Technion – Israel Institute of Technology
Center for Urban and Regional Studies

Planning Law in Times of Crisis
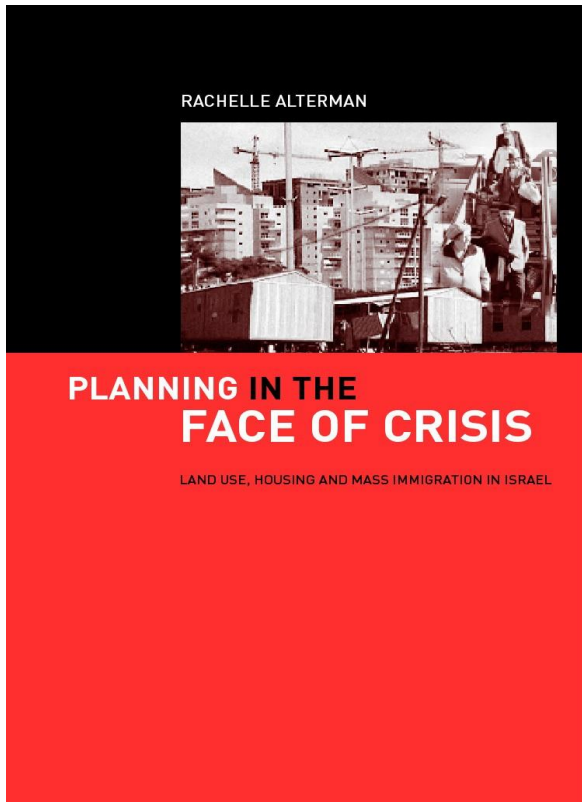## A Comprehensive Approach?

Rachelle Alterman

Professor, planner and lawyer

Founding President (2006-2010), International Academic Association on Planning, Law and Property Rights

Co-Founder, Platform of Experts in Planning Law

Annual Meeting of the Platform, Athens Oct. 17-19 2013

Rachelle Alterman (2002). Planning in the Face of Crisis. London: Routledge

Attributes of Crisis Situations

❑   **uncertainty; dependence on exogenous variables**

❑   **high degree of change**

❑   **high magnitude of risks**

❑   **system-wide and complex anticipated impacts**

❑   **poor knowledge about solutions**

❑   **urgency; high cost to delay**

❑   **degree of consensus about goals ??**

Crisis situations in the eyes of policy science

Policy scientists' attempts to think of the relationship between types of problems, or situations, and mode of decision making
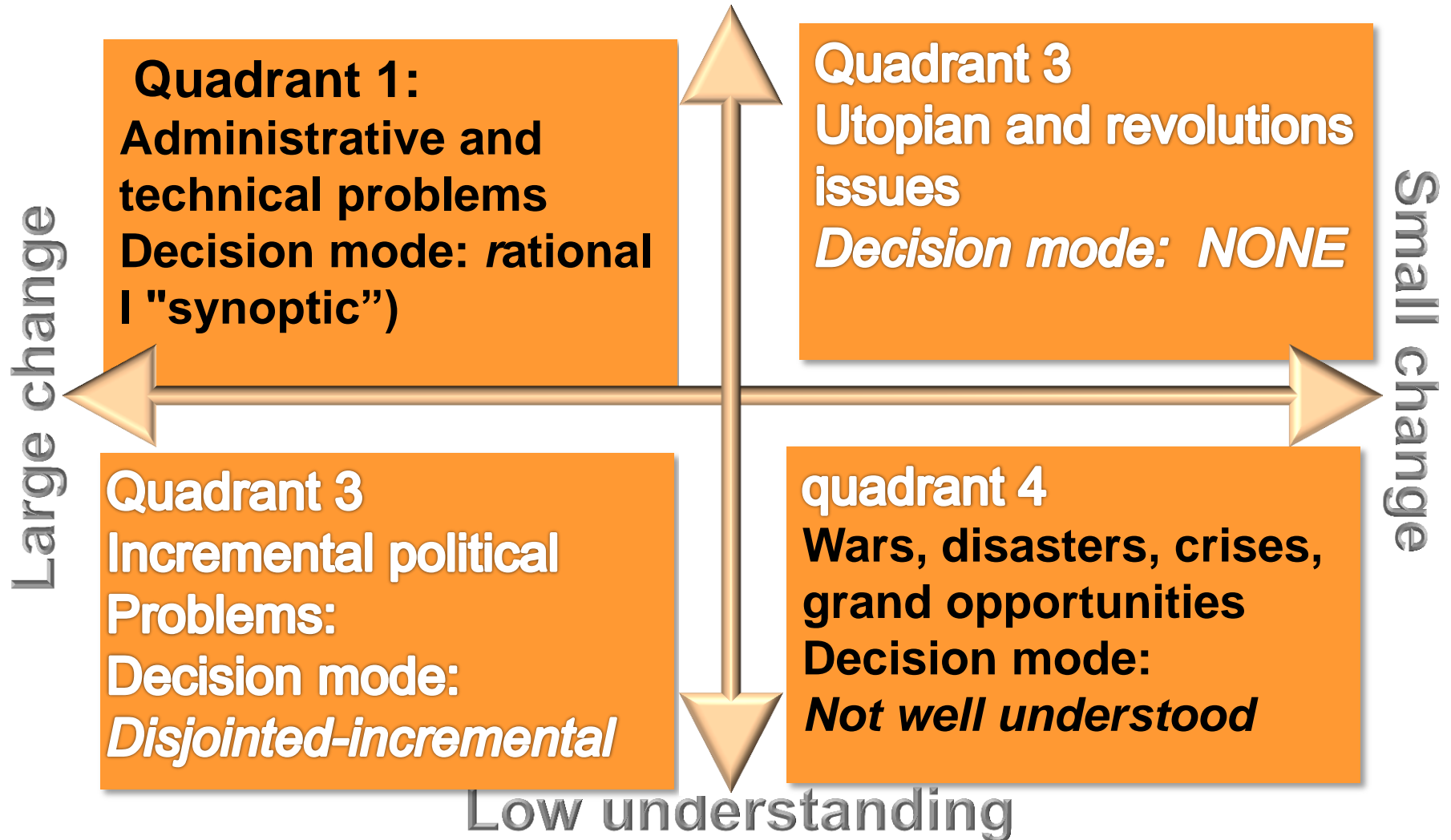
What I have called
"Fourth Quadrant Problems"

Planning laws in times of crisis

Dimensions for Analyses

Braybrooke and Lindblom (1963)

High Understanding

Large change ← → **Small change**

Quadrant 1:
Administrative and technical problems
Decision mode: *r*ational I "synoptic")

Quadrant 3
Utopian and revolutions issues
Decision mode: NONE

Quadrant 3
Incremental political Problems:
Decision mode:
Disjointed-incremental

quadrant 4
Wars, disasters, crises, grand opportunities
Decision mode:
Not well understood

Low understanding

Prototypes of policy problems and expectations of government (Christensen 1985;1999: 96)

Technology	Goal	
	Agreed	**Non agreed**
Known	**A** **Programming** • Predictability • Equity • Accountability • Efficiency • Effectiveness	**C** **Bargaining** • Accommodation of multiple preferences
Unknown	**B** **Experimentation** • Innovation • Responsiveness	**D** **Chaos** •(Charismatic leader) • Problem-finder

Policymaking roles categorized by Policy conditions (Christensen 1985;1999: 96)

Technology	Goal	
	Agreed	**Non agreed**
Known	**A** • Programmer • Standardizer • Rule-setter • Regulator • Scheduler • Optimizer • Analyst • Administrator	**C** • Advocate • Participation promoter • Facilitator • Mediator • Constitution-writer • Bargainer
Unknown	**B** • Pragmatist • Adjuster • Researcher • Experimenter • Innovator	**D** • (Charismatic leader) • problem-finder • Social learning promoter

Public-policy context and types of policy modes **Douglas and Wildavsky 1980**

Agreement	Knowledge	
	Certain	**Uncertain**
Consent	**A** Problem: technical Solution: Calculation	**C** Problem: information Solution: research
Discontent	**B** Problem: Disagreement Solution: Coercion or Discussion	**D** Problem: knowledge and content Solution: **?**

Phases of Real-Life Decisions in the Face of Crisis

PHASE I – SHOCK   "A quest for understanding"
-            institutional numbness
-            incredulity
-            scurrying for solutions

PHASE II – FOCUSING   "In search of the critical path"
-            sense of overriding urgency
-            joint sense of mission
-            quest for alignment

PHASE III – ACTION   "Time is more than money"
-            implementation imperatives

PHASE IV – PLANNING   "Beyond the critical path"
-            getting recognition for planning
-            broadening public debate

PHASE V - POST-CRISIS MANAGEMENT   "Opportunity for macro change"

Types of crisis situations for planning laws

Dimensions for Analysis **(variables)**

in order to facilitate

Cross-national learning – the purpose of this UNIQUE symposium

of our Platform of Experts on Planning Law

General variables

1) Problem type: Bad news or "good news"

2) Unique on national (or local) level or broadly international

3) Human / government made or "natural" (is there a "blame game")? Which agencies are blamed?

4) Was there a relatively similar crisis in the past? Were lessons drawn?

5) Is there (relative) consensus about goals?

Specific planning-related variables

6) **Is the planning system a central issue? As "good guy" or "bad guy"** (=delays, non enforcement)?

7) **Is the planning system highly centralized or decentralized? (whom to blame…)**

8) **Type of planning-related problem - e.g.:**

 - Fast Growth or slow growth of cities?

- housing: prices too low or high?

- Employment: too few sites?

- Uncontrolled development?

- Great deficit in public services? Public unrest?

9) **How unique is the situation internationally** – capacity for cross-learning

10) **Are the expectations realistic**? (probably not!)

Types of (instinctive) solutions

- excessive centralization
- Bi-pass entirely the planning system – exempt government or certain players to act directly on selected issues (roll back history…)
- Excessive decentralization (in name of speeding up the system)
- Over-supply of land use that is in crisis
- Over-comprises with environmental considerations
- Over-protection of certain amenities

So, what can we do?

Was this presentation too pessimistic?

Share knowledge: There has never been an attempt at systematic cross-national learning on crisis mitigation in planning laws, so let's give it a try!

alterman@technion.ac.il

Google: Rachelle Alterman