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Article:

Planning in the face of immoveable subjects: a dialogue about resistance to development forces

Guest Editors: Andy Inch, Lucie Laurian and Clare Mouat.

Context and motivation for the project

Urban development can often seem an irresistible force. The imperatives of development are deeply inscribed in the DNA of liberal capitalist societies. As well as realising profit-making opportunities for the private sector, urban change is a mechanism for (re)generating neighbourhoods, for providing public goods such as waste management, energy generation or public housing.

The state may seek to mediate, ameliorate or shape development forces, thereby alleviating tensions and inequalities between divergent publics, and establishing claims to a greater public interest in certain forms of change. As it does so, state-support may make development seem even more irresistible, especially if space for political challenge closes down. Yet, the seemingly irresistible force often summons seemingly immoveable subjects of resistance: namely citizens and campaign groups who stand against planned changes and declare: 'we shall not be moved.' Sometimes resistance dissolves with meaningful public input and project improvements; sometimes it remains steadfast in its opposition.

The 'immovable subjects' who resist are mobilized by concerns to which we may be more or less sympathetic: perceived threats to valued place attachments and identities; outrage at environmental injustices; the desire to defend private property rights; racism and anti-immigrant sentiment. Whether singly or collectively, these claims and their nuanced interpretations can motivate intractable and sometimes violent opposition.

The starting point for this *Interface* is a view that contemporary planning theory and practice continue to struggle with the complex and ambiguous political and ethical challenges posed by the forms of opposition that coalesce around state-mediated urban development. How can, and how should, the *essential injustices* (Davy, 1997) that planning and development generate be managed and distributed? Can meaningful engagement with opposition address tensions and contribute to better outcomes? The implications for representative democracy and collaborative governance are no less profound: from the local to the global, resistance and opposition are central but also often disruptive to the democratic exercise of power.

Following a roundtable discussion session held at the ACSP annual conference in Houston in November 2015, this interface seeks to further explore immovable opposition to planning and development: how it should be understood as an increasingly prevalent feature of many late capitalist societies; how it challenges ideals of consensus building, win-win solutions and negotiated agreements; and how planning theory and practice might respond to the challenges it poses to our views of planning and public action.

To stimulate a genuine and multi-faceted exchange, we developed an innovative written dialogue process. We engaged seven contributors with academic, activist, and/or practitioner experiences: Ruth Davies (Consultant Social Planner, Victoria, Australia), Ben Davy (TU Dortmund University), Lucie Laurian (University of Iowa), Crystal Legacy (RMIT, Australia), Andy Inch (University of Lisbon), Clare Mouat (University of Western Australia), and Clare Symonds (Planning Democracy, Scotland).

Each participant answered a set of questions in turn (available in full in Appendix) building on his/her practice, research and experience, and considering other participants' answers to the questions. (Participants passed answers around in a staggered sequence so that each would read and respond to others' answers as the process evolved.) The editors (Andy Inch, Clare Mouat, and Lucie Laurian) edited the resultant conversation, which was then reviewed and agreed by all contributors prior to publication.

Participants and case studies

Participants presented many types of planning cases that generate immovable resistance within various theoretical frames and considerations. These cases stem from the areas of transport and energy infrastructure to housing projects and contemporary political events. It is hoped these experiences contribute both practical wisdom from particular places and wider insights that can generate learning and further dialogue.

Ruth Davies (Ruth) and Clare Mouat (ClareM) focused on large infrastructure projects, including the proposed East-West Link road tunnel in Melbourne. This project was supported by wide community engagement, but faced vociferous local opposition. The underlying reasons for opposition were: anger (that local people were not involved in decisions), fear of change, a displacement of anxiety (protestors seeking to reduce environmental harms) and self-image (becoming part of a protest group contributes to protestors' sense of self-worth and social identity). They highlighted the particular importance of stories, scale, and emotions in opposition movements.

Ben Davy (Ben) focused on two situations with divergent ethical implications. In 1984, a hydroelectric power plant planned at Hainburg Au (Austria), with government support, caused major opposition from environmental activists. The resistance was intense, with about 3,000 environmentalist occupiers, activists chaining themselves to trees and blocking bulldozers, and the intervention of hundreds of policemen and police helicopters. The opposition challenged the project in court. The Austrian courts found the plant not in accordance with the law, and cancelled the project. In this case, opposition helped put the project to the test of legality. Planning was about process as much as results: 'Not only must justice be done (to borrow a common law phrase), it must be *seen* to be done.' Opponents to the results of planning, however, do not always help improve these results. Moreover, they cannot necessarily claim the moral high ground. Consider, for example, the criminals who torched refugee camps in Germany in 2015 and 2016. These criminals could also be described as instances of 'immovable resistance'. They oppose the 'refugees welcome' policy of the German government, implemented by the siting of refugee camps. Such opposition to immigration operates in the realm of illegal criminal activity and challenges any simple understanding of resistance and protest as a good thing in their own right.

Lucie Laurian (Lucie) identified several cases of immovable resistance. Indigenous people are immovable in their efforts to protect sacred sites and natural elements (e.g., water), most recently at Standing Rock in opposition to the Dakota Access Pipeline. In these cases, resistance is immovable because one cannot destroy or harm a sacred site 'just a bit.' There is no meaningful negotiated solution to be found because *any* damaging activity destroys what is sacred. Other immovable resistance is found in Environmental Justice communities in the U.S. South when industry tries to site toxic facilities in the already super-polluted 'Cancer Alley.' For instance, the Shintech PVC Plant proposed in Convent, Louisiana, was successfully opposed in 1995-96. In these cases, the opposition's stance was 'No more!'. Like Ben, she also considers ethically questionable opposition to changes, in her cases proposals to change school districts' boundaries in the U.S. White families often 'absolutely' oppose redistricting efforts geared to increase socio-economic and racial diversity in public schools. Opposition has multiple rationales, including support for neighborhood schools located within walking/biking distances to homes and opposing racial integration, some of which are more palatable than others.

Crystal Legacy (Crystal) discussed resistance to transport projects in Melbourne, Australia. In her case, the immoveable subjects of resistance were a class of elected politicians seeking to appease a powerful road lobby, and residents disenchanted with public transport options in the suburbs. Opposition was rarely couched in simple Not-In-My-Backyard (NIMBY) resistance, but rather as advocacy for alternative low-carbon transportation systems. She identifies deficiencies in governance and planning process, especially the foregrounding of a confrontational and antagonistic elite who use their political power to disrupt a growing consensus to invest in public transport.

ClareSymonds (CS) and Andy Inch (AI) focused on stories collected during their work for the non-profit Planning Democracy in Scotland. These were typically 'David and Goliath' scenarios where citizens found themselves battling against major development, including housing, energy and infrastructure projects. These large-scale projects created huge anxiety for residents who often sought to protect valued land from development, bringing them up against powerful landowners and developers backed by a broadly pro-development planning system. In the end, profound power imbalances usually shaped the use and development of land, and though wealthy communities are more able to use their resources to 'fight' development, all public voices face a struggle to be heard. Throughout the process, a culture of closed-door meetings between developers and public authorities leads to rumours, mistrust and a sense for citizens that they are in opposition to 'the system.'

Question 1: Consensus or conflict

Eds.—*Where do you stand on the issue of opposition and how it should be handled? We are thinking here especially of debates between those who advocate agreement-seeking/ consensus-building approaches to planning conflicts and those who suggest that this approach, by avoiding conflict, may prevent political challenges to established power relations, 'timely development' or so-called 'progress'.*

Ruth and ClareM—Theoretically and practically, we need to move beyond the conflict/consensus binary presented in this question. Particularly because it means we risk missing the 'vitality' (Pløger, 2006) that can come from mutual learning in the face of conflict (which we define here as the promise of agonism contra adversarial antagonism). Critics of the 'post-political' nature of much contemporary planning make this point too. When planners focus on managing contested development by championing consensus-based and non-adversarial systems they can defer, displace, and transfer the political (Allmendinger and Haughton, 2015: 30). This approach can neglect the mutual learning that can come from conflict and overlook important dynamics by focusing on decision-points (such as approving or condemning a development proposal).

In practice, manifestations of immoveable subjects and irresistible forces in Australian development often focus around struggles to either broaden participation or streamline procedures for development approval. Taylor et al. (2016) assessed the relative odds of successful opposition at State of Victoria's planning tribunal (VCAT) for Melbourne housing development assessments. Their work found that attempts to streamline formal opportunities for opponents to be heard often increased uncertainty and complexity by encouraging people to seek other means to influence decision-making outside of formal processes.

Eds.—So the conclusion seems similar in theory and practice: attempts to streamline away opposition often only lead to it re-emerging in other ways that may be harder to constructively engage?

Ruth and ClareM—Yes, and planning lawyers have often been effective at limiting grounds for effective opposition, whilst communities struggle to focus their opposition on issues that are recognised especially across different laws and policies: they do not know how to enter or use the system effectively. This allows developers to reduce the need for compromise or accommodation,

particularly if that means reduced profits. In these cases, the 'immovable' opposition is side-stepped using legal processes, leaving communities frustrated.

Crystal— As Ruth and ClareM argue, it is crucial that we avoid setting up a false binary between conflict and consensus. In particular because it risks failing to engage with the complexities of context and the everyday power dynamics that shape planning processes and moments of decision-making.

Lois McNay (2014) describes in the book *The misguided search for the political* that a 'social weightlessness' arises from a lack of critical engagement with the temporal, spatial, historical and cultural specificities that produce the inequalities and power relations that remain hidden by, yet still deeply embedded within, contemporary planning processes (p40). McNay's argument suggests that popular theoretical frameworks are limited, including both those that promote consensus-seeking deliberation and those that counter by stressing the virtues of conflict and disagreement as a means of challenging the existing political order. What these frameworks tend to do is focus on the performative dimensions of planning (i.e. how decisions are reached, how conflict is addressed), rather than focusing on the underlying conditions that make it possible for some people to engage more effectively than others. Opposition may represent an extraordinary moment of conflict directed at a planning proposal but the antecedents of that conflict are usually deeply embedded in the structures of planning and in the deeply felt experience of planning (by citizens).

In the case of the East West Link in Melbourne, community resistance was directed at a proposal for a big road that would destroy parts of a beloved inner city park and concern over a business case that was not made public. Bigger questions about who and what is representing the public interest, how and at what scale the public interest is being interpreted, and then from here, who and what is being excluded based on this, were fundamental questions that were never openly discussed in a political and inclusive arena.

Ben—In a democracy under the rule of law, opposition is above all a valuable instrument of quality control. As long as planners encounter opposition, they may have yet missed opportunities to improve their plans by accounting for other voices, other rationalities. Poor planning often results from monorationality: accounting only for jobs, but not the environment; looking out only for wealthy developers, but not the urban poor; merely considering the interests of property owners, yet neglecting the landless. Consensus building (Susskind & Field, 1996; Susskind et al., 1999; Susskind, 2014), active listening (Forester, 1989 and 2009), collaborative planning (Healey, 1997 and 2003), or communicative planning (Innes & Booher, 2015) often help avoid paternalistic and hegemonic approaches to monorational planning. A planner who facilitates wise and fair agreements must be regarded as an honest broker, not as an instrument of minority control.

Eds—That assumes planners are in an institutional position to play such a role and/ or have some commitment to questioning their own rationalities, doesn't it?

Ben—Yes, but any attempt to a more inclusive planning and public participation will fail if planners merely enhance their selling strategy without taking opponents as seriously as possible. In this case, unrelenting opposition means that planners have abused the spaces of deliberative democracy in order to promote not the public interest, but the interests of a few. Personally, I find it difficult to identify a point when it is safe to say that planners could refuse to act as honest brokers or mere mediators *because* their opponents have been dishonest, i.e. when planners could tell others that they are not welcome to participate. Firebombing homes that were planned under the humanitarian goal of welcoming refugees clearly oversteps the line drawn in a democracy under the rule of law. But one person's terrorist is someone else's freedom fighter and the meaning of legitimate opposition depends a great deal on circumstances that are far beyond the influence of planners.

Lucie—Some years ago, I researched participatory processes around environmental remediation at military and non-military industrial sites in the US. In some cases, debates and conflicts emerged around the most appropriate clean-up methods and toxic waste disposal. In a particular case, however, participants *agreed* that a government-proposed clean-up method was the most appropriate. Although non-problematic from a planning practice perspective, this case troubled me the most. How could I be really certain that participants agreed 'of their own volition'? How could I distinguish this (real) agreement from (1) manipulative co-optation on the part of the agency in charge and (2) persuasion of the best argument proposed by experts and scientists in positions of authority? I think the difficulty of distinguishing between co-optation and 'genuine' agreement (in the absence or presence of persuasion) is pivotal to making normative and ethical claims about the value of mediation and negotiated agreements.

If an agreement can only be reached through co-optation or heavy handed persuasion (which needs to be defined since persuasion can use a variety of tools from threats to reasonable-sounding scientific claims), then immovable opposition seems preferable to a conflict resolution where disadvantaged parties risk losing the most. If an agreement can be reached without resorting to manipulative techniques, then mediated solutions seem preferable. But again, how do we know? How do we determine the heavy-handedness of persuasive arguments? In situations with major information, knowledge or power imbalances (particularly in access to scientific and legal advice, economic resources and political influence), it is reasonable to assume that co-optation may play out - but it is not necessarily the case. In situations with major power imbalances and major threats to persons and/or communities, it is also difficult to imagine how negotiated agreements could be reached in anything like ideal Habermasian[1] conditions. I would propose that conflict resolution is probably ethically superior in cases where knowledge and power are balanced fairly, and probably ethically dubious in cases of great knowledge and power imbalances.

ClareS and Andy—In our experience people are not always immovable. But for many of the 'opponents' we meet, we'd say little in their previous life had really prepared them for the experience of trying to influence planning decisions. As Ruth and ClareM point out, the shock of finding a system unwilling to recognise their concerns, or even to listen carefully to them, is often considerable and can harden people's resolve.

Those who simply fear change may respond to better involvement in decisions, mediation and processes designed to talk through what is involved in negotiating an agreement. However, more politically and ideologically motivated opponents, or those who stand to lose things they value highly, are probably, and often rightly, far less movable.

Currently we are exploring a case study where a developer has apparently really listened to a community's concerns and spoken directly with them. But such enlightened practices seem relatively rare in Scotland where a pro-development system usually enables developers to drive through planning applications without the bother, and where planners don't seem all that keen to question their mono-rationality!

Eds.—And such practices often seem to exacerbate conflict or vilify it, rather than offering a way to learn from it, to improve decisions or understand concerns

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[1] As referenced further below, much communicative planning theory has drawn on Jurgen Habermas' formulation of an 'ideal speech situation', where the force of the better argument prevails through rational deliberation.

ClareS and Andy—For us, another interesting thing about opposition to development is that it often seems to touch or uncover a feeling that there are real limitations to how much of the world should be treated as a commodity. As the environmentalist Paul Kingsnorth (2016) argued recently in *The Guardian*:

> 'To us, the wild places around us (if there are any left) are 'resources' to be utilised. We argue constantly about how best to use them—should we log this forest, or turn it into a national park?—but only the bravest or the most foolish would suggest that this might not be our decision to make. To modern people, the world we walk through is not an animal, a being, a living presence; it is a machine, and our task is to learn how it works, the better to use it for our own ends.'

Many people feel this unease, perhaps even without realising what it is. They are attempting to protect a living being, a world they feel is being irreversibly destroyed. This brings emotion into the equation and planning with its technocratic and legal language frequently does not take this into account as a 'material consideration' (the term for a legally valid planning argument in Scotland). As Ruth and ClareM say, it denies people the chance to explore what is important to them, perhaps even on a deeper level than they can readily express. This kind of closing down of debate can be profoundly alienating, and limits what could be an important opportunity to explore how we relate to the environments we live in.

Eds. —Maybe, the question should be less concerned with whether conflict or consensus based approaches are right, and more about how and where to enable people to explore what matters to them about how places change, and what stops this from happening?

Question 2: Judgement and Justice

Eds.—*Planning frequently requires 'situated ethical judgements' and distributing 'essential injustices.' How can we determine when resistance is justified, and when imposition is justified to overcome resistance?*

Crystal—Rational planning, with its cost-benefit analyses and EIAs, is perceived as an impartial decision-making guide because it seemingly maximizes benefits. The courts recognize cost-benefit analyses and EIAs. In this context, resistance is often framed as 'unreasonable.'

Outside of these 'rational' processes, planning decisions tend to be guided by political elites. I think this erodes the bureaucratic power of planners. Unlike political power, bureaucratic power could hold decisions accountable to a wider view of ethics and to the public good. In Australian transport planning, we see a fracture between urban and transport planning, and between bureaucratic planners and political elites. Ethical judgements are disjointed and planning systems fail to mediate politics and serve the public good.

Lucie—This is really interesting! In Australia and New Zealand, I hear that this is how you think about bureaucrats (quite positive!). The Dutch similarly refer to civil servants as real servants to civil society. In the US, it's quite different. We tend to see bureaucrats as the peons of politicians, approving all the permits politicians and city attorneys tell them to. We tend to think of politicians as more accountable to the public than career bureaucrats because they will seek re-election.

Ben—I think the best way to deal with essential injustice (Davy, 1997) is through a combination of democratic decision-making (to determine if projects serve the public interest) and the rule of law (which protects human and individual rights). In the hydroelectric power plant case, opponents claimed that the development would violate the law, and the courts agreed.

In practice, having your cake and eating it too is impossible. Someone will lose. Whether or not the self-designated or actual 'losers' should be entitled to 'justified' resistance must not depend on whether we sympathize with the opponents. Planning by sympathy is not an option. The rule of law must prevail in the context of democratic participatory decision-making. Planners can improve plans by offering many participation opportunities to those who are hostile to the project, and should also accept that different rationalities yield different perceptions about the problems and different solutions. That is, democratic decision-making needs to be polyrational.

Lucie—I think what we are looking for here are ethical bases for claims about the context, content and form of resistance and imposition. I agree with Ben that planning by sympathy for a cause or a group, as tempting as it may be, is not an option. It is too dangerous. I think the most useful ethical bases are the Golden Rule ('don't do unto others') and Rawls's veil of ignorance, which implies that we should seek to improve the situation of those with the least choices, or, in dispute resolution language, those with the worst Best Alternative to a Negotiated Agreement (BATNA). Planners should support the people with the least choices or the worst BATNA. For instance, the pipeline company can change the pipeline route, but the Standing Rock Sioux cannot move sacred land or protect the river if the pipeline leaks. Polluting industries can look for alternative sites or change production processes, but communities cannot thrive, and some people cannot survive, in heavily polluted environments.

ClareS and Andy—We really appreciate Ben's idea of polyrational planning, where decisions would build on an understanding of multiple perspectives. It would be great to see it in action (a bit like Ghandi's view of western civilisation!). We also think Lucie's suggestion to use participants' BATNA or focus on those with the least choice provides helpful guidance. Democracies need processes where everyone affected by a decision can have a say. In the absence of polyrational planning or Veil of Ignorance, political interests are often laid bare.

In Scotland, the planning system is stacked in favour of development - as opposed to social and environmental considerations. Often, there is little opportunity for alternative viewpoints to be heard. So opponents pursue legal challenges, take direct action or become political campaigners. Often, they are vilified, so, whether we agree with them or not, in our opinion, opponents often take very brave ethical stances. It is planners' silence and lack of resistance that is perhaps a more pressing ethical issue.

Ruth and ClareM—We would like to add to the questions that Lucie brought up earlier about distinguishing between successful argumentation and co-optation, and to the topic of expressing and hearing multiple viewpoints and polyrationalities. In representative democracies, rules and ethics are powerful (and contestable) norms for practice, as well as guidance for participatory engagement. The law provides for diverse consultation opportunities and a situated ethical judgement must account for the diverse views that participants bring to them. But how are people to know what counts as legal, desirable, and/or valuable engagement, let alone resistance?

We think the power of stories and story-telling is promising as a way of promoting inter-dependency and openness to others (Cameron, 2012, Eckstein & Throgmorton, 2003). Planning as story-telling can help explore what professional practice and local realities might become (van Hulst, 2012). It can communicate the imaginaries required for local change and adaptation, and for anticipatory reckoning of conflict, resistance and hard decisions (Fincher et al., 2014). So through stories shared over time and space, the BATNA/WATNA might reconcile personal, contextual and collective tensions.

Stories facilitate mutual learning, enhancing our capacity to confront concerns about how, where and when we can reconcile highly-structured participatory norms and rules with various local needs for civic engagement. Stories help us navigate between instrumental, ordinary and insurgent politics in a

meaningful, safe and satisficing way. Like this conversation, the interlinking and weaving of planning stories might give us hope and traction.

Question 3: Violence and Resistance

Eds.—*Planning conflicts often lead to accusations of violence. Do planning theory and practice pay sufficient attention to the forms of violence involved in urban development and planning processes? How can we understand and navigate the relationships between violence, imposition, and resistance?*

Crystal—Let's consider carefully what is violence. Drawing on a dictionary definition, violence is an 'exertion of physical force so as to injure or abuse' and/or an 'intense turbulent, or furious and destructive action of force'. Taking such a blunt definition of violence may render invisible the nuanced and very complex ways that violence is experienced by individuals and across society at large, and how it might be perpetuated through the institutions that together comprise urban planning. Looking to Gender Studies, and particularly the literature on violence against women, we can draw on the concept 'intersectionality' as a form of analysis to explore and understand how violence is conducted and how it is experienced differently across the city and over time by different actors, communities and neighbourhoods. The intersections between various forms of marginalisation can reveal how power, identity, and politics shape the performance of violence—both subtle and overt.

To take the example of transport planning again, high profile projects such as the East West Link project in Melbourne have captured the attention of residents and community-based groups motivated to expose the violent way in which such projects are imposed. They offer little opportunity for careful examination of alternatives, or for public scrutiny of impacts on local residents and the city. But the administrative violence involved in driving through such processes may also mask other forms of hidden, transport-related violence, such as the day-to-day marginalisation and exclusion of parts of the city from jobs and services.

Lucie—In my experience, the meaning and definition of violence, the place of violence and the concept 'violence' are seldom referenced within planning theory, practice or education when it comes to resistance to land development and policy changes - except for the feminist, Gaia/ecological and ecofeminist literature. Even as we decry urban renewal, it is rarely in terms of violence.

Yet there is obvious violence in many forms of land development. In the desecration of sacred sites, there is clear violence, e.g., in mountaintop removal for mining, cutting down sacred trees or destroying temples. One cannot destroy a sacred site 'just a little bit' any more than one can rape 'just a little bit.' Any damage done is total and permanent. Less visible from a Western perspective is violence against the elements. If water is sacred, then pasture animals defecating in streams is violence against the water. If air is sacred, then most cars commit acts of violence. Closer to the western urban experience, there is violence in demolishing historic (quasi-sacred) buildings or cemeteries for new development. There is thus violence against places—and the identities and memories attached to them—when in demolishing important community facilities or whole neighborhoods in the pursuit of urban growth objectives.

ClareS and Andy—Like Lucie, we think debates in planning theory and practice are not always honest about the forms of violence that surround the development of land. As Crystal suggests, violence is not just about the exercise of physical force and can take on many forms wherever force is used to harm, injure or oppress. Some criminologists explore the idea of social harm, capturing the ways in which harms are generated and distributed in society. From this perspective, the lower life expectancy experienced by communities forced to live with poor air quality might be considered a form of violence. Yet the businesses and public decision-makers responsible for premature deaths caused by siting decisions are rarely held accountable before the law.

Lucie—Developers may talk of the violence of the unmovable resisting subject too. Tree-dwelling-protesters, class action lawyers, 'unreasonable' Indigenous people, etc. impose undue burdens and slow 'progress' and 'modernity' by challenging and delaying projects. Opposition to immigration, neighborhood change or school redistricting is a different form of violence. It can be described as racist, conservative, NIMBY resistance. Yet, power and resource asymmetries make these non-commensurate acts. Developers and the privileged have the choice to go elsewhere, their personal and community survival is not threatened by opposition, while communities and cultures absolutely 'need' specific spaces, structures, sacred sites, physical manifestations of memory and identity etc. for their survival.

So it appears to me that violence is ethically justified when the threat is the destruction of sacred (or quasi-sacred) lands or structures, and when it is undertaken by disenfranchised communities with limited alternatives. Yet, this is still a rather limited take on the ethics of violence, because it is devoid of any reflection on what is 'good'. I think planning theory has, first, a responsibility to acknowledge violence but also to reflect on what is 'good' i.e., what maintains, restores or hinders the ability of a building, place, person, community or city to thrive. What diminishes this 'good' is violent. Ongoing discussions about the good, categorical imperatives and violence could radically enhance planning theory, practice and education.

ClareS and Andy—There is often violence in planning processes too. Many of the individuals and communities *Planning Democracy* talk to use language that is resonant with violent metaphors to describe their interactions with the planning system in Scotland as variously a 'battle', a 'war', 'traumatic' 'shell-shocking', or even like 'being raped'. Some tell stories of vandalism and personal abuse as local communities fallout over development. Others report being threatened with legal action by developers if they object to proposals. Nearly all complain of the subtle forms of violence involved in just not being listened to.

Ruth and ClareM—This sounds like what Bourdieu, called *symbolic violence* which is what happens when formal planning regimes effectively deny opponents choices or the opportunities to resist by encouraging submission or obedience in various ways; worse still when those state regimes are the only avenues of recourse or final appeal this can become *institutional victimization* (Gunder and Mouat, 2002: 124). Sadly this still too often speaks to the lost, curtailed, excluded or overwritten voices in many planning processes and the conventional meaning of development. This brings to mind the West-African proverb: *Until the Story of the [Lion] hunt is told by the Lion, the tale of the hunt will always glorify the [human] hunter*. Perhaps we need to attend more closely to the stories of the lion to explore how violence is experienced and might be avoided or better addressed?

ClareS and Andy—Yes, the 'dark side' of civic engagement is sometimes recognized in planning theory, but in practice a blind eye often seems to be turned. Recognising the full-range of ways in which violence is involved in urban development would be a good first step towards doing something about it.

Ben—In the 1980s, Jürgen Habermas' consensus theory of truth convinced many planning scholars—such as John Forester, Judith Innes, or Patsy Healey—of the power of 'violent-free discourse' (*gewaltfreier Diskurs*). The basic idea of Habermas' theory radiates a deep trust in rational exchange. Stakeholders willing to engage with each other in a discourse free of violence eventually overcome their differences and resolve any dispute between them. Above all, such a discourse must be free of 'structural violence,' i.e., violence that does not involve guns and bombs, but institutions and rights and different levels of education or wealth. Consensus building, negotiated developments, collaborative planning are just some of the strange fruits of the consensus theory of truth. Habermas' was fiercely opposed in the 1970s and 1980s, by Niklas Luhmann (2001) and his theory of the

legitimizing procedure (*Legitimation durch Verfahren*). Unfortunately, Luhmann got less attention than Habermas. His theory is quite compelling, however, for understanding structural violence. Examining civil law litigation, criminal proceedings, and administrative procedures, Luhmann concluded that the rules of procedure do not aim at finding truth absolute. Unlike the open-ended Habermasian discourse, legal procedures are structured in a way that legitimizes the outcome of said procedures notwithstanding their result. Procedural laws are supposed to keep the losers from 'scratching their scabs'. *Audiatur et altera pars*—the fundamental principle of always hearing the other side—is not about the production of truth, but, above all, the production of awe and acceptance.

Comparing Habermas and Luhmann, we can identify two powerful explanations of violence. To Habermas, violence is the entirety of forces that distort a discourse designed to look for truth. To Luhmann, violence is the entirety of forces that hamper procedural legitimacy from being established. Although the two theories could hardly contradict each other more strongly, surprisingly both yield similar results. A planning authority that does not conform to rules of procedure (which is sometimes more demanding than mere regulations) and a planning authority that denies parties the chance to find the truth (which is time-consuming) are both guilty of introducing undue violence into the planning process.

Question 4: Urgency and opposition

Eds.—*Resistance is often seen as a problem because it slows down new development that can be framed as 'urgently' required. How is the construction of urgency and necessity related to the politics of opposition?*

Crystal—Constructing a project as urgent and necessary often justifies claims of exceptionalism. The claim is that the project is *so urgent* that we (can, should, must) 'exceptionally' bypass democratic processes. The necessity of the project receives much greater credence than opponent's rationales. This strategy only increases the power gap between David and Goliath. For instance, during the Global Financial Crisis, the Australian government pursued an aggressive 'urgent' infrastructure stimulus for social housing. The urgency was used to rationalize temporary interruptions of participatory planning processes, such as community notifications and third party appeal rights, even in cities with emerging deliberative planning practices. While this particular case delivered a form of infrastructure benefitting vulnerable populations, affected citizens were not provided room to mount an objection.

ClareS and Andy—Yes, we have observed the same trends as Crystal. 'Urgency' and 'crises' are manufactured to justify suspending, or circumventing, established ways of doing, including democratic processes and oversight. We have seen it recently in Scotland, with strong pressure to streamline planning processes, including public participation, in the face of an urgent 'housing crisis.' This is used to justify minimizing the voices of communities that would obstruct any 'necessary' (and profitable) development. But the more important, and forgotten, context is that Scotland has failed for decades to build enough affordable housing. The crisis is real, but not new or urgent, and its causes are far more complex than is often acknowledged. There are issues that all of us would sometimes like to see taken out of the normal sphere of politics (effective global leadership to tackle climate change or the refugee crisis, anyone?). But we need to debate *whose* sense of urgency should be acted on and what the problems really are. In this case: why has the Scottish housing market consistently failed to ensure delivery of new and affordable homes for decades?

Ben—Clearly, 'urgency' and 'necessity' are obscure and obscuring categories. National security, as a necessity, conceals oppressive methods. Economic and political actors have widely different perceptions of scarcity (and urgency might be understood as a scarcity of time). When one fears immediate loss of jobs if development is obstructed, another fears the loss of invaluable natural

resources if development goes ahead. Planners have an important role to play in this 'scarcity game' (Davy, 2016: 142). They need to think in a polyrational fashion to account for widely different perceptions of scarcity.

In addition, the public often learns about development projects late in the process, long after the incipient stage when developer and planning authorities formed their own opinions about its necessity. Years later, when the public hears about the project, opponents apply entirely different timescale and urgency standards. When they are labelled 'irrational,' 'alarmist,' or 'irresponsible,' this confirms their suspicions, and they can grow immovable. The planner, as scarcity manager, needs to be aware of the time gap and various timescales in the perceptions of developers, planning authorities, and opponents. But aligning timescales or necessity standards can look like manipulation. The problem is well known in the theory and practice of negotiations and consensus building. We thus need to allow for generous time frames to align timescales or necessity standards.

Lucie—I am intrigued by ClareS and Andy's call for investigating the contextual factors of 'crisis' construction and Ben's need to investigate urgency standards. With risk of being overly simplistic, I would propose that the only truly urgent matters are responses to unforeseen dramatic disaster events, such as natural disasters, terrorist attacks or major economic recessions. In the face of these (rare) real urgencies, I have not observed much unmovable resistance. It seems like most people understand the absolute necessity to evacuate, reopen hospitals, remove damaged structures, rebuild and support victims. Short of these critical life-and-death situations, I think most other planning decisions rushed in the name of urgency are not truly urgent.

I agree with everyone here: urgency is manufactured to generate support (and funding) and to bypass democratic processes for expedited and unexamined decisions. These decisions may be in the public interest --like the social housing built in Australia, or not. But in all cases, they help secure decisions that maximize the benefit of project proponents. I have seen claims of urgency used to support and provide public funds to developers so that they would build bigger and higher, and increase the local tax base. This manufactured urgency suspended public debate, rational argumentation and critical thinking. When urgency is used as a rationale to act fast and avoid democratic debate, planners should halt the process, take a breath, engage and listen to affected parties, and review claims to the public interest before they proceed with any permit.

Ruth—Yes, and I would add that decisions that are sped up to meet political or proponent priorities typically end badly. While day-to-day planning permit applications can easily be decided within regular time frames, planning for major strategic plans or infrastructure development needs time for thorough and inclusive engagement processes. It is typically in these cases that urgency is artificially imposed by politicians or developers who seek to avoid scrutiny or to achieve a political objective.

The irony is that speeding up the process usually increases resistance. This happened for instance for the East-West Link road and tunnel project in Melbourne: the engagement period was too short to be participatory, which led to considerable resistance and the project failed. Where an extensive community engagement process built consensus for a preferred route option (the Peninsula Link project a few years earlier), community concerns were managed and opposition was minimal. I agree with Ben's earlier comments about the hydropower plant. Effective early resistance can improve outcomes. In the case of Peninsula Link, it led the proponent to take more time to develop relationships, build consensus on the desired outcomes, and better manage the projects' impacts.

ClareM—I think we need to dig deeper. We need to trace the mobilisation of urgency and think about how representations of crisis manufacture urgent imperatives for consent in terms of being 'with us or against us.' The emphasis is typically on *speed* and *efficiency*, but I think it would be more useful to

recast it as *certainty* and *security*. The forces at play are often the *will to* certainty and the *will to* security. Simply put, developers want certainty their development will happen as a guarantee of their financial security. Communities want certainty regarding their constitution, and collective-personal security. This conventional positioning ensures an impasse, and lacks the sophistication needed to find mutually agreeable – or 'satisficing' - options in the short or longer term.

Recasting the capitalistic logic of speed into the will to security and certainty might shed light onto the politics of intractability in conventional development and planning. Nietzsche, and later Jean-Luc Nancy, wrestled with the dilemmas and uncertainties that lie hidden beneath all seemingly rational and instrumental social codes. Arguably, speed and efficiency are good examples of such codes. But the rationality of conventional planning-as-development often frustrates recognition of deeper issues and mutual social learning towards just and sustainable outcomes. The strength of tactics of urgency are thus illusory. The fast, 'clear and distinct' communication that they claim is 'merely an expression of the will to truth; the will to control and dominate the world' (Glenn, 2004: 577).

In this perspective, what appears to be strong is in fact a weakness. Instead of strength emanating from certainty, we can imagine strength emanating from the uncertainties of difference and splintered urban living. I agree with Gleeson (2000: 129) that '[t]his means the reinstatement of uncertainty as a value for planning and the cultivation of a critical self-awareness that would immunize the profession against the virus of excessive rationalization'. Or, as Soja (2000: 11-12) says, 'perfect or complete knowledge is impossible. There is too much that lies beneath the surface, unknown and perhaps unknowable (…) the best we can do is selectively explore (…) the infinite complexity of life through its intrinsic spatial, social, and historical dimension, its interrelated spatiality, sociality, and historicality'.

So, really, I think that so-called 'urgency,' which is really a will to certainty and security, implies a singular truth/knowledge that is politically suspect. I would champion instead the use of slowly and carefully told stories about complex, uncertain and splintered differences, as convivial modes of encounter in renegotiating good governance.

Eds.—It seems like we all agree on this topic. With some exceptions, urgency and crises are manufactured to limit democratic decision-making processes. They are used to the benefit of (public and private) pro-development interests and generate distrust that motivates immovable opposition. Rationalizing and fast-tracking development weakens not only democratic participatory processes, but also our ability to see reality in all its uncertain and unknowable complexity. Worse, it weakens our collective ability for mutual learning and for moving towards just and sustainable outcomes.

Question 5: Alternative ways of working with resistance

Eds.—*What, if any, alternatives can we imagine for governing (or accommodating) resistance, including immoveable resistance, in democratic and just ways?*

ClareS and Andy—Alternatives are hard, partly because they've got to be so much wider than planning. Our political, legal and economic systems are all in need of radical change. Current models of democracy don't deliver justice for the environment or the vulnerable in society.

As part of a wider set of changes, we need to rethink planning entirely too: stop seeing it as a technical procedural system, and repackage it as a way of determining the future of society. When the focus is on procedural trivia, underlying principles are too often forgotten. To do this we may need to start rebadging planning, getting beyond its current negative connotations. At the very least, we should incorporate real listening exercises.

ClareM—I agree with the importance of active listening. Prevailing Habermasian-based ideas about deliberative democracy are often invoked within systems that are not designed for rich participative

democracy. Mutual learning, human flourishing and rich engagement with others are at odds with the push for efficient development within highly-regulated and codified systems. We need to listen, but also build better systems of governance that support that listening. As an alternative I would emphasise the role of time and resources in building capacity and trust for residents and affected communities to mutually learn how to participate in the governance of cities.

Ben—I very much agree on the importance of listening too: real listening or active listening (Forester, 1989, 155). However, everybody who is listened to must understand that listening to somebody does not mean that the listener will be persuaded by what she hears. Listeners are not necessarily followers. So, what else but listening may direct a democratic and just path?

This conversation is confirming my suspicion that planners give up on the rule of law too easily. Depending on each country's planning system, the planning law or land use law defines goals and procedures for ascertaining whether a proposed development may obtain a planning permission or not. A good way to deal with resistance is to convince the opponents that a planning permission complies with the law.

ClareS and Andy—But the law is often too late, too expensive, too remote and frankly too biased towards the interests of private property.

Ben—Quite. By legality, I do not mean that developers use every possible loophole in the planning law and employ an army of lawyers to find creative ways to circumvent the law. Rather, by legality I mean that a development has been planned carefully and considerately with a view to the democratically legitimized goals and procedures of planning law. A planning authority must be grateful to opponents if they help putting a proposed development to the test of legality. In my comparative work, I have noticed over the past years that many planning laws worldwide have been either watered down or grown incomprehensible. I can understand why opponents of a proposed development, might not be convinced that a development is legal (either because the law is obscure, or because it is circumvented). There are different methods for planning authorities to share their reasons for granting a planning permission. Sadly, even well-meaning efforts to communicate legal information can often look rather clumsy and bureaucratic.

Ruth— I think Ben is quite correct here – much planning law and policy is too open to interpretation to be effectively used for resistance. I have worked on several projects where demonstrating social impact is not enough to get a project stopped or altered. For example, in Victoria, the only Act they consider is the *Planning and Environment Act*. So you can prove that a proposal is contrary to the public health goals of the *Public Health and Wellbeing Act*, but that's irrelevant. The social matters that can be addressed are very narrowly defined, and have been narrowed even further through various cases brought before the courts. Effective opposition in that arena means figuring out how to speak their language and frame your opposition in terms that they can actually legally respond to.

Crystal—Habermas' (1996) book *Between facts and norms* provides a useful framework to reflect further on the relationship between planning as a 'legislated' practice and planning as a social and political construct. The rigidity of planning legislation cements a certain ethos and process which can often be subject to manipulation by political elites. At other times, legislation is either too weak or simply dismissed and therefore, not enforced.

If urban governance can be so easily manipulated and compromised by power relations, the role that planning needs to play to 'manage power' is considerable (and has been the subject of communicative and collaborative planning scholarship for thirty years now). However, foregrounding questions about a social and environmental ethics in planning and how the public interest might be articulated, represented and then employed as a decision guide, opens up a space to explore more critically and

carefully the relationship between planners (the bureaucratic tier of government) and the political tier. The extent to which the social and ethical advice offered by planners is adhered to by political decision makers is a question worth further investigation.

Lucie—In the face of ethically justified immovable resistance (justified based on a veil of ignorance, worst BATNA, or other criteria protecting the most vulnerable and non-negotiable rights to physical and socio-cultural life and identity), I think planning—and, ideally, the law—should back the resistance. What that would mean is that if any action is so damaging to anyone or any group that affected people/groups organize ethically justified immovable resistance, then the action should be halted. For example, if indigenous people consider that a new pipeline will desecrate their sacred land, and they see no compromise as acceptable, then the pipeline should be re-routed away from this territory. The questions becomes: on what grounds could a minority have veto power over public or private action in a democratic system?

Eds.—*And what are the responsibilities of planners and public officials in dealing with immovable opposition?*

Crystal—To return to Habermas's facts and norms; while facts present their own challenges with respect to their fixity, norms often become manifest through pluralistic and agonistic struggle over power; who wields it and who can leverage it to serve particular ends. When development proposals are overturned it is often in the shadow of a contested election where the forces of resistance step *outside* of formal governance and planning decision processes, to act politically. Through careful tactics and strategic engagement they can wield the power needed to stop projects at the ballot box. What role planners might play in these 'informal' spaces, where norms get reshaped, should also be of interest.

Ruth—I still wonder if there is really such a thing as immovable resistance? There are certain non-negotiables that are either protected in legislation or policy: for example, human rights or environmental protection. In many planning cases there are other non-negotiables based on technical or scientific considerations: for example, the majority of decision factors for sewerage infrastructure relate to the physics and cost of moving and treating wastewater, not to how people feel about living near a treatment plant. In day-to-day planning practice, those are the issues that matter.

The responsibility for planners and public officials is to develop and implement transparent and just governance processes which ensure that all considerations are appropriately included in the decision-making process. We still have a long way to go in developing assessment processes which adequately incorporate community opinion and objections. This is at least partly because objections are often poorly articulated and hence easily discounted, but also partly because decision-making processes are generally weighted in favour of the project proponent. But since opposition is often based on a perception or reality of unfairness or unjust outcomes, planners should be working towards ways to improve the justice of the decision-making framework they work within.

Lucie—I would argue that many of what Ruth calls 'non-negotiables' are *not* protected by legislation or policy (e.g., in the areas of pollution, institutional violence or poverty). Laws, planning, democracies have the absolute obligation to protect the things that lie in the domain of the sacred (as defined by the people/groups who hold such things sacred). In a similar way, we could argue that they have the absolute obligation to protect the most vulnerable. Actions that harm the most vulnerable, poorest, most disenfranchised people to the point that they (even as a minority) organize immovable resistance, should be halted.

I understand that this principle is difficult to apply: I would argue that the test should be the presence or absence of choice. A sacred site (indigenous or western, tree, river, church or graveyard) is at least

in part sacred due to its prolonged history in place. It cannot be moved elsewhere. If there is no choice other than protect or destroy, then we should protect. Society already has these types of protection (absolute 'do no harm' policies) for those who have the least choice, such as children, pregnant women or people with disabilities. It seems theoretically possible to extend the absolute protection we accord these groups to other people, places and natural elements.

ClareM—If I could propose only one change to make significant and on-going impact, it would be to find ways of more effectively sharing stories and just listening to what matters to others (what is sacred to them in Lucie's terms). One specific example that I have discovered in research into child-friendly city planning and promoting urban intensification is the powerful effectiveness of trust champions as (quasi)independent community actors. These actors must be carefully recruited and nurtured; although unfortunately they are often the first to go as budgets and priorities change. One responsibility of planners, publics, and decision-makers might be to identify and protect such champions whose role is to work directly with communities, and coordinate across the silos that frequently characterise how government agencies and developers interact with different publics.

ClareS and Andy—This comes back to planners being community enablers rather than development enablers. Instead of feeling threatened by opposing communities, they should see opposition as an opportunity to improve how we plan and develop places. Planners need to explore ways of enabling real engagement and ensuring real equality in planning if they are going to overcome people's wider distrust of politicians and public officials. As a minimum, the responsibilities of planners must involve preventing people from feeling emotionally traumatised (as people we speak to frequently seem to). So when folk are talking about violence, we need to find ways of acknowledging that the impacts of planning systems can be huge, ensure that they are well-managed and that people's deeply felt concerns are fully represented.

Ruth—I have often encountered this issue of people feeling traumatized too – and it is often the planning process itself that creates the trauma, not so much the subsequent project. This is well known in social impact assessment literature –for example Rabel Burdge listed this as one of the key social impact assessment variables in his book *The Concepts, Process and Methods of Social Impact Assessment* (2004)

Question 6: Responsibility and resistance

Eds.—*What do you think are the responsibilities of resisting subjects?*

ClareS and Andy—In Scotland, we have a tendency to bemoan opposition to development and label it as misinformed NIMBY-ism. Some planners talk in patronising terms about communities that need to 'be educated' or have their expectations 'managed.' Clare has observed cases where offering community support is labelled 'touchy feely stuff,' as opposed to the serious business of enabling development. And professionals frequently point to opposition's failure to frame arguments in the language and rationality of legal and policy frameworks. We haven't seen too much concern about whether it is reasonable to expect opponents to talk in these languages in the first place.

Instead we need to find ways to judge what makes resistance responsible or irresponsible. Like George Bernard Shaw said: progress often depends on people being unreasonable - even more so when the powerful define what 'reasonable' means! If pollution, road traffic accidents and climate change kill people, is it not reasonable to expect extreme resistance? But of course, opposition must be subjected to some kind of test to decide whether it is proportionate and ethical. The firebombing of refugee camps mentioned by Ben certainly doesn't seem ethically justified. But between firebombing and doing what we're told, a wide range of modes of resistance are perfectly responsible, sometimes even

if resistance is condemned by the legal system. One key test that hasn't yet been considered is the extent to which opponents engage with the wider implications of their local planning struggles, i.e., when NIMBY is transformed into Not In Anyone's Back Yard (NIABY). Some of the most responsible resistance is motivated by wider concerns. But this isn't a universal rule. For some, intense attachments to particular places justifies extended resistance.

Crystal—I agree, but the relations between NIMBY and NIABY are complex: they can coexist. I am thinking about the case of transport planning in Melbourne. The proposal to build major inner city freeways involved two types of resistance. For residents along the proposed project corridor who risk losing their homes, resistance might be interpreted as NIMBY. These resisting forces were sometimes joined by groups that sit beyond the affected project corridor, such as public transport advocacy groups and other coalitions resisting freeway developments and increased car dependency. These networks or coalitions question the structural, institutional and political arrangements that privilege freeways as urban mobility solutions. They build on a broader shift in policy frameworks towards public and active transport modes.

These two groupings of resistance—direct action/NIMBY and coalition formation/NIABY—shed light on a complex landscape of resisting forces. Some resist because the stakes for them are high (e.g. lose a home). Some resist because the stakes for the city or the planet are high (e.g. sustainable urban mobility, climate change). The coalition may 'lose' the fight against a specific freeway proposal, but may successfully shift the discourse and maybe even future investments towards public transport for long-term change.

ClareS and Andy—Like we said, some, but not all, responsible resistance is motivated by wider altruistic concerns. For Planning Democracy, responsible citizens actively challenge established ways-of-doing for the betterment of all of society. This requires courage, conviction and tenacity. We need to remember that resistance can be hugely stressful for those involved, and we should therefore assess people's responses with real care, even when we disagree passionately with their position.

Lucie—I completely agree. Immovable resistance is extremely costly to participants. They bear these costs in the hope of greater rewards, and because everything has failed. Immovable subjects, I would argue, probably have already learnt that sanctioned political activities (participation, lawsuits, petitions, electoral politics) fail to advance their cause - otherwise why resort to the hardship of immovability?

When immovable resistance places itself outside existing direct and indirect democratic procedures for collective decision-making, it bears the burden of justifying this refusal of existing procedures. The fact that the laws and policies fail to support their cause is obviously not enough. I can think of several ethically valid rationales. First, negotiation or collaboration with (real or perceived) enemies, dictatorships or terrorist entities may be morally absolutely unacceptable. Second, negotiation and collaboration may present high risks and quasi-null probabilities of positive outcomes. This can happen if project opponents have minimal resources compared to developers or governments, or if all attempts to collaborate or be heard have failed. For instance, chaining yourselves to a tree *after* logging has been permitted is an ethically valid immovable position because logging companies have no incentive to negotiate since their operations have already been approved by the judicial system. Third, I also think immovable resistance is justified if the stakes are a matter of physical or cultural survival, e.g., for the protection of public health, sacred, historic or otherwise unique sites. In this case

immovability is justified because only a complete win (protecting health, the site or the tree) satisfies the absolute need for survival.

Ben — I think the concept of insurgent citizenship, popularized in planning by John Friedmann, is very useful here (2002: 75–78; 2011). He compiled a list of 'principles of insurgent practice' (Friedmann, 2002: 83–84). Among these principles are: threat to the survival of specific groups, resistance to the denial of autonomy, and a simultaneous consideration of the grand and the tiny. This outlines quite well the responsibilities of immoveable subjects, and is very much in line with what ClareM, ClareS and Andy and Lucie have proposed so far.

I do see some danger, however, to romanticizing insurgent practices because Robin Hood is more lovable than the Sheriff of Nottingham. Insurgent practices comprise violence, xenophobia, ultra-nationalism etc. Having said this, I still think insurgent citizenship can help us define the rights and duties of opponents to a planned development. It makes clear from the beginning that the immoveable subjects should contextualize themselves within a set of values that lay out the rights and duties of citizenship. Developers and planning authorities don't have to agree with these values, but recognizing them is much more beneficial than calling opponents irrational or irresponsible.

Second, insurgent citizenship is not meant to be a handmaiden of the planning authority, or reducible to being merely an audience in a well-designed public participation meeting. ClareS and Andy concur that the firebombing of refugee camps is not a reasonable response to the siting of refugee centers (in Germany or other EU countries). I feel a bit ambiguous about my sad example and their agreement. Let us not forget the truism about terrorists and freedom fighters: one person's immoveable subject is another's celebrated hero. Gandhi and Mandela—two wonderful examples of insurgent citizens— were considered lawbreakers and terrorists at various moments of their lives. I certainly hope that the arsonists who attacked refugee centers will never be celebrated as freedom fighters. But considering the hate, anxiety, and xenophobia spreading throughout Europe and the United States in 2015-16, I cannot be sure.

ClareM — I would like to address the question from a different perspective. If we seek a universal responsibility of the subject, we might accept that 'the price of liberty is eternal vigilance' (attributed to John Philpot Curran, 1790). However, we must also distinguish the complex variability of how, where, and by/for whom this vigilance is manifest, and variable expressions of subject responsibility over time and space.

Ruth — Yes, and I would further expand the definition of 'eternal vigilance' to include active participation at higher levels of policy and planning, not just opposition to local projects. Too often the reason for resistance is that the policy and legislative framework does not accurately reflect the values and aspirations of community members, and they do not realise this until it is too late. Citizens of modern plural democracies cannot rely on representative democratic processes to effectively manage every single issue: they must take responsibility for the system. Practically, that means that Planning needs to move towards new models of citizen engagement, including empowering processes such as citizens' juries and deliberative democracy, which offer opportunities for diverse and conflicting community members to interface more powerfully with bureaucracy and for mutual learning at that interface.

Eds. — *How about this final question: How can we mobilise mutual learning opportunities at the interfaces where irresistible forces meet immoveable subjects?*

ClareM—First, I think that we must acknowledge that fear of negative outcomes drives both resistance and counter-resistance. Evermore escalated today, we must respond to fear-mongering and misinformation by supporting learning opportunities within situations that build strategic capacity founded on community dynamics (recognising the interdependence of people around us). Our challenge is to create moments, places and spaces for engaging in mutual learning as a democratic dynamic based on human flourishing (as Patsy Healey termed it at a recent UK-Ireland Planning conference plenary). We must also prudently embrace the messy chiaroscuro of everyday planning and contested and co-existing meanings (Hillier, 2002: 17). This is difficult and requires much humility and humanity.

Lucie—You may think I'm cynical, but in the face of irresistible capitalistic development forces, or totalitarian forces, I would argue that not much mutual learning can occur. Mutual learning requires that we are interested in each-others' perspectives and in finding mutually agreeable solutions. But irresistible development forces are rarely genuinely interested in mutually agreeable solutions, and even less about listening to the polyrational stories of opponents. They may protect some open space or build less high, but development will happen. The pipeline will go through. Symmetrically, if opposition is opposition to *any* development, then there is no win-win solution, opposition can only win or lose. So I'm not sure how situations of irresistible development forces and immovable resistance can be suited for mutual learning.

ClareM—I am more optimistic! To mobilise mutual learning opportunities I would propose a blending of the human capacity approach (advocated by the UN, Martha Nussbaum and Amartya Sen) with bell hook's 'yearning' for community – seeking to develop more powerful narratives of interdependent learning. Wendy Sarkissian's (2008) kitchen table provides examples of places and times where narratives/stories can be shared to make sense of the confounding responsibilities and trade-offs of intractable situations.

Eds.—And perhaps, as long as developers rely on a socially mandated 'license' to operate through planning, there is some scope to build recognition that they too need to be part of such conversations rather than simply falling back on power games.

ClareM—Ideally, we would develop strong communities through yearning using 'an affective and political sensibility' that accepts the necessary 'cross-category ties that 'promote the recognition of common commitments and serve as a base for solidarity and coalition'' (bell hooks 1990 in Haraway, 1997: 191). This is not an end-state, but rather that seeing planning as the 'organisation of hope' (Baum, 1997) might help us bear sad tales and yet still galvanise solidarity and humanity.

Conclusion:

In drawing the discussion to a close we do not want to suggest that any hard and fast conclusions can be drawn from this open-ended and experimental interaction. However, as editors we do want to offer some thoughts about what we take to be some of the key themes to have emerged, and what might be learned from them.

Our conversation has been conducted across a variety of geographical contexts in the Global North, drawing on cases from Austria, Australia, Germany, New Zealand, Scotland and the US. It has also included planning practitioner and campaigner perspectives, looking to bring these into productive conversation with more academic voices, and sometimes highly normative theoretical debates about how conflict and opposition should be understood and valued in planning. The cases and experiences we draw

from highlight that resistance to urban development remains an often-intractable challenge for planning. They also reveal striking levels of commonality in experience and sentiment: drawing attention to the violence of process as well as outcome that often characterises urban development; and how the imperative of development is constructed as an urgent necessity; frequently privileging projects over people and, too often, that which they hold sacred. However, the discussion has also explored the ambivalences of opposition, highlighting how opposition might be variously heroic, valuable, helpful, disruptive, or harmful for those directly involved, and for shaping urban change that has significant wider impacts for others whose voices may not be heard at all.

Exploring the meanings of resistance to urban development helps open up new perspectives on the politics of planning and the normative promises of planning theory. Understanding the variety and complexity of resistance to urban development, however, illustrates how difficult it is to offer any concrete guidance about how planning *should* approach the subject of opposition: instead we are in what Schön (1983: 42) called the 'swampy lowlands', where we recognise violence and harm are being produced, perpetrated and distributed in urban development even as positive public goods may be generated.

Though we must exercise judgement about where our sympathies lie and what forms of action they justify, there is a general feeling that societies cannot or should not plan by sympathy. Rather they should promote principles or rules that enable fair and care-full treatment for all. Lucie Laurian is prominent in seeking *ethical* rules that might guide planners in their choices: thou shalt take sides with the preservation of that which is sacred and those who have least choice. Given the historically intimate interrelations between coercion, desecration and urban development, these are radical and challenging principles that strikingly question 'business as usual' models of planning.

Ben Davy looks elsewhere. Wondering if we might vest faith in the rule of law: seeing value in oppositional challenges but trusting that due process can in some sense lead us towards their resolution. Crystal Legacy too wonders if we might not see a professionalised bureaucracy as a bulwark against the politically legitimated violence that is often founded on the construction of urgency and an exceptionalism that tries to justify the circumventing of democratic procedure. Both therefore suggest that rules for resolving disputes might be, to some extent, institutionalised. Neither, however, argues that this can be done naively. The evidence of planning and legal systems complicity in violence and the perpetuation of injustices, and their tendency to be captured or circumvented by powerful developer or political interests are all too clear for that. As the title of Andy Wightman's 2010 book on land-ownership in Scotland makes clear: '*The Poor Had No Lawyers*'.

In acknowledging the direct and indirect violence and victimisation that inattention, carelessness or systematic, post-political foreclosure of democratic debate can give rise to, we are also agreed that planning, if not planners themselves, must strive to become poly-rational, capable of listening actively and seeing things from all sides, ensuring that issues of concern are acknowledged and fully considered. The conversation therefore resonates with much of the project of communicative planning, and its insights into the value of listening and communication, yet the discussion also reveals an uneasiness with any declaration of the potential for forging agreements in the face of deep-seated legal, political and social inequalities. We therefore see the conversation as part of a wider ongoing discussion about the responsibility of planning actors (be they professionals, citizens, lawyers, or politicians), where: '… a way forward might be for spatial planning practitioners to think about their own environmental and social practices; whom and what they affect, where and how, and to attempt to stretch their horizons of space and time to incorporate more distant others' (Gunder and Hillier, 2007). In the image of the poly-rational we perhaps glimpse the possibility of a utopian planning that has yet to come: where planners are enablers of community rather than development and all that is sacred is no longer profaned. In the

meantime, the prospects for poly-rationality will often rest on the vigilance, tenacity and political ambiguities of oppositional mobilisation.

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Appendix: Initial Questions

The questions below are intended as prompts or points of departure for discussion. The editors acknowledge that in places they are a little 'loaded'. Contributors will be free to either take them at face value, challenge their premises, or reframe them if they want.

1. We start from the premise that contemporary planning theory still struggles to make sense of the ambiguous political challenges posed by the subject of opposition. Dominant theoretical debates about the merits of consensus or conflict highlight the problem. If opponents are often immovable, movement is precisely what those who would promote mediation, agreement, accommodation (or even compromise) require. But others argue that moves towards agreement entail a closing down of political spaces and of the energies and identities that drive opposition. Do you agree with this starting position and where do you stand in relation to these debates?

2. If we accept that planning frequently requires 'situated ethical judgements' and may well be an exercise in distributing 'essential injustices' we are still left with the twin challenges of determining A. when resistance is justified and when it isn't, and B. when imposition is justified to overcome resistance and when it isn't? How might this be done?

3. Planning conflicts often lead to accusations of violence on both sides. Do planning theory and practice pay sufficient attention to the forms of violence involved in urban development and planning processes? How can we understand and navigate the relationships between violence, imposition, and resistance?

4. Resistance is often seen as a problem because it slows down urgently required new development and prevents change that is needed in the public interest. How do you understand the issue of speed, the construction of both urgency and necessity and their relationship to the politics of opposition?

5. What, if any, alternatives can we imagine for governing (or accommodating) resistance, including immoveable resistance, in democratic and just ways? What are the responsibilities of planners and public officials working for, against or between irresistible forces and immoveable subjects?

6. What are the responsibilities of subjects who resist (individually or collectively)? How might we mobilise mutual learning opportunities at the interfaces where irresistible forces meet immoveable subjects?