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A Critical Study of Communications in Land Use Hearings

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A CRITICAL STUDY OF COMMUNICATIONS
IN LAND USE HEARINGS

by
DOUGLAS J. WARREN

A dissertation submitted in partial fulfillment of the
requirements for the degree of

DOCTOR OF PHILOSOPHY
in
URBAN STUDIES

Portland State University

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AN ABSTRACT OF THE DISSERTATION OF Douglas J. Warren for the
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APPROVED BY MEMBERS OF THE DISSERTATION COMMITTEE:


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This study addresses a major theoretical issue posed
in the literature: can alienation in modern urban society
be conceptualized in terms of the communicative competence
of speakers taking part in social interaction. Specifi-
cally, this study explores the relationship between
communicative competence and two observable indications of

success in land use hearings: 1) ability to influence the final decision of the Variance Committee and 2) expression of feelings of dissatisfaction with the hearings process, as expressed by the participants. On a broader scale, the study tests Jurgen Habermas's classification of speech acts and the notion that public hearings are a free and open process for integrating public opinion into land use decisions.

Twenty-five hearings before the Variance Committee of the City of Portland were observed in order to record the types of speech acts used by four different groups in the hearings - the protestors, the applicants, the planning staff and the committee members. Following the hearings the applicant and a protestor were interviewed to ask information about their perceptions of the hearings process. In addition, all the Variance Committee members (15) and twenty-five professional planning staff were interviewed. Altogether 90 interviews were conducted.

Analysis of Variance demonstrates that there is a significant difference in the use of the four types of speech acts by the four groups. Tabular analysis shows that the applicants are more comfortable with the hearings process than the protestors. However, both groups are relatively well satisfied with the hearings process, even after controlling for the final decision. Multiple linear regression demonstrates that the decision of the hearing is

strongly associated with the speech acts received by the applicants and protestors. Furthermore, a large portion of those acts and their direction can be attributed to the committee Chairman.

Based on these two findings (direction of the committee's attention and the Chairman's influence), a case analysis of 14 (out of twenty-five) crucial cases were examined to determine the interactive process used in reaching the final decision. Crucial case analysis revealed that the committee follows an identical ritual review process, led by the Chairman, in all those cases where the final decision corresponds to the staff recommendation. In those cases where the staff recommendation is reversed, the ritual review process is interrupted by one of three types of unexpected errors, committed by the testifiers, which shift the communicative attention of the committee to the opposing testifiers.

These findings suggest the hearing process does not provide free and open access to opportunities to influence the decision in Variance hearings. Although some feelings of placation occur on the part of applicants and protestors, the final decisions are heavily predisposed by the professional staff recommendation. This predisposition is not overcome by compelling rational discourse, but only if a "fatal error" is committed by one group of testifiers.

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Consider it all joy when you encounter various trials; knowing that the testing of your faith produces endurance. And let endurance have its perfect result, that you may be perfect and complete, lacking in nothing. (James 1:2-4, NASB)

As with many dissertations, I assume, the formulation of this final product has been a long and arduous process. Mostly, I would like to thank Dr. Charles Bolton for his patient guidance and insight in encouraging me to bring this work to closure. Without his help our final analysis would not be nearly so illuminating. I would also like to thank him for teaching me a whole new way of analyzing social interaction. I would also like to thank Nancy Chapman, Don Gibbons and Kelly Hancock for their thorough and perceptive criticism in developing this dissertation. Thanks also to David Johnson whose insight was helpful during the defense. In addition, Lee Haggerty and Bill Rabiega provided much needed help in developing the methodological parts of the study.

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TABLE OF CONTENTS

	PAGE
ACKNOWLEDGEMENTS	iii
TABLE OF CONTENTS	iv
LIST OF TABLES	vi
CHAPTER	
I INTRODUCTION	1
II LITERATURE REVIEW	7
Theories of Communication and Bureaucratic Interaction	7
Small Group Communication and Decision-Making	22
Theories of Citizen Participation	28
Development of a General Theory of Communication by Jurgen Habermas	37
III THEORETICAL PROBLEM STATEMENT	59
IV METHODOLOGY	65
Structure of the Study	65
Validity Considerations	73
Tabular and Statistical Analysis	79
V FINDINGS AND DATA ANALYSIS	81
Introduction	81
The Data	87

Crucial Case Analysis	121
Reversal of the Staff Recommendation from Approval to Denial . .	124
Reversal of the Staff Recommendation from Denial to Approval . .	130
Cases in which the Staff Recommendation was not Reversed	137
Conclusions from the Data	149
VI CONCLUSIONS AND RECOMMENDATIONS	166
REFERENCES	176
APPENDICES	
A. Applicant and Protestor Interview	183
B. Staff and Committee Interview	188
C. Applicant and Protestor Interview Classification	193
D. Staff and Committee Interview Classification	194
E. Hearing Observation Chart	195

LIST OF TABLES

TABLE		PAGE
I	Comparison of Two Social Action Systems . . .	54
II	Number of Participants Interviewed in Each Group	67
III	Number of Applicants and Protestors per Hearing	69
IV	Dissimilarity Factors for Two Observers . .	76
V	Mean Number of Speech Acts by Group	88
VI	Average Number of Communicative Acts Per- formed by Groups of Participants in the Hearings	90
VII	Average Number of Constative Acts Performed by Groups of Participants in the Hearing .	91
VIII	Crosstabulation of Findings Articulated by Applicants and Protestors in Interviews .	92
IX	Crosstabulation of Presence of Previous Hearings Experience With Applicants and Protestors as a Group	94
X	Crosstabulation of Those Participants Who felt a Fair and Just Decision was Real- ized by Applicants and Protestors as a Group	98

TABLE	PAGE
XI Crosstabulation of those Participants Who Felt a Fair and Just Decision was Realized by Applicants and Protestors as a Group	99
XII Crosstabulation of Those Participants Who Felt a Fair and Just Decision was Real- ized When Final Decision was Denial . .	100
XIII Crosstabulation of the Extent to which "Purpose" of the Hearing was Realized by Applicants and Protestors When Final Decision was Approval	103
XIV Crosstabulation of the Extent to Which the "Purpose" was Realized by Applicants and Protestors When Final Decision was Denial	104
XV Crosstabulation of the Extent to Which Applicants and Protestors Felt Free to Ask for Definitions of Planning Terms During the Hearing	106
XVI Crosstabulation of the Extent to Which Applicants and Protestors Felt Free to Ask for Explanations of Zoning Require- ments	107
XVII Crosstabulation of the Extent to Which App- licants and Protestors Felt Free to Question Zoning Requirements	108

TABLE	PAGE	
XVIII	Crosstabulation of the Extent to Which Applicants and Protestors Felt Free to Express Emotions	109
XIX	Number of Acts Received by Applicants and Protestors	113
XX	Regression Coefficients for the Final Decision Accounted for by Acts Received by Applicants and Protestors	115
XXI	Percent of Speech Acts Attributed to the Committee Chairman	118
XXII	Regression Coefficients for Acts Received by Applicants as Accounted for by Speech Acts of Chairman (Independent Variable)	119
XXIII	Regression Coefficients for Acts Received by Protestor as Accounted for by Speech Acts of Chairman (Independent Variable)	119

CHAPTER I

INTRODUCTION

Much attention has been paid to the nature of people-processing bureaucratic organization as it impacts upon, and primarily inhibits, client-staff interaction and produces client feelings which have been labeled alienation, dissonance or powerlessness by various authors. Variables such as the structure of bureaucratic organizations and the depersonalization of client processing have consistently been the focus of traditional studies of bureaucracy. However, limitations of communicative interactions as a function of social organization have not been emphasized as a central source of client alienation. This study is an attempt to apply modern critical theory, particularly as conceptualized in Jurgen Habermas's paradigm of Universal Pragmatics, to the analysis of effective communicative in the context of a land use regulatory bureaucracy.

A study of the communicative action which takes place in a bureaucratic setting is highly relevant to the recent thrust of planning theory. While this study takes a primarily sociological viewpoint, it also combines social-psychological variables at a point of confluence between

praxis and theory -- the communication interaction taking place in land use hearings. Recent planning theory has emphasized access to planning decisions through citizen participation. Communication is the medium through which citizens in an ostensibly democratic society interact in the process of decision-making. Bureaucracy, as a form of organization typical of planning departments, and urban government in general, must facilitate communicative access and not, as is usually the case, inhibit such access.

Bureaucracy as a form of social organization lies at the heart of modern urban society. Usually associated with agencies of the public sector, bureaucratic organization is also the prevalent mode of structure for large and small organizations of all types. More than ever before, the underlying logic-in-use of bureaucracy, the ostensibly rational organization of tasks, permeates the organizational structures which surround the everyday lives of people. The resulting process of bureaucratization affects ever-widening spheres of both public and private life at all levels of organization. The ever-pervasive nature of bureaucratization has led to considerable attention in the academic literature in an attempt to analyze this process. Historically, students of bureaucracy, subsequent to Max Weber, have concerned themselves with theory and experimentation to determine structural alignment of large administrative agencies.

Others, such as Blau and Merton, have interested themselves in the covert and informal (essentially nonbureaucratic) workings of bureaucracy. Later still, those disenchanted with the perspective of bureaucracy as benign began to focus on the alienative and dysfunctional aspects of both staff and client experiences in bureaucratic environments.

However, little analysis has been undertaken in which critical theory has been explicitly applied to bureaucratic organizations. Benson (1977) and Hydebrand (1977) have made attempts to apply dialectical theory to bureaucracies, but, as Charles Perrow (1979) points out, no theoretically coherent paradigm of complex organization has been presented by critical theorists. It is beyond the scope of this study to organize an entire paradigmatic scheme for a subset of organizational structure -- bureaucracy. On the other hand, it is possible to take the perspective that a critical examination of the way in which arbitrary social arrangements perpetuate existing social relations is highly relevant to bureaucratic organization. The test proposed herein stems from the conviction that speech acts used in bureaucratic settings indicate and perpetuate the differential knowledge, understandings and competence of clients, decision-makers and staff. Furthermore, language as a facility which reflects or fails to reflect a dichotomous (systems of

purposive rational action/systems of symbolic interaction) underlying logic-in-use, as proposed by Jurgen Habermas, potentially explains differences in client, staff, and committee decision maker perspectives.

Habermas's theory relies heavily on the importance of communication and language as a formative aspect of social organization. His theory has at least four developmentally related subparts:

- 1) A theory of communicative competence which includes an analysis of the structural assumptions of language, the socialization process and the ego identity development process.
- 2) A comparative cultural level formulation which contrasts symbolic interaction systems and systems of instrumental rationale.
- 3) A reconceptualization of historical materialism.
- 4) An accompanying theory of societal evolution.

Subparts 1) and 2) provide the substance of the theoretical foundation of this study and will be summarized at a later point. The second two subparts, although dependent on the individual level theories in 1) and 2), are not specifically relevant to this study.

As background for the proposed study, and as a background for understanding theoretical issues behind the work of Habermas, a wide breadth of literature must be surveyed. Probably even a greater body of literature than is touched on in the following review is relevant to the

study of communication. We have divided this collage of literature into four subchapters to aid in organizing these concepts. However, relevant as they are to a common subject, these subject areas are divergent enough that they have little apparent relationship to one another. The chapter which follows Literature Review, Theoretical Problem Statement, attempts to glean the relevant literary issues to form a succinct theoretical problem. The first section of the Literature Review, theories of communication and bureaucracy, is the primary body of literature dealing with communication and social interaction on a general level. As a follow up to the first section, I have included two subsections which deal with small group dynamics and citizen participation. These two sections constitute an attempt to be cognizant of the many other works which have dealt with decision-making in small groups and public hearings.

Finally, since the core of the thesis is a study of a specific theoretical framework, the fourth subsection provides the necessary background in social philosophy to understand the central issues addressed by Habermas's theory and to understand the distinctive view of communication held by the Frankfurt School of Critical Theorists.

The study described in Chapters IV and V involves an examination of the use of speech acts during variance hearings conducted by the City of Portland Bureau of

Planning, in an attempt to verify the accuracy of Habermas's conceptualization of institutional arrangements.

The study of communications in land use hearings involves theoretical concerns embraced by fields of endeavor such as the sociology of knowledge, theory of administrative behavior and planning theory -- all important areas of research in urban social behavior.

CHAPTER II

LITERATURE REVIEW

Theories of Communication and Bureaucratic Interaction

Earlier students of bureaucratic organization contended that technical jargon and communicative style constitute important aspects of complex roles and values held by professionals and clients. Some of these theorists have dealt specifically with bureaucracy and communication, while others have developed general theories of social interaction. Theories of interaction within organizations can be characterized as representing three schools of thought. These schools can be referred to as the consensus approach to explaining organizational behavior, the phenomenological approach, and the critical approach, which has two subschools: conflict theorists and communication theorists.

The consensus approach emphasized the role of common value systems as the integrating force in organizational interaction. Max Weber based his analysis of bureaucracy on the acceptance of legitimate authority and rules as a foundation for social organization. In addition, Max Weber emphasized the impersonalization of bureaucratic structures and the ever-increasing rationalization of

organizational operation as a source of client alienation. (Blau, 1968:142)

Parsons (1951) developed a theory of general social interaction using the physician-patient relationship as a model, insisting that actors engaged in a common interaction context share common value-standards which govern mutual expectations and role-taking complementarity. Although Parsons's illustration of the physician-patient relationship was not taken from an organizational setting, he argued that this model illustrates the way that technical expertise (physician) spawns authority. Parsons went on to say that such relationships of expertise provided the foundation for organizations with less hierarchical status and authority structure. The consensus concept of organization was widely accepted (Perrow, 1979), and the school's basic thrust was that conformity to a shared set of values makes authority possible within the organization.

Those sympathetic and those not sympathetic to consensus theory criticized Parsons's approach because it did not provide an adequate basis for understanding conflict in organizations. Merton and Barber (1976) criticized Parsons's overly consensual orientation, noting that physician-patient relationships are characterized by situational incongruities produced by the physician living off the client's troubles. Focusing directly on communication, Mills and Vollmer (1966) pointed out that technical

jargon may be divisive to client-practitioner relations because it keeps certain information away from the client and mystifies occupational expertise, enhancing status distinctions but also generating suspicions on the part of clients that information is being withheld. Anselm Strauss (1959:32) also stated that jargon functions to label objects important for group action. For instance, professionals classify clients in an attempt to organize activity in an orderly and sensible manner.

The phenomenological approach to social organization emphasized the socially constructed nature of organizations. The phenomenologists have tended to focus on the situational context of interaction patterns (which poses a problem of generality when applied to complex organization) and interpretation of situations by the involved actors. The most extensive treatment in this area is a set of concepts explicated by Peter and Brigitte Berger and Hansfried Kellner.

Berger, Berger and Kellner also emphasized the importance of symbolic structures held particularly by clients in bureaucratic environments (The Homeless Mind:1974). When the expectations of clients are not met or language and processes do not correspond to the definitions of everyday life, clients experience dissonance when partaking in politically established bureaucratic processes. Berger et al. in analyzing bureaucracy

and consciousness contended that bureaucratic organization is arbitrarily established, in that ostensibly rational processes of organization are not legitimated by any overriding output or production goals. In other words, the production outcomes of government bureaucracy (they refer to bureaucracy in the governmental sense) could be achieved in any number of organizational contexts. They contrasted such order to that of technological production in which profitability and quality of outcome as goals are more important than the rational organization of tasks. Within the general claim to arbitrariness, they describe the underlying logic of bureaucratic organization in Weberian terms (specialization, division of tasks). Bureaucratic structure is seen, within the context of human knowledge, as based on jurisdictions of knowledge and competence. Expertise is limited to a sharply circumscribed sphere of life. As a result, constant referral of clients causes dismay on their part and the perception that no overall coordination of government processes exists. Berger et al. also referred to coverage, a related concept, wherein each sphere's list of rules and regulations is extended to cover every conceivable case.

In addition, the necessity for proper procedure leads to rational rules and sequences. These sequences are theoretically, but not always practically, knowable to clients and include avenues of redress in the case of

improper processing.

Finally, Berger et al. asserted that anonymity is a necessary characteristic of bureaucracy which insures equality of treatment to clients as a category. They explain the outcome of bureaucracy as a phenomenon in the following way:

Thus a specific body of knowledge emerges (and with it a specific language) which appertains to bureaucracy and to bureaucracy only. This is segregated from other bodies of knowledge, such as those pertaining to technological production or to private life. Bureaucracy is encountered as a highly specific social reality. (Berger et al. 1973:47)

A typology of cognitive style arises out of bureaucracy's basic structure. Berger et al. discuss six facets of cognitive style which apply both to the underlying logic-in-use of bureaucracy and to the expectations of clients dealing with government bureaucracies. The first aspect of cognitive style is the element of orderliness. A bureaucratic system of categories which encompasses phenomena within the sphere of jurisdiction results from this taxonomic propensity. Secondly,

bureaucracy presupposes general and autonomous organizability. In principle everything is organizable in bureaucratic terms. Because of its abstract formality, bureaucracy is applicable in principle to just about any human phenomenon. (Berger et al. 1973:50)

Organizability was contrasted to the heteronomous organization of technological production, in which organization must coincide with the requirements of output. These requirements restrict organizational structure for technological production but do not place limitations on government bureaucracy. Thus, bureaucracy contains an internal logic but no external parameters for the ultimate rationale of the organization.

Third, the general assumption of predictability allowed the expectation of operations in accordance with certain regular procedures. This phenomenon enhanced the experience of the client rather than creating alienation. Alienation does occur when the expectation is not met. In addition (fourth), there is an expectation of justice and equality of treatment.

Fifth, they stated that bureaucracy posits the non-separability of means and ends. In other words, the process is as important, if not more so, than the outcome. The client, of course, is most interested in the outcome, whereas the legitimacy of staff procedures must be substantiated by collapsing process and output.

Finally, the client's experience with bureaucracy takes place in a mode of explicit abstraction. With the expectation of just and fair treatment, the client also expects to be treated as a number. In other words, the depersonalization of

individual cases is seen as the necessary prerequisite to objective and just treatment. On the other hand, when the client feels the outcome is unjust, the depersonalization of treatment

... constitutes a threat to the individual's self-esteem and, in the extreme case, to subjective identity. The degree to which this threat is actually felt will depend on extrinsic factors, such as the influence of culture critics who decry the 'alienating' effects of bureaucratic organization. (Berger et al., 1973:55)

Berger, Berger and Kellner emphasized specific elements of bureaucratic consciousness and treat the underlying logic-in-use of language only secondarily in their analysis of bureaucracy. They relied heavily on a two-way interaction between the cognitive structure of bureaucracy and the expectation of clients, implying that too great a divergence between the two may have alienating effects. Interestingly enough, rather than developing a strict dichotomy between systems of symbolic interaction and systems of purposive rational action, they saw considerable overlap between the two, as for instance, their concept of the bureaucratization of everyday life implies.

Planning theorists have recently been engaged in applying socio-communications theory to land use planning and the public hearings process. Richard Bolan examined the social constitution of theory

and practice among professional planners. He developed an analysis of the phenomenology of professional episodes in which talk or communication was a primary form of action.

Language is the embodiment of our symbolization of the world, and thus, the vehicle by which we give it meaning. Language is the means by which we express our intentions, and the means by which we formulate our rules; 'language is embedded in practice and shaped by inter-subjective constitutive rules and distinctions.

In a primary sense, then, language is the core instrument of the professional episode; it establishes the purposes, rules and interpretive qualities of the episode; it helps to set its direction and guide the overt and covert actions of all participants. It is also the key enigmatic dilemma of the professional episode. (Bolan 1980: 265-266)

Bolan also compartmentalized the "professional episode" into "practitioner acts", "scenes" and "constituent actors." Language appeared to operate as "informal symbolic scenery" providing a medium for interaction, but not the determinate power-constitutive medium emphasized by Habermas. Language, then was seen as a set of symbols with specific reality-reflecting meanings rather than in Habermas's full sense of utterances, as sets of words, which are constituent parts of communicative acts. In one sense, however, Habermas actually offered a more explicit

explanation of Bolan's concept of language as scenic imagery. Bolan stated:

These scenic aspects of planning episodes, therefore, have unique and distinct influences on their quality and character. As Brittain suggests, if the scene is misinterpreted (or interpreted in widely divergent fashion by different participants) there will be basic difficulty in coming to a mutual understanding about the nature of the episode. Misreading the scenic symbols can be a significant part of any difficulties relating to attribution of motives or evaluations. Avoiding such misreadings is, thus, a fundamental part of effective professional practice. (1980:270)

Habermas more explicitly attributed systematically distorted communication, not to random (multi-source) misinterpretation but rather to structural limitations of access to universal forms of communicative acts (see subsection of the thesis on General Theory of Communication by Habermas). When the symmetry requirement is negated, communication is stifled.

Bolan also appeared to be seeking idealization of speech situations in saying,

The problem of achieving inter-subjective mutuality among all participants is of vital concern as is the interpretive reading of the symbolic codes and norms of each scene. (1980:271)

In this way Bolan also employed a non-positivistic approach for evaluating the validity of professional truth claims and judgments. Rather than outlining the logical prerequisite of effective practical and

theoretical discourse, Bolan stated the inadequacies of positivist evaluation methodology as follows:

It is argued here that traditional approaches to evaluation only skim the surface of the professional episode:

1. They fail to account for situational variables and the intersubjective meanings that the total array of participants contribute to the episode.

2. They fail to take cognizance of the relation between institutionalized theory vs. practitioner's theory, or between espoused theory and theory-in-use.

3. They also fail to note that even if a professional episode represents an effective intervention, there may still be unsatisfactory features about the new situation that emerges. (1980:271)

The work of Erving Goffman is also relevant to bureaucratic interaction, although his work has emphasized social interaction in general. Because his theories analyzed the situational processes of social interaction, his work is most closely related to the phenomenological approach to analysis of bureaucratic interaction. Goffman's (1955) analysis of face-work ritual emphasized that an important precondition of social interaction is the maintenance of face. He contended that if participants in a social interaction setting maintained face, the appearance of credibility, and avoided embarrassment that interaction would continue. Without maintenance of face, social interaction would break down and the actors in the interaction setting would not continue to take part in

reciprocal social relations. Furthermore, Goffman (1955) stated that social structure has developed so that ritual processes are followed in order to maintain face for all actors in the interaction setting. Goffman's work is highly relevant to the communication processes which occur in public hearings because of the regular format followed to allow communications in the hearings.

The critical theorists are represented by two sub-schools of organizational thought. The conflict theorists emphasize the inherent conflict in authority and power relations in organizations. The critical theorists who deal with communications deal with universal pragmatics as a vehicle for competent interaction in organizations.

Ralf Dahrendorf, a conflict theorist, emphasized the fact that opposite social interests and the differential distribution of power are the prime source of conflict in organizations. (Turner, 1974:92) While Dahrendorf emphasized imperative authority relations in the analysis of organizational conflict, others have contended that conflict rests in the relationship between language, communication, and social status differences. Gerth and Mills (1953) also noted that the chance to display emotional gestures varies with social status and class position. Heydebrand (1977:85) noted the importance of language in developing and maintaining social status differences when he wrote that language, as the vehicle of

consciousness, effects behavior due to its crucial function in both socialization and institutionalization. Language preserves and transmits traditional and established forms of social control, organization, and method.

At least two other authors have developed perspectives on the knowledge-structuring characteristics of bureaucratic organization. They developed critical theory from a communication standpoint. In fact, the first author, Ralph P. Hummel, presented his theories in a phenomenological tone. Hummel developed the notion that bureaucracy institutionalizes power relations in such a manner as to deny access of the public to political goods. An integral aspect of structurally limiting access is that client experiences are embedded in a linguistic framework. Two characteristics of linguistic structure are paramount in separating clients and power: acausality and one-directionality. Acausality refers to the unexplained, *prima facie* legitimacy of bureaucratic language. Rationalization "from above", legally institutionalized rules and processes, such as a local zoning ordinance, are not subject to reason as to the origin and purpose of any individual regulation. While these laws may be legislatively interpreted and changed, a client applying for a zone change or a variance cannot question the purpose of a particular law or regulation. It must be accepted as a fact of life in order to gain access to the system. As Hummel pointed out,

even the majority of low level administrators in a bureaucracy have little idea as to the origin and purpose of particular regulations. As Hummel put it,

A language that lacks causal paths and consists merely of lists of conditions against which reality must be tested by the user -- i.e., the functionary -- is not a language that lends itself to having questions asked as to why a certain operation exists, why it is exercised, just so, and what the justification might be for the sum of operations of the entire bureaucracy. (Hummel, 1977:162)

In addition to limited understanding of causality in bureaucratic processes, Hummel posited the unidirectionality of definitional processes. Real communication is limited since definition-redefinition, between clients and staff regarding the purpose and meaning of bureaucratic rules and regulations, is not allowed. Unidirectional definition allows the reification and perpetuation of power relations. As a result, access to political goods is not only limited but the client is forced to learn agency-specific or occupation-specific jargon, and the knowledge-structuring use of such jargon to successfully cope with bureaucratic channels. In this sense, language becomes a barrier to action from below, rather than a facilitator of social relations.

These two characteristics transform organization into an instrument of social control rather than providing a format which facilitates the most effective

form of task achievement. In a manner similar to Habermas, Hummel contrasted the bureaucratic organization of language to that of society in general:

Social Language	Bureaucratic Language
1. Causal	1. Analagous (acausal)
2. Two-directional	2. One-directional
Source: Hummel, 1977:162	

By contrasting two basic linguistic structures, Hummel also implied a basic source of client alienation in bureaucratic environments. Hummel's conceptualization of definition of reality as imposed by bureaucracy also bore a similarity to that of Habermas in that the societal bases of definition, "intersubjectively shared ordinary language" and "reciprocal expectations about behavior", are not duplicated by systems of purposive rational action (such as bureaucracy). Hummel introduced the importance of process when he focuses on the definition-redefinition character of most human interaction.

John Forester also applied a communications perspective to the analysis of statements used in discursive planning contexts. (Forester, 1980:275-286) He explicitly

. . . applies Jurgen Habermas's critical communications theory of society to planning practice in order to clarify (1) how planning practice works as communicative action, (2) how planning action and broader political-economic forces may work to thwart or foster a democratic planning process, and (3) how, then, a planning theory assessing planning practice can

be concretely empirical and immediately normative, offering us pragmatic strategy and political vision together. Critical theory illuminates both structural obstacles to a democratic planning process and the practical opportunities planners have to counteract and overcome those obstacles. (1980:275)

Forester continued by focusing on the implicit validity base involved in attention-structuring communication environments. Following Habermas he pointed to four expectations of pragmatic communication that we ordinarily take for granted.

We ordinarily (but not always!) try and expect others:

1. To speak comprehensibly . . .
2. To speak sincerely . . .
3. To speak legitimately, in context
. . . and,
4. To speak the truth (1980:278)

In order to study these pragmatic assumptions inherent in communicative interaction, Forester observed planners and developers interacting in the environmental review process in a major American city. These four underlying assumptions of response to speech acts bear correspondence to the four types of speech acts discussed by Habermas (see subsection on General Theory of Communication by Habermas). The stress here is on the universal validity claims inherent in social communication rather than to symmetrical access to a full range of communicative acts. Forester applied the validity base approach to planner's communicative styles while this study will focus on the symmetry of use of

communicative universals by clients.

Forester went on to explicate the possible manifestations of distorted communication at a face to face level. These assertions still require application and testing in order to demonstrate the universal nature of communicative acts.

Forester concluded by stating:

Significantly, a critical theory of planning practice, barely indicated here, calls our attention (a) empirically to concrete communicative actions and organizational and political-economic structure, (b) interpretively to the meanings and experiences of persons performing or facing those communicative actions, and (c) normatively to the respect or violation of fundamental social norms of language use, norms making possible the very intelligibility and common sense of our social world. By recognizing planning practice as normatively rule-structured communicative action which distorts, covers up, or reveals to the public the possibilities and prospects they face, a critical theory of planning aids us practically and ethically as well.
(1980:283)

Small Group Communications and Decision-Making

A vast body of literature reporting on studies of small group dynamics is available, beginning from the early 1950's. By and large these studies deal with the dimensions of group structure, including organization, cohesiveness, communication flow and power. Three subareas of research are of particular relevance to the study of public hearings: 1) opinion formation and interaction in small

groups; 2) the role of influential leaders in such groups; and, 3) talkativeness as an indicator of leadership and influence in small groups.

Serge Moscovici (1985:403) stated there have been three dominant paradigms of social influence, including the normalization theme, developed in Sherif's early work, in which socially constructed norms provided a basis for making judgments and decisions in small groups. When those norms were broken down group functioning also was impaired. The second theme, conformity, challenges the notion that conformity to clear cut group norms is a given. Asch showed that subjects in a group follow systematic, rational choices in adopting the opinions of others. The third paradigm is that of innovation which emphasizes the role of conflict in bringing about creativity and a striving for consensus. This paradigm is reflected in the work of Burdick and Burns (1958) and Steiner (1966) which studied the internal disagreement reaction of subjects in groups.

One of the first, and most well known studies of opinion formation was conducted by Solomon Asch (1955). Asch noted the tendency of subjects to conform to opinions of the larger group, particularly if their's was the lone deviant opinion. He also noted the tendency of the group to follow and adopt the view of the opinion which was expressed first. Harvey and Consalvi (1960) reported that leaders influenced the judgment of members in groups

during decision-making activities. They also found that members of the group differentially responded to group pressure, depending on their status within the group. Leaders were least responsive to group pressure, while those with second highest group status, as perceived by the group, were the most responsive to group pressure. Harvey and Consalvi explained this tendency by hypothesizing that those of second highest group status aspire to group leadership and therefore see "pleasing the group" as a means of ascending the status ladder.

In the mid 50's, Katz and Lazarsfeld (1955) conducted extensive research on "Personal Influence" in small groups. A major thrust of their work was to explain the flow of mass communications, newspapers, radio and television, in shaping public opinion. They developed a theory, based on convincing empirical data, termed the "Two Step Flow," in which opinion leaders shaped the views of small informal groups. These groups were composed of people engaged in day-to-day relationships. Each of these groups, even though casual, had a dominant opinion leader who was more widely read and exposed to the media. The opinion leaders set the tone for the views of the group.

The role of influential leaders in the dynamics of small group decision-making is a pervasive theme of the social-psychology literature. Both teams, Katz and Lazarsfeld and Harvey and Consalvi, found that indivi-

dual leaders tend to dominate the development of opinion in small groups. Collins and Guetzkow attempted to summarize the work in this field with a series of propositions which result from others' research. They stated, "the tendency for high power-status persons to initiate more communication is one of the most powerful and reliable phenomena summarized in this book". (1964:155) Based on their review of the literature, Collins and Guetzkow formulated a series of propositions about leader influence in small groups.

These propositions are as follows:

- 1) A few people do most of the talking in small groups. (Bales, et. al., 1951; Stephan, 1952; Stephan and Mishler, 1952)
- 2) People who initiate the most also receive the most in groups. (Bales, et al., 1951; Collins, 1960)
- 3) High power-status persons will initiate more communication than low status persons. (Collins, 1960; Gerard, 1957; Borgatta, 1954)
- 4) The power-status hierarchy will influence the flow and content of communications within the face-to-face group. (Collins, 1960)
- 5) When there is an established power-status hierarchy, all group members will direct more communications to high power-status persons. This holds true even if initiations are controlled for. (Collins, 1960)
- 6) High power persons possess more influence in terms of initiating more communications and more communications classified as influence attempts. (Hurwitz, Zander and Hymovitch, 1953)
- 7) High powered persons will be successful in a larger percentage of the influence attempts which they do make than low power persons. (Hurwitz, Zander and Hymovitch, 1953)

- 8) High power persons will be less affected by the efforts of others to influence them. (Hurwitz, Zander and Hymovitch, 1953)

(All of the above in Collins and Guetzkow, 1964).

Barber (1966) found similar tendencies among high power-status individuals working in groups. In his study of chairmen of committees, a study of formal leadership, he compared the characteristics of two types of chairmen: active and passive. "Active" chairmen tended to be higher on education and income scales, while "passive" chairmen were older and had "been in town longer." He found "actives" to be more influential in decision-making and found that they initiated and received more communications than did the passives. To avoid the trait approach to leadership in groups, Barber identified the chairman as a role. He concluded by stating:

What emerges is a definition of the role, not as a set of fixed specifications for behavior, but as a limited but broad range of permissible behaviors. Activity-Passivity appears as a major discriminant of role performances. Some chairmen appear to interpret their role in a much more conservative manner while others take full advantage of the opportunity to attempt to control communication and outcomes in the group. These tendencies coincide with personal resources, qualitative style and group response.
(1966:162)

Edwin Hollander (1985) pointed out that the acceptance of leadership by the group depends somewhat on the origination of that leadership. He cited Goldman and Fraas (1965) who found that groups in which leaders were elected

or appointed on the basis of competence functioned better than groups where leaders were appointed by random selection. Hollander, Julian and Perry (1966) also found that groups were more accepting of decisions of elected leaders rather than appointed leaders.

Patton and Giffin (1978) examined individual influence in group decision-making from the standpoint of leadership style. They studied the effects and processes of three leadership styles: dogmatism, democratic, laissez-faire.

Finally, Napier and Gershenfeld (1981) studied the role of influential members in group dynamics. In conclusion, they stated,

The more powerful members of a group tend to be better liked than low-powered members and are imitated more often. They speak and are spoken to by the other highly powered members more than are lower powered members. They participate more, exert more influence attempts, and their influence is more accepted. Groups tend to be better satisfied when more powerful members occupy leadership positions and those in positions of power enjoy being in the group more. (1981:258)

As several of these studies already indicated, in general, talkativeness in small groups is associated with leadership and influence in those groups. Both Collins and Guetzkow and Barber noted this relationship. Knutson (1960) found that verbal output was significantly related to leadership status in groups. (Leadership status was based on peer evaluations in the groups). Bass (1960)

also found a high correlation (.93) between the time spent talking and the leadership status of individuals in the group. Caudill (1958) found that evaluations of senior officers increased with verbal participation in staff meetings. Reicken (1958) showed that members tend to rank verbal members of the group higher even when they don't follow the ideas of that member.

Reicken's research on this problem shows a tendency on the part of the group to rank a high talking member as having contributed more than a low talking member, even when the group accepted the solution of the low talking member. (Knutson, 1960:45)

In fact, in the same study, "verbal fluency seemed to be identified as the sole mark of leadership." (Knutson, 1960:46) When verbal leaders were removed, the group could not move toward its goal until someone took that person's place.

Theories of Citizen Participation

The planning literature which focuses on theories of citizen participation has also articulated the importance of public access to decision-making in local planning decisions.

Saul Alinsky emphasized the importance of grass roots support in the sense of recruiting influential local leaders into community organizations. By trying to take advantage of extant local power structures, decision-making could be influenced and social change

achieved. Alinsky dealt with community organizations in Chicago slums whose aim was to, among other things, prevent delinquency and crime. As such, he did not focus on communication as a medium of social decision making. However, he emphasized the importance of recruiting citizen participants who have the qualities of intelligence and articulateness so that they could deal effectively with local leaders and bureaucratic structures.

An extremely important work which developed the placation theory of public participation is Sherry R. Arnstein's framework, the Ladder of Citizen Participation (Arnstein, 1969). Arnstein conceptualized citizen participation as an eight step ladder which runs from non-participation to tokenism to actual citizen power. If some degree of real influence in decision-making is not manifested in the program of citizen participation, then real participation does not occur, according to Arnstein.

The eight steps in the ladder, in ascending order, are Manipulation, which involves placing citizens on advisory panels; Therapy, which involves drawing attention away from real problems and changing the individual's reaction to the problem; Informing, which involves publicizing decisions already made; Consulting, which involves holding hearings or conducting attitude

surveys; Placating, which involves appointments to advisory boards; Partnership, in which some authority over decision-making is actually shared by citizens and officials; Delegated power, which allows citizen control over final project approval; and Citizen control, which involves actual citizen control of all decision-making. (So et al., 1979:559)

Arnstein's ladder depicts therapy and manipulation as nonparticipation. Placation, consultation and informing are merely forms of tokenism and only citizen control, delegated power and partnership are actually forms of citizen power. The driving engine in Arnstein's perspective is the real decision-making ability that citizens have in matters which influence their lives. Her concept of citizen participation intersects Habermas's theory of democratic society in that role specific content for citizens participating in a public forum must include access to speech acts which actually empower those citizens to engage symmetrically in the process of decision-making. Without such empowerment actual democratic participation does not occur.

Michael P. Smith also criticized the ritual participation schemes used by planners to provide an illusion of citizen choice and power. These rituals included the presentation of alternative plans, citizen surveys, technical assistance to citizens and offering inducements

to achieve cooptation of significant subinterests. Smith claimed that these techniques ordered and routinized conflict behavior in patterns of interaction. He went on to state that this ritualization of conflict behavior masks the realities of concentrated power and social domination. Although he did not mention public hearings, hearings are the implicit vehicle for many of the techniques he discussed, for instance the presentation of alternative plans. He condemned these techniques as a false presentation of responsiveness and participation by planning agencies when he stated,

By stressing the supposedly democratic character of such consultative processes as 'citizen participation' and 'pluralistic advocacy planning,' various reference groups have been placated sufficiently to induce them to accept consequences of public policy that were incompatible with their material interest. Formal citizen participation in planning reassured outside audiences of the democratic character of political decision-making. Those offered formal participatory status often were placated by their involvement in what was no more than ritual activity, granting participation without yielding bargaining power. When ritual participation in decision-making thus induces cooperation and quiescence, the urban renewal program can basically proceed without resistance. (1979:260)

As Anthony James Catanese pointed out in The Politics of Planning and Development, the problem is that we do not know how to effectively implement citizen participation strategies. The most commonly used form of citizen

participation, public hearings and meetings, came from our heritage of New England town meetings. As a result, such meetings are unlikely to disappear from American planning even though there are many questions about their efficacy. Paraphrase (1984:146)

He went on to explain the basic presupposition surrounding the predominance of citizen participation in planning processes.

The commonly held belief is that participation in the planning process is required if implementation is to be successful. This belief is based upon a presumption of consensus as a basis for implementation. That consensus is attained by expressing everyone's views and acquiring information necessary for developing viewpoints. (1984:121)

Catanese also provided a brief overview of the types of citizen participation programs which have been applied in the United States. He recounted what he feels is the mistaken ideology of Gunnar Myrdal which provided the basis for mandatory participation programs associated with federal programs. Many of these programs were unsuccessful, resulting in "maximum feasible misunderstanding." The most effective citizen participation programs, in his opinion, relied on voluntary participation and to begin with were structured around voluntary and secondary groups already existing in the neighborhood. The first serious efforts at citizen participation programs were developed by T. Ledyard Blakeman of the Detroit Area Regional Planning

Commission. This program was fairly successful, according to Catanese, because it assembled the crucial local governments and interest groups with the authority to implement planning policy in the area.

However, by and large citizen participation programs have been undermined by the nature of the community power structure. In order to provide a basis for his assertion, Catanese summarized the findings of Hunter of Atlanta's power elite. Catanese countered Dahl's findings of diffused participation by citing Domhoff's findings that, not only was Hunter correct, but that he underestimated the extent of a national hierarchy of power elites.

Catanese went on to say,

Unsettling as these studies may be, they point to a contradiction in our understanding of participation in the planning and political process. Whether these groups are small elites, nationally based power-elites, or diffuse special interests with different areas of concern, they appear to exist and cast doubt upon the value of structured citizen participation. I once described this phenomenon abstractly in what I called the Catanese contention: the local political process will usually overrule a rational planning process if it is based upon long-range planning principles that do not reflect local values and goals. (1984:127)

In the early 1960s, Wilhelm and Sjoberg (1960) studied land use hearings before the zoning committee in Austin, Texas. They were interested in the way in which social values as well as economic values were used to arrive at land use decisions. They found that both social values and

economic values were the basis for final decisions before the zoning committee. They also found that applicants usually justified the requested change in terms of economic rationale, while protestors used protectionist arguments most often as a basis for denying the zone changes. They also found that the values that the individual zoning committee members held influenced the final decisions.

Cole and Caputo (1984) made an extensive effort to quantify the effectiveness of public hearings as a citizen participation technique. They studied public hearings conducted in 84 cities under the General Revenue Sharing Program over a ten year period. They also compared these cities with 114 cities where the public hearing program was not conducted. They used five areas of expenditure or interest (public safety, social service, public interest level, operating allocations, capital outlays) to determine if the size and number of hearings made a difference in the percent of funds allocated to new or expanded functions. Their conclusion was that

No short-term or long-term effects of the hearings on social service, welfare and health expenditures were detected, nor were any effects found on levels of spending for new or expanding capital outlays or operating programs.

..... as a mechanism for changing government behavior, we find the public hearing to have been largely inconsequential. (Cole and Caputo 1984:415)

The studies of citizen participation which failed to quantify effectiveness are generally supportive of public meetings and hearings as a tool. Mogulof (1973) reported the increase of real power experienced by citizens taking part in these programs. However, an issue which can be quantified is to what extent do opinions expressed in these meetings constitute a representative cross section of the general public opinion. Two studies of note reach opposite conclusions. Gundy and Heberlein (1984) found in comparing opinions expressed in public meetings with opinions of the general public virtually no difference, in the context of three local programs in Wisconsin. They compared the opinions of 26 meeting participants with the opinions of 596 randomly selected individuals, regarding a road salting program in Madison, changing the deer hunting season and a resource management policy in Kewaunee City, Wisconsin. They concluded that,

the findings from these three studies indicate that public meetings may be a useful and valid tool for capturing a reasonably accurate picture of public opinion on a variety of issues. (Cole and Caputo, 1984:181)

In contrast, Hutcheson (1984) found, in studying Atlanta's neighborhood program, that the demographic characteristics and opinions of participants in public meetings are significantly different from the general population.

The differences in results of these studies can be

explained in terms of the issues being discussed and the methodology used to obtain data. Particularly, road salting and the length of deer season are less volatile issues than neighborhood development in Atlanta. The Gundy and Heberlein study also used dichotomous yes-no questions to determine agreement and disagreement. A more highly differentiated scale may have been more sensitive to differences of opinion between meeting attendees and the general population. In addition, differential racial composition in the two cities, an item which was not reported, may have influenced the results.

Finally, citizen participation including citizen advisory boards, public meetings, neighborhood associations and citizen panels are acknowledged to increase public satisfaction even if public policy is not changed. Crosby, Kelly and Schaefer (1986) found high participant satisfaction among lay panelists who had developed recommendations, even though no plans were made for implementation of the recommendations. Simpson and Gentile (1986) found the same high level of satisfaction in studying participants in neighborhood programs in Washington, D.C., Chicago and Portland, Oregon. However, they found a need to statutorily empower these groups, through fiscal resources, ordinances and charter amendments in order to instigate policy change. Buck (1984) found, in a study of the National Park Service, that increased involvement in

park planning for Yosemite National Park significantly increased satisfaction with the park plan. His basic conclusion was that citizen participation programs provided public relations activity and built support for the agency. They also reduced antagonism and hostile confrontations. In contrast, lack of citizen participation programs may have prevented acceptance of agency policy from being accepted.

Background and Development of a General Theory of Communication by Jurgen Habermas

In addition to sociological literature, social philosophers have discussed the role of language in social action. However, most have emphasized language as a facet of a theory of knowledge or a theory of action. A theory of action focuses on explaining human social behavior. Theories of knowledge seek to explain how people come to "know" and believe the things that they do. Recently Jurgen Habermas, a German social philosopher, has attempted to bring a theory of knowledge and a theory of action together in a coherent social theory by using communication theory as the link between the two. In order to understand Habermas's work, it is necessary to review the philosophical debate over epistemology which has taken place over the last 300 years.

By the close of the 1700s, the contradiction between Cartesian philosophy, with its emphasis on

internal "knowing" and the sensationalism of the British empiricists remained unresolved. As a result, by the 19th century epistemology became the central philosophical concern for German rationalism.

Immanuel Kant launched the most complex initial solution to resolving the epistemological issues spawned by the contradiction between rationalism and empiricism. In the Critique of Pure Reason he criticized both problematic and dogmatic idealism. Kant attributed problematic idealism to Descartes, who asserted that no external thing is demonstrable, the only certain proposition being that, "I am." The second attempt to resolve this contradiction between rationalism and empiricism, attributed to Berkeley, contended that all external objects are products of consciousness. A dilemma was posed by the question of whether knowledge was something innate to humans or whether it developed as a result of contact with the external world. By positing a divided field of knowledge -- a priori knowledge, independent of all experience and a posteriori, empirical knowledge only possible through experience -- Kant presented a solution for the dilemma. (Colin Brown, 1969:94-95) Even though he criticized earlier forms of idealism and integrated a rationalist approach to the development of human knowledge, Kant reformulated idealist rationalist philosophy to say that

self-consciousness results from perceiving outside phenomena. "I become conscious of myself in perceiving external things. The question of inferring the existence of external things does not, therefore, arise." (Copleston 1965:Vol VI, PT II, 67-68)

But, as Daniel Rossides put it,

The fundamental assumption of Kantian philosophy is that knowledge about experience is impossible without mental categories with which to shape the world of experience. Without the a priori categories of human understanding to give form to the shapeless world of experience, no knowledge is possible. (1978:303)

By no means did Kant end his analysis at this point. He went on to refine the subject-object relation to describe apperception as a unified process.

This transcendent unity of apprehension is not the manifestation of a self conceived as a substance, but is conceptualized as a spontaneous act that enables the subject to maintain its self-identity. What is constituted is self-relation, or self-consciousness, making possible the unification of the successively given temporal and spatial manifold and the recognition of its relation to the past and future. (Schroyer 1973:107)

Thus the ramification of this philosophical perspective was that "reality" is constructed by the reciprocal nature of the human spirit's interaction with the external world. The philosophically developmental "next step" became the task of identifying that awareness of the object, within the subject, is a mediated construct rather

than something inborn. Language was seen as a fundamental human facility which mediates the construction of reality within the subject.

Hegel's critique of Kant focused on the inherent circularity of epistemology.

'What is demanded is thus the following: we should know the cognitive faculty before we know. It is like wanting to swim before going in the water. The investigation of the faculty of knowledge is itself knowledge, and cannot arrive at its goal because it is this goal already'.
(Habermas,1971:7)

In criticizing Kant's theories, Hegel called for a phenomenological self-reflection of mind. In other words,

The critical philosophy (Kritizismus) demands that the knowing subject ascertain the conditions of the knowledge [This could be the constraints of communication], which it is in principle capable [of] before trusting its directly acquired cognitions. (Habermas,1971:7)

Thus, any self-analytic attempt at an understanding of knowledge assumes certain ability to know in the first place. This fundamental assumption, linked to social interactional prerequisites of knowledge in any society, provides the basic criticism of Kantian philosophy.

In order to solve this apparent tautology, Hegel proposed that the spirit of thought originates in a subjective and ever-evolving manifestation of "knowledge." Rather than presupposing the absoluteness

of scientific knowledge (often considered inviolable), Hegel saw no division between practical and theoretical realms. Therefore, in his view, by examining historical development, one sees the manifestations of the forms of the absolute spirit. The absolute spirit becomes the ultimate origin of all perception and knowledge and thus Hegel's philosophy is termed pure idealism.

Karl Marx claimed to stand Hegel's radicalized epistemology right side up. While retaining the idea of dialectical development, Marx reversed the image of Hegel's historical idealism into historical materialism. In the context of materialism, he placed the origin of human knowledge within the realm of the subject-object labor relationship. As such, he developed a sociology of knowledge based on the human work environment as the controlling factor in the mental lives of men:

Labor is in the first place a process in which both man and nature participate, and in which man on his own accord starts, regulates and controls the material reactions between himself and nature. (DeKoster, 1964:84)

Marx went on to stress the interaction between the objects upon which man acts and the tools which can be used to act on the object. Several important Marxian concepts revolve around this conception of labor, production, and the work lives of people. The first is the materialist conception of the natural world and man's relationship to that world. Man's relation to the

material world shapes him, his thoughts and his awareness of social relations. Second, just as the labor environment, as he saw it in industrial capitalism, can negatively determine consciousness of social-economic relations, so can it provide the positive environment for self-actualization. The potential of labor to allow self-discovery was, in contrast to domination, a liberating power. On a wider scale, Marx employed a dialectical conception to explain the processual aspects of the labor - consciousness relationship. Frederick Engels also asserted the importance of labor, stating that "Labor is the creator of all values". (Dekoster, 1964:85) Marx and Engels both noted that values, value and labor are irrevocably tied together. However, their conceptualization was not a singularly economic portrayal of the labor theory of value. Labor's essential role in the social nature of human activity is seen in Marx' integration of labor and product, "... Labor has incorporated itself with its subject; the former is materialized, the latter is transformed." (Marx, 1967:180) Thus, labor value takes on a multi-dimensional meaning, referring to the created products of exchange, creation of use values, or products of consumption; all of which refer to man's unique activity relationship with nature and his relationship to systems

of organizing concepts inherent in any social order.

However, Marx failed to deal with the role of communication, implying that it is solely an outcome of the labor interaction process. By placing man's purposive activities as subsequent to societal relations of production, Marx confined social interaction to a subcategory of material production. Perhaps, McCarthy put it best, saying,

Nevertheless, material production and social interaction were not viewed as two irreducible dimensions of human practice. Instead, the latter was incorporated into the former. For Marx the reproduction of the human species took place primarily in the dimensions of the reproduction of the material conditions of life. In capitalist society, in particular, all social phenomenon were to be explained in their material (economic) basis. (1978: 17)

Much emphasis has been placed on Marx's economic determinism. However, this determinism was primarily contained in his later works. As a young writer, Marx put more emphasis on the dynamic nature of consciousness and social behavior.

Wolf Heydebrand (1977) expressed the approach taken by some modern Marxists in which they depart from a strict materialist conception of social relations. For these theorists, language and communication become a fundamental aspect of shaping consciousness. They see the dialectical process involving a reciprocal role between consciousness and language.

It should be stressed in this connection that language, as the vehicle of consciousness, plays a double role in the activity-outcome process. Language limits and guides behavior due to its crucial function in socialization and institutionalization. Language preserves and transmits traditional and established forms of social control, organization, and method; and therefore it permits specific historical actors such as church, state, commodity production to mystify reality and to conceive of things and relations as symbols, myths, and fetishes, and vice versa. But language is also one of the most creative, innovative, demystifying and liberative aspects of human practical activity. It is for this reason that language plays such an important role both in the development, communication, and diffusion of ideologies of the 'status quo' and in revolutionary imagery. (Heydebrand 1977:90)

Herein lies Jurgen Habermas's general criticism of classical Marxian thought: The labor production paradigm collapses the distinction between labor and symbolic interaction and, therefore, is too limited to encompass all facets of human life. He reconceptualized the consciousness formation process in terms of two uniquely human characteristics -- language and labor. He also noted that the materialist assumption underlying labor tends to make causal description positivistic rather than dialectic. It is essential to realize that Habermas's emphasis has been to reintroduce Hegel's concept back into Marx's critical approach. Rather, than underline the independence of the

laws of social life from the consciousness of men as Marx did, Habermas has sought to reactivate the "dialectic" content of interaction between socially inculcated frames of reference and modern systems of instrumental reason -- systems of purposive rational action.

As McCarthy points out,

... Marx's own critique of political economy clearly transcends the narrow categorical framework he articulated. His empirical analyses incorporate in an essential way the structure of symbolic interaction and the role of cultural tradition. (1978:18)

Habermas merely pointed out that an unresolved tension between the reductionistic theory of self-cognition and the dialectic nature of social inquiry was never fully dealt with by Marx. Because Marx failed to deal with this tension and continued to emphasize labor as the primary aspect of human activity, he also overlooked the importance of language and communication as the mediator of human interaction.

Out of Habermas's threefold criticism of Marx's conception of social reality (overly positivistic, overly deterministic, lacking distinction between systems of thought) he sought to develop a reconceptualization of critical theory which overcomes these unresolved problems. By developing the appropriate theoretical distinction between work and interaction, or systems of purposive rational action and systems of symbolic

interaction, language can be understood in a proper subject-object relationship, allowing a dialectical conception of the construction of self-reflexive work-interaction consciousness. The form of communication is essential to achieving balance in the reintroduction of interaction systems into Marx's formulation.

Post-Marx sociologies of knowledge took two general directions. One is the direction taken by Mannheim, which relied on a Marxian conception of the relationship between society and knowledge, but also integrated a neo-Weberian approach to the rationalization process occurring in modern society. Mannheim also became interested in the process of democratization. In his work, The Democratization of Culture, he recognized the crucial limitations on accessibility and communicability in democratic society. (Wolf, 1971:285) The other, definitely Marxian strand of sociology of knowledge, has two "sub-schools." The first, already alluded to, is that of Engels and other immediate followers of Marx who adopted a mechanistic causal conception of the development of human knowledge. By relying heavily on the positivist strand of Marx's own writings, this school became highly deterministic, focusing on a unicausal relationship between human work environment and consciousness, to the oversight of communicative interaction systems.

The other "sub-school" of Marxian thought attempted

to recapture Marx's apparent intent in emphasizing the dialectical development of consciousness. As a result, this approach leaned heavily on the reintroduction of the methodological foundation of Hegelian thought. By the mid 1920's, Georg Lukacs began to criticize reductionistic Marxism which presented consciousness as a "... simple reflection -- a superstructure -- of the underlying material basis of society." (Hamilton, 1974:38) Lukacs went on to point out what he termed the 'bourgeois anti-nomy' of this approach:

This means that social reality is either reduced to psychologism or reconstructed as a sociologism and an economism. Both extremes are partially true; the reciprocity of the self-forming processes of a social totality cannot be organized by a single generalized science such as sociology or economics. Dialectical theory is an adequate social theory that can express these reciprocal relations. (Schroyer, 1973:128)

A student of Max Weber, Lukacs began to mix the ideas of Marx and his immediate mentor. The result reconfigured what Weber perceived as the Western process of "rationalization" into a Marxian mold in which rationalization expressed the reification of capitalism's relegation of human activity to a commodity subject to natural law. As Hamilton described it, rationalization becomes

... a process in which the worker and his labor are segmented into quantifiable units -- eg. Taylor and Scientific Management -- which can be more easily assimilated and compared with the laws governing production. (1974:48)

Taking the rationalization process one step further, keeping in mind Lukacs reconceptualization, one begins to see the embedded nature of class dominated thought.

The whole process of rationalization that constitutes the impact of capitalism on society establishes a (basically superficial) structure of formal laws: a generalized 'adjustment of one's way of life, mode of work, and hence consciousness of the general socio-economic premises of the capitalist economy. The division of labor assists this process, insofar as it leads to the existence of intellectual specialisms 'ruled by their own laws, seeking an internally coherent expression.' (Hamilton, 1974:48)

Lukacs's work is important in providing a foundation for the Frankfurt School of Social Philosophers, including Jurgen Habermas. His effort to introduce a more Hegelian conceptualization of dialectic provided at least two significant themes which have been developed more fully by the Frankfurt School: the alienative consequences of bourgeois rationalism (for our purposes, in bureaucracy) and the relationship between philosophical thought and its location in a confined social world. This confined social world involves the context of all human interaction -- not just work -- and allows emphasis on the pragmatic effect of language and communication in the consciousness formation process.

Habermas, the most recent philosopher of the Frankfurt school, has been most interested in developing

critical theory as a sociological-epistemological theory as well as an operational political philosophy. As such, he has maintained that a proper critical theory can lay the foundation for an understanding of social organization which will make possible a truly equalitarian and democratic society. The inherent link between communication and ideology leads him to revive the Hegelian (Jena Lect. 1803-6) concepts of the 'tool,' 'language,' and 'family property' as the three basic instruments of spirit. Habermas collapses the latter two into 'systems of symbolic interaction' and the first he equates with Marx's concept of labor. Although he visualizes the theoretical distinctions of human life as the use of tools in purposive production and language systems, he quickly broadens both concepts to encompass the building blocks of social organization. He is not reporting a superficial dichotomy of labor and interaction, but rather he is trying to point to the underlying logic-in-use which characterizes extant societal institutions.

... Habermas argues, it is possible to analyze social systems initially in terms of the type of legitimizing ideology which they employ, the configuration of norms, cultural traditions and modes of symbolic communication. Science and technology function as supporters of institutional domination in capitalist society by legitimizing it as a viable social system. (Hamilton, 1974:60)

Three aspects of Habermas's work become paramount in the study of modern social organization -- in this case the bureaucracy phenomenon. Those are: first, the concept of rationalization, popularized by Max Weber and reconceptualized by Habermas; second, the labor-interaction dichotomy and its fundamental relevance to the development of communications theory; and finally, the universal pragmatic organization of communicative acts.

Habermas intends the Weberian concept of rationality as meaning,

1) the extension of the areas of society subject to the criteria of rational decision. [And] 2) social labor is industrialized, with the result that criteria of instrumental action also penetrate into other areas of life (urbanization of the mode of life, technification of transport and communication, etc. (1970:81)

He goes on to claim, however, that, although Weber discerned the rationalization of society from the context of Western historical development, he naively assumed that rationalization as he conceptualized it was free of domination.

Habermas stated that only a realization of the contrasting schemes of societal organization (purposive rational action vs. systems of symbolic interaction) can emancipate man from the domination of scientific culture. The alternative structure of social action

is the symbolic interaction system. Systems of symbolic interaction allow for free and guileless communication between men which opens mankind to its interconnectedness with the world of nature and allows a collective human self-reflexivity.

Habermas was not attempting to replace one system with the other but rather using the systems to represent the two fundamental aspects of human behavior, purposive action and language, interacting with each other.

By placing emphasis on a communicative model of human behavior, he has laid the ground work for both theory and praxis: that is a theory which encompasses social interaction, a systematic analysis of imperatively coordinated social arrangements and the potential for true democratic society. His task, at least theoretically, now becomes that of developing an analysis of decision-making structures and their accompanying communicative processes within society.

Habermas provided the foundation for a reformulation of Weber's concept of rationalization. Weber, much like his forerunners, was interested in unlocking the nomological essence of traditional and modern cultures using a comparative socio-cultural method. The classical tradition pointed to status and contract, *Gemeinschaft* and *Gesellschaft*, mechanical and organic solidarity, informal

and formal groups, primary and secondary groups, traditional and bureaucratic authority as the critical differentiation between modern and traditional society. Even Parsons's pattern variables

affectivity vs. affective neutrality
 particularism vs. universalism
 ascription vs. achievement
 diffuseness vs. specificity
 (Turner, 1974:36)

expressed the fundamental dichotomy between decision making structures in traditional and modern society.

Habermas began his reformulation by dichotomizing the distinction of traditional and modern social organization into two non-intercollapsible systems of consciousness development: work and interaction.

Habermas stated that interaction systems are most commonly the skeleton of family and kinship institutions, while the economic system and state bureaucracies hang on the framework of instrumental action systems. He pointed out the similarity between this dichotimization of social organization and historical schemes describing the contrast between traditional and modern societies. Based on this schemata, Habermas sought to reconceptualize Weber's "rationalization" into cultural change which emanates "from below" -- systems of purposive rational action -- and "from above" -- systems of symbolic interaction. Thus as systems of purposive rational action expand to subsume the life realms of individuals, those actors must

be competent to adapt to both systems.

Whether in city or country, [This widening process] induces an urbanization of the form of life. That is it generates subcultures that train the individual to "switch over" at any moment from an interaction context to purposive-rational action. (Habermas, 1970:98)

Thus, social systems can be differentiated on the basis of which organizational framework dominates -- symbolic interaction or purposive rational action. And this forms the basis for Habermas's theory of societal development, in which, communication has a central role.

The following table describes the work-interaction dichotomy. The central difference in the two columns represented in the table with regard to communication is that systems of symbolic interaction are based on norms, role expectations and intersubjectively shared understandings of ordinary language. In contrast, systems of purposive rational action are based on technical rules and technical language which provide a basis for specialized logic-in-use as a basis for communicative interaction.

In his more recent works, Habermas has developed a theory emphasizing universal pragmatics. Universal pragmatics focuses on communicative acts as the logical intermediary between a theory of knowledge and a theory of action. This contrasts with the cultural level dichotomy -- labor and interaction. Habermas stated

TABLE I

A COMPARISON OF TWO SOCIAL ACTION SYSTEMS

	Institutional Framework: Symbolic Interaction	Systems of Purposive Rational Action
Action Orienting Rules	Social norms	Technical rules
Level of Definition	Intersubjectively shared ordinary language	Context-free language
Type of Definition	Reciprocal expect- ations about behavior	Conditional pre- dictions/Conditional Imperatives
Mechanisms of Acquisition	Role internalization	Learning of skills and qualifications
Function of Action Type	Maintenance of Institutions (con- formity to norms on the basis of reciprocal enforce- ment)	Problem-solving (goal attainment, defined in means -ends relations)
Sanctions Against Violation of Rules	Punishment on the basis of conventional sanctions	Inefficacy: failure in reality
'Rational- ization'	Emancipation, individuation; extension of communication free of domination	Growth of productive forces, extension of power of technical control

Source: Habermas, 1970:93

that the dichotomy does not fully capture the distinctive characteristics of linguistic comprehensibility of individuals in a particular society. He has attempted to develop

a theory of communicative competence which focuses on the universal forms of utterances and the implicit validity claims of each utterance type in order to develop a model of a free and equitable society. His effort to develop a rational standard for communicative discourse -- in both the sciences and everyday life -- is embedded in the socialization process and the institutional bounds of social order which circumscribe communicative behavior.

In developing a visualization of the ideal speech situation, Habermas is also able to describe the conditions of systematically distorted communication in a society. Such distortions have two origins: neurosis, primarily on the social level, and nonsymmetry in the power structure of society which distorts access, often times indiscernibly to members of the society, to universal forms of communication, knowledge building and the verification of truth.

The neurosis analogy focuses on the communicative competence of the native speaker. The second assertion, the nonsymmetric distribution of speech acts, is the subject of this study. That is, the purpose of the study is to examine the way in which bureaucratic organization may systematically limit true balanced communication between staff, clients, and decision makers.

Habermas theoretically reconstructs the ideal speech acts for noninstitutionally bound communicative acts. He does this in order to develop some sense of

the universally implicit aspects of speech patterns which transcend the context of individual situations. In this sense, he develops an ideal typology of four identifiable speech acts, even though he acknowledges the continuity of the flow of communicative interaction. From this foundation derives the thesis of this study -- that the institutional/structural context modifies the ideal speech situation in such a way that real access to local decision-making processes is only an illusion.

Habermas outlines four types of speech acts: communicative speech acts, constative speech acts, representative speech acts, and regulative speech acts. These types of speech acts are defined in general terms as follows:

- (1) Communicatives express the pragmatic meaning of utterances (e.g. say, express, speak, ask, mention) whose content is basically informational.
- (2) Constatives (state, assert, describe or explain). These acts are comprised of assertions and challenges to the assertions of others.
- (3) Representatives are used to explicate the internal and motivated meaning of the speaker. These acts admit, confess, conceal, deny and are used with propositional contents expressed containing intentional verbs (like, wish, want).
- (4) Regulatives explicate the meaning of the speaker/hearer's relation to rules and decision making authority (e.g. command, forbid, allow, warn). Paraphrase (McCarthy, 1973:474-475)

Based on Habermas's taxonomic discussion of the universal types of speech acts, McCarthy hypothesizes the logical basis for the ideal speech situation, the

converse of which is systematically distorted communication and social dominance. He states:

His [Habermas] thesis is that the structure is free from constraint only when for all participants there is a symmetrical distribution of chances to select and employ speech acts, when there is an effective equality of chances for the assumption of dialogue roles.

From this 'general symmetry requirement' there follow particular requirements for each of the four classes of speech acts. (1) All potential participants must have the same chance to employ communicative speech acts so that they can at any time initiate and perpetuate a discourse. (2) All participants must have the same chance to employ constative speech acts, that is to put forward or call into question, to ground or refute statements, explanation, interpretations and justifications, so that in the long run no opinion remains exempt from consideration and criticism.

The next two requirements refer only indirectly to discourse and directly to the organization of interaction, since the freeing of discourse from the constraints of action is only possible in the context of pure communicative action. The conditions of the ideal speech situation must insure not only unlimited discussion but also discussion which is free from all constraints of domination, whether their source be conscious strategic behavior or the communication barriers secured through ideology or neurosis.

(3) To discourse are admitted only speakers who have, as actors, an equal opportunity to employ representative speech acts, to express their attitudes, feelings, intentions, etc. Only this symmetrical environment allows participants to be truthful and sincere in their relations

to themselves and have the ability to make their 'inner nature' transparent to others. (4) To discourse are admitted only speakers who have, as actors, the same chance to employ regulative speech acts, to command and to oppose, to permit and to forbid, etc., so that privileges in the sense of one-sidedly binding norms are excluded and the formal equality of chances to initiate discourse can in fact be practiced. Ibid., paraphrase (McCarthy, 1978:484)

The theme of communication in citizen participation strategies and the democratization of land use planning has been influenced by epistemology and the development of critical theory. In addition, we have reviewed the central problem addressed by Habermas as a critical theorist -- that is, how does language function as the central aspect of our participation in democratic society. We will now turn to the task of operationalizing communication in order to examine the decision-making process in a concrete situation -- public land use hearings.

CHAPTER III

THEORETICAL PROBLEM STATEMENT

As the literature review has disclosed, recent applications of critical theory to communication and professional planning rely heavily on the Frankfurt philosopher, Jurgen Habermas, for their theoretical background. Critical theory has been defined as ". . . an effort to come to grips with the nature of individual consciousness and its relation to social order and change." (Wells, 1978:244) Critical theorists represent a diverse spectrum of social philosophy which attempts to explain social phenomena from the premise that external social arrangements structure symbolic communication and the constitution of personal knowledge and consciousness.

As a critical theorist, Jurgen Habermas is attempting to address the problem of limited access in a democratic society by developing the concept of systematically distorted communication. Habermas insists that the classical concern with the nature of consciousness, in ostensibly democratic industrial societies, must give way to a theoretical examination of communication.

In order to build his critique of Western

industrial society, Habermas attempts to develop a comprehensive theory of social organization. One aspect of this theory involves the universal pragmatics analysis of the structural assumptions of language. Habermas's analysis of language locates the etiology of mystifying technical jargon and knowledge in the interests of social groups. His analysis contrasts logic-in-use systems characteristic of modern and traditional society, symbolic interaction and instrumental rationale, and presents a classification of universal speech acts. His analysis of language attempts to bridge the gap between a theory of knowledge and a theory of action. In addition, his concern with communication places emphasis on the dissonant aspects of the interaction process rather than the traditional Marxian notion of alienation that man becomes divorced from the satisfying creativity of his own labor by the production process.

The theory of communicative acts conceptualizes the ideal speech situation as that in which social relations actualize symmetrical access to a full range of speech acts for all participants in any discourse situation. The converse of the ideal speech situation is systematically distorted communication, wherein existing social relations impose limitations on the types of speech acts which can be employed by those

engaged in discourse. Four basic types of speech acts are enumerated by Habermas and further defined by McCarthy. These four speech acts are communicative acts (simple information transfer), constative acts (making and challenging assertions), representative acts (statements of motive and feeling) and regulative acts (the exercise of commands).

Public land use hearings are an appropriate context in which to observe the presence, and uneven distribution, of these universal speech acts. In fact, the differential use of speech acts may be a cogent explanation for dissatisfaction on the part of public participants in city land use hearings. Therefore, a general hypothesis derives from the admixture of communication theory, Habermas's reformulation of the alienation concept, and theories of bureaucratic organization: disenfranchisement on the part of clients of bureaucratic organizations results from the distortion of communicative discourse. The study will reduce the alienation concept to two succinctly observable phenomena: feelings of dissatisfaction expressed by clients with the variance hearing process and the final decision reached by the Variance Committee -- approval or denial.

Systematically-distorted communication will be referred to, operationally, as nonsymmetric employment of speech acts when applicants, protestors, committee

members and professional staff are compared as groups.

Habermas employs language analysis in order to synthesize theories of social rationalization, social power, and conflict and consensus as an explanation of limited access to decision-making in democratic society. This study seeks to examine client dissatisfaction with public hearing processes as a function of the use of communicative acts. The public hearing context involves applicant-clients with vested interests in the land use decision being made, professional planning staff, citizen decision makers, and protesting neighbors or other parties presenting public testimony. The central thesis of the study is that public hearings do not allow full public participation but rather structure decision-making in such a way that limitations on the use of communicative acts produce feelings of dissatisfaction among both applicants and protestors..

At least two dimensions characterize the intersection of communications and the public hearing context. The first involves a broader context than the meaning of individual words. Speech acts are complex statements articulated in the context of institutionalized power relations. The public hearing context could be organized to facilitate or inhibit symmetrical communication. However, the contention of this study is that public

hearings are organized in such a way that communicative symmetry is limited.

Second, the underlying logic-in-use intrinsic to the decision-making process operates within legalistically prescribed parameters. Rationalistic and legalistic assumptions underlying this process may or may not be shared by all participants in the hearing. However, communicative competence, to some degree, rests on background consensus as well as common access to communicative acts.

Therefore, two general propositions will be examined in this study.

- A. Two observable indicators will be used to demonstrate that a pattern of systematically distorted communication is occurring in the hearings.
 - 1) Speech acts will be nonsymmetrically distributed among the four study groups: applicants, protestors, committee members, and professional staff. The nonsymmetric distribution of these acts will be positively related to the final decision in the hearing. That is, the greater use of the speech acts will result in a greater number of favorable decisions for one group than another.
 - 2) Differential use of speech acts will account for the difference in expressions of dissatisfaction articulated by representatives of the different groups in the hearing.
- B. Furthermore, communicative competence and expressions of satisfaction with the hearings process will be positively related to occupational status, prior experience, and educational level of clients.

Based on these two general propositions, seven specific hypotheses pertaining to the ways in which speech acts are nonrandomly distributed among the participant groups in the public hearings will be examined.

- 1) A significant difference can be shown between the protestors and the other groups of participants in the mean use of speech acts during the public hearings.
- 2) A significant difference in the number of communicative and constative speech acts, the latter being the primary vehicle for argumentation in the hearings, can be shown between the protestors and the other groups.
- 3) Applicants have more formal education, higher occupational status, and more previous experience than the protestors.
- 4) Applicants will express more feelings of satisfaction with the hearing than will protestors.
- 5) Applicants will express more freedom in communication than will protestors in the public hearing.
- 6) Applicants will feel more comfortable with the physical arrangements than the protestors. Both groups will state that the physical arrangements did not inhibit their ability to communicate. The structure of relations in the hearing gives the authority for initiating speech acts to the committee members.
- 7) The final decision in the hearing will not be a product of the number of acts initiated by the applicants or the protestors, but instead by the ratio of acts received respectively by the applicants and protestors as initiated to them by the committee.

CHAPTER IV

METHODOLOGY

Structure of the Study

Propositions derived from Habermas's view of normative universals of communication were examined in the context of land use hearings, using a comparative, selected sample taken from four groups of hearing participants. These groups included: applicants for variances, neighbors protesting the requested variances, professional planning staff, and lay decision makers.

Variance applicants were those requesting "variances" from dimensional requirements of the City of Portland Zoning Code. In general, applicants were citizens representing their own interests at a public hearing, where a decision is rendered regarding the requested variance. However, some applicants were professional consultants. Typical requests involve permission to build extra-height fences or to construct accessory buildings within required setback areas.

Protestors to variances were those surrounding property owners who testified at the hearing in opposition to the applicant's request. All owners of property within

150 feet of the applicant's property are notified of the public hearing.

The members of the "Variance Committee" are 15 lay persons. Variance Committee members are volunteers who serve four year terms. Committee members, as a group, render decisions of approval, approval with conditions, or denial of requested variances. Individuals on the Variance Committee are appointed by the Planning Commission. The Committee is divided into two seven-member groups (Committee A and B), each of which meets every other week. Over a four-year standard term (several members have served multiple terms) committee decision-makers become well versed in planning terminology and the structured format of public hearings.

Professional land use planners serve as advisors to the Variance Committee, giving slide presentations and official staff recommendations at the public hearings. Twenty-five land use planners employed in the Portland Planning Bureau were interviewed. All of these planners worked for the Code Administration Section of the Bureau of Planning. All 25 had at least one public hearing experience in which they gave the slide presentation and staff recommendation, and 14 of them had multiple Variance Committee hearing appearances. All of the planners interviewed had experience working at the public informa-

tion counter where they provided prehearing information to variance applicants. The prehearing information included how to fill out the application form and what types of findings are required by the zoning code for approval of a variance.

The number included in each interview group was as follows:

TABLE II

NUMBER OF PARTICIPANTS INTERVIEWED IN EACH GROUP			
Applicants	Protestors	Professional Planning Staff	Committee Decision-makers
25	25	25	15

The study employed two techniques: direct observation and personal interviews. Observation involved recording the frequency and direction of the use of communicative acts during the public hearing. Using Robert Bales' format for scoring interactions, each member of the group was assigned a number and the direction of interaction was recorded. For instance, each hearing participant received a number. Then the number of the participant speaking was recorded, separated by a dash from the number of the participant or group spoken to (see Appendix). All hearing testimony was tape recorded to facilitate follow-up analysis.

The Variance Committee is scheduled to meet every

Tuesday morning to review variances. Applications are assigned to hearings in chronological order based on the date the application was submitted to the Planning Bureau. Some weeks no hearings are held, depending on the number of applications received. If this is the case, the scheduled hearing is cancelled. As a result, observation of the hearings and interviews were conducted over approximately a 50-week period. During that 50-week period, the first hearing each week was selected for observation and interview.

An interview was conducted with the applicant and the first protestor immediately following the hearing. In those cases where more than one protestor appeared to testify, the first protestor to request a hearing was chosen. In general, only a single protestor participated in the hearings. In the following table, the number of participants is listed. In eleven hearings more than one protestor was involved. The highest number of protestors was five, who appeared in one hearing. In some cases, (seven out of 25) more than one applicant, or those in support of the proposal, appeared. The highest number of those speaking in support of a proposal was three. Correlations between the number of testifiers and the final decision show little association between the sheer weight of testimony and the resulting decision.

TABLE III

Number of Applicants and Protestors Per Hearing

Hearing No.	Applicants (In Favor)	Protestors (Against)	Staff Rec.	Dec.
26	1	1	1	0
29	1	2	0	0
84	2	2	0	0
77	1	2	1	1
61	1	2	1	1
185	1	1	1	1
107	1	3	0	0
164	2	4	0	0
50	1	5	0	0
121	1	2	1	0
13	2	4	0	1
76	1	2	0	0
146	1	1	0	0
155	2	1	0	0
68	1	1	1	0
182	2	1	1	1
58	2	1	0	1
30	1	1	1	1
11	1	2	1	1
152	1	1	1	1
113	3	1	1	1
78	1	1	0	1
51	1	1	0	1
70	1	1	1	1
112	1	1	0	1

Denial = 0
Approval = 1

A two-dimensional study of each hearing was conducted: observing the participants in the hearing and then conducting interviews immediately following the hearing. Staff and committee members were interviewed on a continuous basis over the one-year period of the study.

Following the hearings, which take from 30-120

minutes, the interviews took 45-60 minutes to conduct. The interviews were structured to ascertain six basic facts about participants in the hearing: First, their professional and educational backgrounds; second, their understanding as to the required findings and the reason for the decision; third, their expectations prior to the hearing and the extent to which they felt reality was congruent with their expectations in terms of justice, fairness, and openness of communications in the hearing; fourth, the role of staff and committee, as they perceived it; fifth, the extent to which they felt free to use the different types of verbal communication; and sixth, the effect of the physical setting on their feelings of comfort and ability to communicate. The staff and committee interview forms contained additional questions about the influence of political factors, personal philosophy and other factors which may influence the final decision.

Thirteen of the questions on the interview questionnaire employed five-point Likert scales to ascertain response from the interviewees. These scales took two forms: balanced and continuous. The balanced scales had two sets of opposite responses with a neutral center. For instance, when asked "To what extent did you feel free to ask officials in the hearing to define words and terms?", the possible response categories were as follows:

1. Very Free;
2. Free;
3. Neutral;
4. Restricted;
5. Very Restricted.

The continuous scales contained a continuum of five choices with no center or neutral position. For instance, when asked "In your opinion, how much freedom does the committee have to overturn the official staff recommendation?", the response range was as follows:

1. A great deal;
2. Fairly much;
3. To some degree;
4. Comparatively little;
5. Not at all.

Eight questions were asked about the educational and occupational backgrounds of the interviewees and they were also asked how many years they had spent in these activities. In addition, they were asked about their previous land use hearings experience in order to find out how many times they had previously testified, how long ago these appearances occurred, and in what jurisdictions.

The interviewees were also asked to rank order the most important findings in the hearing, from their point of view, 1 being the most important finding and 6 being the least important. The rank order question was as follows:

Rank the following findings in the order of their importance, as you see it:

- The tenor of neighborhood response.
- Trivial detriment to surrounding properties.
- Topographic or physical difficulties.
- Precedent for similar development in the area.
- Meets the intent of city codes and policies.
- Personal circumstances.

The remaining 14 questions on the interview questionnaire allowed open-ended responses in order to tap participants' perspectives on findings, communication, sense of fairness and justice, expectations of the hearing, and what they felt was the purpose of the public hearing. Seven of these questions could be answered with "yes" or "no" answers.

An interview classification form was used to tabulate the interview responses. Occupations were classified using a modified version of U.S. Census Index of Occupational Groups (Miller, 1977) which were numbered 0 through 9 for tabulation purposes. Number of years of education and years in occupation were recorded. All Likert scale items were scored 1 through 5: 1 being the strongest positive response, 5 being the strongest negative response and 3, the center value. Questions with "yes, no" responses, or responses categorized as "yes, no" were scored "0 = no" and "1 = yes."

Responses to the open-ended questions fell into categories which allowed post-classification for tabular purposes. These questions included, "What, in your opinion, are the most important findings?" and "What did you feel was the main reason for the decision?" The final decision of the committee was

approval or denial. The findings are the legal reasons used as a basis for making that decision. Findings prescribed by the City Zoning Code as a basis for granting a variance include five basic criteria. The first is that a hardship or practical difficulty will result from a strict application of the code. Second, the development resulting from the variance must be consistent with city codes and policies. Third, no detrimental impacts must result from the granting of the variance. Fourth, the development resulting from the variance must continue to meet the intent of the regulations. Fifth, the variance must be consistent with the development rights of others in the same neighborhood.

The post-classification resulting from analysis of these questions were: Hardship (1) ____, Policy (2) ____, Impact (3) ____, Intent of Regulations (4) ____, Neighborhood Inputs (5) ____; and Variance Findings (1) ____, Personal Circumstances (2) ____, No Problems (3) ____, Policy (4) ____, Other (5) ____, respectively. Data from these classifications and the hearing observations were tabulated and entered into a computer for analysis.

Validity Considerations

Both the interview questionnaire and the observation form were pretested in five hearings prior to the beginning of the study. Several of the interview questions were modified after the pretest to clarify their meaning.

Although the study was not experimental, with regard to quantitative measures, the following validity concerns were considered prior to or during the course of the study.

(Campbell & Stanley, 1966)

Internal Validity.

1) History -- During the process of observing hearings and conducting interviews over a one-year period, the form of the hearings and the printed materials used were not changed. The physical setting was not changed. Some members of the Variance Committee did change because their term of duty came to an end. However, all the members, both new and old, were interviewed. Comparison of the sets of responses of new and old members indicated that they were not substantially different.

2) Maturation -- Maturation in this case is used in the sense that newly appointed committee members may differ from established members on the committee. No pattern of changes occurred in the responses of members of the committee over the course of the study. New members of the committee were compared with established members to see if significant differences occurred.

3) Testing -- Repeated measure validity problems did not occur because only a single application of the interview and the observation were conducted for each participant and each hearing, respectively.

4) Instrumentation -- The reliability of the observa-

tion instrument was tested using a comparison of two independent raters. Ten additional sets of hearing observations were conducted using two independent observers.

Pretests showed a high rate of similarity between the two sets of observations produced by the two raters. Such consistency can be attributed to pre-observation training, the relative lack of complexity in the observation scheme, and the dialogue which takes place in the hearings. A comparison of the ratings of two observers was conducted in ten pretest hearings. An index of dissimilarity to compare the reliability between the two raters was developed by comparing the classification of each speech act in the hearings as logged by each observer. If the observers both marked the speech act identically, they both received a rating of 1, for total agreement, on the index. If they classified the speech act differently, one observer received a rating of 1 and the other a rating of zero. The ratings were then totaled and each rating was divided by total rating (to establish a percent of total) for that observer. The difference between the two adjusted ratings was then summed and divided by two (the number of observers). This results in a score which indicates the strength of agreement or reliability. Complete agreement is expressed by zero, and complete unreliability is expressed by 100. The dissimilarity factors are very low, as shown in the table below.

TABLE IV

DISSIMILARITY FACTORS FOR TWO OBSERVERS

Hearing Number	Dissimilarity Factor between Observer 1 and Observer 2
VZ11-82	1.96
VZ13-82	3.6
VZ16-82	2.2
VZ22-82	5.31
VZ26-82	2.75
VZ27-82	5.26
VZ28-82	5.04
VZ29-82	2.7
VZ30-82	1.14
VZ32-82	7.13

The accuracy of the interview questionnaire was also tested using five representative questions from different sections of the survey to compare the reliability within groups. In addition, the observation form was tested to see if differences in observation occurred over time. Five questions which were tabulated using interval scales were analyzed for reliability using discriminate analysis. Discriminate analysis uses the Jackknife, a relatively simple formula to test reliability, to determine the relative effect of each case on the total mean score. The Jackknife deletes the mean score of each case in order. After deleting a mean score, this technique recalculates the grand mean for the entire group and compares the grand mean of the total cases before and after deletion. If a significant difference is

generated in the grand mean based on the deletion of an individual score, a misclassification error is said to have occurred. The rate of misclassification indicates lack of reliability in the observations. For all five interval level questions analyzed in this way, none of the cases resulted in misclassification.

5) Statistical Regression -- The improbability of repeated extreme scores is not a factor in this type of study.

6) Biases Resulting from Differential Selection -- As reported earlier, hearings and respondents were selected systematically on the basis of date of application.

7) Mortality -- Loss of respondents from comparison groups did not occur.

8) Selection Maturation Interaction -- This is not a factor in the study.

External Validity.

1) The Reactive or Interaction Effect of Testing -- The actual purpose and variables tested for in the survey instrument were undisclosed to the respondents. Respondents were told that a general study of communication in the hearings was being undertaken.

2) Interaction Effects of Selection Bias and the Study Variables -- The respondents for the study were systematically selected so that selection bias is

not a factor in the study. The external generalizations of the study are based on the logic of the operationalized variables and the percentage responses of the different group. The validity of the arguments made is based on the extent to which these hearings and participants reflect behavior typical of the larger body of public hearings. Although the statistical tests of significance are not based on probabilistic representation of a larger universe, there is no reason to believe that the communication processes observed in the selected hearings are not indicative of hearings before the Variance Committee as a whole. As explained in the next section, statistical significance in the analysis was based on the uncertainty coefficient, a probability measure taken from the predictive relationship between the variables themselves, rather than a measure of probability drawn from a known distribution of occurrences.

3) Reactive Effects of Study Arrangements --

The possibility that respondents may have given overly factual responses to the questionnaire due to the nature of the interview was avoided by asking multiple questions to indicate the same hypothesis. Comparing these questions indicated the consistency of answers for subjects. Blocks of questions in the interview were included specifically for the purpose of testing alternative hypotheses. These alternative blocks included

questions about the effect of physical arrangements on communications and factors such as political leanings and the demeanor of other participants.

Tabular and Statistical Analysis

The primary forms of statistical analysis used to analyze the data in the study were correlation, analysis of variance and multiple linear regression. Tabular analysis was also used to compare groups and answers for categorical data. Three-way crosstabulations were used to control for the effects of decisions of approval and denial and other multi-level relationships. The significance of the results of tabular analysis is indicated by the uncertainty coefficient. Rather than using a measure of significance based on the probability of an occurrence in a known distribution, the uncertainty coefficient calculates the probability of predicting an observation given the quantity of another known observation. The greater the likelihood of predicting the quantity of one variable if another observed variable is known, the stronger is the numerical relationship expressed by the uncertainty coefficient. Responses to the Likert Scales were used in both tabular analysis and as interval multivariate measures.

Both analysis of variance and multiple regression are used to analyze interval measures, but only as descriptive tools rather than using measures of probabi-

listic significance. Analysis of variance is used to measure the difference between the groups -- applicants, protestors, staff and committee -- on interval measures. The strength of the differences between these groups is argued in terms of the absolute differences and the Proportional Reduction in Error measures.

Multiple linear regression is also used as a descriptive tool to describe the strength of association between dependent and independent variables. The R^2 measures the extent to which the variation in the dependent variable is explained by variation in the other selected independent variables. Probabilistic significance using the F ratio or other external validity measures are not reported with regard to the regression analysis. For use in the regression models, "yes, no" questions in the interview are coded "1 = yes" and "0 = no." These binary variables are used as interval variables in these equations.

CHAPTER V

FINDINGS AND DATA ANALYSIS

Introduction

The process of making decisions about the disposition of properties for land use purposes is institutionalized in order to guarantee due process of law for property owners. In this way, the public hearings provide an opportunity to uncover evidence and testimony and to rebut testimony before a deciding body, in the case of the variance committee, of one's own peers. Conventionally and politically, public hearings are also considered to be a vehicle for those interested in a land use matter, in this case a variance from the city's zoning laws, to express themselves and provide input on which to make a decision. Indeed, most of the people who are questioned in this study stated that the purpose of the public hearing was to allow public input. In fact, most of the respondents felt that this purpose was realized. On the whole the respondents stated that they were satisfied that the hearings provided an environment in which free and open communication was allowed.

The issue of free and open access to communication as a vehicle for participation in democratic society

has also been an academic issue. One theoretician, Jurgen Habermas, has stated that democratic society is based on discourse in which all the participants of the society have free and equal access to speech acts. Where symmetry exists in the ability of all participants to engage in communicative acts, a free democratic society exists in which true consensus can be the basis for decision-making. On the other hand, where the distribution of communicative acts is asymmetric between the different participants in the system, alienation and disenfranchisement from decision-making occurs. An important aspect of Habermas's theory is that interaction is the mode of social relations between actors in a society and communicative acts are the vehicle for interaction. To the extent that access to communicative acts is limited, interaction and social relations are limited. To the extent that free and equal access to communicative acts (symmetry) occurs, men and women can interact in a free society.

To reiterate the scheme discussed in Chapter II, Habermas describes four types of speech acts. Communicative acts are acts in which questions are asked and answered strictly to provide information. Constative acts, the second type, are acts in which assertions are made or challenged. These acts are debative in nature. Representative acts, the third type, are acts which indicate something about a person's feelings or motives.

They often include "I wish" or "I feel" statements. Finally, regulative acts are commands, decisions, warnings or statements of approval. They also include the committee voting, a period during which the actual decision is reached. The use of these speech acts was studied as used in variance hearings conducted by the Portland Planning Bureau.

These hearings are scheduled to be convened each Tuesday morning before a quorum (four or more) of Variance Committee members. The hearings are held in a hearing room with planning staff present and a secretary to record the testimony of the participants on tape. All the variance requests were reviewed by the staff two weeks prior to the hearing. The application (completed and submitted by the applicant) and any letters received in response to the public notification are reviewed by the staff. If letters from parties within the notification area object to the variance and request the opportunity to speak at a public hearing, the staff arrange to hold the hearing. In preparation for the hearing the staff develops a written recommendation. This recommendation considers the written comments of protestors and the application materials of the applicant. If there are no protests, the hearing is cancelled and an administrative decision is rendered. Prior to the hearings, staff usually talk with the applicants to assist them in making the application.

However, the staff seldom have personal contact with the protestors prior to the hearing.

Variance applications request exceptions from the requirements of the City Code. Each year about 250 such requests are received by the Planning Bureau. The majority are processed administratively, but about 70 must be heard by the committee because protestors have requested a public hearing. For instance, in 1985, the year of the study, sixty-five requests were heard by the committee. A decision of approval was rendered in 46 of these hearings and denial in the remaining 19 cases.

The data derived from the 25 hearings which were observed were analyzed in two ways: using both a quantitative and a qualitative approach. Both methodological approaches were used in order to gain insight into the interaction process which occurred in reaching a decision on the variance request. The quantitative data were analyzed to provide "sensitizing concepts" which allowed us to structure our analysis of the flow of dialogue through crucial case analysis. The data analysis began with analysis of variance to show that a significant difference existed in the use of speech acts between the four groups of participants in the hearings. Furthermore, this difference was especially significant between the applicants and protestors, and particularly in the use of communicative and constative acts.

From that point we demonstrate that some difference existed in the satisfaction of the applicants and protestors with the public hearing environment. Finally, we use quantitative data to demonstrate that the decision was the result of the communicative acts received by applicants and protestors from the Variance Committee. Based on the committee's own statements, we show that the Committee Chairman exercised strong influence over the direction of the Committee attention and, therefore, the final decision.

We use two factors from the quantitative analysis to guide our study of the flow of interaction in fourteen crucial cases: (1) the acts received from the committee by the applicants and protestors and (2) the influence of the Chairman.

These two factors are essential to our understanding of the use of speech acts in the hearings. Communicative interaction is a two-dimensional process which involved corresponding reciprocal lines of communication. The impact of the use of speech acts cannot be evaluated solely from the perspective of acts initiated to the committee by the applicants and protestors. But, as this analysis will show, the corresponding speech acts initiated to the applicants and protestors, as receivers, is a strong indicator of the final decision.

Secondly, within the context of Variance Committee hearings, the flow and impact of the use of speech acts

cannot be divorced from the role of Chairman as the primary power position in the hearings. Chairman, as a role, is invested with authority to use the full range of speech acts and to direct the committee's communicative attention to applicants and protestors.

Analysis of the crucial cases shows that the Chairman leads the committee in a ritual review process in the hearings. The ritual review process is the third important factor used to understand interaction in the hearings.

The process of focusing the committee's attention appears to follow the Chairman's initiative in the use of communicative and constative speech acts. The Chairman's attention follows a ritual pattern alternating back and forth to provide all participants a chance to provide and rebut testimony. Ritual is described as a pattern of "... acts through whose symbolic component the actor shows how worthy he is of respect or how worthy he feels others are of it." (Goffman, 1955:315) The hearing process follows a regular procedural order designed to prove the worthiness of actors to receive the benefit of Variance Committee action. The ritual process also serves to establish the appearance of an equal opportunity to make and rebut testimony.

Analysis of the ritual review process shows that the committee's attention (acts initiated toward applicants and protestors) is guided by the Chairman, alternatively

testing the applicant's and protestor's assertions. If these assertions stand the test of the committee's probing, the Committee votes to uphold the staff recommendation. If, under the scrutiny of communicative testing, the applicant or protestor makes a "fatal error" then a rapid change in the committee's attention occurs and the committee reverses the staff recommendation in favor of the other party.

The following data will be presented in order to come to conclusions about the seven basic hypotheses expressed on Page 63.

The Data

- 1) A significant difference can be shown in mean use of the speech acts.

One way ANOVA shows that the difference between the mean usage of acts among the four groups of participants varies significantly (as ill. in Table V). The following results show the difference between all four groups in the use of the four types of speech acts.

Within the analysis of variance, several subgroup relationships deserve special attention. The comparative use of regulative acts between all the groups shows the highest level of significance. To a large degree this difference can be accounted for by the fact that applicants and protestors are structurally excluded from the final decision-making -- the vote. All the voting is done by

the committee. The staff recommendation (provided in verbal and written form) was registered as a decision-making act. Even though it is not a vote, the influence of

TABLE V

MEAN NUMBER OF SPEECH ACTS BY GROUP

Mean Number of Acts Group	Commun- icative	Con- stative	Repre- sent	Regu- lative
Applicants	8.24	6.40	1.0	.64
Protestors	4.92	4.80	1.32	.24
Staff	7.24	2.48	.20	2.32
Committee	13.76	9.60	.84	8.96
(F Prob.)	.0013	.0003	.0270	.0000
(eta)	.3881	.4192	.3012	.7695

Note: These calculations are based on a systematic sample of 25 hearings. Because the F Ratio assumes a normal distribution it was necessary to plot the data to determine if the results were consistent with this assumption. Using the half normal plot option in the MANOVA program of SPSSPC, this sample was shown to violate the normality requirement. Therefore, a Proportional Reduction in Error statistic, eta, was used to indicate significance.

this recommendation makes it a psuedo-regulative act. The relative frequency of regulative acts is very low for applicants and protestors, however speech acts of this type were sometimes interjected into the hearing. In some instances the protestors and applicants did use regulative speech forms. Those acts lacked any real authority and therefore illocutionary force. For instance, one applicant moved for approval when the Chairman called for discussion.

The applicant was informed that he couldn't make a motion.

In contrast, representative acts are used almost exclusively by applicants and protestors. In absolute terms, during 25 hearings, staff used very few representative acts. Committee members used 20 representative acts, while applicants used 23 such acts and protestors used 25 such acts. As a result, when the analysis of representative acts is adjusted to delete staff, a significant difference between the three remaining groups does not emerge.

Therefore, some attention must be focused on the communicative and constative acts in determining the differences which exist between groups in making substantive input during the public hearings.

The communicative and constative acts compose the central part the hearing during periods in which the testifiers seek to convince the committee members that their case is best. However, the data show that the use of these acts is far from symmetrical between the groups. In actuality, the protestors use less of these acts than do the committee members and the applicants. As will be shown in additional data analysis, the protestors have less education, less previous hearing experience and are less often employed in professional occupations. As a result, they are less facile in engaging in testimony at the public hearings.

- 2) A significant difference in the number of constative and communicative speech acts, the prior being the primary vehicle for argumentation in the hearings, can be shown between the protestors and other groups.

In the case of both these types of acts the committee makes the largest numerical contribution. The communicative acts are primarily informational, a period when questions and answers are provided in an attempt to be factual about the case at hand. For this reason, staff is more interactive during this time, providing information and asking questions of those who testify. During the communicative period the protestors provide the lowest number of participatory acts. The committee is most active and the applicants are second.

TABLE VI

AVERAGE NUMBER OF COMMUNICATIVE ACTS PERFORMED
BY GROUPS OF PARTICIPANTS IN THE HEARINGS

Average Number of Communicative Acts Per Hearing	Group	Statistic
13.76	Committee	
8.24	Applicants	eta = .3881
7.24	Staff	
4.92	Protestors	eta2 = .1506

Constative acts focus on argumentation, contentions and assertions about the nature of the case. Since these acts are primarily debative, testing the validity of assertions request, they are a crucial aspect of the public hearing. In general, the professional planning staff is

not as active in the use of constative acts during the hearing. However, for the remaining three groups -- the committee, the applicants and the protestors -- a significantly higher rate of interaction takes place, with the mean use of constative acts declining in the groups respectively.

TABLE VII

AVERAGE NUMBER OF CONSTATIVE ACTS PERFORMED BY GROUPS OF PARTICIPANTS IN THE HEARINGS		
Average Number of Constative Acts Per Hearing	Group	Statistic
9.60	Committee	
6.40	Applicants	eta = .4192
4.80	Protestors	
2.48	Staff	eta2 = .1758

However, when these relationships are segregated (staff deleted) the level of significance drops in the difference between the remaining groups. The largest difference lies between the protestors and the committee. On average, the protestors used 4.8 constative acts per hearing while the committee used 9.6 acts per hearing.

This relationship between observed forms of communication as differentially employed by groups in the hearing is also corroborated by other findings. For instance, crosstabulation shows that a significant difference exists between applicants and protestors when asked to articulate

findings. Findings refer to the criteria listed in the Zoning Code as a basis for granting the variance. The

TABLE VIII
CROSSTABULATION OF FINDINGS ARTICULATED BY
APPLICANTS AND PROTESTORS IN INTERVIEWS

		Articulated Findings		
		No	Yes	Row Total
Group	App	4	21	25
		16.0	84.0	50.0
Group	Prot	19	6	25
		76.0	24.0	50.0
Column Total		23	27	50
				100.0
Uncertainty Coeff.	Symmetric	.28135	With Group Dep. .28070	With Art Find. Dep. .28201

final decision of the hearing is ostensibly based on the testifier's presentation of arguments about whether or not these legal criteria ("Findings") are met (see page 72 for a listing of these findings). In interviews following the hearings, when applicants and protestors were asked to articulate findings, the results shown above were obtained. These results show a significant relationship which reinforces the conclusion that a substantial difference exists between applicants and protestors in their ability to successfully make arguments in the public hearing environment.

The following tables investigate whether differences in education, occupational background and advanced preparation for the hearings accounts for this difference. The legalized language which constitutes the required findings established in the City Zoning Code are akin to vocabularies of jargon used by professionals such as attorneys, planning consultants and architects. As shown by cross-tabulation of the following findings; legal, professional and managerial occupations make up 60% of the 25 applicants. Those same occupations make up 42% of the 25 protestors. In addition, 12% of the protestors come from laboring or service worker classes contrasted to one of the applicants. Twenty eight percent of the applicants are also from building and real estate trades as opposed to 4% of the protestors. As shown below, the applicants have more education and more previous experience.

- 3) Applicants have more education, higher occupational status, and more previous experience than the protestors.

First, there is a significant difference between the occupational status, the number of years of education and the number of previous experiences of the two groups. On average, the committee members had 17.40 years of education, while the protestors had 14.76 years of education. The staff averaged 17.08 years of education, and the applicants averaged 16.44 years of education. A difference in previous experience is also present.

Fourteen out of twenty five applicants had previous land use hearing experience, while only six out of twenty five protestors had previous land-use hearing experience, as shown in the crosstabulation in Table IX.

However, further tabular analysis does not fully support this relationship between education and group in

TABLE IX
CROSTABULATION OF PRESENCE OF PREVIOUS HEARINGS
EXPERIENCE WITH APPLICANTS AND PROTESTORS
AS A GROUP

		Had Previous Experience		
		No	Yes	Row Total
GROUP	App.	11 44.0	14 56.0	25 50.0
	Prot.	19 76.0	6 24.0	25 50.0
Column Total		30 60.0	20 40.0	50 100.0
Statistic	Symmetric		With GROUP Dependent	With PREVEXP Dependent
Uncer. Coeff.	.07980		.07864	.08099

the sense of dictating effectiveness in the hearings. For instance, when the groups are compared based on which participants had college educations, the data shows that of those with less than a college education, eight, or all, of the protestors in that category failed to articulate findings when asked to do so in the interviews. The

one applicant who had less than a college education, did articulate findings. Of those applicants and protestors with a college education, four applicants did not articulate findings and twenty applicants did articulate findings. Out of the 17 protestors with college educations, six articulated findings and 11 did not. It appears that those protestors who do not have a college education lack the sophistication to deal with the hearings and the findings necessary to demonstrate a case. On the other hand, those protestors who do have a college education still face a communicative disadvantage in the sense that two thirds of them still failed to articulate findings. The applicants are both more likely to have a college education and to articulate findings. This indicates that applicants generally represent a group from the general population which is more sophisticated, in terms of education and experience, and willing to attempt a variance application. When categorized by occupation, as professional or non-professional, similar results emerge from the data. Of those applicants representing professional occupations, 17 out of 19 articulated findings. The protestors from professional occupations articulated findings six out of twelve times. In contrast, of those protestors who are from non-professional occupations, all thirteen failed to articulate findings. Of those applicants who represent non-professional occupations, two out

of six failed to articulate findings. Again, while occupational background can account for lack of articulation among protestors, it doesn't dictate that applicants will articulate findings. Regarding the effect of previous experience, 12 out of 14 applicant's with at least one previous hearing experience were able to articulate findings. Of the six protestors with previous experience, three articulated findings and three did not.

- 4) Applicants will express more feelings of satisfaction with the hearing than will protestors.

A placation theory of citizen participation is supported because the hearing appears to diffuse feelings of dissatisfaction, even though the final results of the hearings and the nature and context of communication appear to weigh in favor of the applicants. While a difference can be shown in communication, both groups are generally satisfied with the hearing outcome and appear to be comfortable in the physical setting of the hearings.

Twenty one out of twenty five applicants (84%) stated that they had expected, prior to the hearing a fair and just outcome to result from the committee decision. By the same token, as shown in the following table, 17 out of 25 protestors (68%), stated that they expected a fair and just decision to result from the hearing. Although this is somewhat lower than the percentage of applicants expecting a fair and just decision, it is still the majority of the

protestors. The uncertainty coefficient shows that negligible reduction (2-3%) in error occurs by knowing either of the variables in the crosstabulation table.

Added to the fact that a difference exists in the types of communication used by the applicants and protestors is a similar finding that protestors are less satisfied with the outcome of the hearing. Some of that difference in satisfaction can be explained by the decision reached by the committee. However, as shown by tables XI and XII, when the decision is held constant, a difference in satisfaction between the groups still exists. As shown in the following two sections, the applicants were generally more comfortable with the environment of the hearing and felt that fair and just decisions were arrived at more than did the protestors.

The linkage between modes of communication and feelings of satisfaction with the hearings process comes with Section 5, which studies the difference between the groups in their freedom to engage in particular kinds of speech acts. Discussion of the meaning of these findings will be dealt with after section 5 and 6. When asked if a fair and just decision was realized, twelve out of 25 protestors (48%) and six of 25 applicants (24%) said that a fair and just decision was not realized. Again, the majority of the participants in the hearing felt that justice was done. However, a slightly higher pro-

portion of applicants felt satisfied with a hearing outcome which was consistent with their expectations. When asked whether a fair and just decision was realized, a reflection of disenchantment, the protestors answered negatively to a greater extent than did the applicants.

The perception of a realization of a fair and just

TABLE X

CROSSTABULATION OF THOSE PARTICIPANTS WHO FELT A FAIR AND JUST DECISION WAS REALIZED BY APPLICANTS AND PROTESTORS AS A GROUP

=====				
A Fair and Just Decision Was Realized				

		No	Yes	Row Total

GROUP	App.	6 24.0	19 76.0	25 50.0
	Prot.	12 48.0	13 52.0	25 50.0
Column Total		18 36.0	32 64.0	50 100.0

Statistic	Symmetric		With GRP Depend	With REAL Depend
Uncer. Coeff.	.04709		.04574	.04852

decision does appear to be related to whether or not the final decision is for approval or denial. When the final committee decision was for approval, 13 of 14 applicants (92%) stated that a fair and just decision was reached. On the other hand, only 5 out of 14 (36%) protestors stated

that a fair and just decision was reached when a decision of approval was rendered.

TABLE XI

CROSSTABULATION OF THOSE PARTICIPANTS WHO FELT
A FAIR AND JUST DECISION WAS REALIZED
WHEN FINAL DECISION WAS APPROVAL

=====				
A Fair and Just Decision Was Realized				

	Count			Row
	Tot Pct	No	Yes	Total

GROUP	App.	1	13	14
		7.1	92.9	50.0

	Prot.	9	5	14
		64.3	35.7	50.0

	Column	10	18	28
	Total	35.7	64.3	100.0

Statistic	Symmetric	With GROUP Dependent	With REAL Dependent	
Uncer.Coeff.	.29328	.28453	.30260	

By contrast, when a decision of denial was rendered, only six of eleven (54%) applicants, stated that a fair and just decision was realized. For the protestors, the rate of satisfaction increased in that, 8 of 11 protestors (72.7%) felt a fair and just hearing was realized when a decision of denial was rendered.

The participants themselves were asked if they would have felt differently had the decision been different,

with 17 of 25 (68%) applicants stating that they would not have felt differently, given a different decision.

Thirteen out of 25 (52%) protestors stated that

TABLE XII

CROSSTABULATION OF THOSE PARTICIPANTS WHO FELT
A FAIR AND JUST DECISION WAS REALIZED
WHEN FINAL DECISION WAS DENIAL

A Fair and Just Decision was Realized				
		No	Yes	Row Total
GROUP	App.	5 45.5	6 54.5	11 50.0
	2 Prot.	3 27.3	8 72.7	11 50.0
Column Total		8 36.4	14 63.6	22 100.0
Statistic	Symmetric	With GROUP Dependent	With REALIZED Dependent	
Uncer.Coeff.	.02670	.02597	.02746	

they would not have felt differently given a different decision. Again, the final decision partially explains whether the applicants and protestors would have felt differently if the final result would have been reversed. However, the participant's assessment of how they would have felt if the decision were reversed is conjectural and may not reflect their real feelings. When an approval

was rendered, four out of fourteen applicants stated they would have felt differently (38.5%) while six out of 14 protestors (42.8%) stated they would have felt differently. On the other hand, when the decision rendered was for denial, seven out of eleven (63%) of the applicants stated that they would not have felt differently. In the same circumstance, five out of eleven (45%) protestors stated that they would not have felt differently.

A question about the extent to which the purpose of the hearing was realized was asked as another indication of satisfaction with the hearings. When questioned about the purpose of the public hearing, 60% of the total respondents stated that the purpose was to allow public input; 17.8% felt the purpose was to gain information; and only 7.8% stated that the purpose was to assure neighborhood approval. Another 4.4% stated that the purpose of the hearing was to make legal findings.

When asked if the purpose pointed to in the previous question was realized in their particular hearing, 40% of the applicants stated "a great deal" or "fairly much". The protestors in the same hearing stated that the purpose of the hearing was realized "a great deal" or "fairly much" 26% of the time. In taking the opposite perspective on the same data, the applicants stated that the purpose was realized "to some degree" or "comparatively little" in 10% of the

cases. The protestors stated that the purpose of the hearing was realized "to some degree" or "comparatively little" in 22% of the cases. They also stated the purpose was realized "not at all" in 2% of the cases.

When these results are crosstabulated to control for a final decision of approval or denial, the following pattern emerges. In cases where a final decision of approval was rendered, 85% of the applicants stated they felt the purpose of the hearing was realized "A Great Deal" or "Fairly Much." When a decision of approval was rendered, 43% of the protestors felt that the purpose was realized "a great deal" or "fairly much." Out of the remaining categories, 28.6% of the protestors felt the purpose was realized "comparatively little". None of the applicants responded "comparatively little" or "not at all". The mean response for the applicants was 1.6 and 2.8 for the protestors.

By contrast, when a decision of denial was reached, 72.8% of the applicants felt the purpose was realized "a great deal" or "fairly much", while 63.7% of the protestors now felt the purpose was realized "a great deal" or "fairly much". When the decision was denial the mean score of the applicants was 2.09 and 2.18 for the protestors. In other words, it appears that the enthusiasm of the applicants and protestors rises and falls moderately depending on whether

TABLE XIII

CROSSTABULATION OF THE EXTENT TO WHICH "PURPOSE"
OF THE HEARING WAS REALIZED BY APPLICANTS AND
PROTESTORS WHEN FINAL DECISION IS APPROVAL

=====						
Extent to Which Purpose Was Realized						

	A GREAT DEAL 1	FAIRLY MUCH 2	TO SOME DEGREE 3	COMPAR LITTLE 4	NOT AT ALL 5	Row Tot

GROUP	7	5	2			14
APP	50.0	35.7	14.3			50

	2	4	3	4	1	14
PROT	14.3	28.6	21.4	28.6	7.1	50

Col	9	9	5	4	1	28
Tot	32.1	32.1	17.9	4.3	3.6	100

Statistic	Pearson's R					.52639

or not they agree with the outcome. On the other hand, the difference is not as radical as one might expect given the importance of the decision. It should also be noted that the participants may have understated the impact of the decision on their feelings of satisfaction. The vested self interest of the participants in the final decision may tend to color their evaluation of the fairness and openness of communications in the hearings. Adjusting the expressions of satisfaction by crosstabulating the final decision (this has the effect of holding the decision constant) is the method used to isolate the true extent of satisfaction with the hearings process.

TABLE XIV

CROSTABULATION OF THE EXTENT TO WHICH "PURPOSE"
OF THE HEARING WAS REALIZED BY APPLICANTS AND
PROTESTORS WHEN FINAL DECISION WAS DENIAL

=====						
Extent to Which Purpose was Realized						

	A GREAT DEAL	FAIRLY MUCH	TO SOME DEGREE	COMPAR LITTLE	NOT AT ALL	Row Tot
	1	2	3	4	5	

GROUP	3	5	2	1		11
APP	27.3	45.5	18.2	9.1		50

GROUP	3	4	3	1		11
PROT	27.3	36.4	27.3	9.1		50

Col	6	9	5	2	0	22
Tot	27.3	40.9	22.7	9.1		100.0

Statistic	Pearson's R .04945					

- 5) The applicants expressed more freedom in communication than did protestors in the public hearing.

Among those participants interviewed, 68% of the applicants felt the purpose of the hearing was to allow public input and 16% felt the purpose was to gain information. Sixty-percent of the protestors felt the purpose was to allow public input and 12% felt the purpose was to gain information. Sixteen percent of the protestors felt the purpose of the hearing was to assure neighborhood approval, while no applicants felt neighborhood approval was the purpose. Only nine percent of the applicants and 4% of the protestors felt the objective of the hearing was to make legal findings.

With regard to the communicative dimension of the

public hearings, we hypothesized that protestors would feel more restricted in terms of their freedom to question zoning laws, to ask for explanations, to ask for definition and to express emotions in the hearings. These questions parallel three of the four speech acts observed in the hearings. The freedom to ask for explanations and definitions is an important aspect of the communicative acts in which participants ask and answer questions in an attempt to gain information. Freedom to question zoning laws is related to constative acts in which participants call into question the premises of others giving testimony and debate the merits of the issue. The participants also make assertions of fact and conclusion. The freedom to express emotions is an aspect of representative acts which allow participants to express their desires and make wish statements in the hearings.

Applicants expressed the feeling that they were "very free" to ask for definitions in 64% of the cases. Another 20% of the applicants stated that they felt "free" to ask for definitions. Of the protestors, 16% stated they felt "very free" and 56% said they felt "free." While the majority of both groups fall in the first two categories, the responses indicate that protestors do not feel as strongly as the applicants that they are free to interact in the hearings. In fact, observations of the hearings show that in most cases protestors use about 25%

as many acts, including communicative acts, as do the applicants. The mean score for the applicants was 1.56 and 2.24 for the protestors.

The same pattern occurs in the participants' response to how strongly they felt free to ask explanations. The applicants felt "very free" in 52% of the responses and "free" in 32% of the responses. Of the Protestors, 16% stated they felt "very free" and 40% said they felt "free." Applicants felt "restricted" or "very restricted" in 12% of the cases. Protestors felt "restricted" or "very restrict-

TABLE XV

CROSTABULATION OF THE EXTENT TO WHICH
APPLICANTS AND PROTESTORS FELT FREE
TO ASK FOR DEFINITIONS OF PLANNING
TERMS DURING THE HEARINGS

		FREE TO ASK DEFIN.	VERY FREE	FREE	NEUTRAL	RESTRICT ED	VERY REST.	Row Total
		1	2	3	4	5		
GROUP	APP	16 64.0	5 20.0	3 12.0	1 4.0			25 50.0
	PROT	4 16.0	14 56.0	4 16.0	3 12.0			25 50.0
Col Tot		20	19	7	4	0		50.0
Statistics		Pearson's		.36878				

ed" in 28% of the cases. The mean score for the applicants was 1.8 and 2.64 for the protestors.

zoning laws the same relationship holds true but the bulk of responses do not reflect a strong feeling of freedom.

TABLE XVI

CROSTABULATION OF THE EXTENT TO WHICH
APPLICANTS AND PROTESTORS FELT FREE
TO ASK FOR EXPLANATIONS OF
ZONING REQUIREMENTS

FREE TO ASK EXPLAN.	VERY FREE 1	FREE 2	NEUTRAL 3	RESTRIC TED 4	VERY RES 5	ROW TOT
APP	13 52.0	8 32.0	1 4.0	2 8.0	1 4.0	25 50.0
PROT	4 16.0	10 40.0	4 16.0	5 20.0	2 8.0	25 50.0
COL TOT	17	18	5	7	3	50
Statistic	Pearson's R .34389					

Applicants stated that they felt "very free" to question the zoning laws in 28% of the responses and "free" to question in 20% of the cases. Of the protestors 12% stated that they felt "very free" and "free" in 32% of the responses. On the other end of the spectrum, the applicants felt "restricted" or "very restricted" in 28% of the responses. The protestors felt "restricted" or "very restricted" in 36% of their responses. The mean score for the applicants was 2.64 and 2.96 for the protestors.

When asked how free they felt to express emotion during the public hearing, 24% of the applicants stated

that they felt "very free" and 32% stated that they felt "free". In response to the same questions, 16% of the protestors felt "very free" and 36% stated that they felt "free" to express emotion.

TABLE XVII

CROSSTABULATION OF THE EXTENT TO WHICH
 APPLICANTS AND PROTESTORS FELT FREE
 TO QUESTION ZONING REQUIREMENTS

FREE TO QUESTION		VERY FREE	FREE	NEUTRAL	RESTRICTED	VERY RES	ROW TOT
		1	2	3	4	5	TOT
GROUP	APP	7 28.0	5 20.0	6 24.0	4 16.0	3 12.0	25 50.0
	PROT	3 12.0	8 32.0	5 25.0	5 20.0	4 16.0	25 50.0
COL TOT		10	13	11	9	7	50
Statistics		Pearson's R .12060					

However, on the opposite end of the spectrum, 36% of the applicants stated that they felt "restricted" or "very restricted" in expressing emotion. Forty eight percent of the protestors stated that they felt "restricted" or "very restricted" to express emotion. The mean response for applicants was 2.08 and 2.84 for the protestors.

In actual observations of the hearings, applicants used representative acts 23 times in 25 hearings while protestors used 37 representative acts in the same number of hearings.

TABLE XVIII

CROSTABULATION OF THE EXTENT TO WHICH
 APPLICANTS AND PROTESTORS FELT FREE
 TO EXPRESS EMOTION DURING
 THE HEARINGS

FREEDOM TO EXPRESS EMOTION		VERY FREE 1	FREE 2	NEUTRAL 3	RESTRICTED 4	VERY RES 5	ROW TOT
GROUP	APP	6 24.0	8 32.0	2 8.0	7 28.0	2 8.0	25 50.0
	PROT	4 16.0	9 36.0		11 44.0	1 4.0	25 50.0
	COL	10	17	2	18	3	50

 Statistics Pearson's R .07733

- 6) The applicants felt more comfortable with physical arrangements than did the protestors. Both groups stated that the physical arrangements did not inhibit their communication.

When asked how comfortable they felt with the formal setting of the hearing 68% of the applicants stated that they felt "very comfortable" or "comfortable". Fifty-two percent of the protestors placed themselves in the same categories. Sixteen percent of the applicants and 32% of the protestors stated that they felt "uncomfortable". None of the applicants or protestors stated that they were "very uncomfortable" with regard to speaking into a microphone and speaking in front of a group. The applicants and protestors generally responded that they felt comfortable, but again the protestors tended to express being uncomfortable more often with setting. For

instance, the protestors stated they felt "very comfortable" or "comfortable" in 36% of the responses as opposed to "uncomfortable" in 44% of the responses. The applicants tended to respond in the opposite direction; 52% fell in the comfortable categories and 24% in the uncomfortable category. When asked about speaking in front of a group, a similar set of responses resulted. Forty percent of the protestors stated they felt "comfortable" or "very comfortable" whereas 24% placed themselves in the "uncomfortable" category.

The seating and table arrangement seemed to be the least source of feelings of discomfort. Fifty-two percent of the applicants and 44% of the protestors stated they felt "comfortable" or "very comfortable" with the arrangement. Sixteen percent of the applicants and 24% of the protestors state that they felt "uncomfortable". No one placed themselves in the "very uncomfortable" category and the remaining percentages stated the arrangement had "no effect".

However, when asked directly, "Did the physical arrangements inhibit you from saying what you wanted to?", both groups stated overwhelmingly that the physical arrangements were not a barrier to communication. Ninety-six percent of the applicants and 92% of the protestors stated "no" when asked this question.

In summary, neither the applicants nor the protestors

stated they felt that communication was stifled by the physical setting of the hearing to any extent. However, when asked about perceptions of freedom or restriction in making three types of communicative expressions in the hearings, the protestors uniformly stated that they were less comfortable engaging in these acts. This difference appears to be explained by the differential background between the applicants and the protestors.

- 7) The final decision will not be a product of the number of acts initiated by the applicants or the protestors, but instead by the number of acts received by the applicants and protestors as initiated to them by the committee.

Finally, the question remains, in what way does communicative action, the four speech acts, operate as an influential variable associated with the final decision of the committee.

The contribution of communication in the hearings can be examined from at least two perspectives. First, as already shown, the acts can be differentiated in terms of the group verbalizing the act -- applicants, protestors, staff and committee members. Although there is a significant difference between the rates of use among the groups in the hearings, the variation in rates of usage of the acts cannot be shown to be a medium for applicants and protestors to influence the decision of the committee members. The most striking thing about the differential

use of speech acts in the public hearing is that the committee generally dominates in the use of communicative, constative and overwhelmingly in the regulative acts. The committee totals are quite high and account for the largest percentage of the total acts used in the hearings. Since the committee makes the final decision and expresses almost all the regulative acts in the hearing, its communicative role must be analyzed as the central determinant in the final decision.

However, communicative acts cannot be considered just as speech acts initiated by a participant. The communicative acts must also be examined in terms of the receiver of the speech act. The initiator actually utters the speech act but the receiver, as the object of the communicative act, completes the verbal interaction by finalizing the two-way exchange.

The table below shows the speech acts received by the applicants and acts received by the protestors.

With only two exceptions, the outcome of the hearing favored the applicants or the protestors depending on which group was the higher receiver. As the higher receiver, the applicants or protestors received more speech acts from the Variance Committee in bringing out information and developing a rationale for making the decision.

In the two instances where the staff recommendation was for approval but the final decision was denial, the

TABLE XIX

NUMBER OF ACTS RECEIVED BY APPLICANTS
AND PROTESTORS

*CASNO	HRGNO	COMMT	TOTAL	ACTRECA	ACTRECP	DECIS	STFREC
1	26	49	83	10	33	0	1
2	29	48	94	13	21	0	0
3	84	32	66	8	14	0	0
4	77	29	62	7	2	1	1
5	61	17	42	3	5	1	1
6	185	19	40	5	2	1	1
7	107	77	146	23	34	0	0
8	164	46	97	13	16	0	0
9	50	77	150	28	36	0	0
10	121	46	88	12	26	0	1
11	13	61	119	22	7	1	0
12	76	24	48	5	10	0	0
13	146	33	56	5	19	0	0
14	155	28	51	5	13	0	0
15	68	70	144	26	7	0	1
16	182	48	85	11	10	1	1
17	58	25	46	16	1	1	0
18	30	30	61	13	3	1	1
19	11	26	72	5	4	1	1
20	152	22	42	5	2	1	1
21	113	15	35	7	2	1	1
22	78	84	148	44	4	1	0
23	51	17	28	6	0	1	0
24	70	28	52	13	0	1	1
25	112	4	10	2	0	1	0

*CASNO = Case no.

HRGNO = Hearing no.

COMMT = Total Committee Acts

TOTAL = Total Communicative Acts in the Hearing

ACTRECA = Committee Acts Received by Applicants

ACTRECP = Committee Acts Received by Protestors

DECIS = Decision (0 = Denial, 1 = Approval)

STFREC = Staff Recommendation

acts received by the protestors outnumbered the acts received by the applicants 3 to 1 and 2 to 1 (however, in the other denial case the acts received by the applicant outnumbered the protestors by a large margin). Conversely, when the staff recommended denial and the decision was

approval, the number of speech acts directed to applicants, by the committee, exceeded those directed to the protestors.

Because the staff recommendation differed from the final decision eight out of twenty five times, that recommendation was not nearly as strongly associated with the final outcome as was the number of committee acts directed at the protestors and applicants. Using the dichotomized variable (0-1) for approval and denial, the correlation between the staff recommendation and the final decision is .39. While using the same dichotomized variable and the number of committee acts directed at applicants (ACTRECA) and those directed at the protestors (ACTRECP) the following multiple regression results are obtained (Table XX).

When broken down in terms of the acts received by applicants and protestors as groups, there is a much stronger relationship between the acts received by the protestors and the final decision. In this way, the speech acts received by the applicants and protestors respectively are a much stronger indicator of the hearing outcome than the acts initiated by these two groups. This supports the view that communication must be seen as a two-way process in which committee acts are crucial. Multiple regression using acts received by the protestors as a

TABLE XX

REGRESSION COEFFICIENTS FOR THE FINAL DECISION
ACCOUNTED FOR BY ACTS RECEIVED BY APPLICANTS
AND PROTESTORS

Multiple R	.86454
R Square	.74743
Adjusted R Square	.72446
Standard Error	.26246

single independent variable yields an R Square of .69756, a very strong relationship. Using acts received by the applicants as a single independent variable yields an R Square of .10242, a fairly strong relationship, but of nowhere near the magnitude found when using the protestors alone. The two variables together offer the best description of variability in the decision of the hearing. An examination of Table XIX shows that, in general, when the decision was favorable to the protestors, the number of speech acts employed by all participants in the hearing was considerably higher than when the decision was favorable to the applicants. This results because when the protestors are more active and more convincing considerably more total interaction results. In those cases where the applicants dominate, the protestors are less proficient at communicating their arguments, and the magnitude of the interaction in total is less. The magnitude of the total number of speech acts expressed by the applicants and protestors determines the strength of the relationship, even though the process of the committee determination of a final

decision is best described by R2 for both variables in the regression equation.

Furthermore, several questions were asked during the interview which help in analyzing the committee process in arriving at a decision. When asked what the main reason leading to the decision was, the committee members divided their answers almost equally between three considerations: Variance findings (4 responses), presence or lack of problems with the proposal (5 responses), and policy considerations (4 responses). The committee members were asked if their political leanings (party or local campaign affiliations) ever affect their decisions. Among the 15 committee members, 13 stated, 'No,' political leanings do not influence the decision.

Committee members were also asked if personal philosophy such as political ideology or planning philosophy influence the decision. Twelve out of 15 committee members stated that personal philosophy did influence their decisions.

They were also asked if the demeanor of the testifiers or identification with the situation of the testifiers influenced their decisions. Ten out of 15 stated that the demeanor of the testifiers did influence their decisions and 5 out of 15 stated that identification influenced their decisions.

They reported that there were a number of factors

which influenced their decision. Two out of 15 committee members stated that the "discussion process" led to decisions. Three out of 15 stated that staff or neighborhood input influenced the decisions made. Four out of 15 stated that they had no other factors to add. The largest single reply was that the Chairman of the committee or other influential members influenced the decision of the committee, which was noted by 6 out of 15 committee members, the largest single category.

Let us examine the Chairman's role. In 24 out of 25 hearings the Chairman initiated more communicative acts than any other single member of the group. The Chairman in these hearings accounted for 25% to 75% of the acts initiated by the committee. The number of committee members hearing a case varied from 4 to 7 members. For instance, even in the case with the most limited Chairman interaction, the Chairman accounted for 26% of the acts initiated out of 5 committee members. During the same hearing the two second highest committee members initiated 16% of the acts and 2 other committee members each accounted for 1% of the acts.

The difference is even more dramatic for those crucial cases in which the staff recommendation of approval was reversed to denial. In two of those cases (VZ 26 and VZ 121) the Chairman's interaction constituted 72% and 71% of the communicative interaction, as shown in the

following table. In the other reversal from approval to denial -- VZ 68 -- the Chairman accounted for 44% of the acts. In total, eight reversals of the staff recommendation occurred. Three were reversed in favor of the protestors and five were reversed in favor of the applicant.

TABLE XXI

PERCENT OF SPEECH ACTS ATTRIBUTED TO THE
COMMITTEE CHAIRMAN

Hrg. No.	Chairman (% of commt)	2nd highest	No. of Members
26	72% (36)	14% (7)	4
29	35% (17)	25% (12)	7
84	43% (14)	19% (6)	7
77	51% (15)	23% (7)	4
61	35% (6)	23% (4)	5
185	37% (7)	21% (4)	4
107	43% (33)	20% (15)	6
164	40% (16)	30% (14)	5
50	45% (35)	20% (16)	4
121	71% (33)	15% (7)	4
13	47% (29)	18% (11)	4
76	41% (10)	33% (8)	4
146	42% (14)	24% (8)	5
155	43% (14)	25% (7)	5
68	44% (31)	21% (15)	5
182	66% (32)	23% (11)	4
58	26% (15)	16% (4)	5
30	36% (11)	23% (7)	5
11	69% (18)	15% (2)	5
152	36% (8)	13% (4)	4
113	46% (7)	20% (3)	5
78	50% (42)	24% (20)	4
51	41% (7)	35% (6)	4
70	10% (3)	32% (9)	5
112	75% (3)	25% (1)	6

Not only does the committee Chairman initiate the predominance of the committee communicative acts, but he establishes the tone for the direction of the com-

mittee's attention toward applicants and protestors. As noted earlier, the committee's attention in initiating acts toward applicants and protestors ($R^2=.74743$) explains a large portion of the variance in the final decision. By the same token, a significant portion of the variation in acts received by applicants and protestors can be explained by the direction of the Chairman's acts. The following table shows the strength of the relationship between Chairman acts and acts received by applicants and protestors.

TABLE XXII

REGRESSION COEFFICIENTS FOR ACTS RECEIVED BY
APPLICANTS AS ACCOUNTED FOR BY SPEECH
ACTS OF CHAIRMAN (INDEPENDENT
VARIABLE)

Multiple R	.78401
R Square	.61467
Adjusted R Square	.59762
Standard error	.28613

TABLE XXIII

REGRESSION COEFFICIENTS FOR ACTS RECEIVED BY
PROTESTORS AS ACCOUNTED FOR BY THE SPEECH
ACTS OF CHAIRMAN (INDEPENDENT VARIABLE)

Multiple R	.62191
R Square	.38678
Adjusted R Square	.36012
Standard error	.36012

These relationships are very strong when understood in the context of a single participant in the hearings

accounting for this variation in acts received by applicants and protestors. The strong R Squares describe the fundamental role played by the Chairman during the public hearings.

In the final analysis, a number of factors combined must be considered in understanding the role of communications in the public hearings. The committee members, the decision makers, stated that the staff recommendation and neighborhood input are influencing factors. They also admitted that their own personal philosophies and the testifier's demeanor enter into the decision-making. In addition, they stated that influential committee members, particularly the Chairman, sway their final decision. It also appears that the influence of the Chairman tended to determine the focus of communicative acts toward applicants and protestors in the hearing and as a result strongly shaped the outcome. Control of the hearings by the committee and the Chairman indicate the important focus of communication in a critical perspective. Speech acts, as delineated by Habermas, establish the vehicle of power relations and interaction in the hearings. The power position in the hearings, the Chairman, appeared to establish the pattern of these speech acts. The Chairman is crucial in setting the tone for use of the constative acts and for focusing the committee's attention on one set of testifiers or the other.

Crucial Case Analysis

Examination of crucial cases also indicated that the role of committee Chairman was very influential in the outcome of the hearings. Review of the taped testimony of fourteen crucial cases was conducted in order to better understand the process of interaction between the committee and testifiers in reaching a decision. The first group of crucial cases consisted of the three cases where the staff recommendation was reversed from approval to denial, in favor of the protestor. The second group of cases consisted of four cases in which the staff recommendation was reversed from denial to approval, in favor of the applicant (one case, VZ 112 was deleted because only 10 total speech acts were recorded). Finally, the remaining cases, cases in which the Committee adopted the staff recommendation, were the seven hearings with the highest total number of interactions (see p.111), chosen as crucial cases to be compared with those above. Those cases with the highest number of interactions were chosen because they provided the most data for analysis; and the high level of interaction suggests that these cases provoked considerable controversy, thus having the potential of revealing the decision-making process in depth.

As stated above, a major organizing factor in understanding the flow of the hearings was the ritual process.

This process was followed in identical form in all of the crucial cases, except those where the committee reversed the staff recommendation. The function of this ritual process was to provide an alternating testing-ground for the assertions of the applicants and protestors. As such, in those cases where no fatal error was committed, the committee's attention swings back and forth, under the leadership of the Chairman from the applicants to the protestors in an orderly and gradual fashion. However, when a fatal error was committed, the attention of the committee abruptly swung from one group to the other, focusing more attention on the second group and catalyzing a reversal of the staff recommendation. The ritual hearing process followed the order shown below unless a fatal error occurred which truncated the equal distribution of testimony time.

- 1) The Chairman reads an introductory statement explaining the purpose and general format of the hearing. Then he reads a description of the request.
- 2) The staff then show slides of the property where the variance is requested.
- 3) The Chairman then asks for the applicant or the applicant's representative to speak first.
- 4) The Chairman and the committee then question the applicant.
- 5) After the applicant speaks the Chairman asks the committee if they have more questions or comment to direct to the applicant (transition phrase).

- 6) The Chairman then asks if there are others who wish to speak in support of the request (transition phrase).
- 7) The end of this period is marked by the Chairman's request to the Committee asking if they have any more questions of those in support (transition phrase).
- 8) The Chairman then calls for those in opposition to the request to speak (transition phrase).
- 9) The Chairman and the committee then question the protestors.
- 10) After the protestors speak, he calls for questions from the committee. At this point, if the committee sees it necessary, the applicant may be asked to make rebuttal to the contentions of the protestors. If there is rebuttal, both sides, applicants and protestors are given an equal number of chances to provide testimony.
- 11) If there are none, the Chairman closes the public testimony and asks for the staff to present their report and recommendation.
- 12) After the staff report, the Chairman leads the committee in discussion and voting on the request.

As a result, in addition to the Chairman's role in focusing the attention of the committee, the ritualistic order of the review process provides a framework for understanding the way in which the committee arrives at a final decision. The Chairman leads the committee through a ritual review process designed to disclose the validity of the testifiers' position. However, the ritual review procedure disguises the fact that the committee members enter the hearing process with a predisposition toward the position of the staff recommendation.

Cases in which there was a reversal of the staff recommendation from approval to denial.

VZ 121. The applicant requested a variance from 30 feet to 10 feet on the front yard of a new home he proposed to have built in Southeast Portland. During the hearing, the applicant stated that the variance might be modified because he could live with as great as a 25 foot setback on the house. He gave lengthy testimony about the proposed location of the house, about the way it would affect the views of neighboring lots and the location of sewer easements which run across the property. During this time, the committee Chairman asked many questions. In fact, no other committee member spoke until the end of the hearing when testimony was closed. Because of uncertainty about what variance was needed, the Chairman asked to see the large rolled up plans the applicant had carried to the stand. After the applicant rolled out the plans for the committee to peruse, the Chairman stated, "This plan meets the 30 foot requirement." Then the Chairman asked, "Do you need a variance?" The applicant responded by saying, "Yes, I do but, I have drawn plans showing several alternatives, including meeting the code." This statement was followed by silence and some shuffling as no one on the committee replied about the site plan. Then staff interrupted saying, "He doesn't need a variance. You don't need a variance with that site plan." With that

statement from staff, the Chairman turned to the protestor and asked if he would like to see the plans. The protestor came forward to look at the plans. Then the Chairman said, "Let's get on with the testimony. If no one further is here to speak in favor of the request, let's hear from those in objection." At that point, the protestor began his testimony. After hearing from those in opposition, and the staff report, the committee considered how to vote on the request. B. moved to deny the request because no variance was necessary. The motion was seconded and the committee voted four to zero to deny the variance request.

This hearing followed the most common pattern. The Chairman opened and led the questioning of both applicants and protestors. During the testing period of the applicant, the committee discovered that the applicant had a design which met code, indicating that a variance was not really necessary. This constituted a fatal error which immediately shifted the committee's attention to the protestor. When the protestor made testimony without committing any more significant error, the committee voted to deny the variance and reverse the staff recommendation.

VZ 26. The applicant requested a variance from setback and building orientation requirements to construct a 7-11 convenience market in Southwest Portland. The applicant testified that due to the site location, adjacent

to an overpass, the variances were warranted and no other site design would work. The Chairman was very active in questioning the applicant, the representative of a large corporation, about the extent to which the neighborhood association had been allowed to have input into the proposal. The applicant stated that the neighborhood association was biased to the extent that one person owned a competing market in the same neighborhood (this was largely an incorrect statement) and as such they had no right to be a part of discussions about the proposal. Since the input of the neighborhood association was an important part of the committee consideration, the Chairman reacted by saying,

The people who live in these neighborhoods have a right to be consulted about what is built if variances are required. We expect contact with the neighborhood association to be made before these hearings.

At this point, the Chairman turned to the committee and said, "If there are no other questions of the applicant, let's move on to testimony of those in opposition." The protestor then made considerable testimony, after which the staff presented their recommendation. The hearing was then closed for discussion and the committee moved to deny the request, contrary to the staff recommendation. The committee voted four to zero to deny the request.

The applicant committed the fatal error of communicating disdain for the neighborhood association. Directly

after this statement, a constative act, the Chairman made a short statement of the importance of neighborhood association input and then rapidly shifted the hearing to the protestor's testimony. This rapid shift placed the bulk of the committee's attention on the protestors and again the staff recommendation was reversed to denial of the request. It appears that the fatal error undermined the validity of the testifier's input.

As pointed out on earlier, communicatives and constatives are often used to plummet the comprehensibility, sincerity, legitimacy and the truthfulness of statements. When testifiers violate these expectations, the committee's communicative attention shifts to the opposition and a reversed decision results.

VZ 68. Beginning with introductory statements and staff slide show, the Chairman opened the public hearing. During the slides, B. asked for explanation of the variance request with reference to a hedge on the west portion of the property. Then the Chairman asked for testimony from the applicant in support of the variances. The variances were to delete all landscaping requirements for the parking lot of a large office building in Northeast Portland. The applicant stated that there was no room for landscaping and that it was unnecessary anyway because of some existing landscaping and street trees. He stated that the city was "double-dipping" on the street trees by requiring more

trees in the middle of the parking lot. B. asked if parking spaces would be lost by meeting the landscaping requirements. The applicant stated that to add the landscaping, parking spaces in the lot would be reduced from 165 spaces to 140 spaces. Staff stated that they disagreed with this calculation. B. asked to see the applicant's plans showing the dimensions of the existing lot. After the committee examined the plans, the Chairman asked, "Couldn't islands which form triangles in the parking lot be used for landscaping without deleting existing parking spaces?" The applicant stated that, "Yes, this could be done. But, it would be prohibitively expensive." B. said there is more than enough room in those triangles to put in landscaping and it doesn't cost any more than using regular parking spaces. At this point, the Chairman asked for testimony from those in opposition. A representative of the neighborhood association testified that they were very much against the proposal. They felt that the landscaping was important to improving their neighborhood. They felt that having the landscaping is more important than a few parking spaces, although it didn't look like any parking would be lost. Z. stated that the parking lot should be landscaped but some landscaping already existed on the west side. The Chairman stated that there was a hardship for landscaping, not parking spaces, in this lot. At this

point he closed the meeting for discussion. They discussed the adequacy of landscaping on the west side of the parking lot. B. again stated that the internal landscaping requirements could be met by using three triangle areas which each were about 600 square feet in area. Z. stated, "I'm ready to make a motion." He then moved to deny the request, contrary to the staff recommendation, and the committee voted unanimously to uphold the motion.

Extensive testimony took place in response to the questioning and probing of both the Chairman and some other committee members. They were interested in the applicant's claim that landscaping could not be added to the parking lot without losing parking spaces. When the committee discovered that the applicant had exaggerated and that landscaping could be placed in the parking lot without losing any parking spaces, the Chairman immediately shifted the questioning to the protestors. The fatal error of the applicant, exaggeration of the loss of parking, undermined the validity of his testimony and caused a rapid shift of attention to the protestors. When the protestor did an adequate job of testifying about the need for landscaping and the fact that the applicant had exaggerated his inability to provide landscaping, the Committee reversed the staff recommendation and denied the variance.

Cases in which there was a reversal of the staff recommendation from denial to approval.

VZ 58. The applicant presented his request for a garage front setback on a new home to be constructed in Southwest Portland. The Chairman and H. questioned the applicant about roof lines on the house and garage to be built. Then the Chairman called for testimony from the opposition. A neighbor got up to speak against the proposal. His main concern was the congested parking on the street. He asked to see the slides of the street again. When the slides were projected, he pointed out that many cars were parked on the street. At this point the Chairman stated, at some length, that the cars were parked on the street even when driveway space is available, as shown on the slides. Even with the setback variance, ample room was left at the proposed house to park cars in the driveway. And, furthermore, the chairman stated that people have a right to park in the street anyway. At this point, the Chairman asked the applicant if he would like to address the parking issue further. The applicant proceeded to testify for several more minutes. After the applicant had finished, the Chairman allowed no more testimony, asking for committee discussion. The Chairman explained his view on the matter and no other committee member discussed views. H. moved to approve the variance. C. seconded the motion, and the committee voted five to

zero to grant the variance. In this case, the Chairman began to interject opinions about the case early in the hearing, during the presentation of staff slides. The applicant gave testimony primarily about the design of the house to be built. Rather than a rapid shift, testimony moved to the point where there were no further questions. When the neighbor began to testify in opposition his main concern was the parking. His fatal error was to use the slides to demonstrate his point. As the Chairman pointed out, cars were parked on the street even when driveway space was available. The Chairman carried on the entire dialogue with the protestor. After pointing out the error, he moved the testimony and the committee's communicative attention back to the applicant to allow rebuttal. This rapid change in attention led to a greater number of speech acts received by the applicant and a reversal in the staff recommendation to approval in favor of the applicant.

VZ 13. After the Chairman opened the hearing and the committee reviewed slides of the site, the applicant presented his case for granting setback and parking variances to reconstruct a preexisting warehouse which had burned to the ground in Southeast Portland. The committee Chairman then asked if the committee had any questions of the applicant. Hearing none, he opened the questioning by saying, "Well, I have some of my own." This opened up the

interaction and two other committee members also questioned the applicant. After hearing from the applicant, the Chairman asked for input from others in favor and in opposition. When testimony was concluded, about 40 minutes into the hearing, the Chairman closed the hearing to allow committee discussion. As the committee began to discuss the case, A. said, "Wait a minute, someone just entered the room." The committee Chairman reacted in disdain, "If we open it up again we have to go through it again. [Pause] Ok, come and sit down. Are you in opposition or support? [Turning to committee.] We may have to hear rebuttal from the applicants again." With that late introduction, the protestor began his testimony. His primary complaint was the potential affect of the east side of the proposed warehouse on his property. After some discussion of this problem, Z. stated, "The problem, Mr. S., is that they would be allowed to build that way on the east side without a variance." The variance only pertained to the west side of the building. With that point made, the Chairman asked if the applicant had further testimony to make. The applicant returned to the stand for ten minutes of rebuttal. The Chairman closed the hearing again for discussion. Z. moved for approval with conditions. The motion was seconded and the committee voted to zero to approve the variance even though staff recommended denial.

In this case, the protestor doesn't arrive at the hearing until after all the applicant's testimony has been heard by the committee. Not only that, the protestor objects to the industrial building on the east side -- the variance applied only to the west side of the building. After these fatal errors the Chairman switches the testimony back to the applicant for rebuttal. The errors destroyed the validity of the protestor's testimony and the committee reversed the staff recommendation to approval, in favor of the applicant.

VZ 78. The subject of the variance hearing was a request for a height variance to allow construction of a single family dwelling in Northwest Portland. After the introduction by the Chairman and a slide show presented by staff, the applicant presented testimony, at length, about the hardships imposed by the steep lot and his design plans for a home. The Chairman led the questions by asking how the proposed home would affect views of residences uphill from the site. There were many questions from the Chairman and other members of the committee about the design of the house and the necessity of having an additional story on the house. The staff recommendation was for denial, so the committee questioning reflected a dubiousness that the lot posed a hardship warranting a variance to the extent claimed by the applicant. After twenty minutes of questioning, when no errors were dis-

closed, the Chairman called for testimony from those objecting to the proposal. The objector came to the testifier's table and argued that the building proposed by the applicant would impose on his west view due to the increased height of the building. The objector owned property east of the site which is downhill. After finishing, the Chairman stated that he knew the area well and couldn't see how the site downhill from the project would be affected. He asked the protestor how much drop was involved from his lot to the building site. The protestor stated that there was 70 feet difference between the building site and the middle of his lot. C. then asked the protestor what zone his lot was in and what building plans he had. The protestor stated that he was in a multifamily zone and was thinking about building a four-story apartment on the lot. The Chairman then stated that he felt the four-story apartments would probably impact the proposed residence more than vice versa. The Chairman then asked if the applicant would like to make rebuttal to the protestor's claims. After rebuttal, the Chairman closed testimony. C. moved that the variance be approved. H. seconded, and the committee voted four to one to approve the request.

During this hearing the Chairman and other members of the committee spent twenty minutes questioning the applicant about his proposal. After that period of time,

they appeared to have their questions satisfactorily answered. The Chairman moved to testimony from the protestor. This pattern followed the natural transition of questioning when no fatal error is committed. The protestor claimed that the proposed home would adversely effect the view from his lot. The Chairman challenged this since the protestor's lot was downhill and allowed four story apartments. Testimony from the protestor took five minutes, and after the fatal error the Chairman quickly reopened testimony to allow the applicant more time for rebuttal. The opening testimony of the applicant and the rapid shift back to the applicant for rebuttal led to a predominance of committee acts received by the applicant. This rapid shift in attention was the primary indicator that a reversal of the staff recommendation was going to occur.

VZ 51. The Chairman opened the meeting, and staff showed slides of the property. The applicant opened testimony requesting a variance for required parking to allow conversion of a single-family residence to a three-unit apartment in Northeast Portland. He stated that the building was converted illegally some time ago and that he only became aware of it when an inspector cited the building for failure to meet building and fire codes. The committee questioning was relatively short. Z. asked what plans the applicant had for "bringing the building up to

code." The applicant stated that he was in the process of upgrading the entire building at this time. The Chairman then asked if protestors would like to speak on the proposal. The only protestor came forward and stated that he did not really object to the proposal as long as the building and fire codes were met and the building cleaned up. He also stated that there was no real parking problem in the neighborhood. With that testimony, the Chairman closed the public hearing for committee discussion. A. moved for approval of the variance, contrary to the staff recommendation, and Z. seconded. The committee voted three to one to approve the variance.

In this case, the protestor committed a fatal error of a different type in that he understated his opposition to the request. In the interview following the hearing, he stated that he had wanted the request to be denied, but was dissatisfied that he hadn't expressed that in the hearing. By putting his emphasis on bringing the building up to code, he helped the applicant to have an approvable request. The Chairman did not shift the testimony back to the applicant, but he did rapidly close the hearing to allow committee discussion. By controlling the direction of the committee attention and the important issues of their discussion the Chairman exercised great influence on the outcome of the hearing. The committee then voted to reverse the staff recommendation and approve the request.

Cases in which the staff recommendation was not reversed.

VZ 107 -- The Chairman opened the hearing and staff presented slides of the property. The applicant presented his request for a variance to allow less parking at an apartment building in North Portland where the number of units had been increased from five to seven. The applicant gave a complete presentation, stating that the apartments had been added some time ago and that he was unaware that those units did not meet requirements when he bought the complex. The Chairman asked many questions about the parking and the condition of the building. Z. asked how so many violations took place without the owner knowing about them. The applicant (owner) stated that he had a management firm taking care of the building. After 30 minutes of testimony the Chairman asked for testimony from those in opposition. Three neighbors opposed the project because of the run down condition of the building and the need for parking in the area. One protestor also challenged the dimensions shown on the applicant's plans, stating that the applicant didn't need a variance because there was room for both landscaping and parking spaces. The Chairman then questioned the applicant about the dimensions on the site plan. A. asked the applicant what kind of units were in the building in order to determine what parking was necessary. After about ten minutes more of questioning the applicant, the Chairman

closed public testimony. The staff presented their report. B. questioned the history of the project. B. then stated, "For what its worth, seven units doesn't bother me." He went on to say that only a small portion of the neighbor's objections were related to the parking. H. stated that he felt parking was necessary and feasible on the site. B. moved to approve the variance with the provision that five parking spaces be provided (the number the applicant claimed he could supply) and B. seconded the motion. The committee voted four to one to approve the variance, in keeping with the staff recommendation.

No rapid shifts of committee attention occurred in the hearing. The committee, particularly the Chairman, strenuously questioned the applicant for half an hour. Since all the committee questions were answered satisfactorily, the Chairman moved the testimony to the protestors. Three protestors spoke against the proposal, raising the issue of whether the applicant's site plan was accurate. Based on this concern, the committee questioned the applicant again for ten minutes. Since the applicant maintained the validity of his testimony through 40 minutes of questioning, the committee voted to adopt the staff recommendation. Where both sides maintained their credibility, the committee found no reason to overrule the staff recommendation. In this case, since the applicant withstood a long period of testing, he received the dominant number of speech acts

and the staff recommendation was sustained in his favor.

VZ 164 -- The Chairman introduced the Variance Committee and staff showed slides of the property. The applicant presented her case for the variance, a request to locate pigeon coops closer than 50 feet to surrounding residences in Northeast Portland. V. interrupted, saying this is our first pigeon coop variance (followed by committee laughter). The applicant went on to state that there were no odor or noise problems with the coops and that it was not the intent of the code to preclude pigeon coops on small inner city lots in Portland. The applicant's husband also testified about the process of keeping and raising pigeons. F. asked if the applicants were in the commercial business of breeding pigeons for sale. The applicants stated that they were not. The Chairman then asked if any others would like to speak in favor of the proposal. There were none, so he asked for those in opposition to speak. The protestor, a neighbor adjacent to the pigeon coops on the north, testified that the pigeons caused many problems for them. She stated that pigeon droppings were all over the roof and driveway, creating an unsightly and smelly mess. The protestor stated that the cooing of the birds was also distracting night and day. The protestor's husband spoke briefly saying he couldn't smell the birds because of a nose operation he had many years ago (the committee laughed).

Two other neighbors also testified about problems associated with the birds. The Chairman asked the applicant if she would briefly like to add something. She said that odor was not a problem and that the protesting neighbors got along with the previous owners of their house only because it was vacant for three years. The Chairman interrupted and told the applicant to stop name-calling. The applicant said this is not name-calling. The Chairman again interrupted and said, "Stop! This is not a life threatening variance or a project where a developer has millions of dollars resting on the outcome. You're all nice people who are having an honest disagreement. So stop name-calling." The applicant's husband stated that they were trying to work out a compromise solution. At this point, the committee questioned the applicants for about ten more minutes. Then C. stated that perhaps the committee should give the applicants six months to find a new place for the pigeons because (turning to the applicants) at this point "you're swimming upstream, anyhow". Then the Chairman closed testimony. The staff report was presented with a recommendation for denial. F. moved for outright denial. C. seconded the motion. The committee voted five to zero to deny the variance request.

In this variance case, the applicant spoke at considerable length about the proposal. During that time the Chairman and one other committee member asked many ques-

ions of the applicant. The protestors also spoke for some time. During the applicants' testimony, the Chairman challenged the impropriety of certain comments. This is an unusual circumstance and an unusual reaction by the committee Chairman, but it does not constitute a fatal error because the focus of the committee attention did not rapidly move back to the protestors. The normal flow of testimony occurred in which both sides testified, at some length, and then the hearing was closed for committee discussion. In total, however, the number of committee speech acts to the protestors outweighed the number received by the applicants. As a result, the committee voted to uphold the staff recommendation.

VZ 11 -- The public hearing was brought to order by the Chairman, and the staff showed slides of the property. The applicant explained his request for height and setback variances which would allow him to construct a new home in Southwest Portland. He explained that the variances were necessary because of the drop in the property grade and that he had shared his house design with the neighbors. F. asked if the post shown in the slides indicated the projected height of the house. The applicant stated, "That is correct." The Chairman also inquired as to why the house needed to be higher. The applicant replied that the house wasn't really higher but that it looked higher from street level, because the steep lot necessitated building

the house closer to the front property line. The Chairman asked if the committee had any further questions of the applicant. The Chairman then asked for testimony from the protestor. The protestor came forward, stated that she was worried about the height of the house, and that the applicant might change the plans after approved. She also asked that, if the proposal was approved, the post could be left in place to insure that the house does not exceed that height when built. The Chairman stated that he felt there was a good chance that the variances would be approved but that the post could be left in place. At that point, he asked the applicant if the post could be left in place. The applicant stated that it could be left in place. The Chairman then closed the hearing and asked for the staff report. The staff recommended approval of the project. The Chairman then asked if there was discussion or a motion from the committee. H. moved for approval. C. seconded and the motion passed five to zero.

The Chairman of the committee asked questions of the applicant regarding the height of the house. Two patterns marked this hearing. First, the Chairman did the majority of communicating with both the applicants and protestors. Second, no sudden shifts in committee attention occurred. Both applicants and protestors were given an opportunity to speak. The height of the proposed house was the issue and when the participants finished testifying, the commit-

tee voted to adopt the staff recommendation.

VZ 182 -- The hearing began with introductions from the Chairman and slides of the property provided by the staff. The applicant presented his plan to expand his tavern in Southwest Portland, which required a front setback variance. He stated that the present tavern was an old building which was built right next to the sidewalk many years ago. His plans to add on to the tavern would continue the existing wall line, but go no closer to the sidewalk. The Chairman asked if there would be room for any landscaping between the building and the street. The applicant stated that there would be about one foot which is not enough for landscaping. The Chairman asked if street trees could be planted to soften the view of the building. The applicant stated the street trees could be provided in the sidewalk area. The Chairman asked if the Committee had any other questions of the applicant. They did not, so the Chairman asked for testimony from others in favor of the project. The applicant's grandfather spoke in favor of the variances. The Chairman then asked for testimony from those in opposition. The protestor came forward to argue against the proposal. The protestor stated that the building addition would hamper the view of drivers coming out of the tavern parking lot and therefore cause a traffic safety problem. The Chairman asked staff if the traffic engineer had reviewed this proposal. Staff

stated that the traffic engineer had not looked at the plan, but that he would before building permits were issued. The Chairman asked the protestor if the side street where the addition would be located was a heavily trafficked street. The protestor stated that it was not particularly, but since those coming and going frequent the tavern, a danger is still posed by the addition. The Chairman asked if the applicant wished to address these concerns. The applicant stated that the driveway is right next to the existing building so nothing would be changed by the addition. He also stated that this was not the main entrance to the parking lot, so the curb cut would be used only by a few employees. He stated that because the side street was not busy, little danger would be presented by the addition. The Chairman then asked the Committee if they had further questions. Some questions were asked of the applicant. The Chairman then closed the public hearing and asked for the staff report. The planning staff recommended approval. The Chairman then asked for discussion or a motion. B. moved for approval of the request. W. seconded and the group voted four to zero to adopt the motion.

Again the Chairman has a very active role in pursuing questions both with the applicant and protestor. If a fatal error does not occur, the Chairman engages in a ritual review of both sides of the issue. Testimony winds

down after each side has a chance to participate, and then the committee makes a decision. The pattern of ritual review begins with applicant's testimony and is marked by an ending transition. The Chairman asks, "Are there any further questions from the committee?" Hearing none, the Chairman asks, "Are there others who wish to testify in support of the proposal?" After those in support speak or if there is no such testimony the Chairman asks, "Are there people here to speak in opposition to the proposal?" Then the protestors testify. When fatal errors occur, these transition statements are discarded and a rapid shift in testimony occurs.

VZ 29 -- The Chairman opened the hearing, and staff showed slides of the property. The applicant explained his request to allow hedges on the property line to be over the height limitation of the code. He stated that the main reason for the hedges was to provide privacy for a deck in the back yard at their home in far Northeast Portland. He stated that because the neighbor's property on one side was higher than his the hedge must be at least eight feet high. V. asked how long the hedge had been at this location. The applicant stated that the hedge existed when he moved in about three years ago. F. asked why the hedge also needed to be taller on the downhill property line. The applicant answered that this hedge also enhanced their privacy even though it was not as necessary as on the

uphill side. The Chairman then asked to hear testimony from those protesting the variances. The protestor stated that she objected to the neighbor's hedge because it was not kept well trimmed. Not only that, the hedge reached a height of over ten feet. She felt that this was well beyond what was necessary to maintain privacy for the applicant. She also questioned whether the hedge was necessary on the downhill side. Two other neighbors also testified that they wanted to see the hedge maintained at a lower height. The Chairman then closed the public hearing and asked for the staff report. Staff recommended denial of the variances. After the staff report was completed, the committee discussed the proposal. They felt that the hedge was higher than necessary to maintain privacy and that the applicant had not established a good record of keeping the hedge trimmed. F. moved that the variance be denied. The motion was seconded and passed five to two.

In this case, no fatal errors were committed by the applicant or protestors, so the committee adopted the staff recommendation. The sequence of testimony in the hearing followed the pattern of the other non-reversal hearings: The Chairman led questioning of the applicant first and then the protestors. No rapid changes in committee attention transpired, so they adopted the staff recommendation for denial.

VZ 50 -- After the Chairman's introduction and the

staff slides, the applicant presented his request for a lot size variance to allow splitting off another buildable lot in a Southwest Portland neighborhood. He explained that the current owner wanted to sell a portion of the lot since he had almost two lots in area. He explained that this would conform to the City's goal for providing more housing. He explained that lots in this area tended to be large, so that an additional lot would not be a detriment. The Chairman asked why, if the lots were so large, is it a hardship for the current owner to maintain a larger lot. He also asked the applicant if it was wise to set a precedent for dividing lots further in this area. The applicant explained that these things wouldn't be a problem since he would build a nice home on the new lot. The Chairman asked if those in opposition to the request would like to speak. Five protestors spoke against the lot split. They voiced consensus about the character of the neighborhood if a precedent were set for dividing each lot into two and doubling the density in the area. They also expressed concern about the access to the new lot which was on a shared driveway with the existing four residences. After sixty minutes of testimony and questioning, the Chairman closed public input and asked for the staff report. The staff recommended denial for the variances. The Committee discussed the lot split and also expressed concerns about the precedent of splitting the

lot and safety factors surrounding the limited driveway space. A. moved to deny the variance. The motion was seconded and the Committee voted four to zero to deny the variance.

The Chairman, in particular, and the committee questioned the applicant for a long time. Then, following the pattern of non-reversal hearings, they heard testimony from the protestors. No fatal errors were committed, so the committee adopted the staff recommendation.

VZ 84 -- The hearing was opened by the Committee Chairman, and the staff showed slides of the property. The applicant presented the variance request for lot area variances to divide two lots in Southwest Portland. The applicant stated that variances should be granted because other lots the same size exist in many places in the same area. The applicant cited the fact that lots in the area were platted this size many years ago and this established the development pattern in the surrounding vicinity. The Chairman asked the applicant if a house existed on either lot presently. The applicant stated that the property was a single 10,000 square foot vacant site. Two 5,000 square foot lots could be divided out of the parcel. The Chairman then asked if others wanted to make comment in favor of the proposal. The applicant's father spoke in favor, stating that this lot had been owned by the family for many years. The Chairman asked the father if he was aware

that a 1979 area-wide study, adopted by Council, had precluded such land divisions because public facilities are deficient to support additional housing density. The father said that staff had advised them of the study, but they felt the committee should hear their case. The Chairman then asked if any of those in attendance wished to speak in opposition to the proposal. A protestor representing the neighborhood association testified against the proposal, saying that many similar variances had been denied in the past and that an approval would be contrary to the City's record. The Chairman closed testimony and asked for the staff report. The staff recommended denial of the proposal. The Chairman closed public testimony. He stated that the Committee understood the applicant's situation but that City Council policy made it impossible to approve the request. The committee voted seven to zero to deny the request.

The Chairman led the committee's questioning and probing of the applicant. The applicant's father also spoke in favor of the proposal. No fatal errors occurred so the ritual pattern of transition to those testifying in opposition took place. When testimony was finished the committee adopted the staff recommendation.

Conclusions About the Data

Quantitative analysis shows that a significant difference exists in the use of speech acts by different

groups of participants in the hearings. However, the data do not show that the differential use of speech acts by applicants and protestors dictates the outcome of the hearings. The quantitative data show two important factors -- the Chairman's influence and the direction of the committee acts -- which do influence the outcome of the hearings. These two factors are also born out in the crucial case analysis. In addition, analysis of the crucial cases shows a pattern of ritual review which constitutes the third factor in understanding the interaction process in the hearings.

The first factor is that the Chairman exercises a great deal of authority and influence over the flow of communicative interaction in the hearings. Control over the direction of speech acts from the committee to the applicants and protestors, as has been shown, is a primary indication of the direction of the final decision. In total, five different individuals took the role of Chairman during the twenty-five hearings which were observed for this study. All five are represented in the fourteen crucial cases.

The committee Chairman fulfills the role of directing the sequence of the hearing -- which parties speak, when and to what length -- and directing the issues to be addressed. All the interaction between applicants and protestors is directed through the Chairman. No cross-

examination is allowed between the parties. For instance, when the protestors have questions for the applicants, the Chairman directs that the questions be stated and allows additional time for the applicant to respond to the questions. Allowance for rebuttal, on both sides, is also controlled by the Chairman, so that testimony has a termination point. In one hearing (VZ 13), the primary protestor arrives after close of the testimony. As a result, the Chairman reluctantly reopens testimony to hear the protestor's concerns.

The Chairman also exercises executive privilege in terms of expressing opinions, oftentimes prior to the committee discussion period. For instance, one committee Chairman interrupts the slide presentation (VZ 58-85) to state, "None of the houses on this street meet the zoning code requirements." This is very early in the hearing, prior to any testimony being given. As a result, the statement may have a biasing effect on the outcome before the applicants and protestors voice their input. In another case (VZ 13), the Chairman states, during the testimony, "I don't like side yards on industrial buildings." The issue in this case is whether or not to grant a variance to allow a zero side yard. A comment of this type communicates a bias from the beginning. Exercise of executive privilege seems to be an accepted part of the Chairman's role; in fact, it is

within the Chairman's recognized authority. But no other committee members were observed expressing opinions, outside of questions or statements made directly to the testifiers. Statements of opinion, not directed to a specific party, are confined to the committee discussion period.

The most instrumental role of the Chairman in shaping the final decision involves the responsibility for directing communicative and constative speech acts addressed to the applicants and protestors. All five of the Chairmen were observed to take the lead in questioning the parties in the hearing. In five of the hearings (VZ 13, VZ 121, VZ 58, VZ 152, VZ 11), the Chairman was observed to ask for questions from the committee after the applicant's testimony. No questions were asked by the other members, so the committee Chairman initiated questioning. After the Chairman's initiation, the committee members began asking a series of questions of the applicant. This process was not repeated after the protestor's testimony, indicating that if questioning is initiated, the committee feels more freedom to interact with the testifiers. However, the most fundamental role of the Chairman is in leading the constative questioning. Initial questions asked of testifiers, both applicants and protestors, are informational in content. Fairly quickly the questions become more pointed in order to test the assertions of the testifier. The

Chairman is the primary leader in using constative acts to rationalistically test the assertions of both applicants and protestors. Testing the assertions of the testifiers, which is primarily initiated and focused by the Chairman, is the hinge point of the hearing in terms of the direction taken by the committee speech acts and the final decision. The Chairman, having established the role of coordinator of the hearing sequence, has freedom to initiate the testing (constative) period in the hearing. The testing period generally follows each testifier's statements. The tenor of these Chairman-initiated constative acts focuses the committee questioning and is responsible for the differential attention on the applicants or protestors by the committee. As has been shown earlier, the decision favors the applicants or protestors depending on who receives the most speech acts; i.e., attention, from the committee as a whole. Because he leads the assertion testing (constative) periods in the hearing, the Chairman is instrumental in focusing the attention, and thus the directionality of the speech acts, of the committee.

This leads to a discussion of the second major factor in understanding the final decision of the hearing: the two-way nature of the communication used in the hearing. In the majority of the cases, the content and form of speech acts uttered by the applicants and protestors is of secondary importance to those speech acts directed to

them by the Variance Committee. In those cases where a fatal error occurs it is more the effect of an unexpected exchange which dictates the course of the hearing rather than the efficacy of individual testimony. In addition, it appears that the content of what the applicants and protestors say is not nearly so important as what they do not say, in terms of avoiding a major error which undermines the validity of the participant's testimony as a whole. If a major error is not committed, the hearing flows ritualistically (directed by the Chairman) back and forth between applicants and protestors to exhaust testimony and test the validity of the statements uttered by the applicants and protestors. This ritual flow is conducted in an identical fashion each time with transition phrases used to move from one set of testifiers to the other.

The transition phrases are those lead-ins used by the Chairman to move from one group of testifiers to the next. The transition which occurred in all cases, except those in which a fatal error occurred, included a request of the committee to see if they wished to ask more questions and a request from the Chairman to hear from others who wish to testify on behalf of the first group of speakers. Then the Chairman asks if there are those in opposition. The transition phrases are indicated in the account of the ritual order process.

By contrast, if a fatal error is committed, a rapid

shift -- without ritual transition statements -- occurs in the committee's attention toward the applicants and protestors. When a rapid shift occurs, the transition phrases are truncated. The Chairman transitions to the other testifiers with a single statement -- "Let's hear from the protestors (or applicants) now."

The constative periods, initiated and focused by the Chairman, are the hinge point of the hearings because during the testing period fatal errors are disclosed. A fatal error is a response during the constative period which undermines the credibility -- the validity of the statements uttered -- of the testifier so that the committee attention shifts away toward the other testifiers. For purposes of the crucial case analysis a fatal error is defined as a set of speech acts which is followed by a rapid shift in the committee's attention, in terms of acts initiated, toward the other party (applicant or protestor) in the hearing. These acts are usually committed during the constative period, and the shift in attention of the committee varies but always takes place within a few speech acts of the error. For instance, in all the hearings where the staff recommendation was reversed, a fatal error was committed by the losing party. In one case, the applicant presented an alternative site plan (VZ 121) in which all zoning requirements were met. This disclosed the fact that a variance was not

really necessary. As a result, in total the Chairman and the committee initiated more acts to the protestor and reversed the staff recommendation. Other examples of fatal errors include refusal to meet with the neighborhood association (VZ 26), a greater impact posed by a protestor development (VZ 58) and arguing about aspects of the proposal which are not the subject of the variance, i.e. setbacks on the opposite side (VZ 13) and on street parking (VZ 58), or under-emphasized objections (VZ 51).

In all cases where the staff recommendation was reversed, a fatal error was disclosed during one of the constative periods of the hearing led by the probing of the Chairman. In those cases when no fatal error occurred, the committee focused on the testifiers whose position paralleled the staff recommendation. In those cases where the staff recommendation was reversed by the committee, a fatal error was disclosed by the constative, assertion testing, period of the hearing.

The tendency to commit a fatal error in the hearings appears to be related to the lack of previous experience in public hearings in the City of Portland. Table IX shows that, generally, applicants had previous hearing experience (14 of 25) and that protestors generally had no hearing experience (19 of 25). When those with and without previous experience are crosstabulated with those who committed fatal errors in the hearings, seven of the

eight participants who committed fatal errors had no previous hearing experience. Of those committing fatal errors, five were protestors (none of whom had previous experience) and three applicants (two of whom had no previous hearing experience). The applicant who had previous experience but still committed a fatal error was an attorney who had not appeared at a land use hearing in the City of Portland in the last ten years.

The ritualistic procedure followed by the committee sets the context for determining the relative validity of the testimony of the speakers in the hearing. The committee appears to put credence in the staff recommendation for their initial opinion of the validity of the request. The committee members have received the written staff report and recommendation in the mail approximately ten days before the hearing. During the interviews, when committee members were asked, "What, in your opinion, is the role of the staff recommendation?" thirteen out of fifteen members stated that the staff recommendation is heavily influential and provides a starting point of facts and objective findings about the case.

When asked, "under what circumstances would you overturn the staff recommendation?" the committee members gave a wide range of responses. Five stated they voted to reverse the staff when new facts or information surfaced which modified the staff recommendation. These members

stressed that the hearings sometimes shed "new light" or gave a "new sense" of the circumstances behind the request. Five members stated that they would overturn the staff recommendation when they felt approving the request would result in trivial detriment. Two stated they would overturn the staff recommendation if they felt those testifying made a good case for or against the proposal. One stated that sometimes the committee has a stronger grasp of reality in the neighborhoods than the staff. One stated he would overturn the staff recommendation if the staff failed to make strong arguments. And, one stated that there were no specific circumstances in which he would overturn the staff recommendation.

Actual observations of the hearings showed that in those cases where applicants or protestors committed a fatal error, the committee tended to reverse the staff recommendation. Analysis of the fatal errors shows that they fall into three basic categories. The first category is that of statements which are shown to be socially or factually invalid in the hearing. These errors include factual errors and exaggerations disclosed in VZ 58, VZ 68 and VZ 78. The category also includes the hearing in which the applicant broke an important taboo of the Committee by stating that the neighborhood association had no business being informed of the request.

The second category of fatal errors is statements of

misplaced trust in which testifiers provide "up front" information or make statements which understate their opposition to the case. These errors occurred in VZ 121 and VZ 51.

Structural offenses constitute the third category of fatal errors. These errors interrupt the ritualistic sequence of the hearing. This occurred in VZ 13, when the protestor arrived late after the chairman had just closed testimony. The late appearance radically interrupted the orderly sequence of the hearing.

These three types of errors interrupt the ritual review because they cannot be easily integrated into the sequence. Based on the interview data, two possible reasons exist for the rapid shift in committee attention. Perhaps, embarrassment, or the effort to "save face" for the testifier, leads to a rapid shift in the attention of the committee. Three of the fifteen committee members stated that identification with the testifiers' difficult and uncomfortable role in the hearing influenced their decisions. Goffman (1955) has pointed out that loss of face creates a group environment which breaks a basic condition of interaction (maintenance of face). When such a break occurs, corrective processes are necessary to reestablish a comfortable social environment. The committee's rapid shift in attention, away from the participant to the other testifier, may be a corrective action which is

intended to shift attention away from the speaker who has lost face and reestablish the ritual order. However, no data are available to confirm this possibility.

Perhaps, to be more in keeping with Habermas's framework, if one of these three types of misstatements or structural errors occurs, the offense undermines the validity assumptions of the communicative discourse. Once those assumptions are undermined, the Committee sequence, which constitutes a ritual of testing assertions, no longer needs to focus on the testifier who has committed the error. This is consistent with the fact that the committee members indicated that new facts and information and the testimony of the testifiers might lead them to overturn the staff recommendation. When misstatements reveal new information or a "new sense" of the case, the committee's initial presumption of validity is undermined and the committee turns to the other testifiers to see if they present a more credible case.

The two possible explanations contain related concepts in the sense that maintaining validity and face are both related components of communicative competence. Goffman points out that communicative competence is not simply a quality of the individual, but a product of the ritual order itself.

In spite of these inherent pathologies in the organization of talk, the functional fitness between the socialized person and spoken interaction is a viable

and practical one. The person's orientation to face, especially his own, is the point of leverage that the ritual order has in regard to him; yet a promise to take ritual care of his face is built into the very structure of talk. (Goffman, 1955:323)

In those hearings where the applicants and protestors did not commit one of these three categories of errors the ritual sequence ran its course with the predominance of committee attention focused on the applicant's or protestor's position which most nearly paralleled the staff recommendation. The staff recommendation, as demonstrated by the data, establishes the initial presupposition of validity for the committee. This presupposition is maintained within the framework of the ritual process which provides all the participants with an opportunity to speak. When the ritual process, and the presupposition of validity, is interrupted, a shift in committee attention and a reversal in the final decision occurs.

In summary, few day-to-day experiences allow us to be involved in public decision-making. But, land use hearings allow us an opportunity to observe public decision-making. The preceding findings regarding decision-making show that:

A) Only the Variance Committee members express the full range of speech acts in the public hearing. As a result, they control the interaction and the final decision.

B) The protestors express fewer speech acts as a result of less education, background and preparation prior to the hearing.

C) Since the committee controls the decision, the focus of the committee's communicative interaction on applicants or protestors accounts for the nature of the final decision, approval or denial.

D) In fact, the committee Chairman, by virtue of his role as leader of the committee, is the most influential participant in the hearing. The fact that the number of communicative and constative acts used by the Chairman is strongly associated with the acts received by applicants and protestors is one mark of this influence.

E) As a result, access to free and open communication in the hearing is limited. As stated earlier, during 1985 the committee reviewed 65 variance requests. Forty-six (70.8%) of those hearings resulted in approval. In the 25 hearings observed 14 (56%) resulted in approval. Thus, the overall pattern appears to favor the applicants to a greater extent than do the sample hearings. In any case, the data do not corroborate a pattern which is totally one-sided in favor of the applicants. In addition, some placation occurs, since most of the participants express satisfaction with the process. Although the applicant's have more background and facility in using findings, the final decision favored the applicant in only fourteen out

of the twenty-five hearings. This approval rate may be stronger than it appears since the staff recommendation favored the applicants in only twelve of the twenty-five cases. And, in cases where the staff recommendation was reversed, the final decision favored the applicants in five of the eight reversal cases. We would expect a higher number of reversed staff recommendations in favor of the applicants if a pattern of systematically-distorted communication resulted in an unbalanced distribution of approval decisions.

The data indicate that the nonsymmetric distribution is an inherent aspect of the power relations established in the public hearing. Therefore, the nonsymmetry lies in the contrast between the committee and the testifiers, both applicants and protestors, to a greater extent than the effects of nonsymmetry between applicants and protestors.

These findings make some sense in a public hearing largely controlled by the Variance Committee. The committee makes the final decision by expressing the majority of the regulative acts and dominating the verbal communication. However, they do not reach a final decision without considerable interaction with the other participants in the hearing, particularly the applicants and protestors. In the majority of the cases (15 out of 25) the applicants had a sizable advantage in that they had

more preparation by the staff, more education, more prior experience and more professional occupational status. As such, they employed and articulated findings more when questioned in the post-hearing interview. The relationship between the background of the participants and the facility to use findings was discussed in an earlier section. The articulation of findings is a verbal aspect of communicative competence, which gives the applicants more "appearance" of credibility before the committee. However, the committee, being familiar with the findings and having the relative perspective of many hearing experiences, may find reason in specific cases to focus on the protestors. This may be a result of the staff recommendation, or when it is not, the committee's own perspective from past experience. During the interaction process with the applicants and protestors they please themselves as to where the better case lies. In fact, since the committee is familiar with the findings, they use the interaction process to reinterpret the testifiers' statements in terms of the criteria established in the zoning code for granting variances. Reinterpretation through the interaction process accounts for the fact that the content of the testimony is only marginally important. As the same crosstabulation shows, the ability of participants to articulate the findings is only moderately associated with the final decision. In those cases where the final

decision was denial there is no greater rate of articulation of findings by the protestors than the applicants.

Therefore, it appears that the committee makes use of the speech acts so that a ritual interaction process occurs which allows for testing, probing and an understanding on the part of the committee about how the case weighs up against the required criteria for variance approval. Based on this interaction pattern, and to a lesser extent the content of the communication, the committee derives its final decision. When the committee focuses interaction on the applicants, a decision of approval is most likely. Only when the committee focuses interaction on the protestors does the decision result in a denial.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER RESEARCH

Freedom to interact in a democratic society requires freedom of communication. Similarly, a theory of democratic action rests in large part on a valid theoretical understanding of communicative action. Without equal access to knowledge, decision-making structures and communicative competence, participants in a society cannot take equal part in democratic processes. As we have illustrated, communicative competence is a central tenet of Habermas's theory of rational discourse.

Study of the variance reviews as a type of public land use hearings process allows examination of communicative interaction between groups of participants in an ostensibly democratic process. The hearings are established, at least in the eyes' of the participants, to provide a vehicle for gaining public input into the land use decisions. However, this study has shown that the hearing is structured so that communicative competence is not equally distributed among the participants. For various reasons, discussed earlier, the applicants have a substantial advantage over protestors in the presentation of a case. In addition, the committee members, and particularly the Chairman, set the

direction of the communicative action and the final decision in the hearing. The staff recommendation also provides a starting point for focusing the communicative attention of the committee. If a substantial mistake is made by the applicants or protestors, the committee's attention shifts and the staff recommendation is reversed.

A summary of the findings shows that the relations of verbal communication and decision-making between the participants are constrained by several important factors (the Chairman's influence, the ritual review process and the communicative competence of the speakers) in the hearing environment. The data also indicate that decisions result from a complex set of communicative factors which reflect the power relations inherent in roles and subgroups of hearing participants.

The data show that the strongest single indicator of the outcome of the hearing is the direction of the committee attention and interaction in the hearings. The attention of the committee, as measured by their use of communicative and constative speech acts directed toward the applicants and protestors, is a predictor of the final decision in most of the cases. However, a complex set of variables appear to influence how and to whom the direction of the committee's attention will flow in the hearings.

These variables include the staff recommendation, the role of the chairman, the ritual order of the hearing,

and the communicative competence of the individual speakers.

Both the interviews and the crucial case analysis showed that the role of the chairman has a powerful and disproportionate influence on the focus of the committee attention. The role of the Chairman, which was filled by five of the fifteen committee members in the course of the twenty-five hearings, was crucial in probing and testing the testifiers through the use of speech acts. In addition, the Chairman controlled the structural framework of the hearings and the flow of the ritual process.

The ritual order appeared to operate in every single hearing observed. The process appeared to function to provide equal access of the participants to speaking roles in the hearing. On the other hand, the ritual process of alternating testimony tended to disguise the fact that committee biases toward the staff recommendation manifested themselves in more communicative attention to one group of participants in the hearing. When the flow of the ritual process is interrupted by an unanticipated error on the part of the testifier, the flow of the ritual changes focus rapidly to the other testifiers. Such rapid shifts in the ritual may function to save face when the credibility of the testifier is dramatically undermined by a critical error. By redirecting attention away from the testifier who has committed the error, the committee may be attempt-

ing to spare that party added embarrassment.

A disparity in the communicative competence of the speakers is demonstrated by the significant difference which exists in the frequency of use of the types of speech acts by the different groups in the hearings. This difference is most notable in terms of the use of communicatives and constatives. These acts represent the heart of the portion of the hearing dedicated to rational discourse. Applicants and protestors use these acts, communicatives and constatives, to build their case, present information, and test assertions in order to receive an affirmative decision from the committee. The fact that the protestors use significantly fewer acts than the applicants, who operate at a level more commensurate with the committee, illustrates their lower level of communicative competence in the hearings. This, coupled with the fact that protestors were able to articulate findings only about a third as much as the applicants, cements our feeling that protestors take part in the hearing with much less ability and preparation to demonstrate their case.

A strong case can be made that the differential use of speech acts between applicants and protestors can be attributed to more years of education, higher occupational status, and more previous experience on the part of the applicants. These attributes lead to increased communication skills and increased communicative competence in

the public hearings.

With regard to communicative competence, the study hypothesized that applicants would express more feelings of satisfaction after the hearings than would the protestors. By several measures, the applicants expressed more satisfaction with the hearing process, even when the final decision is held constant. In addition, the applicants stated that they felt more comfortable with exercising forms of questioning and the expression of emotion in the hearings. The differential comfort level of these groups just reinforces the finding that, as a group, participants enter the hearing environment with unequal communicative capabilities. In turn, these limitations circumscribe the ability of the protestors to make their case.

Finally, although both groups felt somewhat uncomfortable with the physical setting, they overwhelmingly stated that the physical environment did not inhibit their ability to say what they wanted to say in the hearings.

However, the concept of communicative competence must include more than the differential use of speech acts. Communicative competence must be conceptualized to include both speech acts and the facility to avoid errors of social interaction and presentation which cause embarrassment and undermine credibility in discursive environments such as the public hearings.

Crucial case analysis shows that in those cases where the committee's attention was redirected to focus on the protestors, a fatal error was committed by the applicant. In those cases where attention was rapidly shifted to applicants, a protestor had committed the fatal error. The committee, particularly the Chairman, uses the constative and communicative acts to probe the case of the applicant. If no critical mistakes are made, the attention of the committee focuses on the applicant and a decision of approval results. If one of the three types of errors is made by the applicant, the questioning and probing of the committee moves to the protestors. In these cases, the protestors have a better chance to articulate their case, which results in a decision of denial.

Theoretically, these findings are important because they demonstrate that communicative competence is a crucial aspect of success in the public hearings. The findings also show that actors in the hearings, particularly the protestors, do not have an equal chance based on use of speech acts to influence the final decision. However, the findings also show that communicative competence of the participants is moderated by the power relations and the ritual patterns inherent in the hearing process. The committee, as decision-makers, initiates the flow of communicative acts in a way which determines the final decision. It is important to make the distinction

that the communicative competence of the speakers is mediated by the hearing process. More research should be undertaken to determine to what extent communicative competence is the result of the hearing procedures rather than a quality of the participants.

These research findings are crucial to understanding the the process of decision-making in the context of a small example of democratic participation. Communicative competence is unequally distributed among groups of actors, so that they do not all have an equal chance to determine the final decision. The environment of the hearing is even more dominated by the committee and the Chairman than is obvious at first glance. What appears to be an exchange to get information is actually a thrusting and probing which quickly goes from informational to the testing of assertions. If no error is made by the applicants or protestors, under the pressure of such testing, the decision follows the staff recommendation.

Since an equal presentation of views by applicants and protestors does not occur in the hearing, democratic consensus building does not occur. Instead, the committee-initiated communicative acts tend to emphasize selective aspects of presentational form of the testifiers, depending on the presence of the factors discussed above -- the ritual order of the hearing, the role of the Chairman and the communicative competence of the speakers.

Several theoretical problems and directions for further research are stimulated by this study. An important theoretical problem, which must be dealt with in developing critical theory which follows Habermas's theories, is to operationalize consensus. Habermas states that the goal of democratic society is to allow communicative discourse to achieve consensus in decision-making. However, consensus is an ideal type which must be operationalized in some realistic way in order to further research the concept of communicative competence and its role in developing consensus. Consensus can be viewed in a simplistic sense as a unanimous vote among the committee members. However, this overlooks the fact that other participants in the hearing have no role in making the final decision. The issue needs to be resolved as to whether some other organizational form can be used to gain consensus among all participants in public decision-making. In addition, the level of agreement among the participants must be a part of the operational definition. It hardly seems possible that all parties would fully agree even though they might vote to accept a specific resolution. Without coming to grips with this problem, Habermas's discussion of consensus tends to be a paradise lost notion which lacks reality in democratic institutional arrangements.

In contrast, considerable theoretical controversy

exists about the role of conflict in the democratic process. More examination of the extent to which conflict and consensus are related should be undertaken. More to the point, the role of communicative action in dispelling conflict and developing consensus must be undertaken. Similarly, Habermas may have idealized the critical comparative contrast of systems of symbolic interaction versus systems of purposive-rational action. He may be incorrect in viewing systems of symbolic interaction as guileless, nonconflict sets of relations. In any case, systems of symbolic interaction are not environments with free and equal access to forms of communicative discourse. Systems of symbolic interaction are characterized by conflict and authority relations which do not promote equitable rational discourse.

Other forms of communicative action also need examination in order to complete a general theory of communication. Forms of communication such as verbal rituals and the convivial bantering which occur during the hearings do not fall easily into the four types of speech acts. But, many times these forms communicate crucial information about attitudes and perceptions during the hearings. These forms of communication are often the most elusive to systematically observe, record and analyze but, it is our feeling that they may hold leads to the dynamics of group decision-making.

Reconceptualization of the alienation hypothesis is necessary. In this sense Habermas has grasped the fundamental inadequacy of the notion that alienation occurs only in the context of human relationships to the end-products of their work activities. A theory which encompasses all the realms of life activity in a society is necessary. Habermas's Universal Pragmatics grasps this level of comprehensiveness but, as the data in this study demonstrate, the important weakness of the formula, which rests on the distribution of the communicative acts among the participants, is the fact that the communicative acts do not adequately describe the process in which decisions are made by a group. This study has been a start in integrating the process of focusing group attention, as a result of power relations, with the communicative acts as an indicator of asymmetric access to the outcome variables of public land use hearings. Hopefully, more work will be done by practitioners and theoreticians, in the future, to understand the role of communications in land use hearings.

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APPENDIX A

Applicant and Protestor Interview

Introduction: "We're conducting this study to determine the effectiveness of communication in the Variance Committee Hearings. We want to get your response to the hearing process and basic information about you on this study. Although your responses will be connected with your name, all the information is strictly confidential and will not in any way in getting your building permits to do what you want to do on your property."

1. What is your occupation? _____
 - a. How many years have you been employed at this occupation? _____
 - b. What was your previous occupation? _____
 - c. Have you ever held a job which you feel helped you to understand the terminology used in today's hearing?

2. Have you ever applied for a variance, zone change, or conditional use before? _____
 - a. If so, in what jurisdiction? _____
 - b. If so, how long ago? _____

3. To what extent did you feel free to ask officials in the hearing to define words and terms?

Very Free Free Neutral Restricted Very Restricted

- a. To what extent did you feel free to ask officials to explain what was necessary to justify your variance request?

Very Free Free Neutral Restricted Very Restricted

4. To what extent did you feel you could question the reasoning behind the zoning laws?

Very Free Free Neutral Restricted Very Restricted

5. To what extent did you feel free to express your emotions in the public hearing, i.e. your fears, frustrations or pleasure regarding the decision-making process?

Very Free Free Neutral Restricted Very Restricted

6. Do you have any other comments about the level of free and open communication which occurred in the hearing? _____

7. In what ways did you feel that gaining approval for your variance might be affected by what you said in the hearing?

a. What do you feel was the main reason relied upon by the committee in reaching a decision in your case? _____

b. In what sense did you feel your case met the findings necessary for approval? _____

c. What, in your own words, are the code prescribed findings necessary for granting variances? _____

d. Rank the following findings in the order of their importance, as you see it:

- ___ The tenor of neighborhood response
- ___ Trivial detriment to surrounding properties
- ___ Topographic or physical difficulties
- ___ Precedent for similar development in the area
- ___ Meets the intent of City codes and policies
- ___ Personal circumstances

e. What other factors do you feel should have been considered in reaching a decision? _____

8. What was the final committee decision regarding your variance? _____

a. To what extent do you agree with the following statement: "The hearing allowed open and clear communication in coming to this decision."

Strongly Agree Agree Undecided Disagree Strongly Disagree

b. Would you feel differently had the decision been different? _____

c. What in your opinion was the role of the official staff recommendation? _____

d. In your opinion, how much freedom does the committee have to overturn the official staff recommendations?

A Great Deal Fairly Much To Some Degree Comparatively Little Not at All

e. How strongly did you want the committee to uphold your argument?

Very Strongly Strongly Average Weakly Not at All

9. To what extent do you agree with the following statement: "The staff and committee members supplied me with accurate and truthful information about the variance process prior to the hearing."

Strongly Agree Agree Undecided Disagree Strongly Disagree

10. What did you expect the public hearing to be like? _____

a. Were you able to voice the kinds of inputs you expected to make during the hearing? _____

b. Did you expect the public hearing process to result in a fair and just decision? _____

c. Do you feel this was realized? _____

d. Did you expect your request to be approved? _____

e. What kind of presentation did you expect the staff to give? _____

f. What kind of feedback did you expect from the committee? _____

g. Did you receive that kind of feedback? _____

11. How did the formal setting of the hearing make you feel?

Very
Comfortable Comfortable Had No Effect Uncomfortable Very
Uncomfortable

a. How did you feel about speaking into a microphone?

Very
Comfortable Comfortable Had No Effect Uncomfortable Very
Uncomfortable

b. How did you feel about speaking in front of the group?

Very
Comfortable Comfortable Had No Effect Uncomfortable Very
Uncomfortable

c. How did the seating and table arrangement make you feel?

Very
Comfortable Comfortable Had No Effect Uncomfortable Very
Uncomfortable

d. Did these physical arrangements inhibit you in saying what you wanted to about the request? _____

12. What do you feel is the main purpose of the public hearing?

13. To what extent was this purpose realized in your case?

A Great Deal Fairly Much To Some Degree Comparatively Not at All
Little

13. Do you have any other comments about the hearing? _____

APPENDIX B
STAFF AND COMMITTEE INTERVIEW

Introduction: "We're conducting this study to determine the effectiveness of communication in the Variance Committee Hearings. I'll be asking you some questions, to which your answers will be taped. Although your responses will be associated with your name, all the information is strictly confidential and will be compiled only on a group statistical basis.

1. What is your occupation? _____
 - a. How many years have you worked as a _____?
 - b. What was your previous occupation? _____
 - c. What facets, if any, of your occupational history have helped you to understand terminology used in the zoning code and the variance committee hearings?

 - d. How many years have you been a variance committee member? _____

2. How familiar are you with an understanding of the purposes and intentions behind the city's zoning laws?

Very
Familiar Familiar Average Unfamiliar Not Familiar at All

- a. To what extent do you feel free to question the reasoning behind those zoning laws?

Very Free Free To Question Neutral Restricted Very
To Question Free To Question Neutral To Question Restricted

- b. How strongly do you agree that the public should be allowed to question those laws during the public hearing?

Strongly Agree Agree Undecided Disagree Strongly Disagree

- c. In your opinion, should public hearings be a forum for discussing the purposes of those zoning laws? _____

d. Do you have any other comments you would like to make? _____

3. To what extent do you agree with this statement:
"The public is free to ask for definitions of planning terms?"

Strongly Agree Agree Undecided Disagree Strongly Disagree

a. To what extent do you agree with his statement:
"The public is free to ask for explanations as to the findings necessary for approving a variance."

Strongly Agree Agree Undecided Disagree Strongly Disagree

b. To what extent do you agree with this statement:
"It is the responsibility of decision makers and the planning staff to assist the public in understanding planning terminology and grounds for granting approval of the variance."

Strongly Agree Agree Undecided Disagree Strongly Disagree

c. What types of findings do you feel are most important in reaching a decision on variance requests? _____

d. What are the code-prescribed findings for granting variances? _____

e. Rank the following findings in order of their importance:

- _____ The tenor of neighborhood response
- _____ Trivial detriment to surrounding properties
- _____ Topographic or physical difficulties
- _____ Precedent for similar development in the area
- _____ Meets the intent of City codes and policies
- _____ Personal circumstances

f. Under what circumstances, if any, would you recommend or vote for approval even when findings do not provide a proper basis? _____

g. In what ways would your political leanings ever enter into the decision? _____

h. What ways would you allow reasons, such as personal philosophy, the demeanor of the applicant or similar experiences to enter into your decision or recommendation? _____

i. Do you have any other comments to add about factors which may effect decision-making? _____

4. To what extent do you feel free to express your emotions in a public hearing, i.e., frustration, mistrust or pleasure with decision making processes?

Very Free Somewhat Free Neutral Somewhat Restricted Very Restricted

a. To what extent should those testifying be able to express their emotions?

* A Great Deal Fairly Much To Some Degree Comparatively Little Not At All

*Edwin Fleishman, P. 331

5. What, in your opinion, is the role of the staff recommendation? _____

a. How much latitude do committee members have in overturning the official staff recommendation?

A Great Deal Fairly Much To Some Degree Comparatively Little Not At All

b. Generally, in what instances would you vote (or would you see the committee voting) to overturn the official staff recommendation? _____

6. Does the physical setting of hearing, i.e. the room size, the chairs, the committee table, the microphones, the testifier's chair, make those testifying feel:

Very Comfortable Comfortable Has No Effect Uncomfortable Very Uncomfortable

b. Does the formal atmosphere of the hearing make those testifying feel:

Very Comfortable Comfortable Has No Effect Uncomfortable Very Uncomfortable

7. What do you feel is the main purpose of the public hearing? _____

a. How important do you feel open communication is in achieving this purpose?

Very Important Important Neutral Unimportant Not Important at All

8. Do you have any other comments? _____

APPENDIX C

APPLICANT/PROTESTOR INTERVIEW CLASSIFICATION

1. App _____ 2. Prot. _____

2. Occupation:

a. Lawyer, legal work _____ b. Building trades _____ c. Real Estate _____
d. Prof., other incl. planners _____ e. Manager, officials _____ f. Laborer, not bldg. _____
g. Service workers _____ h. Craftsman, not bl. _____ j. Other _____

3. No. of yrs. at profession _____ 4. Previous occupation _____

5. Years of Education _____ 6. Familiarity w/terminology Yes _____ No _____

7. Applied for land-use request before Yes _____ No _____ 8. Jurisdiction _____

9. How long ago? _____

10. Free to ask officials to define words and terms:
Very free _____ Free _____ Neutral _____ Restricted _____ Very Restricted _____

11. Free to ask about variance justification:
Very free _____ Free _____ Neutral _____ Restricted _____ Very Restricted _____

12. Free to question zoning laws:
Very free _____ Free _____ Neutral _____ Restricted _____ Very Restricted _____

13. Free to express opinion:
Very Free _____ Free _____ Neutral _____ Restricted _____ Very Restricted _____

14. Other Comments _____

15. Effect of your presentation (Quest. 7) Yes _____ No _____

16. Main reason for decision (7e)
a. VZ findings _____ b. Personal circumstances _____ c. No problems _____
d. Policy _____ e. Other _____

17. Met findings (7b) a. Code Findings articulated _____ b. Articulated other finding _____

18. What are Code findings? (7C) a. Articulated findings _____ b. Did not art. find. _____

19. Rank order of findings (7d)
_____ Tenor of neighborhood response _____ Precedent
_____ Trivial Detriment _____ Meets intent of City Code
_____ To go or physical difficulties _____ Personal circumstances

20. Other factors _____

21. Final Decision: Approval _____ Denial _____ Approval w/cond. _____

22. The hearing allowed open and clear communication (8a)
Strongly Agree _____ Agree _____ Undecided _____ Disagree _____ Str. Disagree _____

23. Would you fee _____

24. What is rate _____
Dictated VZ c
Somewhat indt

25. Freedom to Ov _____
Great Deal _____

26. How strongly _____
Very strongly

27. Staff and Com _____
Strongly Agree

28. What did you _____
Like it was _____

29. Were you able _____

30. Did you expect _____

31. Do you feel t _____

32. Did you expect _____

33. What kind of _____

34. What kind of _____

35. Did you recall _____

36. How did the f _____
Had no effect

37. How did you f _____
Very Conf. _____

38. How did you f _____
Very Conf. _____

39. How did seek _____
Very Conf. _____

40. Did physical _____

41. What is the s _____
To supply is
To make sur
Other _____

42. To what exte _____
A Gr Deal _____



APPENDIX C

23. Would you feel differently had the decision been different? (8b) Yes ___ No ___ Other ___

24. What is rate of staff recommendation? (8.c)

Dictating VZ comm. decision _____ Heavily Influential _____
 Somewhat Influential _____ Strictly Advisory _____

25. Freedom to Overturn (8.d)

Great Deal _____ Fairly Much _____ Some Degree _____ Comp. Little _____ Not at all _____

26. How strongly did you want the committee to uphold you? (8e.)

Very strongly _____ Strongly _____ Average _____ Weakly _____ Not at all _____

27. Staff and Committee members supplied me with truthful and accurate info. (9)

Strongly Agree _____ Agree _____ Undecided _____ Disagree _____ Strongly Dis. _____

28. What did you expect the public hearing to be like? (10)

Like it was _____ Different _____

29. Were you able to voice the kinds of inputs you expected to make? (10a.) Yes ___ No ___

30. Did you expect public hearing to result in fair and just decision? (10b) Yes ___ No ___

31. Do you feel this was realized? (10c) Yes ___ No ___

32. Did you expect your request to be approved? (10d) Yes ___ No ___

33. What kind of staff presentation did you expect? (10) Like it was _____ Different _____

34. What kind of feedback did you expect? (10f) Like it was _____ Different _____

35. Did you receive that kind of feedback? (10g) Yes ___ No ___

36. How did the formal setting make you feel? (11) Very Comfortable _____ Comfortable _____

Had no effect _____ Unconf. _____ Very Unconf. _____

37. How did you feel about speaking into a microphone? (11a)

Very Conf. _____ Conf. _____ Had no Eff. _____ Unconf. _____ Very unconf. _____

38. How did you feel about speaking in front of the group? (11b)

Very Conf. _____ Conf. _____ Had no Eff. _____ Unconf. _____ Very unconf. _____

39. How did seating and table arrangement make you feel? (11c)

Very Conf. _____ Conf. _____ Had no Eff. _____ Unconf. _____ Very unconf. _____

40. Did physical arrangements inhibit you in saying what you wanted to? (11d) Yes ___ No ___

41. What is the main purpose of the public hearing? (12)

To supply information _____ To allow public input _____ To gain Facts _____
 To make sure neighbors approve _____ To make sure legal findings are made _____
 Other _____

42. To what extent was this purpose realized in your case? (13)

A Gr Deal _____ Fairly _____ To Some Deg. _____ Comp.Lit. _____ Not at _____
 Much _____ All _____

l Estate _____
 orer, not bldg. _____
 ar _____

No _____
 ction _____

stricted _____

stricted _____

stricted _____

stricted _____

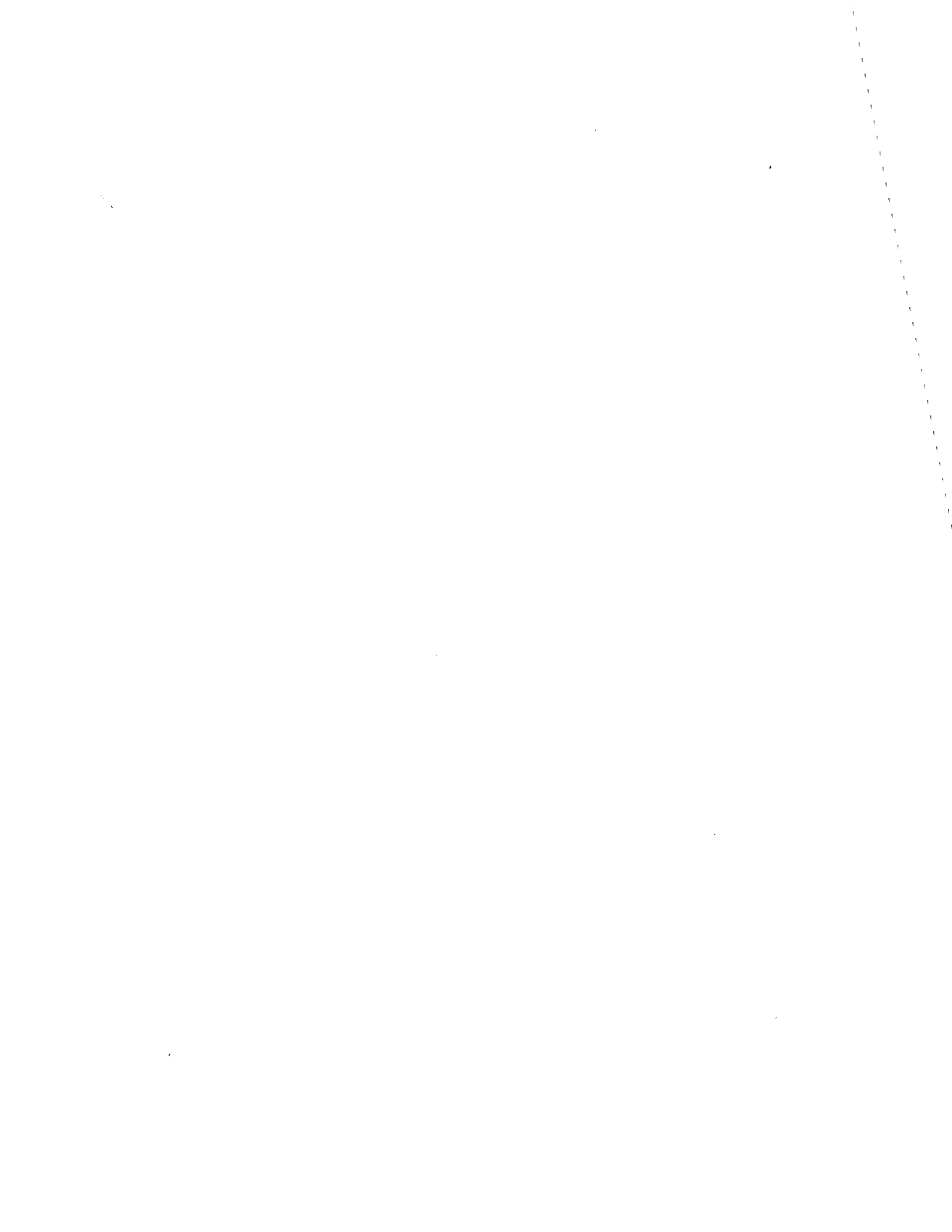
problems _____

er finding _____

ert. find. _____

of City Code _____
 instances _____

Disagree _____



APPENDIX D

STAFF/COMMITTEE INTERVIEW CLASSIFICATION

- | | |
|---|--|
| 1. Staff _____ Committee Member _____ | 18 3d Articulated Code f |
| 2. Occupation:
A. Lawyer, legal wk _____ B. Bldg Trades _____
C. Real Estate _____ D. Prf., other incl. Planners _____
E. Manage, officials _____ F. Laborer, not bldg. _____
G. Service workers _____ H. Craftsman, not bldg. _____
I. Other _____ J. Clerical _____ K. Homemaker _____ | 19 Rank order of finding
_____ Tenor of Neighbo
_____ Trivial detrimen
_____ Topo or physical |
| 3. No. of years in Occ. _____ 4. Previous Occ. _____ | 20 Recommend or vote for
_____ Would not _____
_____ Personal circ |
| 5. Years of Education _____ 6. Familiar w/ termin. Yes _____ No _____ | 21 Would political lean |
| 7. No. of years on VZ Comm. _____ | 22 Personal philosophy, |
| 8. Familiarity w/zoning laws (2)
Very Fam _____ Pam. _____ Aver. _____ Unfam. _____ Not fam. at all _____ | 23 Other factors affecti |
| 9. Free to Question zoning laws (2a)
Very free _____ Free _____ Neutral _____ Restr. _____ Very Restr. _____ | 24 Free to express emoti
Very Fr. _____ Somewt |
| 10 Public should be allowed to question (2b).
Strongly agr _____ Agree _____ Undec. _____ Disag. _____ Str. Dis. _____ | 25 Should testifiers exp
A Grt Deal _____ Fairl |
| 11 Public hearings a forum for discussion of zoning laws (2c)
Yes _____ No _____ | 26 Role of staff recommen
Dictates VZ Comm. Dec
Somewhat influential |
| 12 Public free to ask for definitions (3)
Strongly Ag. _____ Agree _____ Undec. _____ Disag _____ Str. Dis. _____ | 27 Freedom to overturn (____)
A Great Deal _____ Pa |
| 13 Public free to ask for explanations (3a)
Str. Agr _____ Agree _____ Undec. _____ Disag. _____ Str. Disag. _____ | 28 Vote to overturn staf:
New Info. _____ Disag.
Compelling Test. _____ |
| 14 Responsibility to assist public (3b)
Str. Agr _____ Agree _____ Undec. _____ Disag. _____ Str. Disag. _____ | 29 Physical setting of h
Very Conf. _____ Conf. |
| 15 Most important findings (3c)
Hardship _____ Policy _____ Impact _____ Intent of regs _____
Neighborhood Input _____ | 30 Formal atmosphere make
Very Conf. _____ Conf. |
| 16 What are code prescribed findings (3d)
Hardship _____ Intent of Codes & Pol. _____ Grounds A _____
Allowed use in zone _____ Grounds B _____ Trivial detriment _____ | 31 What is main purpose (____)
To supply info _____ To
To make sure neighbore |
| 17 _____ out of 7 findings | 32 How important is open
Very impor. _____ Impo |



APPENDIX D

ION

18 3d Articulated Code findings _____ Articulated other find. _____

19 Rank order of findings (3e)

iners _____

 maker _____

_____ Tenor of Neighborhood response _____ Precedent
 _____ Trivial detriment _____ Meets intent of City Code
 _____ Topo or physical difficulties _____ Personal circumstances

20 Recommend or vote for approval when findings do not provide basis? (3f)

_____ No _____

_____ Would not _____ No real harm done _____ When ordered by supervisor
 _____ Personal circumstances

21 Would political leanings ever enter into decision? (3g) Yes _____ NO _____

22 Personal philosophy, demeanor, shared experiences (3h) Yes _____ No _____

n. at all _____

23 Other factors affecting decisions (3i)

24 Free to express emotions in public hearing (4)

Very Restr. _____

Very Fr. _____ Somewt Free _____ Neutral _____ Somewht Res _____ Very Res. _____

25 Should testifiers express emotion? (4a)

_____ Str. Dis. _____

A Grt Deal _____ Fairly Much _____ To some deg. _____ Compar. Little _____ Not at all _____

s (2C)

26 Role of staff recommendation (5)

Dictates VZ Comm. Dec. _____ Heavily influential _____
 Somewhat influential _____ Strictly advisory _____

27 Freedom to overturn (5a)

_____ Str. Dis. _____

A Great Deal _____ Fairly Much _____ To some Deg. _____ Comparatively Little _____ Not at all _____

28 Vote to overturn staff rec. (5B)

Str. Disag. _____

New Info. _____ Disag. with staff on findings _____ Trivial detr. _____
 Compelling Test. _____ Code Intent _____ Conditions _____

Str. Disag. _____

29 Physical setting of hearing makes testifiers feel (6)

Very Comf. _____ Comf. _____ Has no eff. _____ Uncomf. _____ Very Uncomf. _____

regs _____

30 Formal atmosphere makes testifiers feel (6b)

Very Comf. _____ Comf. _____ Has no eff. _____ Uncomf. _____ Very Comf. _____

31 What is main purpose of public hearing? (7)

s A _____
 triment _____

To supply info _____ To allow public input _____ To gain facts _____
 To make sure neighbors approve _____ To provide legal findings _____

32 How important is open communication? (7a)

Very impor. _____ Impor. _____ Neutral _____ Unimp _____ Not imp. at all _____



APPENDIX E

APPLICANT:

CO

CASE FILE:

1

2

DATE:

Communicative Act

Asks for or provides information

Speak

Type
Facto

Constative Act

Disagrees or calls into question

Representative Act

Expresses feelings or motives

Regulative Act

Gave command, warning or statement of approval

NOTES

- 7

* Scores from

- 8

- 9

APPENDIX E

COMMITTEE MEMBERS:

1 - 3 - 5
 2 - 4 - 6

Speaker	1	2	3	4	5	6	7	8	9	10
Type of Factor										

* Scores from actual pretest observation

