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The “Deliberative Bureaucrat”

Deliberative Democracy and Institutional Trust in the Jurisdiction of the Finnish Planner

Abstract

The article seeks to elaborate on Forester’s notion of planner as a ‘deliberative practitioner’, aiming to add sensitivity to the institutional conditions of planning, focusing especially on Finland. In terms of trust, the concept of deliberative practitioner mostly focuses on interpersonal trust as a planner’s resource in mediating particular interests. Thereby, when applied to the Finnish context, institutional trust may be undermined as a key resource for the Finnish planner’s jurisdiction, justifying his/her proactive role and authority in bringing broader concerns to the planning agenda. This undermining prevents the acknowledgement of important institutional resources that the Finnish planner has in coping with the tensions between communicative ideals and the neoliberal realities. A more context-sensitive and institutionally responsive theory of communicative planning is needed, to help the planning professionals and other stakeholders conceive the deliberative ideals as supportive for the planners’ institutionally strong agency. Hence the notion of “deliberative bureaucrat.” The article seeks to develop an outline for such a theory by drawing on studies on legal culture, sociology of professions, deliberative democracy theory and the concept of trust.

Key Words

Finland, legal culture, planner profession, neoliberalism, deliberative democracy, trust

Introduction

In the year 2000, the Land Use and Building Act came into force in Finland, including both neoliberal elements and manifestations of communicative planning ideals. A central aim of the Act was to decrease planning bureaucracy and increase performance. Accordingly, the Act guaranteed municipalities authority over local planning, yet allowing plenty of room for local and regional

interpretations and practices. It also allowed the making of public-private land use agreements, in connection to detailed land use planning, which are often difficult to harmonize with communicative ideals. (Mäntysalo & Saglie, 2010.) On the other hand, the Act emphasized openness and citizens' right to participate in planning processes – in principle. Critics have accused the Act for giving a two-faced message: it was “sold“ to the public with a communicative spirit. However, it enabled a very different and less transparent reality, driven by exclusive public-private agreement -based planning. (Nyman, 2000; Mäntysalo et al., 2011; Nyman & Mäntysalo, 2014.)

Such tensions are common in the other Nordic countries, too. Based on his comparative study, Tore Sager claims that the Nordic planners are torn between the deliberative ideals of communicative planning and the *realpolitik* of neoliberal planning (Sager, 2009). In such conditions, the public planner may find him/herself in a curious bind: s/he has to supervise selective agreement/partnership-based planning, but, at the same time, s/he has to portray these processes according to the ideals of deliberative democracy. At worst, a pathological planning culture may result that recurrently misreads and misrepresents its own planning conduct. (Mäntysalo et al., 2011; Mäntysalo 2015.)

It has also been questioned, whether the intention of communicative planning theory to enable bottom-up civil society participation, and relax bureaucratic control of planning processes, would inadvertently serve neoliberal aims (Bengs, 2005; Allmendinger & Haughton, 2013; Purcell, 2009; Sager, 2005; Sager, 2013; Fainstein & Fainstein, 2013; Gunder, 2010). This questioning stems from the (neo-)Marxist critique of seeing structural power imbalances as inherent in the planning system itself. If planning is seen to be structurally inclined to facilitate growth and the accumulation of capital, this condition might be maintained and further legitimized by communicative planning – if it were to minimize predefined restrictions and guidelines, increase flexibility of general level law-binding land use plans and thus open further possibilities to strike bargains on privately initiated development projects.

During the 1990s and early 2000s, concurrently with a lively public discussion on the preparation and adoption of the Land Use and Building Act, the communicative planning theory was widely adopted among Finnish urban planning researchers. Several PhD theses and other publications promoted the new paradigm (Pakarinen, 1992; Tulkki, 1994; Koskiahio et al., 2000; Mäntysalo, 2000; Bäcklund et al., 2002; Puustinen, 2002; Ilmonen & Peltonen, 2004; Peltonen & Villanen, 2004; Staffans, 2004; Leino, 2006; Puustinen, 2006; Peltonen, 2008). Undoubtedly, this research discourse on communicative planning contributed to the formulations of the Land Use and Building Act that fostered inclusiveness and openness of public planning. One of the most influential international scholars in the Finnish discourse was John Forester, to whom we will return later in this article.

While ideas drawn from communicative planning theory dominated the research discussion in Finland, the practicing public planners faced a more complex reality. Dealing with the ideals of communicative/participatory planning was only part of it. Neoliberalism landed into Finnish municipal reality in the 1990s (Möttönen, 1997; Mäntysalo, 1999), not only as a political philosophy aiming to accelerate growth and competitiveness but also, towards the 2000s, as the new governance mode of New Public Management (Puustinen et al. 2013). Compared to the other Western countries, this happened relatively late. The planning researchers were not prepared well enough to this change (see f. ex. Bengs, 2005) and could not fully conceive the resulting complications in planning practice.

In order to understand more profoundly the gap between the ideas of researchers and the hands-on experiences of public planners, the theoretical base of planning should be critically reviewed. Adopting straightforwardly and unreflectively the theoretical ideas on communicative planning – that are largely developed in the Anglo-American context - in the Finnish context, might lead to counterproductive consequences. In our view, it undermines the institutional backbone for legitimacy that the *legal culture* in Finland provides for the planner. (Hytönen, 2014.) As we will argue in the following, this undermining prevents the acknowledgement of important institutional resources that

the Finnish planner has in coping with the tensions between communicative ideals and the neoliberal realities.

Here, we refer with the concept of legal culture to the differences in how law works in different societal contexts, focusing on the culture-specific sources of law. For example, the strong reliance of Finnish planning on representative democracy and institutional sources of legitimacy characterizes the Finnish legal culture, and, to a large extent, also other Nordic legal cultures. In this regard, these countries differ from their Anglo-American equivalents. Finnish public authority driven planning does not correspond with a one-dimensional image of planning as top-down steering, bureaucracy and paternalism as easily as in most English speaking countries (Hytönen 2014, 12). Actually, the emphasis on political will, in general, is a key distinguishing element of the Finnish legal culture; the political will formation steers authorities, including public planners, strongly (see Husa, 2011; Husa et al., 2008). Whereas in the Anglo-American context the courts hold significant discretion powers, in Finland, in turn, the administrative courts rely on the will of the parliament. To put it simply: in Finland the administrative courts cannot be considered as the final backdrop for fair planning, at least not to the extent that they do in the Anglo-American context of common law. This is why in Finland, and to some degree in all Nordic countries, representative decision making and its social character has a crucial weight.

In general, the Nordic welfare system, still commonly considered to be relatively well functioning, relies on strong *institutional trust* and wide approval of public spending (see Kouvo, 2014; Svallfors, 2013). In countries where the degree of institutional trust is high, the public planner plays his/her role in a special setting. There (s)he appears, ideally, not as a seemingly rational technocrat unable to conceive the political consequences of his/her actions, but “as a public servant who is expected to rise above the initiatives and possible conflicts between some private stakeholders” (Hytönen, 2014, 12). In such a context, adopting this role does not inevitably mean depoliticization of the planning processes: the political legitimacy of the Finnish planner and the planning system as a whole

(manifested in strong institutional trust) does not derive from technical expertise alone. The politically steered dynamic legislation, as well as the autonomy of local governments and their party-political steering, feature the Finnish administrative system as the societal framework of planning. (ibid.).

There are thus two tensions that the introduction of communicative planning ideals have brought to the Finnish planner. Firstly, the ideals have remained at the surface level, not really affecting the neoliberalization of planning practices that tends to counter these ideals. Secondly, in their aversion to bureaucratic control, the communicative ideals are inclined to dismiss the institutional resources that the Finnish planner has in counteracting the possible narrowness of mediating stakeholder interests - and, indeed, the neoliberalization of planning. (See also Sager, 2009; Sager, 2013; Healey, 2004, 87 – 102.)

How should the Finnish planner cope with these tensions? Should the communicative ideals be thrown overboard, or should they be better adapted to the Finnish context? We argue that there is truly a need to improve the legitimacy base of planning in the Finnish context, too. Especially the local context, in which many municipalities consider themselves more or less dependent on market actors' investments, is not a sphere free from domination of exclusive interests, even corruption (see Mäntysalo, 2008). In order to maintain the self-correcting reflectivity of the Finnish planning system, and indeed trust in it, the principles of openness and inclusiveness of planning are essential. Therefore it should be figured out how the legitimacy base of planning could be maintained or even strengthened through recourse to communicative ideals, *too*. However, it needs to be done in a way that supports the underlying institutional setting as a base for the legitimacy of planning. The core of our argument is that the different sources of legitimacy of planning are not to be considered as mutually exclusive. Indeed, while institutional trust in Finnish public planning does not provide an escape from communicative planning, it *can* be a planner's resource in promoting deliberation and counteracting narrow deal-making between particular interests.

In this article, we aim to outline a view of the Finnish planning professional as a deliberative practitioner sensitive both to the depoliticizing tendencies of neoliberalization of Finnish governance and to the institutional resources of the Finnish legal culture in managing the conflicts that thereby may emerge. Our approach is mainly theoretical. However, we will also relate our theoretical discussion with insights gained from Sari Puustinen's interview-based empirical research among Finnish planners in the early 2000s (Puustinen, 2002; Puustinen, 2006) and the early 2010s (Puustinen et al., 2013). In her dissertation (2006), Puustinen studied the professional roles of public planners and their opinions on communicative planning in the early 2000s. Ten years later she found that the daily work of public planners had significantly changed, along with the adoption of governance methods following New Public Management in the municipalities (Puustinen et al., 2013). Our point of departure is John Forester's (1999; 2009; 2013) idea of planner as a deliberative practitioner, which we will then connect to the developments in deliberative democracy theory. Next, by drawing on Andrew Abbott's (1988) concept of jurisdiction of professions, and then several authors' work on the concept of trust in relation to institutions and democracy, and further in the context of deliberative planning, we aim to discuss critically the idea of deliberative practitioner in the face of neoliberalization of planning. We will then apply Julia Evetts' (2003; 2009; 2011) categorizations to describe how this affects the role of the planner professional and the nature of planning more generally. In the concluding section, we will formulate the idea of deliberative practitioner in the Finnish context, as a public planning professional facing the challenges of neoliberalization, on the one hand, and having the resource of institutional trust at his/her disposal, on the other hand. Finally, we will discuss the broader relevance of our conclusions beyond the Finnish context. While our focus is on the Finnish context, our intention is not to claim that the problems we identify and the theoretical ideas that we develop should be relevant in the Finnish context only.

The Deliberative Practitioner and the Finnish Institutional Context

In planning research, a lot of attention has been paid to land use planning processes and to the normative views of planning as technical, political or social activity. Less interest has been shown on the planners themselves as responsible professionals trying to carry out planning processes in varying working environments and circumstances (however, see Tait 2011; Vigar, 2012; Grange, 2013; 2016). A notable exception has been John Forester, who has coined the notion of ‘*deliberative practitioner*’ (Forester, 1999). While owing to Donald Schön’s theory of the ‘reflective practitioner’ (1983), Forester’s idea of the deliberative practitioner is more focused on the social skills required from the planning professional in politically contested and uncertain circumstances¹. Negotiation and mediation skills are highlighted (Forester, 1999, 3). The deliberative practitioner brings his/her unique substantive expertise to the negotiation table, however perceiving it as open and discussable by its nature. Every planning case with its object, stakeholders and challenges is unique and provides opportunities for the planner to learn and mediate as a practitioner (Forester, 1999).

Mäntysalo and Jarenko associate Forester’s idea of deliberative practitioner with the second and third generations of deliberative democracy theory (Mäntysalo & Jarenko, 2014). Similarly to the latter, Forester’s approach relaxes on the universalism of Habermasian deliberative democracy theory, and, instead, focuses on the particular conditions of the actual planning cases themselves. Forester is interested in the practical skills and contextual opportunities that planners utilize in mediating conflict, aiming to arrive at *situated* agreement, by focusing on concrete planning solutions and their benefits. This (critical) pragmatism distinguishes Forester’s work from the more idealist formulations of communicative planning theory (e.g. Sager, 1994; Innes, 1995). His more recent book (Forester, 2009) is dedicated to dispute resolution, stating that planning is increasingly concerned with managing contentious interdependence. Forester’s account on the performance of expert mediators in managing disputes draws on the perception of the various stakeholders’ positions as mutually interdependent. It is this awareness and the capacity to assess different positions that allows mediators to act strategically in order to construct agreeable decisions. An important characteristic of this

mediation is the generation of negotiation settings supportive for creativity (Forester, 2013; Forester et al., 2011).

The pragmatic approach and focus on situated agreement in intense negotiations resemble the third generation of deliberative democracy theory, according to which deliberation is considered successful (i.e. legitimate) even when parties advocate only their own interest, and public reasoning takes the form of intense negotiationⁱⁱ. What characterizes this approach is that the parties agree to make decisions together based on communication of their views. They also aim at finding a solution that most of them deem acceptable (for a similar formulation see Elstub, 2006, 303). This may be taken as the core idea of deliberative democracy. The third generation of deliberative democracy theory also lays emphasis on the institutionalization of deliberative democracy, in the micro spheres of decision-making in public institutions, and in the macro spheres of open, public discourse via associations, networks, social movements and the media (Hendriks, 2006).

However, more theoretical work is required to adjust the idea of deliberative practitioner with such an institutional context of planning that can be found in Finland. According to Hytönen (2014, 10), in the Finnish context, public planning cannot be approached as mere mediating between stakeholder interests in privately initiated processes. Instead, the Finnish planner should acknowledge his/her “particular position in relation to the private stakeholders’ aims” (Hytönen, 2014, 7). Similarly to the other Nordic countries, the Finnish legal culture is characterized by a focus on the national parliament’s will behind the laws, in terms of government bills. In the Nordic legal cultures, the law is regarded ‘as a profoundly social enterprise’ (Husa et al., 2008, 29), whereas in some other countries the law is regarded more as a regulator of private–private relationships (e.g. England, most of the states in the United States) (Hytönen, 2014, 8). The autonomy of the local government also underlines the significance of political steering of the authorities and democratic goal forming in planning, despite the risks of power imbalance between the major enterprises and smaller local governments. In the Nordic countries, public administration still relies on strong institutional trust.

Thus, as Hytönen (2014) claims, the Nordic legal cultures place authorities in a position that is, to a degree, extraordinary in international comparison. In other words, there is a strong *jurisdiction* for the Finnish planner's proactive intervention in land use, including *institutional trust* in his/her integrity in this work as public administrator. This is why undermining the discretion powers of authorities, whether municipal or state, is hardly the proper way to enhance the legitimacy of planning in such a context. However, a turn towards this direction is discernible in the current Finnish Government Programme (2015-2019) (Valtioneuvoston..., 2015) with its aim to reduce considerably state steering in planning. This is not a novel development, as such elements were present already in the government bill grounding the current planning legislation. Annanpalo (2014), for example, argues that dismantling state steering in planning leads to strong neoliberal, market reactive planning in municipalities. Due to the parliament-oriented features that characterize the Nordic law, the administrative courts, that handle appeals on plans, do not hold sufficient discretion powers to oversee this development.

The political and administrative context in Finland, too, is vulnerable to unintended neoliberal aspirations: in a legal culture drawing on exceptionally strong institutional trust, there is also a risk of (structural) corruption (Mäntysalo, 2008; Mäntysalo & Saglie, 2010). Especially the smaller local governments and those with a narrow industry base may face major pro-market and private sector pressures. A need for a balancing structural element in such cases has been recognized (see e.g. Hytönen, 2016; Mäntysalo & Mattila, 2016). As said, however, the current government coalition heads to an opposite direction by decreasing the regulatory tools of state authorities to operate at the local level. Thus, in the near future, there might be less possibilities for democratic control - checks and balances - when it comes to excesses in market reactivity.

However, a planning culture that relies on strong institutional trust has its strengths as well. In order to enhance the legitimacy of planning in such a context, one should recognize the context-specific features of the legal culture discussed above.

Jurisdiction and Trust

Let us now turn to examine the nature of planner profession and its connection to the concept of trust. The most important and distinctive characteristic of a profession is *jurisdiction*, as it provides the link between a profession and its work (Abbott, 1988, 20). In planning literature, the term ‘jurisdiction’ is used to refer either to the field of profession (“biologists, urban planners, surveyors”) or to the level at which planning is exercised (“local planning, state-level planning”) (Lyles et al., 2014). Here we use the term as an attribute of the planning professional. This notion is drawn from the sociology of professionsⁱⁱⁱ. *Jurisdiction is the power or right of the planning professional to exercise authority in matters concerning planning within a specific field.*^{iv}

According to the sociologist Andrew Abbott, jurisdiction is a social task given to a profession: the authorization to define, take over and solve certain social problems and tasks (Abbott, 1988, 20, 87). Jurisdictions are not stable but professions compete for them continuously. In Abbott’s view, jurisdiction has a social structure: To perform skilled acts and to justify them cognitively does not yet mean that jurisdiction is held. The success of a profession’s claim for jurisdiction depends on how it manages to compete in the different social arenas of society (Abbott, 1988, 59)^v. Abbott names three social arenas: the first is the *legal system*, which refers to legislation, courts, administrative structures and institutions; i.e. the formal control of work^{vi} (Abbott, 1988, 59–64). The second arena is the *public opinion*, where professions build images that pressure the legal system (Abbott, 1988, 60-62). The third and most everyday arena is the *workplace*, the organization in which the professional works. In these three social arenas, the extent of a profession’s jurisdiction is a subject of constant struggle and change, especially regarding the public opinion and workplace. Changes in the legal system are slower, as changing the law is a complicated process. Administrative structures are often defined in legislation, being therefore relatively stable. (Abbott, 1988, 59-64.)

Forester's theory of deliberative practitioner is less focused on the social arena of legal system of planning (for example, the planning institutions and legislation) as a source of planner's jurisdiction. It rather focuses on the arenas of public opinion and workplace. In these arenas, a key part of the planning professional's jurisdiction is based on the *trust* s/he may build as a facilitator and mediator of the planning process. It is the planner's workplace performance in the forums of communicative planning that is to determine his/her trustworthiness – to be eventually reflected in the public opinion of the trustworthiness of planning and planners.

Forester approaches trust from the perspective of Habermas's validity criterion of sincerity in communicative action (Forester, 1989, 144): "To study processes of gaining *trust* would lead to assessments of myriad mundane social rituals that provide planners, and those with whom they work, with the means of 'checking each other out'" (Forester, 1989, 160). The focus is on how the planner's past interactions and reputation shape perceptions of his/her benevolent motivations, credibility, competence, objectivity, consistency and procedural fairness (Laurian, 2009). This is trust building through "facework" (ibid.). However, planners may also use their facework to mislead the stakeholders. Following Forester (1989, 36-38), trust may be manipulated by the planners in the planning processes by "symbolic decisions", marshaling respectable personages, by ritualistic appeals to "openness", "public interest" and "responsiveness" and by making political issues appear as technical.

However, beyond these arenas of building and manipulating trust, it is the social arena of legal system, which provides the strongest foothold for the Finnish planner. In the Finnish planning legislation, the public land use planner is addressed the responsibility of statutory planning. The Finnish *legal culture*, as described above, is a resource for the planner's jurisdiction that goes even beyond the arena of legal system to the arena of public opinion, too. This derives from the relatively high *institutional trust* that planning organizations enjoy among the public.

Institutional trust is a category of trust that is far less known than trust between persons, and even its very existence has been debated among the scholars^{vii}. The most familiar type of trust is *interpersonal trust* - to which we also referred to in our discussion above of the planner's facework. Interpersonal trust means a relationship between the truster and the trusted, where the truster relies on the trusted to fulfil his/her expectations in the future, and the trusted is aware of the truster's reliance on him/her, which makes their relationship reciprocal. (e.g. Offe, 1999; Patterson, 1999; Sztompka, 1999).

Yet, according to Offe (1999), many of the problems of social coordination in our complex societies call for the kind of trust that is not interpersonal and reciprocal but between "me" and "everyone else", without a personal dimension. Uslaner (1999) speaks of *generalized trust* that can be targeted to strangers, in comparison to *particular trust* that is limited to one's family and group. With generalized trust, large-scale social institutions can also be built. Trusting an institution, instead of one's neighbour, means in Offe's (1999) view that one has sufficient understanding of the 'basic idea' or 'good' of the institution, acknowledges it and is thereby motivated to obey the institution's rules. "Knowing the repertoire of meaning and justification that is being generated by institutions allows 'me,' the participant observer, to determine the measure of trust I can extend to those who, although strangers, are still co-residents within an institutional regime and whose patterns of behavior 'I' have reasons to expect to be shaped and informed by the evident meaning that is inherent in an institution." (Offe, 1999, 71.)

Forester, too, identifies the institutional dimension of "staging" trust in planning organizations and practices (Forester, 1989, 45), but in a rather negative sense, by following Lukes's (1974/1988) conception of structural influence as a form of control deeply embedded in cultural habits, organizations and institutions. Thereby the participants in planning are also structurally inclined to reproduce certain patterns and symbolic signs of identifying certain actors as more trustworthy than others. Yet, the focus is on interpersonal trust, and the institutional dimension enters the picture as a structural frame in managing interpersonal trust. We, however, see it necessary to focus also on the

planning institution as an object of trust, drawing attention to how such institutional trust may be a potential resource for the Finnish planner's jurisdiction. This capacity is closely connected to how the Finnish state, and the Finnish planning institution as part of it, has historically emerged and developed in its relation to the public.

Historical Trajectories of Institutional Trust in Finland

Contrary to liberal democracies, which indeed emerged from distrust in governmental authorities (Patterson, 1999, 1; Laurian, 2009, 390), the Finnish 'Hegelian-Snellmanian' form of democracy is strongly rooted in the notion of superior state, even more so than in the other Nordic countries (Stenius, 2012; Puustinen, 2006). This relationship to state stems from the specific political conditions that Finland faced in the 19th century. Finland – thus far being an eastern part of Sweden - was occupied by Russia in the so-called Finnish War, fought between the Kingdom of Sweden and the Russian Empire in 1808 - 1809. As a result of the war, Finland gained a status as an autonomous Grand Duchy within the Russian Empire. Being not independent but autonomous, the young Grand Duchy was gradually allowed to create its own legislation and government. In support of the new government, many professions started to emerge and develop. (Puustinen 2006.) Among these professions, lawyers had a leading role, and the law (being "own" – not Russian) was highly respected. Finland was allowed to enjoy a high degree of autonomy until the end of 1880s. In 1890 – 1917, there were, on the one hand, strong efforts of russification by the Russian Tsar, and, on the other hand, gradually rising endeavours of the Senate of Finland to gain total independence. The political conditions being unsecure and pressured by Russia, the Finnish government appealed to its own law and order in all problem situations. The rule of law became a safe haven and a mental backbone of Finland. The strong belief in law and order, *legalism*, did not disappear when in December 1917, shortly after the October Revolution in Russia, Finland declared its independence. Indeed, legalism has remained as a strong mental and cultural undertone through decades. (Puustinen, 2006; Määttä, 1999; Stenius, 2012.)

Hence, contrary to many liberal democracies (Swain & Tait 2007), Finland has been characterized by a strong positive trust in law, administration and administrative institutions - such as the planning system. Further, most professions have originated “from above”; controlled by the state and set for the purpose of public service (Burrage 1990, Konttinen 1991; Puustinen 2006). The planner profession is a typical example: as an independent profession it emerged as late as after the WWII, when urban planning as a public activity expanded strongly, to cope with the country’s urbanization. The majority of planners worked - and still work - in the service of the public sector and have enjoyed a strong institutional status as professionals. The Land Use and Building Act in 2000 further strengthened this role. (Puustinen, 2006.)

Thus, institutional trust should not be dismissed as a resource for planner’s jurisdiction. If it relied on interpersonal trust only, the planner would be more vulnerable to contextual power imbalances in individual planning cases. Moreover, the other stakeholders and the wider public would be more vulnerable to manipulation of interpersonal trust as an outcome of these contextual power imbalances (see Mäntysalo, 2008; Mäntysalo & Saglie, 2010). Downplaying the state’s discretion powers and the local governments’ steering power would not help to remedy the power imbalances between the local governments, citizens and major market actors, especially regarding the smallest municipalities. On the contrary, it is increasingly possible that planners become torn between the deliberative ideals of the law-based planning system and the neoliberalization of actual planning performance (Sager, 2009).

As noted in the Introduction, in such conditions the planners are inclined to misrepresent exclusive public-private partnership and developer-oriented planning in terms of communicative procedures (Mäntysalo et al., 2011). Indeed, they may be “trapped” into becoming such manipulators of interpersonal trust that Forester is concerned about. This makes the planners vulnerable to the lack of interpersonal trust, while the opportunity of drawing on the high institutional trust that the Finnish planning system has enjoyed, is missed.

Furthermore, neoliberalization transforms the professional identity of the planner, implying reduced control over his/her work and the aims it is to serve. To this transformation we will turn next.

From Occupational to Organizational Professionalism

While Abbott focuses on the struggle for jurisdictions between professions, he shows less interest on wider changes in society, causing pressures of change to professions as well. Moreover, he has been criticized for perceiving the state in a reactive role, as an external environment for professions. Abbott's theory is, thus, seen to be more valid in countries such as the United States than in the countries with a strong state (Johnson, 1995).

In turn, the sociologist Julia Evetts has been more concerned with the professions' relation to society. She defines *professionalism* as a normative value system and ideology. According to Evetts, professionalism is changing and it is being changed from the outside. It is, furthermore, increasingly used as a *discourse* in contemporary public service organizations, as a mechanism to facilitate and promote occupational change that has taken place along with the adoption of New Public Management. (Evetts, 2013.)

Following Evetts, the transformation of the planning profession can be described as a shift from *occupational professionalism* towards *organizational professionalism* (Evetts, 2003; 2009; 2011). Traditional *occupational professionalism* is characterized by discourses generated within professional occupational groups, thus also incorporating collegial authority among them. This authority is based on practitioner autonomy, discretionary judgment and assessment. Control of work is operationalized by practitioners themselves and guided by codes of professional ethics (Evetts, 2009, 248). In turn, in *organizational professionalism*, control is shifted to managers in work organizations. Work procedures and practices are increasingly standardized, consistent with managerial controls. Rational-legal forms of authority and hierarchical structures of responsibility and decision-making are incorporated. Organizational professionalism relies on external forms of

regulation and economic accountability measures, such as target-settings and performance reviews. While target-setting increasingly comes from outside the profession, the professionals are expected to be committed and morally engaged in their work, yet continuously monitored. According to Evetts, this results in forms of self-control, self-regulation and even self-exploitation. (Evetts 2009, 247 – 253.)

This shift is discernible in the planning profession, too. In her study of the Finnish planning profession, Puustinen (2006) observed that occupational professionalism was a strong part of the planners' professional self-image still in the beginning of the 2000s; before the institutionalization of New Public Management as a mainstream mode of governance (Puustinen, 2006). Professional autonomy, i.e. the possibility to determine agendas and goals of planning, was broader than it is today. Planners considered themselves both as experts of the “good environment” and as guarantors of the public interest. At the same time, professional ethics and responsibilities were strongly highlighted. The stakeholders were mostly considered as advocates or representatives of private or partial interests. Participation was largely seen as an obstacle to “good” planning, or a waste of time. (Puustinen, 2006.)

Then, in another study a decade later, Puustinen and her colleagues (2013) noted the emergence of characteristics of organizational professionalism in how the Finnish planners described their everyday work. The planners' economic responsibility had increased but they did not any longer have a privileged position in defining the goals of planning. Increasingly the goals came from managers of municipal strategy and economy. For example, when “the good environment” (defined by the planners) used to be a goal as such, it was now rather seen as a means to reach other goals, especially competitiveness and attractiveness of the city or region to investors and the so-called good taxpayers. Moreover, the control of everyday work had changed: the work was commonly characterized by split processes, tight timetables, cost efficiency and other rationalizations imposed from the outside. (Puustinen et al., 2013.)

According to the planning professionals interviewed, public planners are now expected to acquire new expertise concerning project management, and the management of new forms of public-private collaboration, such as outsourcing, competitive bidding and use of private consultancy work and developer input, especially in detailed land use planning. Moreover, the planning professional is expected to adopt a new attitude towards the stakeholders, conceiving them as clients to be served. (Puustinen et al., 2013.) “Good” planning is, then, perceived to be identifiable through market behaviour. The public planner was also seen to work in the service of private developers and land-owners to benefit the community (ibid., 2013).

The contrast to the deliberative planning model is striking. Indeed, the perception of planning fostering its economic accountability, speed and efficiency, and instrumentality to externally given strategic goals, serves to *depoliticize* planning. Yet, this depoliticizing tendency may inadvertently be supported by the advocates of deliberative planning, if they neglect institutional trust as a resource for the Finnish planner’s jurisdiction and active input. If Finnish statutory land use planning is perceived merely as non-deliberative top-down steering, bureaucratic control and the planning professional’s paternalism, this negative view may unintendedly serve the neoliberalization of planning, as the latter seeks to replace statutory planning mechanisms with more loose planning measures.

In Finland, such loosening has taken place especially in urban regions and touristic regions. In the name of fostering strategic planning capacity, i.e. regional competitiveness, new informal planning measures have been introduced. They include ‘structural schemes’ of urban regions, ‘letters of intent’ between the central government and local governments in major urban regions reconciling land use, housing and transport, and thematic ‘master plans’ of touristic regions, with the input of tourism entrepreneurs overriding other stakeholder interests. (Hytönen et al., 2016; Mäntysalo et al., 2015a; Mäntysalo et al., 2015b; Hirvonen-Kantola & Mäntysalo, 2014; Puustinen et al., 2016.)

Institutional Trust and Deliberative Democracy Combined: Warranted Trust

An alternative perspective is needed where institutional trust and deliberative democracy are seen to be mutually complementary, not in opposition. Some may immediately reject this idea, by arguing, on the one hand, that institutional trust implies replacement of deliberative democracy by passive recourse to the trusted authorities and top-down decision-making by the government. On the other hand, it may be claimed that deliberation is actually about diminishing trust. An important function of deliberation is to challenge conventional approaches to common issues and thereby expose conflicts of interest and identity, hence reducing trust between people whose illusion of having a common interest is thereby broken (Warren, 1999a, 340).

Mark E. Warren, however, argues that trust *may* be seen as supportive for deliberative resolutions of political conflicts, and, conversely, that such deliberation *can* generate trust, both among individuals and between individuals and institutions (Warren, 1999a, 337; see also O'Neill, 2002). Warren *does* acknowledge that there are tensions between trust and democracy. But he argues that these tensions can be eased, “if we pay special attention to the structure of protections and assurances within political relations necessary for the fragile powers of discourse to do their work. If institutions can be designed in ways that mitigate these tensions, then we shall have taken an important step toward meeting the challenges of the late-modern/post-modern era.” (Warren, 1999a, 341.)

At the core of Warren’s argument is his notion of ‘*warranted trust*’. Warranted trust in institutions in deliberative democracy means that the institutions are structured so as to provide transparency and tools for having them challenged, including those they position as authorities and trusted individuals. “What maintains a background of trust [...] is my knowledge that I could monitor and challenge authorities or trusted others, as well as the others’ knowledge that I can do so” (Warren, 1999a, 338). For the functioning of deliberative democracy itself, warranted trust means background trust in a *differentiated* society, so that trust in unproblematic and consensual issues can build shared capability for coping with those issues where there is disagreement and political conflict. When deliberation in a political process succeeds in this, it builds further warranted trust. (Warren, 1999a, 340.)

Unwarranted trust can be associated with *particular trust* discussed above. Deliberative democracy can indeed hamper such trust that is based on groups that share the same interests. Warranted trust, in turn, can be associated with *generalized trust* in the sense that the groups with more or less conflicting interests have mutual trust in their capability to deliberate on them and to honour the resolutions reached. Regarding public institutions, warranted trust denotes generalized trust when the purpose of these institutions, in serving the public, is publicly acknowledged and when, further, the interest groups and the wider public are provided with the means to monitor and, when necessary, to engage in critical deliberation regarding the institutions' performance in fulfilling their purpose.

For the public planning institution that rests on such warranted generalized trust, this means *broad support for its basic purpose of serving the public interest, beyond the particular interests of various stakeholders - however not in a coercive sense, but with structurally guaranteed means for these stakeholders and the wider public to monitor its performance and to engage in deliberation on how this purpose is to be understood and defined in various planning issues, how it is to be attained and by whom*. At the institutional level, the Finnish planning system meets these structural requirements rather well, with its law-based participatory procedures, publicity of planning documents and its appeal system. However, it seems that, in general terms, the Finnish planners themselves have not perceived deliberative democracy as a possible resource in building warranted generalized trust behind their efforts to promote the public interest. As noted above, the planners have rather considered stakeholders as advocates or representatives of private or particular interests, and their participation as an obstacle to “good” planning. In Finnish planning, the transformation from occupational professionalism to organizational professionalism has thus largely meant a shift from one mode of non-deliberative planning to another.

Conclusion: the “Deliberative Bureaucrat”

In order to enhance deliberative democracy in Finnish planning, a bridge needs to be built between the deliberative ideals and the institutional trust “capital” of planning. Warren’s concept of warranted trust is an important conceptual tool in building that bridge. In the context of Finnish legal culture, there is a crucial political mandate for the planner’s jurisdiction based on institutional trust, which is not to be objected as the planner’s paternalism per se. This jurisdiction is essential to afford the planner the justification for keeping broader issues on the planning agenda; such issues that go beyond the specific concerns that the given stakeholders bring to the table (see Eranti, 2014). These notions hold true in any societal context in which institutions of representative democracy and public administration are widely trusted, and in which the relationship between the citizen and the public power holds features similar to the Finnish one.

Yet, such a democratic mandate does not override the need to build warranted trust, in the sense of keeping planning processes open and transparent and responsive to critique. Neither does it mean that interpersonal trust could be undermined. Institutional and interpersonal trust are dynamically intertwined. As representatives or gatekeepers of their institutions, the public administrators affect institutional trust through gaining or losing trust at the personal level in their everyday work (Sztompka, 1999, 48). “Institutions work well when they take into account the ‘thick’ context of interpersonal relations, habits, and customs that determine the meanings and associated expectations of formal rules” (Warren 1999b, 15). Accordingly, Laurian stresses the importance of facework in building both interpersonal and institutional trust in planning: “Since public trust in a system is strongly affected by citizens’ experiences at access points, planners are in a position to build public trust in local land management and development processes through their facework” (Laurian, 2009, 373). Nurturing both levels of trust – the institutional and the interpersonal – is required, if the planner is to gain sustained jurisdiction in managing planning processes. Furthermore, as a deliberative planner, s/he needs to build this trust as warranted at both levels, embracing the structural transparency and openness of the planning system and its normative goals, and encouraging dialogue

and respect for difference in individual planning processes. In this vein, Forester's notion of planner as deliberative practitioner can perhaps be redefined, in the Finnish context, as "deliberative bureaucrat"^{viii}.

When the notion of deliberative democracy is coupled with notions of institutional and interpersonal trust through the concept of warranted trust, it enhances the Finnish planner's capability to counteract the excessive forms of narrow neoliberal planning. It enables him/her to draw on his/her institutional authority to guide planning processes towards broader inclusiveness and broader deliberation beyond particular interests of the given strong stakeholders. A more context-sensitive and institutionally responsive theory of communicative planning is needed, to help the planning professionals and other stakeholders conceive the deliberative ideals as supportive for the planners' institutionally strong agency. This is all the more important in conditions of New Public Management, which threatens to sideline the public planners from the realms of strategy building and goal formation. But even more importantly, such a theory is needed to offer argumentative basis for defending the essential normative and regulatory characteristics of the planning system that enjoys relatively high institutional trust and legitimacy - against governance reformers for whom the planning system may merely represent such 'bureaucracy' that is synonymous with both poor efficiency and lack of democracy. In this article, we have hopefully been able to argue for the necessity of this theory building and even lay some bricks for its foundation.

The focus of our research has been on the Finnish planning context, which is most familiar to us. Our intention, however, is not to suggest that our theoretical argument would apply exclusively to the Finnish context. It may have relevance in other planning systems as well, especially in those belonging to the so-called "Scandinavian legal-administrative family" (Newman & Thornley, 1996), as we have noted above. Beyond these, similarities may be found in the broader group of small countries of western continental Europe that have a strong public sector and relatively balanced economy, such countries that Pierre (1999) associates with the "corporatist governance model".

Examining the correlation of the challenges we identified in Finland with the broader international context, and thereby the broader relevance of our theoretical ideas, is a subject that requires internationally comparative research. In studying the role and weight of institutional trust in whatever planning context, a historical perspective is necessary (cf. North, 1990; Burrage, 1990; Mahoney, 2000; Pierson, 2000). Regarding the Finnish context, we found the contemporary trust in the planning institution as rooted in a certain historical trajectory, in which the public support for the Finnish law and state institutions has its origins in the struggles in gaining national independence.

Acknowledgement

We are grateful to the editor of Planning Theory and Practice and the anonymous reviewers for their insightful comments that helped us to develop our argument.

Funding

This work was supported by the Academy of Finland [138759 and 288848].

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ⁱ As much as Schön's model of reflective practitioner has been used and refined by many scholars and practitioners (see f. ex. Forester, 2013; Yanar, 1999), it has also been criticized for some restrictions (f. ex. Friedmann, 1987; Richardson 1990; Healey, 1997; Forester, 2013). Healey has focused her critique on Schön's assumption of consensus and equality between participants in a framing-analysis situation. In public discussions there are usually power relations which make the situation unequal (Healey 1997, 258). Rein and Schön (1993) have acknowledged this problem themselves, though. Forester, who values Schön's pragmatist view of learning in practice, has remarked Schön's antipathy of politics which appears as social-psychological emphasis and disregard of social and political structures. In effect, Schön tends to overlook that people can change their identities and values during their interaction. New power relations can develop, people can become "we" instead of "I". This makes deliberative settings more complicated and conflict-laden than Schön assumed (Forester 2013).

ⁱⁱ The first generation of deliberative democracy theory is concerned with the normative justification of the theory. The consensus idea has a central role. Elstub (2010) mentions Habermas and Rawls as first generation theorists. The second generation "has moved away from the language of 'reason' (...) to a focus on mutual justification" (Mansbridge et al., 2010, p. 67). A key term among the second-generation theorists is 'reciprocity'. According to the reciprocity standard, the reasons given in public deliberation must be mutually acceptable in that the reasons should be acknowledged by each citizen in circumstances of equal advantage (Gutman & Thompson, 1996, 54). Consensus is not considered realistic. Instead, the goal is deliberative agreement, a so-called "agreement to disagree" (Gutman & Thompson, 2004, 74) where the limits of agreement are mutually acknowledged.

ⁱⁱⁱ The notion of jurisdiction as an attribute of an agent is not completely novel in planning literature either. Kithiia & Dowling (2010), for example, discuss the prerequisites of climate change -responsive planning and conclude that the municipal governments ought to take responsibility in the process as they "have the necessary jurisdiction over the baseline issues underlying major environmental problems" (Kithiia & Dowling, 2010, 470).

^{iv} Jurisdiction is closely connected to the term 'legitimacy'. While jurisdiction here refers to a task given to a professional, legitimacy refers to the recognition, acceptance and support of the planning system by those who are governed. Allen Buchanan defines legitimacy as the moral justification of an entity in wielding political power (Buchanan 2002, 689-690). David Beetham (1991) adds that there must be evidence of consent for this wielding of power and that it ought to be realized according to justified rules. There seems to be considerable incoherence in the way the terms are used in the planning literature. The object of planning is not legitimate or illegitimate; it is the planning system (as part of the political system) that may be evaluated for its legitimacy. Planning, that is the act of planning, is legitimate when it is realized within the scope of justified rules.

^v Jurisdictions also depend on the social organization of the profession itself. Some professions have stronger organization than others. They might have an absolute monopoly of practice, education, training, licensing, recruitment

etc. (Abbott, 1988, 59). This is probably rare, though. In the case of Finnish planners, their professional organization is weak, almost non-existent, due to the lack of uniform planning education.

^{vi} Legal system, in Abbott's "The System of Professions" (1988, 59-65) refers to legislature, courts and administrative structures *in general* as a formal arena of controlling work. By Abbott, this may include, for example a monopoly of certain activities or control of certain settings of work. Abbott does not refer to the *legal culture* of any specific state or society. However, he identifies different legal establishments of professional rights in France, England and the United States. In the US context, the social arenas of public opinion and workplace seem more interesting to him than the "extremely formal, fixed and static world" of legal system that "rejects the living complexity of professional life" (*ibid.*, 64).

^{vii} See the debate between Hardin (1999) and Offe (1999).

^{viii} Perhaps our use of the term "bureaucrat" raises eyebrows especially among the Anglo-American readers, due to the more negative connotations that they probably give to the term compared to the Finns – but precisely for this reason we want to use it to make a point - in quotation marks, though.