
Spatial Justice and Planning

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The traditional argument for spatial planning is that it incorporates the public interest into the development of land by suppressing selfish actions and coordinating multiple activities (Klosterman 2003, p. 93). This justification has long elicited criticism for its vagueness (Lucy 2003), a problem that perhaps afflicts any higher-order norm and which will not be elaborated here.¹ Instead I examine its interpretation in contemporary planning practice. I proceed by first discussing the currently dominant direction in planning theory that stresses public participation and deliberation. Next I compare it to the just city approach and elaborate on the latter, evaluating planning in New York City, London, and Amsterdam. In conclusion, I list criteria of justice by which to formulate and judge planning initiatives at the urban level. It is assumed that social justice is a desired goal, and no argument is presented to justify its precedence. Rather, as in the work of John Rawls (1971, p.4), my argument is based on “our intuitive conviction of the primacy of justice” and also the dictum that disagreement is over the principles that should define what is just and unjust rather than the precedence of justice itself (ibid., p. 5).

Communicative Planning and the Just City

In order to overcome the bias in favor of powerful social groups, an emphasis on democratic deliberation has become central to discussions within planning theory. In this respect it echoes the enormous interest within political philosophy in forms of democracy that transcend mere voting and representative government. This direction has evolved out of disillusion with the authoritarian tendencies of socialism as it had really existed, leading to a focus on just processes rather than egalitarian outcomes. It arose also in response to the rise of democratic movements throughout the world. It is premised on the assumption that in a democracy each person’s view and opportunity to persuade others should be equal.

Democratic thought arises fundamentally from egalitarianism. Nevertheless, although nineteenth century critics of democracy feared that democratic procedures would be used to expropriate property owners, the underlying egalitarian impetus rarely results in drastic attacks on property within capitalist democracies. While democratic states can tax and redistribute, they remain always susceptible to the hierarchy of power arising from capitalist control of economic resources. When pressed, advocates of deliberative democracy will admit that it operates poorly in situations of social and economic inequality and contend that background conditions of equal respect and undistorted speech must be created in order for it to function well. Yet, oddly, discussions within political theory and within planning focus on democratic procedures and fail to indicate how these background conditions can be attained under conditions of market capitalism. To put this in other words, the discussion is purely political rather than political-economic. Thus, the tension between an equality of primary goods and political equality arises

Thanks to Norman Fainstein and Peter Marcuse for their comments on an earlier draft.

¹ See Fischer (1980) for an argument concerning the different levels of normative judgment in policy analysis.

from practical rather than logical contradiction; while in theory a mobilized demos could produce economic redistribution, in actuality economic inequality constantly produces and reproduces hierarchies of power that preclude genuine deliberation.

Since the 1960s, the legitimacy of insulated technocratic decision making by planning authorities has been challenged, citizen participation in planning has become widely accepted, and concepts of deliberative democracy have been imported into planning theory. J.S. Mill's (1951, p. 108) argument concerning the importance of testing ideas against each other provides the rationale for wide participation in planning deliberations: "He [a human being] is capable of rectifying his mistakes, by discussion and experience. [...] There must be discussion, to show how experience is to be interpreted." Supporters of communicative planning are committed to Mill's emphasis on discursive interaction as the basis for planning practice and as the appropriate means for actualizing the public interest.

By now there is little more to say in relation to the debate between proponents of communicative (or collaborative) planning and their detractors. In a nutshell the advocates of a Habermasian or deliberative approach argue that the role of planners is to listen, especially to subordinated groups. Acting as a mediator, the planner must search for consensus and in doing so accept a plurality of ways of knowing, of self-expression (stories, art, etc.), and of truth (Forester 1999; Healey 1997; Innes 1995; Hoch 2007)². Criticism of this outlook is not anti-democratic but rather contends that it is a proceduralist approach which fails to take into account the reality of structural inequality and hierarchies of power (Fainstein 2000a; Yiftachel 1999; H. Campbell 2006). Furthermore, the exclusive focus on process prevents an evaluation of substance and thus cannot promise just outcomes (Fainstein 2005a).

The crux of the debate rests on the ever-present tension between democracy and justice in an existing historical context. After deliberation people may still make choices that are harmful to themselves or to minorities. As Nussbaum (2000, p. 135) notes, the "informed-desire approach . . . [depends on] the idea of a community of equals, unintimidated by power or authority, and unaffected by envy or fear inspired by awareness of their place in a social hierarchy." In other words, genuine democratic deliberation requires background conditions of equality. Marx's concept of false consciousness, in which unequal social relations structure people's perceptions, and Gramsci's description of a hegemonic ideology,³ come into play even in situations where individuals are free to express their thoughts to each other³. The original notion that planners could be above the political fray and make decisions based on an abstract formulation of the public interest arose from a perception that the public would choose policies based on short-range selfish considerations rather than long-range contributions to the general good. While this viewpoint obviously can provide a rationale for authoritarianism and privileging of elite interests, at the same time it cannot be dismissed. Citizens like elites can be self-serving, as the prevalence of NIMBYism within forums of popular participation indicates.

Calls for more democratic governance raise Nussbaum's concern over background conditions for deliberation and Mill's worry over the tyranny of the majority. Demands that justice be the primary

² Young (2000) supports deliberative democracy as the appropriate procedural norm, arguing that it will promote justice. She does not, however, regard consensus as a likely or desired outcome from deliberation but instead sees conflict as fruitful and unavoidable.

³ Wolff, Moore, and Marcuse (1969) argue that as a consequence of capitalist hegemony, tolerance -i.e., allowing the free play of ideas- can be repressive.

consideration for policy makers, however, are countered on the left by Marxist admonitions against revisionism—i.e., the impossibility of genuine reform under capitalism, since capitalism necessarily continuously reproduces inequality. Both prescriptions—of communicative planning (as measured by comparisons to Habermas’s ideal speech situation or by openness to collaboration⁴) and of the just city⁵ (as measured by equity of outcomes)—provoke accusations of hopeless utopianism. The ideal speech situation assumes a world without systematic distortions of discourse, governed by rationality. As transferred to the schema of collaborative planning, participants are expected to redefine their interests as a consequence of hearing other viewpoints. But, although such flexibility may occur in some contexts, it is highly unlikely in those where substantial sacrifice would result. At the same time, the vision of the just city calls for rectifying injustices in a world where control of investment resources by a small stratum constantly re-creates and reinforces subordination, thus resisting attempts at reform. In sum, advocates of strong democracy consider participation a prerequisite to just outcomes; structuralists regard participants in democratic deliberation as doomed to being either disregarded or co-opted but offer only limited hope that structural power can be overcome.

Nevertheless, utopian goals, despite being unrealizable, have important functions in relation to people’s consciousness (Friedmann 2000, Harvey 2000). Right now, in most parts of the world, the dominant ideology involves the superiority of the market as decision maker, growth rather than equity as the mark of achievement, and limits on government (Klein 2007). To the extent that justice can be brought in as intrinsic to policy evaluation, the content of policy can change. If justice is considered to refer not only to outcomes but also to inclusion in discussion, then it incorporates the communicative viewpoint as well. Justice, however, requires more than participation but also encompasses, at least minimally, a deontological reference to norms transcending the particular, as will be discussed below.

For both theories of deliberative democracy and social justice, scale presents an important problem. In terms of democratic participation, any deliberation that excludes people who will be affected by a decision is not fair. Yet, as a matter of practicality inclusion of everyone affected, even with the potential offered by telecommunications and information technology, would make decision making either impossibly tedious or simply untenable. Questions of scale are particularly salient to planning, as the presence of jurisdictional boundaries typically limits planning decisions to relatively small places. A decision by the occupants of a gated community to lobby against construction of recreational facilities by the municipality to which they belong may be perfectly democratic and equitable within the community’s boundaries while being undemocratic and unjust within the larger entity. Likewise competitive bidding among cities for industry can fulfill democratic and egalitarian norms within each city but undermine both on the scale of the nation. And, most glaringly, barriers to immigration and subsidies to enterprises by wealthy national governments are exclusionary and unjust in relation to inhabitants of other, poorer countries. Yet, in regard to social justice, the elimination of protective tariffs, subsidies, and restrictions on immigration can result in impoverishing everyone, as a completely unhindered flow of labor and capital exacerbates the race to the bottom already underway. If one turns to the specific production of plans and policies, it must occur within formal institutions with delimited boundaries in a restricted time period.

⁴ There is a range of views concerning whether rationality, in any strict sense, need govern discourse.

⁵ See Marcuse et al. forthcoming.

In summary both the communicative and just city models run counter to the unequal distribution of power and resources within modern, capitalist economies and are hence utopian. Both represent attempts to reframe discussion about spatial planning so that poorly represented groups, especially low-income minorities, will benefit more from the uses to which land and the built environment are put. The dilemmas posed by issues of scale confront the two of them. It is maintained here that the just city model subsumes the communicative approach in that it is concerned with both processes and outcomes but that it also recognizes the potential for contradiction between participation and just outcomes. Although the attainment of social justice must take both into account, it is my contention that just outcomes should trump communicative norms when the two conflict. In the next section three components of a just city—material equality, diversity, and democracy—are presented, as well as the tensions among and within them⁶; these are then used to analyze and prescribe approaches to spatial planning in three cities—New York, London, and Amsterdam.

Planning for the Just City

The modern approach to the question of justice usually starts with John Rawls's argument concerning the distribution of values that people would pick in the original position, wherein, "behind a veil of ignorance," they do not know their ultimate attributes and social standing. Rawls, using a model of rational choice, concludes that individuals would choose a system of equal opportunity, which, he says in his most recent formulation, involves "a framework of political and legal institutions that adjust the long-run trend of economic forces so as to prevent excessive concentrations of property and wealth, especially those likely to lead to political domination" (Rawls 2001, p. 44). The metric for equality of opportunity is share of primary goods, which Rawls defines to include self-respect as well as wealth.

There have been innumerable discussions of the meaning of primary goods and the relationship between equality of opportunity and equality of condition. If Rawls's conception of justice is applied to the city, fair distribution of benefits and mitigating disadvantage should be the aims of public policy. Rawls's use of the phrase "prevent excessive concentrations of property and wealth" implies a realistic utopianism—the expectation is not of eliminating material inequality but rather of lessening it. Thus, the criterion for evaluating policy measures, according to Rawlsian logic, is to insure that they most benefit the least well off. This principle, as indicated earlier, exists in tension with a democratic norm under the circumstances of illiberal majorities.

Feminist and multiculturalist critics of Rawls contend that his definition of primary goods deals insufficiently with "recognition" of difference (Young 2000, Benhabib 2002). Whether or not this concept can be subsumed under what Rawls calls self-respect (see Fraser 1997, p. 33, n. 4), its salience for developing a model of the just city requires attention in an age of identity politics, ethnic conflict, and immigration. Within the vocabulary of urban planning, the term diversity refers to such recognition and is the quality that writers such as Richard Sennett and Jane Jacobs argue should characterize city life. The embodiment of diversity ranges from mixed use to mixed income, racial and ethnic integration to widely accessible public space (Fainstein 2005b). Nancy Fraser points to the tension that exists between equality and diversity, or, as she puts it, redistribution and recognition:

⁶ Other attributes could be analyzed as well, especially environmental sustainability and justice, levels and character of social control, and definition of the public sphere.

Recognition claims often take the form of calling attention to, if not performatively creating, the putative specificity of some group and then of affirming its value. Thus, they tend to promote group differentiation. Redistribution claims, in contrast, often call for abolishing economic arrangements that underpin group specificity. . . . Thus, they tend to promote group dedifferentiation. The upshot is that the politics of recognition and the politics of redistribution often appear to have mutually contradictory aims. (Fraser 1997, p. 16)

Diversity and deliberation, like democracy and just outcomes, are in tension. If deliberation works best within a moral community under conditions of trust, then a heterogeneous public creates obstacles to its realization (Benhabib 1996). To be sure there are theorists like Chantal Mouffe and Richard Sennett who regard conflict as salutary, but even they expect that there is an underlying commitment to peaceful resolution of disputes. In cities the issue is particularly sharp in relation to formal and informal drawing of boundaries. Does the much-decried division of US metropolitan areas into numerous separate jurisdictions only do harm or does it also serve to protect antagonistic groups from each other? In various parts of the world (Ethiopia/Eritrea, the Czech Republic/Slovakia, Serbia/Croatia, India/Pakistan, etc.), separation has been regarded as self-determination and perceived as a democratic solution. Iris Marion Young (2000, p. 216), whose work endorses a politics of difference, resists the ideal of integration, because it "tends wrongly to focus on patterns of group clustering while ignoring more central issues of privilege and disadvantage." She supports porous borders, widely accessible public spaces, and regional government but she also calls for a differentiated solidarity that would allow voluntary clustering of cultural groups.

Thus, the three hallmarks of urban justice—material equality, diversity, and democracy—are not automatically supportive of each other and, in fact, in any particular situation, may well clash or require trade-offs. Moreover, internal to each of these norms are further contradictory elements. In addition to the aforementioned, hoary question of whether equality of opportunity can exist without prior equality of condition, there are the issues of whether equal treatment of those with differing abilities is fair or whether the disabled should get more, and conversely whether it is fair to deny rewards to those whose effort or ability make them seem more deserving (what philosophers refer to as the criterion of "desert"). With reference to urban policies this raises the difficulty, for example, of whether, in terms of allocating public housing, the homeless should receive preference over those on waiting lists or whether non-profit housing corporations should be able to select tenants so as to exclude families likely to be disruptive.

In regard to diversity the issue arises of whether recognition of the other should extend to acceptance of groups that themselves are intolerant or authoritarian. Within cities this question has shown itself most intensely when groups impose their rules or life styles on others who share their spaces—Jews who discourage driving on the Sabbath, Muslims whose calls to prayer stop traffic and are heard by everyone in the vicinity, anarchists whose loud music and nighttime activities keep their neighbors awake⁷. The same problem exists concerning democratic inclusion of those with undemocratic beliefs.

⁷ See David Harvey's (2002) description of clashing life styles within and around Tompkins Square Park in New York.

Evaluations of Examples of Planning in Practice

New York

New York City recently released its first effort at a master plan since the John Lindsay mayoralty of the 1970s (NYC Office of the Mayor 2007)⁸. In terms of the three criteria of equality, diversity, and participation the plan does best on diversity, calling for mixed-use and mixed-income development. It does so in the context of combined forces of immigration and gentrification, which over the last several decades have caused more neighborhoods to be mixed by income and ethnicity. The plan, which rezones low-income tracts for high-rise development, will encourage further gentrification, resulting in an unstable situation in parts of the city. At the same time, however, the continued existence of rent regulation and the presence of public housing mean that most areas housing low-income people will continue to retain at least some of that population (Freeman and Branconi 2004). Black-white segregation diminished little in the city between the last two censuses and likely will be affected by the new plan primarily to the extent that formerly homogeneously black areas like Harlem are becoming more racially mixed. Although the city promotes mixed-income housing through incentives and builds affordable housing out of its own capital budget, no requirements exist to insure that income mixing will occur. Still, the continued influx of immigrants means that much of the city will become even more ethnically diverse.

In relation to equality, the plan emphasizes development in all five boroughs of the city, promotes the creation of affordable housing, and calls for additional parks and waterfront access in poor neighborhoods. But, while parts of it reflect sensitivity to the concerns of low-income communities, its major projects⁹ utilize huge sums of public money and tax forgiveness for endeavors that radically transform their locations, stir up local opposition, and threaten to sharpen the contrast between the haves and have-nots. The components of the plan are restricted to land use and development; it does not link these initiatives to education, job training and placement, or social services (Marcuse forthcoming). The overall context in which the plan has been framed is one where tens of thousands of housing units are being withdrawn from the affordable housing stock¹⁰, the middle class is shrinking, and inequality is increasing, while the city is seeing breathtaking levels of wealth acquired by hedge fund managers and investment bankers¹¹.

⁸ The plan represents the Mayor's strategy for the city but is not legally binding.

⁹ These include new baseball stadiums in the Bronx and Queens, high-rise housing on the Brooklyn and Queens waterfronts, a shopping mall in the Bronx that displaces an ethnic wholesale food market, a new Harlem campus for Columbia University, and a vast redevelopment of Manhattan's west side, involving high-rise apartments, extension of the subway system, and the carving out of a new boulevard (see Fainstein 2005c, Wolf-Powers 2005).

¹⁰ A 30-year limit (or less) characterizes much of the housing stock built in New York under various subsidy programs. It is estimated that the city lost 260,000 affordable units between 2002 and 2005 (NYC Office of the Public Advocate 2007). The cause was the reversion of housing built under the Mitchell-Lama program, the primary provider of housing for moderate-income residents during the postwar years, to market rate, the lapsing of time limits on various federally sponsored housing developments, and the move of privately owned units out of rent stabilization. Thirty years seems a long time when housing is built, but there is no reason to assume once the time passes that housing need will diminish.

¹¹ The proportion of the population in poverty exceeded a fifth in 2006, a level that had not changed in five years (Roberts 2006).

In terms of citizen participation the plan is extremely uneven, with its major projects insulated from public oversight. New York's charter mandates community boards to advise on redevelopment projects conducted by the city. The government has evaded the requirement for local participation by placing large schemes in the hands of New York State's Empire State Development Corporation, which is not bound by this stipulation and has powers to override city zoning and to exercise eminent domain. Thus, while there may be endless meetings and citizen input into arrangements for a small park, there will be nothing but pro forma hearings for the construction of a stadium or a megaproject in central Brooklyn. But, even when public consultation takes place, it does not necessarily protect those being targeted for removal. Thus, in the conversion of the Bronx Terminal Market from an agglomeration of locally owned, ethnic food wholesalers to a retail shopping mall owned by the city's largest speculative developer and populated by chain stores, the community board approved the action (Fainstein 2007), indicating the way in which deliberation does not necessarily promote equality¹².

London

In 2004 the Mayor published the London Plan (Mayor of London 2004), which subsequently received parliamentary approval and thus, unlike New York's plan, is binding. As well as guiding growth and requiring the construction of housing to accommodate predicted population increase, it concerns itself with affordable housing and promoting policies for education, health, safety, skills development and community services, and tackling discrimination. Thus, at least in intention, it is directed toward social as well as physical issues.

The principal thrust of the plan is toward accommodating growth. While there are sections related to all areas of the city, the main initiative is the redevelopment of the Thames Gateway, an area encompassing the poorest districts of London but also stretching eastward out to the border of Kent and including a variety of residential, commercial, and industrial sites, as well as brownfields and flood plains. This emphasis can be interpreted in two ways: as an effort to upgrade the most disadvantaged part of the city, providing jobs and housing for its present population as well as making provision for further influxes; or as a means of diverting development from the resistant, well-to-do areas that surround central London, where residents are hostile to higher densities (Edwards 2008).

Generally the plan has a much stronger commitment toward equality than New York's, as befits the product of a Labour government. Under Section 106 of the UK Town and Country Planning Act, local authorities bargain with developers for "planning gain" (LTGDC 2006). Whereas the Thatcher administration had opposed requiring developers to provide community benefits except to mitigate the direct effects of development, the succeeding Labour government strongly encouraged the use of planning gain to force developers to provide amenities and social programs as well as affordable housing. It became central government policy that all new developments in London with more than 15 units of housing had to provide 50 percent affordable units (50% market, 35% social rented, and 15% intermediate housing). Some of these would be achieved through cross-subsidy by market-rate units, but in addition substantial sums were available through the nationally funded Housing Corporation to support construction by housing associations.

¹² The board justified its decision as contributing to economic growth and convenient retail shopping.

On the criterion of equality then, London's spatial planning far surpasses New York's. Confronted by the same issues of gentrification, minority group poverty and unemployment, and soaring housing prices as New York, London shows far greater commitment to overcoming disadvantage¹³. Furthermore, even though it similarly encourages economic development based on expansion of advanced service sectors, it does not do so through the provision of large public subsidies to developers and firms. Nevertheless, its policies are not altogether benign in respect to the beneficiaries of public investment. The primary tool for stimulating business development is transport infrastructure provision, which has positive economic and environmental effects. However, although low-income people do receive accessibility benefits from investment in public transit, they must pay substantially for them. Transport for London relies heavily on user fees, causing travel within Greater London to be very costly.

London like New York has an extremely diverse population with immigrants from everywhere in the world. It has nothing like New York's black-white divide, but South Asians do cluster in a number of its wards. The housing plan for London, by requiring that all new developments contain affordable housing, represents a step toward increasing income diversity and, given the likelihood that the low-income units will be taken by immigrant households, ethnic diversity as well. The plan, however, probably will do little to halt gentrification in boroughs like Islington nor will it have a transformative effect on existing upper class areas, either within central London or the suburbs.

The Mayor's Office claims to have consulted very broadly in developing the plan and expects that its implementation will be carried out by partnerships among local authorities, private business, and community organizations¹⁴. For many years now the government at both national and local levels has emphasized such partnerships, which have proliferated across London and which unquestionably play a significant role in development. They are, however, heavily reliant on private investment; consequently, developers and business firms can easily override citizens by simply refusing to invest. On the other hand, the private sector takes it for granted that it will have to provide a public benefit in order to obtain planning permission and devotes considerable time and energy to wooing local residents with promises of recreational facilities, training institutions, and job commitments. Community participants may not get their way, but they are not shut out of the planning process as is often the case in New York.

Amsterdam

Of the three cities Amsterdam offers the most equality, diversity, and participation (Fainstein 2000b; Gilderbloom et al., forthcoming). Between 1945 and 1985 about 90 percent of all new housing in the city was comprised of social rented housing (van de Ven 2004). Now, however, many fear that the commitment to justice is diminishing under the assault of globalization and anti-immigration sentiment (Dias and Beaumont 2007; Uitermark, Rossi, and van Houtum 2005). Nonetheless, although the move toward less government support of social housing is a move away from egalitarianism, a slippage from

¹³ The fact that it has access to nationally provided housing funding is key. At the time of this writing, with a new Conservative mayor of London and declining Labour support nationally, it is unclear whether this commitment will persist.

¹⁴ The Mayor's plan provides guidance to the local authorities (i.e., the London boroughs), which develop their own plans that fill in the specifics and must conform with the guidance.

90 percent to 50 percent social housing still puts Amsterdam way ahead of both New York and London in terms of commitment to equality¹⁵.

The Amsterdam government is strongly committed to diversity, meaning that it seeks to have every neighborhood mixed by income and ethnicity. As Uitermark (2003) points out, however, when diversity becomes the aim of public policy, it can suppress the potential for mobilization and facilitate social control mechanisms. Furthermore, as noted above in the discussion of Young's defense of neighborhood coherence, bringing about diversity can cause the breakdown of social ties and be opposed by the people it supposedly benefits.

On the other hand the redevelopment of the Bijlmermeer, an enormous social housing complex on the southern periphery of the city, reflects an effort to leave community intact, while also illustrating how various forms of diversity can cut against each other. The project, developed according to modernist precepts during the 1960s and 1970s, consisted of very large buildings surrounded by green space. The scale of the structures, despite the high quality of the apartments, made them unattractive to the native Dutch working class, who were originally envisioned as the occupants. Their availability at the time of Surinam's independence caused the government to place a large number of Surinamese refugees in them. The complex also houses many Africans and Antilleans. While it never became as homogeneously black as a typical American ghetto, the Bijlmermeer nevertheless was perceived as an undesirable area. In the last decade the Amsterdam government has addressed the problem by tearing down many of the original buildings, modifying others, and constructing new, low-rise residences for owner occupation (Kwekkeboom 2002). The revitalization was predicated on a commitment to multiculturalism and community participation, and involuntary displacement was avoided. This shift has been criticized by some for betraying the socialist origins of the project and for resulting in gentrification. Many residents of the new, more expensive units, however, moved into them from the original buildings, express satisfaction at being able to stay in the area, and praise the opportunity to live in a multicultural environment (Baart 2003). Thus reconstruction has caused the area to retain ethnic diversity and to become more mixed in terms of income by providing suitable accommodation for upwardly mobile residents.

Conclusion

Can we distill from these various experiences a set of norms that could apply broadly? Or does each situation lend itself to a different interpretation of the broad principles of equality, diversity, and participation? My approach conforms to the argument presented by Rainer Forst (2002, p. 238) in *Contexts of Justice*:

The principle of general justification is context-transcending not in the sense that it violates contexts of individual and collective self-determination but insofar as it designates minimal standards within which self-determination is 'reiterated'

Forst's assertion echoes Nussbaum's (2000, p. 6) contention that there is a threshold level of capabilities (i.e., the potential to "live as a dignified free human being who shapes his or her own life" [p. 72]) below

¹⁵ While this is the ostensible goal for London, it only affects new construction, is restricted to larger projects, and is rarely reached in actuality.

which justice is sacrificed, and that it is incumbent on government to provide the social basis for its availability although not for its actual realization. It is doubtful, however, whether these two philosophers would go as far as to prescribe particular public policy measures as generally applicable¹⁶.

My list of criteria is thus probably too specific to be acceptable to rigorous deontological philosophers. Nevertheless, I contend that it offers a set of expectations that ought to form the basis for just urban planning. The contents of this list apply only to planning conducted at the local level; the components of a just national urban policy are more complex and will not be discussed here¹⁷. The list is as follows:

In furtherance of equality:

All new housing developments should provide units for households with incomes below the median, either on-site or elsewhere, with the goal of providing a decent home and suitable living environment for everyone. (One of the most vexing issues in relation to housing, however, is the extent to which tenant selection should limit access to people likely to be good neighbors. It is one of the areas where the criteria of equality and democracy are at odds with each other, and no general rule can apply.)

No household or business should be involuntarily relocated for the purpose of obtaining economic development or community balance.

Economic development programs should give priority to the interests of employees and small business owners. All new commercial development should provide space for public use and to the extent feasible should facilitate the livelihood of independent and cooperatively owned businesses.

Mega-projects should be subject to heightened scrutiny, be required to provide direct benefits to low-income people in the form of employment provisions, public amenities, and a living wage, and, if public subsidy is involved, should include public participation in the profits.

Transit fares should be kept very low.

Planners should take an active role in deliberative settings in pressing for egalitarian solutions and blocking ones that disproportionately benefit the already well-off.

In furtherance of diversity:

Zoning should not be used to further discriminatory ends.

Boundaries between districts should be porous.

Ample public space should be widely accessible and varied but be designed so that groups with clashing lifestyles do not have to occupy the same location.

To the extent practical and desired by affected populations, uses should be mixed.

In furtherance of democracy:

¹⁶ Nussbaum (2000, p. 78) does specify certain requisites in her list of capabilities that involve public policy, including adequate shelter, adequate education, and protection against discrimination.

¹⁷ Markusen and Fainstein (1993) develop the elements of a national urban policy for the US.

Plans should be developed in consultation with the target population if the area is already developed. The existing population, however, should not be the sole arbiter of the future of an area. Citywide considerations must also apply.

In planning for as yet uninhabited or sparsely occupied areas, there should be broad consultation that includes representatives of groups currently living outside the affected areas.

Adherence to this set of guidelines does not require that people who cannot get along live next door to each other. Indeed people have the right to protect themselves from others who do not respect their way of life. What is important is that people are not differentiated and excluded according to ascriptive characteristics like gender or ethnicity. But neither should people be required to tolerate disorderly conduct or anti-social behavior in the name of social justice.

In response to a lecture I gave on the just city, James Throgmorton (personal communication, 28 January 2006) wrote:

"My experience as an elected official leads me to think that the planners of any specific city cannot (and should not) simply declare by fiat that their purpose is to create the just city. In the context of representative democracy, they have to be authorized to imagine, articulate, pursue, and actualize the vision of a just city. This means that a mobilized constituency would have to be pressuring for change..."

In terms of practical politics Throgmorton is completely correct—without a mobilized constituency and supportive officials, no prescription for justice will be implemented. But regardless of authorization or not, it is a goal to continually press for and to deploy when evaluating planning decisions. It is way too easy to follow the lead of developers and politicians who make economic competitiveness the highest priority and give little or no consideration to questions of justice.

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To quote this article: Susan S. FAINSTEIN, "Spatial Justice and Planning" [« Justice spatiale et aménagement urbain », traduction : Philippe Gervais-Lambony], **justice spatiale | spatial justice | n° 01** septembre | september 2009 | <http://www.jsj.org>

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