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Persons, politics and planning

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Abstract

Deliberative democracy often presumes that the deliberators are members of a political community who often share common understanding about their values, even when they disagree about them. Participatory planning processes building upon these ideas argue that planning itself has to be communicative among a variety of interest groups and should, usually, result in a common consensus. However, the boundaries of these groups rarely get attention. These boundaries shape not only the discursive practices within groups but also among them, and therefore need to be examined more thoroughly. Furthermore, the relationship of membership to substantive issues of planning is important yet underexplored. Political membership in a diverse, mobile, transient and multicultural world is a contested subject and should be given deserving attention for its implications for planning practice.

Keywords

boundaries, collective action, collective choice, groups, membership

Boundary *n.*: In political geography, an imaginary line between two nations, separating the imaginary rights of one from the imaginary rights of the other.

Ambrose Bierce, *The Devil's Dictionary*

Introduction

‘I, Henry Thoreau, do not wish to be regarded as a member of any society which I have not joined’. Those famous words in *Civil Disobedience* exemplify the sacrosanctity of the individual and subordination of the group to the volition of the individual. In this article, I seek to explore the implications of such a liberal position for planning. I argue that such myths, important as they are to protect individuals from abuses by larger structures, have nevertheless impeded our understanding of rights and obligations. Many rights and obligations flow from memberships in groups that we are, but may not

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necessarily want to be, part of. This note seeks to explore the implications of ideas about membership for planning practice.

This article is primarily about boundaries, of groups and of rights. How do we define them? Who is in? And, who is out? Who gets to define them, and for what purposes? How do these evolving definitions interact with many other boundaries? What are the normative implications for planning?

An important case sets the stage for arguments explored in this article. In the late 1980s and early 1990s, an unusual situation arose about the location of a landfill. The Campo Band of Mission Indians, a sovereign Native American reservation in California, proposed building a landfill on its reservation. This precipitated the formation of an unlikely opposing coalition of neighbouring residents that included ranchers, environmentalists and other Native Americans. The Campo Band asserted that the landfill promised jobs for those living on the reservation, many of whom were facing a declining and unstable job market. Neighbouring residents voiced concerns that the Native Americans were duped by 'city slickers' and could not be expected to manage the landfill in an environmentally sound fashion and, therefore, needed to be protected from themselves (for a definitive, but dated account see McGovern, 1995). The controversy mobilised the Campo Indians, apparently, to rediscover their identity as 'Kumeyaay'.¹

Another case that illustrates some of the conundrums explored in the article is a fictional one. The cover of the *New Yorker* magazine of the October 2011 issue carried an illustration of a New York streetscape by Bruce McCall. In addition to the standard separation of the street into automobile and pedestrian zones, a separate lane is created on a sidewalk for tourists, and the rest of the sidewalk is presumably reserved for New Yorkers. Furthermore, tourists are excluded from certain buses. This cover vividly illustrates, to the point of absurdity, how public spaces, in particular, sidewalks and public transportation, are apportioned between 'tourists' and New Yorkers. The unkindest cut of all is the presence of a policeman wielding a stick, who enforces the no-tourist zone on the sidewalk. Presumably, the policeman differentiates the tourists from the natives by their attire.

Lest this be thought of as a fictional case that has no relevance to day-to-day professional lives of planners, consider the conflicts over sidewalks as chronicled by Blomley (2011). Blomley describes the case of the squatters who occupied the sidewalk in front of a former department store and the City of Vancouver's efforts to evict them by advancing arguments that pedestrians have almost exclusive rights to the sidewalk. Similar to a sidewalk, creation of a bike lane on a street splinters the right-of-way commons and creates a new commons exclusively for bicyclists, deliberately excluding travellers using other modes. More insidiously, *de facto* and sometimes *de jure* rights of way of the streets are granted to the denizens of automobiles and not to the other competing claimants. What rights we hold, what processes we can participate in and how our voices will be accounted for depend on what groups, ephemeral and enduring, we belong to.

There are many strands to these stories, including, but not limited to colonialism, racism, paternalism, xenophobia, ethnocentrism and opportunism. The substantive issues of environmental and social justice are important; however, they are discussed extensively in the planning literature. What I am interested in are the narratives about membership and their relationship to substantive and procedural rights. The key question of interest is

how justice claims (environmental and economic) are undergirded by group identity. The Campos were a kinship-based group, whereas the neighbouring coalition was a volitional group brought into existence through mutual consent. The governments ranging from local to federal are institutions that rely on consent of the governed, groups that are, only in part, volitional. The tourists are an ephemeral group, while the residents become New Yorkers by acquiring property rights. I will argue that by focussing on 'volitional groups' and using terms such as 'stakeholders', 'governments' and 'firms', the planning profession ignores the competing claims of other kinds of membership associations (such as family and racial groups), even though they are pervasive. I wish to challenge this liberalism's stranglehold on the planning thought.²

The primacy of the volitional group is not unique to planning. The quintessential philosophical rivals Nozick and Rawls, in their respective original positions, presuppose the existence of individual capacity to reason, deliberate, defend, consent and come together voluntarily (e.g. Nozick, 1974; Rawls, 1993). Neither give adequate attention to the boundaries of each of these polities, even when they recognise the inconstancy of membership (e.g. Rawls, 2000). Even Walzer (1994), who recognises the centrality of the community as opposed to individual, in understanding claims about justice, acknowledges but does not explore the limits of liberal position on political membership.

All groups are polities, whether we like them to be or not and we are stuck in some of them, not by our own choosing. Because of the non-volitional nature of the groups we belong to and are excluded from, we must pay close attention to the claims that are undergirded by group identity. We need to examine the claims of the Kumeayaay when they argue that decisions about landfills are internal decisions, where no outsiders should have a say.³ We also need to examine the claims of the opposing coalition, when they made arguments about a larger public good that not only involved current residents but also future generations. These issues are not limited to transnational problems that spill over national boundaries (e.g. water rights) or issues that transcend temporal boundaries (e.g. climate change); even within a modern nation-state, space is contested and reproduced on the basis of *de jure* and *de facto* ethnic boundaries (e.g. Yiftachel, 2006). On what basis can Hong Kong impose restrictions on outsiders (see, for example, Ku, 2004) just as New Yorkers in the McCall's fantasy do? What is the proper composition of the planning process in a sovereign nation that holds all the land in common to its members? These questions receive little attention in the planning literature, even as the profession strives to make the practice more inclusive.

The construction of property rights

Many justifications for and excoriations of planning centrally revolve around property rights, private and common. It is thus useful to consider how these rights are understood and their implications for planning. Commons, a situation when excludability is hard even when it is desirable, is traditionally considered the rightful purview of planning.⁴ Underlying the excludability criterion is the idea that private property belongs to well-defined organisations⁵ and commons belongs to ambiguous and ill-defined collectives. In this section, I want to complicate these understandings.

The presupposition for property rights is that in the state of nature, humans are endowed with Lockean natural rights of life, liberty and property. When the organisations no longer can effectively and efficiently police their rights, due to costly enforcement, Nozick (1974) argues mutually protective associations will emerge through the invisible hand, rather than through a priori social contract. These associations, through the use of police power, circumscribe private rights and move some of them to commons through voluntary consent.⁶ This version makes the ownership of one's own labour foundational and accords it conceptual priority. Therefore, property becomes the cornerstone of the liberal (and by extension, libertarian) theory of the state. At least on this point, Engels and Smith would agree.

However, genealogical analysis of property rights renders this axiomatic position unviable. Demsetz (1967), in a classic article, sketches how property rights are constructed for Montagnes, a Native American group in the Labrador Peninsula. Citing Eleanor Leacock's memoirs, he maintains, as long as the purpose of hunting was primarily for subsistence, all property is held in the common because delineation and enforcement of private rights are costly. Therefore, private property rights were not particularly advantageous, until the advent of the fur trade. The European fur trade spurred a property rights regime that set quotas, geographical boundaries and other delineations. The usefulness of the social arrangement rests squarely on the value of rights and costs of protecting such rights and particular historical institutional arrangements.

Such transfers from and to commons are all too commonplace, and thus a foundational priority of individual property rights does not sit well with the genealogical accounts. Property rights, in and of themselves, even when they are about one's 'own' labour, are not innate natural rights held by the individual. They are socially constructed and constantly reconstructed by moving rights from commons to the private realm and vice versa (Barzel, 1997; Rose, 1994). Rousseau once famously claimed that all rights are held in the commons until someone asserts private ownership and convinces others in the society to accept such claim. Three questions then deserve attention: who constitutes the society that holds these rights 'in commons'? who grants the approval to transfer rights from commons to private realm and vice versa? and is transfer from commons to the private realm mediated through membership? Inevitably, these interrelated questions are about membership and polity and have important implications for property rights (Feeny et al., 1990).

To whom are commons common? While Ostrom (1991) addresses this question, it does not receive the attention that her analysis of bottom-up institutional structure received. Regmi (1976) details a land tenure system called *kipat* where communal ownership of land is practised in Nepal. Under this system, while an individual acquires control over land exclusively by tracing lineage and membership, transfer of such rights to members outside the tribe is not permitted. It is easy to dismiss these kinds of communal ownership as passé and irrelevant; however, they are all too common even in industrialised states with stronger traditions of private property rights. The neighbourhood pool in a gated community is commons for some, private for others, characterised by strict exclusion and inclusion. Commons, thus, are better understood as clubs, whose entry and exit can be strictly guarded even when use within the group cannot be, or is chosen not to be, monitored. Webster (2002) writes,

Cities comprise many smaller publics, defined by their shared consumption of various attributes of local public goods and spatially delimited by the spatial extent of those attributes. There are multiple publics – clubs – that collectively consume on private land. Gated-community residents, shopping-mall users, leisure-centre members, and industrial-park tenants and employees are examples. (pp. 402–403)

However, it is not just these kinds of politics that make up the commons. The quintessential symbol of private property, the single family dwelling, is commons to the family. A classic case of commons, the fisheries in Maine use fairly complex rules to determine rights of inheritance and transfer, developed both through voluntary assent and through third-party supervision by the State (Acheson, 1997). Even while the resource is non-excludable within the group, Ostrom shows that, in order to avert that ever-lurking Hardinian tragedy, the group boundaries need to be circumscribed. The all-too-familiar example of a public good, national defence, is restricted to citizens of the State.

The difference, then, between common and private goods is not necessarily in the characteristics of the goods themselves but in the application of exclusionary criteria (i.e. who is excluded from being a rights-holder). Inevitably, the concepts of commons and private realms are tightly intertwined through the bounds of the group. Demsetz's point is about the costs of enforcing the exclusionary conditions, that is, who can we exclude at what costs? Because the exclusionary costs are non-uniform, for example, cost of excluding a family member from using the private space in a home is much higher than that of excluding a stranger, the permeable contours of private and common realms are mediated through social structures, kinship relationships, geographic proximity and the like.

To give a more realistic account of property rights, we have to appeal to the rights and obligations that flow from multiple and overlapping groups that each of us may be, or may become, part of. These include property rights held in common by a group exclusively for its members, as well as private rights that can only be held in the context of the commons. Commons, being politics, are essential to understanding any rights regimes, irrespective of the characteristics of the goods; excludability and rivalry are not the primary characteristics that separate the public from the private goods. Each of these goods are associated with bundles of interrelated but separable rights, some of them are assigned to different groups. These bundles are neither constituted *a priori* nor is the assignment straightforward. A home may be an Englishman's castle, but the homeowners association may dictate the castle's appearance.

According to Taylor (1995), one definition of 'irreducibly social goods' is 'goods which essentially incorporate common understanding of their value' (p. 58). Following Wittgenstein, Taylor argues that we collectively construct meanings through historical contingencies and practices. These collective constructions of meanings are central to our understandings and acceptance of rights and obligations. Private property rights make sense only in the context of the interrelated rights held by the community and the obligations that come with them (Singer, 2000). Thus, all property rights are irreducibly social goods; they are not decomposable to individuals. It is precisely this hybrid nature of property rights that makes them valuable. As Tushnet (1989) remarks,

In addition to whatever normative difficulties there might be with individualism, there are also some analytic difficulties associated with the individualism of appeals to rights. The starting

point is that social life, the life to which rights apply, is just that – social, that is, relational. Individualist interpretations of rights are bound to go wrong precisely because they must ignore the relational nature of social life. (p. 410)

The land-use plan⁷ of the Campo Indians, originally adopted in 1978 and in its most recent 2010 incarnation, states,

The decision[s] to locate a municipal building, a softball field, a sand and gravel mining operation, grazing land, a commercial enterprise such as the proposed landfill project, or even a single home, are made by the General Council. Land use decisions are policy decisions made to benefit the Campo Band as a whole. (p. 9)

The General Council consists of all adult members of the tribe. However, the constitution explicitly recognises who does and does not count as members, who counts as adults and therefore, who can and cannot participate in the decision-making about land uses. However, the coalition of neighbours presumed to have held rights to the uncontaminated ground water. The membership in that group is restricted, rather informally, by geographic proximity. It is apparent from the above examples that the groups that hold these commons rights are both volitional and non-volitional. The collective action procedures that manage the commons are different depending on the kinds of groups; hierarchies such as tribes, families and firms manage their commons quite differently than voluntary horizontal organisations such as unions and neighbourhood associations.

Who should deliberate? The limits of a community

Now that I have argued why some of the substantive issues in planning require repudiation of atomism, I want to focus briefly on the procedural issues that have lately become central to planning theory. The practice of planning has lately been focused on negotiating agreements and seeking understanding in a multi-stakeholder environment. Thus, attention is being paid to communicative practices that discover and recover the public interest through interacting self-interested groups (e.g. Davidoff, 1965; Innes and Booher, 1999). While the public interest may be neither unitary nor stable, Healey (1992) argued that ‘inter-subjective reasoning among diverse discourse communities’ should form the core enterprise of planning. To many communicative planning theorists, planning is often, though not always, conflated with the deliberative democracy model of collective decision-making.⁸ Benhabib (1996) states, ‘... [T]he institutions of [legitimate deliberative democratic] polity are so arranged that what is considered common interest of all results from the processes of collective deliberation conducted rationally and fairly among free and equal individuals’ (p. 70).

Underlying the arguments to expand the opportunity for various stakeholders to participate in various planning processes is the idea that the processes should enable individuals to collectively make reasonable decisions. If the foundational justification of participatory processes is self-determination, then it does not stand to scrutiny because the limits imposed on the participants are glossed over, that is, who are legitimate participants? How are these stakeholders constituted and collectives formed? How do such formations affect the legitimacy of the discourse? In other words, we need examine the

constitution, and therefore the limits, of the 'self'. The Campo Band collectively decided on the landfill as the land was commons to them, but does the claim of tribal sovereignty preclude the inclusion of neighbours, the county and the state in their participatory governance? This question is exemplar of many planning issues that regularly spill across local jurisdictions. The subtler point, however, is how we should deal with aspatial boundaries and when they interact with spatial ones.

We recognise spatial boundaries all too well. From property lines to Lynch's edges to Schelling's segregated neighbourhoods to city limits, these boundaries inform some of the core concerns in urban planning. Some of these boundaries, to use Searle (1995)'s terminology, are brute facts (e.g. rivers) and some are institutional facts (e.g. cities). Moreover, some of these boundaries are ephemeral, such as a 'neighbourhood' that is affected by a zoning variance application. Organisations may have spatial attributes that legitimise and/or delegitimise their participation in the planning processes. It is widely accepted that residents of a city should participate in the political and planning processes, but non-resident workers are rarely invited to participate and are actively excluded from the political processes. Routinely, cities in the United States use Extra Territorial Jurisdiction to impose limits on development outside the city limits, while denying political membership (and therefore self-determination) until annexation. Adjacency and spillover are not necessarily always the issues; for example, historically, the city of New York, and by extension New Yorkers, had more say in the development of the Catskills mountains 100 miles away from the city than the residents in those areas (Pires, 2004).

Therefore, Innes and Booher (2004) argue that effective participation is a self-organising process with regards to content and membership. While arguing that the current processes that are being employed are limited and flawed, they, however, do not provide adequate characterisation of the legitimacy of participants. Should the tourists have a say in the creation of the special lane or should the deliberative processes among New Yorkers be sufficient? If so, how should their participation be solicited? In Yiftachel's ethnocracy, could a dominant ethnic group, under the guise of the maintaining the social status of the current residents in a neighbourhood, exclude the other? Does a city need to provide avenues for meaningful participation for those that reside beyond its boundaries? Can a non-rights holder in the case of the Maine fishery commons be a stakeholder, and if so, is she required by the demands of deliberative democracy to participate in setting quotas?

An oft-used and ill-defined concept in planning is 'stakeholder'. Participation in planning processes is prescribed for stakeholders; the process is open to anyone holding stake in the processes, irrespective of membership in an organisation. To Freeman (2010), a stakeholder is anyone who has a legitimate interest in the survival of the organisation. While Freeman uses the stakeholder to expand the ethics of responsibility of a corporation beyond the stockholders, the uncritical use of the word in planning detracts from its usefulness. In the age of contested and shifting identities, the charge of interloper is an easy one. To discern who holds stake, we need to examine how they come to hold that stake. Stakeholders, as they are usually conceived, are individuals who come together as voluntary groups to pursue particular interests. Even when non-volitional groups such as ethnic groups are considered in the planning process, their participation is legitimated based on the idea that these groups hold stake and can articulate their interests through

deliberately formed organisations. Thus, non-volitional groups need to become volitional stakeholders to effectively participate.

What kinds of groups are stakeholders in any given planning process? Standard administrative theory suggests that they are characterised by the legitimacy of their claims and valency of their bonds. However feebly or vocally interest-based groups advocate their positions, their voices are usually heard and considered important in planning processes. In contrast, many non-volitional groups are less organised because of the lack of intentionality in forming their group.⁹ For example, the legitimacy of the unmade claims of the tourists in New York should be considered, even when there is a no explicit advocacy for those claims.

The standard liberal position of communication between individuals as a cornerstone of planning is flawed as our identity, rights and communicative practices are inherently tied to the particular communities to which we do and do not belong. According to Healey (1992) the communicative turn in planning presupposes the existence of individuals engaged in 'diverse, overlapping and fluid discourse communities, each with its own meaning systems' (p. 155). Not only are we part of discourse communities, we are also part of many other kinds of communities. These communities are groups that are in continuous communication (in Fichte's words) over time not only through active dialogue and shared meanings but also through culture, expectations and in some cases, by just belonging. We are thus stakeholders not only because we hold stake but also because stakes are social constructions; we derive those stakes from belonging to particular communities and, at the same time, discover fellow members by asserting stakes.

Thus, if we pay attention to explicit and implicit claims made by various groups, we have to recognise the bounds of the intersecting, overlapping and imperfectly telescopic communities (Sandercock, 2004). The dialogical community invites and restricts the participation of subgroups, and the communicative practices within and among groups are tied to these constitutive practices. There is no a priori characterisation of what kinds of groups have a legitimate claim to the process. In fact, widespread inclusion is not even necessary or sufficient (Kaza, 2006).

One might argue that a group that is exclusionary (such as jingoistic groups) has less legitimacy than more inclusionary groups. Such arguments naturally lead to discounting non-volitional groups in favour of interest-based groups. All group membership is characterised by simultaneous inclusionary and exclusionary practices. The question is not necessarily about the external legitimacy of the membership criteria, though one can argue that certain exclusionary criteria are illegitimate, but about the connection between the membership criteria and the claims of the group. The neighbouring ranchers' coalition has wide eligibility for membership, whereas the Campo Indians have restricted membership based on kinship alone. The Campo's claim to the landfill, *prima facie*, may have more legitimacy because of widespread deprivation on the reservation. They also may have legitimate reasons to require that benefits (e.g. employment) be restricted to the current members of the Band and costs be more widely distributed (e.g. environmental costs be imposed on neighbours and future generations).

The role of planning processes is not to build a community, though creation of shared identity may be a by-product. The primary purpose of the process is to consider the legitimacy of claims of different groups affected by decisions. Along with the collective

choice rules, standards of evidence and deliberative practices, we also need to pay attention to the legitimacy of the deliberators and their claims that emanate from belonging to different groups.

Membership and identity: stakeholders, groups and citizens

In the preceding sections, I illustrated in a few substantive and procedural cases why membership matters for various aspects of planning. In this and the next section, I will trace some main features of membership relations that are salient and demonstrate how these relationships might impact our understanding of planning participants. Kukathas (1996) defines a community as ‘an association of individuals who share an understanding of what is public and what is private within that association’ (p. 85). To Kukathas, propinquity is not as important as the shared understanding that defines the community. He goes on to cite a scholarly community, a village and a religious association as examples of different understandings that essentially define a community. Nations that have formal rules of admittance and exit are imagined as limited communities (Anderson, 1991). To Fichte (1922), a nation, in particular the German nation, becomes so by shared language and culture and through continuous communication over time. All groups, from neighbourhoods to nations, are marked by simultaneous inclusion and exclusion. Furthermore, to belong to a group is to share identity, interest, practices and culture, and only parts of these are volitional. The city limits are not only geographical markers but also socio-political markers as well.

Two concepts are important in these arguments: (1) homophily and (2) difference. The tendency of like individuals to form groups and the tendency of each group to assert its identity centrally as distinct from others and outsiders seem to characterise group formation and sustenance. To McPherson et al. (2001), homophily is in fact a central organising principle of social group formation. Because central to the construction of identity is rhetoric, and because meanings, following Husserl, cannot be constructed without contrast, asserting differences from others (whether groups or individuals) is important to claiming similarity. The bounds of a group are defined not just by whom the group claims as its members, but who it excludes. To Sartre (1995), it is the anti-Semite who co-creates the Jew.

We are similar to others in some dimensions and different from others in other dimensions. Sen (2006) argues that ‘...[A Hutu] is not only a Hutu, but also a Kigalian, a Rwandan, an African, a laborer and a human being’ (p. 85). Thus, the concepts of identity and membership are intertwined. The fact that we belong to multiple groups is self-evident. Different memberships in different groups confer different facets of individual identity. At the same time, the group identity is co-constituted by members themselves. Sen criticises the centrality of singular identity in fostering bonds as well as promoting violence based on that singular identity.¹⁰

However, he argues that identity must be chosen, albeit within constraints, albeit multi-faceted. Are we always allowed to choose our identity and by extension the groups we belong to? To paraphrase the Bard, sometimes identity is thrust upon us. One may be Kigalian merely by accident of birth, yet we demand that each Kigalian

recognises that part of the identity even when it is not paramount. One may choose to renounce this membership by migrating elsewhere. If the migration is for economic reasons or for reasons of civil strife as in the case of migration to Zaire, a new membership is assumed, an old one fades away, probably never erased, and the individual identity is morphed. This choice is hardly a non-coercive one. This is not to say that we do not actively construct our identity. Sen's point on the multidimensionality of one's own identity is well grounded, which follows from the variety of groups that we belong to but also from the variety of choices we actively make at different points in time. We could choose, sometimes coerced, to be mothers, activists, faculty members and acquire citizenship. We could reprise in any of these roles as the situation demands and emphasise a particular facet and give reasons and make moral claims based on such emphasis.

A 'dense variety of obligations' flows from membership in these groups (Mandelbaum, 2000). MacIntyre (1984) writes,

[We] all approach our own circumstances as bearers of a particular social identity ... As such I inherit from the past of my family, my city, my tribe, my nation, a variety of debts and inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. (p. 220)

How does one reconcile competing obligations that flow from various memberships. In *Obligations*, Walzer (1982) discusses the competing claims that different memberships place on an individual. Walzer accords primacy to citizenship (i.e. membership in a state) and subordinates other memberships (e.g. unions and churches) to it, thereby creating a hierarchy of membership relations. Sen (2006), however, forcefully argues that there is no unique group membership, and therefore, no derived identity that is sacrosanct or stable. The obligations that we perceive from our sense of belonging ought to be reasonably and pragmatically balanced through reason in specific situations.

It is quite tempting to create a hierarchy between all the groups we belong to and accord primacy to moral claims of one over the other. It is also quite tempting to distinguish polities from other groups and argue that polities are legitimate participants in planning. A Jonathan Lethem fan club is hardly a polity, even while it is a group that shares an understanding and appreciation for *Motherless Brooklyn* and is actively willed into being by its members. How do we reconcile groups that exist primarily based on members sharing attributes and interests, and those that share understanding? A Lethem fan club, an environmental interest group, an anti-poverty non-governmental organisation, a chamber of commerce, a household and an ethnic group operate in a political environment to advance their interest, give justifications for their actions and compulsions they place on their members and other groups. Insofar as these justifications are negotiated, implicitly and explicitly, politics permeates practices.

Today, one might become a citizen of a city by merely establishing residence, and lose it as easily by migrating away (Tiebout, 1956). Establishing residency is a matter of acquiring property rights, through ownership or other contracts (e.g. tenancy).

However, the political membership within a city is also contingent on membership within a nation-state. Attendant rights to participate in the local political processes are guaranteed only to the citizens of the state. Ownership, as I have argued before, is a bundle of rights that are partly held in common by the citizenry of the state. The co-dependence of various kinds of rights (procedural and substantive) and politics is not uncommon.

The entry and exit restrictions are crucial to understanding the distinctions between groups. Volitional groups are characterised by their lax requirements both on the entry and exit fronts. The entry into and exit from these groups is an intentional and deliberate action on the part of an individual, and therefore, the groups are deliberately constituted rather than naturally occurring. While some volitional groups may require deliberate admittance but may offer free exit (e.g. scholarly or fisherman communities), others offer deliberate entry and exit (e.g. unions). However, entry and exit in non-volitional groups are based on historically contingent practices precisely because of lack of intentionality. Partly volitional groups, such as states, have stricter admittance and exit requirements, for example, 'birthright citizenship' (Stevens, 2011). At the other end of the spectrum, individuals belonging to non-volitional groups have relatively little say in their belonging and severance. The fact that one belongs or does not belong to a Hutu, a Kumeaya or a Karen community is hardly a choice individuals make independently, but is collectively and continually constituted by members already within and outside the group.

The implications for planning are different for different groups. A volitional group can choose to make decisions and plans that affect its own members relatively independently. When the bind that holds the group together is shared mutual interest, there are few restrictions on who might join and when they might do so, as long as the interests of the individuals and the group are aligned. Severance from a group is similarly painless. As Hirschman (1970) pointed out both exit and voice options are available to members of an organisation. Thus, an environmental interest group could choose its strategic direction largely independent of the external input, and even with significant internal dissent. The political processes within the organisation afford the dissenters a voice option and, as a last resort, an exit option. Volitional groups coalesce, dissolve and splinter with relative ease.

Such luxury is not afforded to non-volitional groups. Because exit may or may not be available, voice is the only realistic option. A group consisting of Campos and the neighbours is such a polity, even when no such polity existed prior to the controversy. In the cases when groups are not intentionally constituted and nurtured, voice is not even an option. One might be a tourist or a Karen or an immigrant or a future resident in a city and could be completely and legally (if not legitimately) excluded from the political processes and planning processes.¹¹

The right to memberships in various groups is regulated by political and communicative practices in vogue within and outside these groups. These rights form important but almost always invidious background to moral claims that are made in the planning processes. The claims about why certain groups' interest should take precedence over others', why certain groups' participation is tolerated and even sought after when others' is actively discouraged, are undergirded by these membership relations.

The case for cosmopolitan communitarianism

Are we doomed to be bound to our parochial communities or can we recover some important aspects of liberalism, such as mutual respect and free and equal citizenship? We do not need to start from the primacy of an individual who is constituted *a priori* and then subordinate the groups to which he or she belongs. Instead, if we mutually and simultaneously constitute the individual as well as the various groups the individual belongs to, with or without choice, we can begin to imagine our obligations and rights not just in abstract and ideal societies, but to one another in those particular contexts.

To communitarians, moral and political judgements and critiques are rooted in the communities that people belong to. Cosmopolitans reject this rootedness and argue that everyone belongs to a single community, and our obligation to others is not prioritised based on particular contexts and groups we belong to, but we have universal obligations. The extreme versions of both these arguments are found wanting. We cannot but belong to particular groups as we derive our identity from such belongings. Nevertheless, we cannot be parochial in our moral views.

In a recent explication of the cosmopolitan ideal, Benhabib (2004) discusses the role and the relationship of the resident alien who is a subject of the state but not part of the community. She argues that democratic iterations begin with mutual respect of rights, citizens and non-citizens and universal obligation of hospitality. Then, dialectically and iteratively, we can converge on institutions that are mutually agreeable. This useful characterisation also could be invoked for determining the permeable boundaries of various groups. Who gets counted as a member, and therefore, what rights they hold both from a substantive and from a procedural standpoint can be determined iteratively over time. Furthermore, the iterative process also can be a template for how we could interact with groups to which we do not belong.

We belong to multiple groups and we belong in different ways. The groups are neither static nor completely ephemeral. These simultaneous and overlapping associations and facets of identity help us construct an impartial observer to evaluate the claims we make as groups, from outside the perspective of the parochial group. How do we construct this Smithian impartial observer if we are always members of one community or the other? The key is not to think of this impartiality as an identity that is completely outside community structure but to recognise that these many memberships allow us perspectives that are more than parochial. It is not that we get rid of associations to evaluate claims objectively but that we accept that multiple memberships allow us to put distance between ourselves and a particular group and thus to evaluate its principles and practices.

Hence, to recognise the validity of the claims of others, we do not need universal yardsticks. We only need empathy towards others' claims borne from the sense of contradictory obligations that are placed on us by different groups we belong to. Because we are all familiar with different and potentially contradictory benefits that the groups we belong to provide us, we can appreciate the validity of the others' reasons and claims. Thus, cosmopolitanism is a natural by-product of recognising that communities overlap. Cosmopolitanism does not require us to jettison our individual identities and become aesthetes, but requires us to be open to experiences and reasons that are sufficiently different from our own.

Conclusion

Marx¹² was believed to have said, 'I don't want to belong to any club that will accept me as a member'. Alas, one can only pine for such freedom. The liberal basis for planning leads to a picture where volitional groups are actively representing themselves in the planning process with different degrees of effectiveness.

I tried to illustrate, in this short note, how membership in various groups is intricately tied to some of the substantive and procedural issues in planning. While these are salient to larger social issues, they are particularly relevant to planning. Most of planning praxis relies on the idea of stakeholders, without explicating who and how they hold the stake and whether their claim to participate in a process is legitimate. In this article, I tried to show that while some interest-based groups are more geared towards the participatory processes designed to increase deliberations in the planning practice, we still have to account for the non-volitional groups to which we belong.

To adjudicate the claims of multiple groups, we could construct an impartial observer who can evaluate the claims from a distance and from outside perspectives. Membership in one group need not narrow our epistemic capabilities and moral reasonings; instead, our simultaneous membership in multiple groups enables us to appreciate the positions of others. We need not and cannot include all different groups in the prescribed processes. Considering reasons that are not articulated and positions that are not taken, we as planners need to reconceptualise our professional responsibilities. What we can do in our deliberations and institution building is strive to be empathetic to the claims of others; the groups that we do not belong to, but could.

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Notes

1. In 2010, the Campo Band abandoned these plans, after a sustained effort by the neighbours.
2. Different strands of liberalism share some common features such as individualism, universalism, egalitarianism and meliorism. Gray (1995) writes,

[Liberal tradition] is individualist in that it asserts the moral primacy of the person against the claim of social collectivity: egalitarian, inasmuch as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; universalist, affirming the moral unity of the human species and according a secondary importance to specific historic association and cultural forms ... (p. xii)

In this article, I am arguing that these innocuous features of liberalism are problematic.

3. I chose this example rather deliberately in a nod to current controversy about disenrollment fever that had gripped many tribes (though not the Campo Band) in California (Dao, 2011).

4. This is not universal view (see, for example, Hopkins, 2001; Kaza and Knaap, 2011).
5. A person is a unitary organisation. However, it is misleading to think of organisations and groups as sets, as the membership relationships are fuzzy, and identity of the group is not exclusively determined by the composition of the set.
6. The social contract and utilitarian versions take slightly different routes using consent of individuals on abstract principles, nevertheless, arriving roughly at similar conclusions.
7. <http://www.shuluukwind.com/documents/LandUsePlanFinal2010.pdf> (accessed December 2012).
8. Whether this conflation is justified or not is a topic for a different day.
9. One might discover collective interest *ex post*, as in the case of the 'Kumeyaay'.
10. This is in direct contrast to Huntington (2004) who argues for an Anglo-Protestant identity that shapes or should shape the United States.
11. A different problem is *de facto* exclusion through power differential even when everyone recognises his or her right to participate. This is pervasive, but it has earned extensive interest in the literature and, therefore, is not a subject of this article (see, for example, Mustafa, 2002; Yiftachel, 1998).
12. Groucho, not Karl.

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