up for planning in many public and professional forums. In retrospect, I realise that I was risking my chances of tenure; all the senior faculty were still architects.

In 1995, while providing pro bono advice to the Knesset regarding a proposed amendment to the planning law, I succeeded in ‘sneaking in’ a modest but landmark change regarding membership of the various public planning committees. Where the law had previously called for ‘architect or engineer’, now anyone with an ‘urban and regional planning education’ would also be eligible. For the first time in the long history of planning legislation in Israel (dating to pre-State years), the term ‘urban and regional planner’ finally appeared in the legislation. However, these changes pertain to public-service positions, often unpaid.

Since then, the architects have successfully blocked all attempts at further legislative progress. For example, in 2012 they resisted my proposal to update the antiquated legal title ‘Chief Municipal Engineer’ to “planner” to reflect the fact that the role is mostly urban planning.

Opposing the mere change in language, they argued that some future legislation might go further and open up this position to non-architect planners.

Despite the hurdles, our graduates' excellence and commitment have won them wide recognition and demand in the marketplace. Today they hold key planning positions in government, private, and NGO sectors – all but those positions still closed to them by law. The Israel Association of Planners too has come of age.

I assume that the rather bumpy road travelled in the formation of the Israeli planning profession is not unique globally.

### ***Milestones in the globalisation of planning education and research***

Fully-matured academic fields have a global community of peers. The planning academy is not yet there, but it is making significant progress. I was fortunate to be able to witness first-hand the major milestones in the gradual, and still ongoing, internationalisation of the planning academy. This has meant a lot to me in my own research and teaching.

In the autumn of 1981 in Washington D.C, ACSP, the Association of Collegiate Schools of Planning (USA), launched its first conference held independently of the American Planning Association. I was probably the only non-North American present. ACSP was the first large-scale continental association of planning schools in the world. At that time, planning academia was still very much nationally-based, and to some extent it still is. However, to a modest extent, ACSP was already somewhat transnational from the start, because it enabled overseas schools to become 'corresponding members'. I registered the Technion as the first corresponding school. The conference proved to be a major milestone not only in the evolution of planning academia in the USA but also internationally.

In 1987, a group of leading European academics in planning (several of whom are also participants in this book) founded AESOP, the Association of European Schools of Planning. Klaus Kunzmann, AESOP's first president, recounts how he and Patsy Healey – the Association's Founding Mother – came to the idea of forming a European continental association to parallel ACSP<sup>2</sup>. However, the idea of forming AESOP was much more than a second continental association emulating ACSP. I regard it as the most significant milestone in the formation of a global planning academy.

Unlike ACSP, AESOP constituted the first large multi-cultural and multi-lingual forum where planning academics would be able to exchange knowledge. English was the common language. To me, this event marked the real maturation of our field and its release from the national umbilical cords that held it back from becoming a globally relevant field of knowledge. I travelled from Israel to attend the inaugural ceremony in Amsterdam.

Over the years I observed how planning academics from different countries, who at first had little common ground, gradually began to share knowledge. I witnessed how the level of academic exchange rose year by year, levelling out initial disparities, especially between

academics from the British Isles and those from the Continent. A vibrant intellectual community was emerging.

I gradually became ‘addicted’ to AESOP conference, and have never missed a single one (including joint ACSP-AESOP and global meetings). AESOP’s openness offered me the opportunity to initiate the Planning and Law Track, later to become the International Academic Association on Planning, Law and Property Rights, whose story I shall recount later.

I was surprised and deeply honoured when, during its 25<sup>th</sup> annual conference in Ankara, AESOP decided to make me an Honorary Member. I became the 5<sup>th</sup> and the only non-European thus honoured, joining Klaus Kunzmann, Louis Albrechts, and Patsy Healey – the Association’s three first Presidents – as well as Andreas Faludi, one of the founding fathers. They are all represented in this book.

In the early 1990s, when I was still one of the few academics involved in both ACSP and AESOP, I wrote a paper intended to strengthen the bridge across the Atlantic, titled ‘A Transatlantic View of Planning Education and Professional Practice’ (Alterman, 1992). There, I analysed the different modes of planning in the USA and the UK, and compared these to the still-emerging planning education in the various parts of Continental Europe. Using this paper as a benchmark, one can assess the great progress made in spreading planning education and professionalism in all parts of Europe, including Eastern Europe. This progress is largely due to AESOP’s wise and inclusive efforts.

Following AESOP, more continent-based planning associations have been established. But the most important next landmark was the establishment of the Global Planning Education Association Network. I was present at the inauguration of GPEAN in 2001, during the first World Planning Conference held in Shanghai. Planning had achieved another major milestone.

However, planning education and the planning profession are as yet far from global. There is much work still to be done to introduce or enhance planning education and the profession in many parts of the world, including the countries which need planning the most.

### **The compass: Implementation Analysis**

Planning theory is largely introspective; it searches for the guiding light from within planning thought. To make planning effective anywhere in the world, norms and ethics are not enough. Planners also need to learn more about how to navigate in the real world of public decision-making. Planners should understand the real-life contexts of public decision-making. Implementation analysis is the compass, the instrument that planners should use to steer their ship through the rough waters between planning goals and the shores of reality. The compass helps not just to keep to the desired direction, but also to change direction when necessary.

My PhD research was devoted to learning what happens within the ‘black box’ of the implementation process. I aimed at the mundane trajectory that characterises the life of most plans: delays, poor inter-agency coordination, declining political commitment, resurgence of unresolved conflicts, etc. My special interest was in legally-anchored (‘statutory’) land-use plans and instruments. In US and Canadian legal terminology this would include comprehensive plans, zoning regulations, subdivision controls, Planning Unit Development, and the like (Alterman, 2005). I chose to focus on these because they were – and still are – the regulatory planning instruments routinely employed in most countries, though with important variations.

I’d like to share a bit about the bumpy path of PhD research – especially across oceans. My advisor, Morris Hill, was not convinced that the topic was worthy of research because I could not find any previous work of this genre. One day in 1972 I discovered Daniel Mandelker’s book *The Zoning Dilemma* (1970). It was a recent arrival in our university library, located thousands of miles from the author’s Washington University in St. Louis. To me, finding this book was discovering a treasure. Mandelker analysed not only the law of zoning, as other books had done, but also gave a quantitative measure of deviation from the comprehensive zoning through rezoning, exceptions, or variances. So here was a renowned American planning-law scholar who thought that empirical research about implementation in planning was worth doing! In need of conviction, I wrote him a letter. Mandelker replied quickly, by ‘snail-mail’ standards. His encouragement was the confirmation I needed to go ahead. I met Dan in person a few years later. By then, I was studying law. He has been a major help and inspiration in my academic career.

Finding a theoretical grounding for my PhD research on implementation was not easy. Most of the literature in planning, political science, or law at the time adopted a self-deluding view, assuming that if decisions were made ‘correctly’, then implementation would follow. So I developed a rudimentary theoretical framework of my own. It sought to connect the approval of plans to the legal and administrative decisions that follow over time – those that are consistent with the approved plan (down to building permits), and those that entail amendments or variances and exceptions. Using statistical analysis, I tried to identify explanatory variables that may help planners understand how and why plans gradually derail. To this day, those who cite the papers that emanated from this research (Alterman & Hill, 1978; Alterman, 1979; Alterman, 1980; Alterman, 1981) often note that there is a need for more empirical research about implementation.

But soon after I finished my dissertation in 1976, I learned that while I was struggling to develop my rudimentary theoretical framework, Pressman and Wilkansky– Wildavsky (1973) had already published their brilliant book, *Implementation* (with humorous subtitles). With no internet, I missed the opportunity of benefitting from their tantalising conceptual model. They demonstrated schematically that the probability that a law or policy would be fully implemented is very low because it declines quickly with each clearance decision required along the way. Although some have criticised the Pressman and Wildavsky model for being overly pessimistic, I find their argument a compelling ‘wake-up call’, especially for urban

planners who deal with ‘wicked problems’ (Ritter & Webber, 1973) and multi-sector issues requiring a plethora of ‘clearances’.

Pressman and Wildavsky’s book triggered a rich variety of theoretical frameworks and contesting debates – such as between the ‘top down’ and ‘bottom up’ approaches to implementation analysis. However, these studies referred to public policy in general, and rarely focused on the challenges of urban and regional planning. When I learned that Patsy Healey and colleagues in the UK shared my idea that planning theory and implementation analysis complement each other, I travelled to meet her at Oxford Polytechnic. In the 1980s I wrote several conceptual papers about implementation analysis tailored for planning (Alterman, 1982; 1983; Alterman, Carmon, & Hill, 1984)..

I later used implementation analysis as my compass for evaluating large-scale planning policies: Israel’s statutory planning system (Alexander, Alterman, Law Yone, 1983), the ambitious Project Renewal (Alterman, 1987; 1991), and the strategies for the ‘Israel 2020’ long-range planning project. Although research by policy scientists and planners about implementation theory has diminished, some of the underlying concepts have migrated to ‘new institutionalism’ (Verma, 2002) and ‘complexity theory’ (Innes & Booher, 2010).

### **The Scale – Part I: Planning Law**

The third image guiding my work is a scale. This image conjures up planners’ need to find a balance between conflicting goals. In my research and teaching, I have focused on two perspectives that offer planners a scale: first, planning law, with its proverbial scale of justice; and second, cross-national analysis with its capacity to provide a comparative sense of proportionality, of scale. I will first focus on my research in planning law, and then on comparative analysis.

#### ***The interrelationship between planning and law***

During my PhD research I became aware that in order to understand the implementation process for a statutory plan, I needed to learn about issues such as the legal powers of the various bodies; the interrelationships between planning law, administrative law, municipal law, taxation law, and constitutional law; the implications of ambiguity in the wording of plans or the legislation itself; the limits to discretion; and the important role of court decisions. Rather than viewing the law as an outsider, I decided to harness the knowledge of law to enlighten my research and empower my students and the planning profession.

Gaining a law degree turned out to be the most difficult of my academic challenges. The problem was the timing. I registered for the law degree right after completing my PhD, just when I was starting an academic career. Due to the heavy teaching loads assigned to new faculty at the time, I had to spread my studies over more years. During this period, we had our first child and then the second, but with a time-sharing husband, children were never a deterrent.

When I finally graduated in 1984, I was sure that the journey was well worth it. Since then, a major part of my academic work has been directed towards bridging the rift between planning and law. Understanding the workings of the legal system is no less important for planners and their citizen-clients than understanding, say, transportation systems or housing markets.

### *The policy impacts of planning law research*

Planning law is an endless field for research, thirsty for much more theoretical as well as empirical scholarly endeavours. Over the years, I have studied many aspects of planning and related laws. My experience is that planning law research can have an impact if it addresses issues of public concern and does not remain on the abstract, doctrinaire level. Of course, such research has to be independent, not commissioned. My own planning law publications – alone or with my graduate students and post-docs – have been cited scores of times by the Israel Supreme Court and lower courts and have influenced legislation on key topics. Here are four among many examples.

After publishing two papers in international law journals without any local effect, I decided to publish in Israeli law journals as well. My first paper addressed my concern that local statutory plans were much too detailed, thus inevitably leading to many amendments. I argued that even without legislative change – which would have been unlikely then – planning bodies are authorised to approve flexible types of plans (Alterman, 1981, Hebrew; see also Alterman, 1980). The Israeli Supreme Court adopted my view almost immediately, but practice was slow to change. Only in 2013 did the Knesset amend the planning law in this spirit.

A second example is a 1985 paper, where I criticised a Supreme Court decision on expropriation law (eminent domain) delivered several years earlier (Alterman, 1985; Hebrew). There, the Court interpreted the legislation as permitting compensation for only 60% of property value, as had been the practice. But in 2001, the Supreme Court dramatically reversed its approach, a rather rare occurrence in jurisprudence. The decision was based largely on my argument.

A third example is a paper which I wrote especially to ‘save’ Israel’s exemplary land readjustment law from a pending court decision that might have emptied out its usefulness (Alterman & Hevroni, 2006; Hebrew). Land readjustment is a planners’ dream-world instrument, available only in a few countries around the globe (Alterman, 2007). This instrument can shift and resize the locations of private land parcels and at the same time change zoning rules and gain land for public infrastructure. Fairness among all landowners is built into the instrument. The Court cited our paper and adopted the essence of our argument. Land readjustment retained its potency and continues to be widely used for development and redevelopment.

A final example pertains to Israel’s exacerbating housing-affordability crisis. On this issue, in 2011 Israeli cities witnessed the largest ‘Occupy Wall Street’ type of protests in the world, relative to population size. Colleagues and I published two books in Hebrew about regulatory instruments for affordable housing in several countries and their applicability to Israel. The

books became part of the intensive public debate among NGOs, the media, and Knesset deliberations.

## **The Scale – Part II: Cross-national comparative research**

During the initial years following my legal studies, my research was naturally focused on my home country. Most legal research is indeed domestic. But I soon discovered that if I wanted to evaluate my country's planning laws, I needed some external perspective. In other words, I needed a sense of scale which cannot be gained just from looking inwards, within one's national 'silo'.

### ***Why comparative research?***

Some legal fields are guided by international norms or philosophical doctrines. This is not the case with planning laws. To determine what a 'good' law is and what the range of feasible alternatives may be, cross-national comparative analysis can be very helpful. To untrained eyes, planning laws in different countries may seem similar to each other. In fact, my research has shown that seemingly small variations entail major differences in planning policy and practice. This holds even for neighbouring countries with similar socio-cultural and physical characteristics (Alterman, 2010; 2011a). Where planning laws are concerned, the devils are indeed in the details – but so are the angels! The capacity to learn systematically from other countries' laws is a valuable policy resource.

However, conducting cross-national analysis of laws and practices is not an easy task. Comparative research in planning law was especially difficult because there was hardly any comparative research published, nor networks of planning law scholars anywhere in the world. Before the internet, access to legislation and court decisions was difficult and even today most countries publish their planning laws and court decisions only in their domestic language. So, for every topic in planning law or practice, I had to search for a local planning or property law academic to help me understand the intricacies of the system. In my journeys I met leading planning law or land-regulation scholars in various countries and collaborated with some in research. To save others from the need to do these kinds of arduous academic searches, I decided to establish a global academic platform for planning and law – a story to which I devote a separate section below.

As I became better acquainted with an expanding set of planning law 'systems', I learned that there is no planning law system which has a high degree of satisfaction domestically. However, through a comparative prism, countries can learn from each other about alternative ways of approaching planning laws.

### ***Examples of comparative research***

Exposure to other countries' modes and approaches – each very different from the others – has helped me to provide answers to questions that had no absolute answers of right or wrong, extreme or moderate, or even just or unjust. I will give a few examples from among the many planning law conundrums that I have researched or am currently researching alone or with my doctoral students.

The first example is the question of whether it is legally appropriate to require private landholders to contribute to public services (in land, construction, or money) when they seek permission to develop. This is what Americans may call ‘exactions’ or ‘developer agreements’, the British call ‘planning gain’ or ‘planning obligations’, the French call ‘participation’, and the Australians in New South Wales call ‘contributions’ and ‘voluntary planning agreements’. Initially, my interest was triggered by the Israeli law that allowed for hefty quasi-compulsory land dedication (Alterman, 1990a). Planners saw this as a fair and necessary means of obtaining land for public services; but lawyers regarded this practice as ‘government robbery’.

I faced a dilemma. Which side should I take? So I sought to learn about this issue in several other countries. I discovered that although this issue takes somewhat different forms and degrees in other countries, the debates surrounding it are very similar. This topic became the theme of my first comparative book titled *Private Supply of Public Services* (Alterman (Ed.), 1988). I assembled and wrote the book while on my second sabbatical year – this time at New York University – where I enjoyed the collegiality and advice of the eminent Alan Altshuler. The book encompassed the USA, England, France, and Israel. Especially fascinating to me was audacious form of American exactions called ‘linkage fees’ – then an evolving practice – so I followed with additional field research and critical analysis (Alterman, 1988). The transferability of American practices to the UK was another challenge (Alterman, 1990b). The issue of developer obligations continues to fascinate me because it highlights the tensions between public and private goals and interests. A PhD student and I are completing a legal-empirical comparative study of developer agreements in the UK, New South Wales (Australia) and Israel.

Farmland preservation was another topic where I felt the need for a comparative scale. Israel has very strict legal protection of farmland, defined in an extreme way to encompass almost any undeveloped land in the country. In effect, all development proposals must receive clearance from a national level. I had done empirical research in Israel to look at the relevant body’s decisions, and didn’t know whether these were unreasonably strict for a country with a steep growth curve, or just right for open space protection. This riddle led to an (award winning) paper that compared farmland protection laws and policies in 6 countries (Alterman, 1997). The comparative scale unlocked the answer: Israeli law was ostensibly the strictest, but the Netherlands achieved the best protection.

In the 1990s I was part of the ‘Israel 2020’ team which sought to provide a knowledge base for long range planning for a country with high density, high growth rate, and many external challenges. I wanted to re-think our somewhat antiquated planning law.

Once again, I felt the need for a comparative scale. We assembled a group of leading scholars, mostly in planning law, whom I had met in previous years. This led to the book *National-Level Planning in Democratic Countries* (Alterman (Ed.), 2002) based on a rigorous 10-country comparative scheme. The conclusions were counterintuitive. They showed that

external factors such as population density, legal regime or economic wealth cannot ‘explain’ why some countries adopt one approach or another to planning law. In fact, nations sometimes choose to take about-turns from time to time. There are many ‘degrees of freedom’ in designing planning laws, and these can be subject to ideology or debate.

The final example: the relationship between planning regulations and land values has bedevilled legislators and planners ever since the first national planning law in the world was enacted, in 1909 in Britain. Planning laws and the rules prescribed through them are major determinants of land values and are inevitably intertwined with issues of distributive justice. Should planning laws entitle landholders to claim compensation for planning regulations that diminish property values, or do landowners have a social duty to bear the brunt? And what about the reverse issue, the ‘windfalls’? There have been several theoretical and normative treatises on this subject, but I wanted to learn how different countries approach this issue in their laws and practices. As surprising as it may seem, no one had previously done systematic comparative research on this intrinsically universal issue.

I set out to write *Takings International* (Alterman, 2010) which addresses the decline side of property values due to planning controls. This turned out to be the largest-scale systematically comparative research on planning law ever published, encompassing 14 jurisdictions – 40% of all OECD countries at the time. The findings showed that the laws in place actually covered a very broad spectrum – from no compensation rights at all, to generous compensation rights. Once again, the findings were counterintuitive. One cannot guess a country’s rules based on any intuitive factors such as legal regime, density, culture, economy, or political ideology. For example, when the political-ideological debate raging in the USA about ‘property rights’ is positioned along the comparative scale, both sides are seen to fall close to the middle rather than at the extremes (Alterman, 2011b). The book’s findings have already influenced legislative changes in both the Netherlands and Israel – countries with extreme compensation rights. On the ‘windfalls’ (or betterment-capture) side, my research shows that contrary to the enthusiasm of theoreticians, most countries today have chosen not to adopt a direct, overt windfall-sharing rule and prefer indirect modes (Alterman, 2012).

I have touched on only a few of the topics addressed in my ongoing comparative research. Each topic has produced some unanticipated findings, and has opened up new horizons for theoretical development and further research.

### ***Establishing the International Academic Association on Planning, Law and Property Rights - PLPR***

After many years of having to seek out like-minded researchers in other countries, I decided to establish the world’s first international academic platform with a mission to bring together planning researchers interested in law, and legal researchers interested in planning. New academics would have a much easier time finding partners for research than I did, cross-disciplinary research would be stimulated, and comparative research would get a boost. I knew I would have to build this up gradually. So at first I approached the two major associations of planning academics – ACSP and AESOP – with the idea of establishing a

conference track on this topic. AESOP proved to be more receptive to the idea. Patsy Healey helped me to promote the idea by teaming me up with Willem Salet of Amsterdam and Benjamin Davy of Dortmund, and the AESOP Planning and Law Track was born. Since 1999 I have served as its co-chair (with other local partners). The Planning and Law Track later became AESOP's pioneering 'thematic group'.

After several years, I felt that the Thematic Group within AESOP had matured enough to be able to evolve into an independent academic association which could bring together academics not only from planning schools, but also from law schools and real-estate schools. In 2006, PLPR was launched in an inaugural conference held in The Hague (hosted by the Dutch Government), and in the University of Amsterdam (hosted by Willem Salet and Leonie Janssen- Jansen). I became PLPR's founding president. Today, PLPR is a vibrant platform for research collaboration and co-publication. The Association's annual conferences, held in a different country every year, draw academics from many parts of the world, and many early-career researchers.

### ***Sharing knowledge with developing countries***

After many years of studying the advanced-economy countries, I feel obligated to share more of my knowledge for the benefit of the 'Global South' and countries in transition. After all, there are only a few dozen advanced-economy countries. The rest of humanity deserves much more attention from planning scholars. The problem is that the laws, regulations, and policies born in developed countries are usually not suitable, at times even harmful, for the developing world (Alterman, 2013). Perhaps some of the recollections of my childhood in Israel, when it was a developing country, have helped me to cross the deep divide that separates the advanced from the developing countries.

My first try at knowledge transfer to a developing country was to Israel's neighbours – the Palestinian Authority (Alterman, 2007b). In 2011 the OECD invited me to a team to assess Poland's urban policy. Focusing on Poland's still-rudimentary planning laws and housing policies, I recommended transition strategies. In recent years, I have been volunteering time to UN Habitat in Nairobi, to think about land-based financing for public services, new conceptions of planning law, and how to minimize corruption.

Lately, I have also been asked to share my knowledge with the Chinese national and municipal governments on topics of comparative planning law, public land policy, housing regulation, land expropriation, and illegal construction. The Chinese context differs markedly from most developing countries. Chinese decision-makers convey an insatiable thirst to learn from advanced economies. Some of my publications are being translated into Chinese.

### **Epilogue**

I feel exceedingly privileged to be a professional planner, educator and scholar. No other profession seeks to understand the complex interrelationships between societies, cultures, economies, politics, administrations, and the physical world all at the same time – not just in abstract theory or philosophy, but literally 'on the ground'. No other profession charges its

practitioners with a mission to improve people's lives in so many aspects at once. No other profession offers its practitioners a 'broad band' spectrum of roles, positions, levels, and locations from which to choose, and opportunities to evolve and change during the course of one's career. And think about it: the planning profession is also the best background to enjoying one's tourist vacations! Like medical doctors, we are interested in every part of the body of cities and regions, are not deterred by areas of decline, and are eager to think of solutions. In a world where the majority of humanity lives in cities – the hubs of economies, cultures, and political decisions – we have the profession of the future.

My own journey in planning education and research is by no means over. There is need for so much more research in planning and planning law!

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## **Appendix: A female planning student in Canada**

In 1968 I was the only woman among 12 students in my class in the Department of City Planning at the University of Manitoba. Although the department was not new, the only previous female student had enrolled a year earlier. In the large Engineering Faculty, where my husband was a student, there was only one female student – the first since World War II. The Faculty of Law had only two female students. Female students were not allowed to wear trousers, even in Winnipeg's -30°C weather! Here is another story: I may have missed being Bill Clinton's classmate in Cambridge, UK. Were it not for the males-only rule of the Rhodes Scholarship at the time, I would probably have been nominated as the Manitoba Rhodes Scholar in the same year as Bill Clinton. A male friend of mine won the award, with the second-highest grades.

Canada at the time was very gender-unequal. The national TV and the newspapers had no female reporters beyond fashion and home. During my undergraduate studies, I was the only married woman in the entire College of Social Science. It's not that I married unusually early (20 was common then), but that female students rarely continued their studies after marriage. Whenever my name would be called out, the 'Mrs' would reverberate throughout the halls. The title Mrs had always agitated me. Why should women have to carry their marital status in public, while men's remains as their private domain? The Feminist Movement's Ms was a linguistic invention with deep implications.

My husband and I may have been different because Israel at the time had better gender-equality norms than the USA or Canada. In my childhood, I had many more professional female role models than as a teenager in Canada. When Betty Friedan's seminal book *The Feminine Mystique* reached Winnipeg in 1969, my husband and I read it together. It helped us understand the rationale for what we were practicing instinctively.

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## Notes

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<sup>1</sup> <http://umanitoba.ca/faculties/architecture/programs/cityplanning/about.html>;

<sup>2</sup> See Klaus Kunzmann, 'Giving Birth to AESOP' in the 'history' tab of the official AESOP site. [http://www.aesop-planning.eu/en\\_GB/what-is-planning](http://www.aesop-planning.eu/en_GB/what-is-planning)