Utilitarianism’s Bad Breath? A Re-Evaluation of the Public Interest
Justification for Planning
Heather Campbell and Robert Marshall
Planning Theory 2002; 1; 163
DOI: 10.1177/147309520200100205

The online version of this article can be found at:
http://plt.sagepub.com/cgi/content/abstract/1/2/163

Published by:
SAGE Publications
http://www.sagepublications.com

Additional services and information for Planning Theory can be found at:

Email Alerts: http://plt.sagepub.com/cgi/alerts

Subscriptions: http://plt.sagepub.com/subscriptions

Reprints: http://www.sagepub.com/journalsReprints.nav

Permissions: http://www.sagepub.com/journalsPermissions.nav

Citations (this article cites 19 articles hosted on the SAGE Journals Online and HighWire Press platforms):
http://plt.sagepub.com/cgi/content/refs/1/2/163
Utilitarianism's Bad Breath? A Re-evaluation of the Public Interest Justification for Planning

Heather Campbell and Robert Marshall
University of Sheffield, UK

Abstract The legitimization of planning has, in the period since the Second World War, rested on the proposition that the state's intervention in land and property development is necessary to safeguard the public interest against private and sectional interests. What constitutes the public interest has always been contentious but its value as a legitimizing concept has increasingly been called into question in the recent past for the reason that it cannot be given operational meaning either by those who make policy or by those who evaluate it. The purpose of this article is to explore the 'public interest' justification of planning and whether it has outlived its usefulness in an increasingly fragmented society. Following an introduction, the argument is presented in three stages. First, we explore the concept of 'interests' in the modern period. Second, we consider the way in which the 'public interest' has been regarded in the planning literature. Third, an evaluative framework is established which distinguishes deontological as well as consequentialist conceptualizations of the public interest through which we seek to demonstrate that it remains the
pivot around which debates concerning the role and purpose of planning must revolve.

Keywords common good, consequentialism, deontology, public interest, utilitarianism

Introduction

The legitimization of planning as an activity which intervenes in land and property markets has long rested on the notion that some restrictions of individual property rights are necessary if the public interest is to be upheld. This idea of a determinative public interest or public good was central to the deliberations which produced the great 1947 Town and Country Planning Act in Britain and it has continued to underpin attempts to place explicitly value on the land use planning activity. Despite this, there are a number of writers (commenting often from very different ideological positions) who have questioned the value of the ‘public interest’ as a legitimizing concept because it cannot be given meaning either by those who make policy or by those who evaluate it. It is merely, some would argue, an expression of preference or commendation which provides no standard against which decisions or policies can be judged or evaluated (Flathman, 1966). Reade (1987, 1997), for example, has argued that the public interest is a smokescreen or facade which prohibits any real evaluation of what effects the planning system actually has in practice. Within the arena of theoretical debate postmodernist critiques have rendered universalizing concepts, such as the public interest, problematic in a world of difference. Sandercock (1998: 197), for example, asserts that ’class, gender, and race-based critiques have left this particular notion of “the public interest” in tatters, as have the lived realities of late twentieth century existence.’

While we accept the problematic and contested nature of the concept, we nevertheless contend that the discourse central to the idea of the public interest remains the pivot around which discussions concerning the purpose and role of planning must turn. As Flathman (1966: 13) has said:

Determining justifiable government policy in the face of conflict and diversity is central to the political order. . . . The much discussed difficulties with the concept [of the public interest] are difficulties with morals and politics. We are free to abandon the concept but if we do so we simply have to wrestle with the problems under some other heading.

In its most limited sense ‘public interest’ is used to express approval, approbation or commendation of public policy (Flathman, 1966) and, as noted above, some would argue that this is all that the public interest represents.
which renders it useless as a standard against which to judge public actions. However, governments are expected to justify their actions and it is in this descriptive sense of defining what is ‘good’ that it provides a normative standard against which decisions or policies can be evaluated. Public interest functions to justify action in situations in which there is disagreement. It relates to the problem of the ‘one and the many’ (Pennock, 1962).

It is in this spirit that we explore the problems of the concept in relation to contemporary reflections on the role and purpose of planning. We begin by briefly examining the origins of the concept. This is followed by a consideration of the way in which ‘public interest’ has been regarded in the planning literature in the period since the Second World War. The third section is devoted to an evaluation of alternative conceptions of ‘public interest’. This is premised upon a typology which distinguishes both procedural (deontological) as well as outcome focused (consequentialist) conceptualizations of the public interest. It is argued that while deontological theories have become dominant, planning practice cannot evade the responsibility for making determinative and ethical choices in public policy-making.

**Interests and politics in the modern period**

The word ‘interest’ is used in two different senses (Pitkin, 1967). The first, which in the context of this article need not detain us long, is concerned with having an interest in something. It relates to a **concern with or attention to** something. Thus we might have an interest in historic buildings or 20th-century music. The concept in this mode of use is entirely subjective. The second sense in which it is used is particularly relevant to consideration of ‘public interest’ and it implies ‘having something at stake’ (Pitkin, 1967) and is associated with welfare, gain or advantage (or, in utilitarian terms, with happiness or utility). Although interest in this sense may be attached to an individual or to a group, it can also occur ‘unattached’ so that we can speak, for example, of something being in the interests of amenity or the environment. Even attached interests, however, can be conceived as being independent of anyone’s particular wishes or feelings. Pitkin (1967) gives the example of class interests in Marxist theory. Within the concept of interest as ‘having something at stake’ there is the possibility of both objective and subjective uses of the word. This objective/subjective polarity has been important, as we shall see, in the way public interest has been variously defined but, possibly, the dominant view within the western liberal tradition since the 19th century has been the notion that only the individual affected can determine whether she or he has something at stake and this view was central to utilitarianism (although not unambiguously so as we shall see later) as it took shape in the writings of Bentham and his followers.

Although politics has always recognized the importance of individual
interest, it was not until the Enlightenment that the idea of satisfying individual subjective interests came to be an important objective of political action (Flathman, 1966). The idea of 'interest' in the realm of politics has, however, in the period since the 18th century been seen in a variety of different ways. Following Pitkin (1967) we identify three contrasted interpretations exemplified in: first, Burke's concept of virtual representation; second, Madisonian conceptions of liberalism in the United States; and, third, the utilitarian tradition as it developed in Britain.

Edmund Burke was a conservative political theorist who placed emphasis on tradition and stability (MacIntyre, 1985). He took an elitist view of government identifying a 'natural aristocracy' and limited franchise as integral to any well-founded state. Despite this conservatism, Burke's concept of representation still resonates with contemporary ideas of representative government and how it should operate (Benn and Peters, 1959). Burke's conception of interest was essentially objective – unattached from the particular views of those being represented (Pitkin, 1967).

Burke took the view that political deliberation was the means by which government would arrive at right decisions. For him, Members of Parliament represented interests and not people and, since he also believed that there were good reasons to suppose that people might well be mistaken about their interests, Members of Parliament were under no obligation to follow the wishes or opinions of their constituents. Interests for Burke were broad and objective and not specific and particularistic. 'Parliament', he argued, 'is a deliberative assembly of one nation, with one interest, that of the whole – where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole' (Burke, 1774: 158).

For Burke, therefore, the public interest was a unitary concept based not upon the adding together of the subjective preferences of electors but representing 'the sum of the objective interests that comprise the nation when these are correctly determined through rational deliberation' (Pitkin, 1967: 186). In this process of deliberation account would be taken of people's feelings, opinions and needs but decisions would not be determined by them. If correctly carried out, reason would prevail in the deliberative process which would result in consensus and agreement (Pitkin, 1967).

At the same time as Burke in England was setting out his ideas on government and representation, alternative ideas were being developed in America where liberalism entailed quite different ideas of 'interests'. For Madison, interests were always plural, attached and subjective. Only the individual can know what his or her interests are. The problem for those drawing up the United States Constitution was to seek to ensure that a governing faction would not use its power and authority to exploit other (minority) groups in the population. Interests, indeed, were viewed negatively rather than positively (Pitkin, 1967) because they could become factions which might tyrannize other groups. For Madison, a representative
was mandated to follow his constituent’s wishes. If this were the case, he argued, the various interests or factions in the nation would balance each other out such that harmful interests would be held in check and stability would prevail. The efficacy of the checks and balances would be enhanced, moreover, the larger the state and the greater the diversity of interests within it. Already, therefore, in the late 18th century, America was anticipating the idea of a plural society in which the government would balance and adjust sectional interests rather than responding directly to a majoritarian preference (Benn and Peters, 1959) or seeing its role as one of taking an objective deliberative view of the public interest.

English utilitarianism also developed a subjective view of interest but in a significantly different way from that which was emerging in the US. Utilitarianism was premised on the assumption that only the individual can know her or his interests and that the only consistent test of the consequences of an action is the pleasure or pain that is experienced by the person(s) affected. Moreover, in the realm of public choice a good policy is one which in aggregate terms maximizes individual pleasure or utility and in the felicic calculus each person is to count as one and only one.

As Pitkin (1967) points out, the assertion that only the individual is truly able to know his or her interest might lead logically to the conclusion that a government cannot act effectively in the interests of its citizens and that a minimalist state would be the preferred mode of governance. In fact, of course, Bentham was interested in parliamentary, legal and social reform and utilitarianism came to play a major role in the social reform movement of 19th-century Britain. Utilitarianism was no libertarian creed.

Bentham, in fact, recognized that each individual has a social or other-regarding interest as well as a self-regarding interest. But since the majority of individuals prefer to pursue their private interest rather than their public interest it was, he argued, the task of government (if need be) through wise legislation to persuade or coerce citizens to act in the interests of the common good (Pitkin, 1967). A system of rewards and punishments would be the means by which behaviour would be influenced. Bentham believed that institutional reform would ensure that ‘the controlling part of government shall be in the hands of those whose interest it is that good government shall take the place of misrule’ (Bentham, quoted by Pitkin, 1967: 200). He was, as were his supporters, advocates of representative government and of virtual universal suffrage (Rosen, 1983). John Stuart Mill was even less equivocal than Bentham. Government, he argued, could take what Sugden (1989) refers to as a synoptic view of interest and could discern the ‘real’ interests of individuals better than they could themselves (Pitkin, 1967). This ‘synoptic’ or ‘spectator’ view of interest was a long-range and often remote perspective which individuals could not easily perceive. Clearly, in respect of these kinds of views of interest one moves away from the subjective viewpoint and the question inevitably arises as to how those ideas can be compatible with the axiom that each person knows his or her
Planning Theory I(2)

interest better than anyone else. Pitkin (1967) adduces Ayer’s interpretation as a means of resolving the apparent contradiction. Ayer (1954) argued that, while the individual is the best judge of how his/her interest is affected at the point at which the consequences of an action are experienced, it is not necessarily the case that the individual will know in advance what his/her best interests are. Pitkin (1967: 204) draws an analogy to make the point: ‘[o]nly the wearer can tell if the shoe pinches. But this does not mean that the wearer knows in advance which shoe will pinch him; in fact, it is much more likely that a shoe specialist will know this better than he.’

Although the subjective/objective distinction provides the most common way of categorizing interpretations of the public interest, in practice the distinction is not always easy to uphold. Utilitarianism especially has spawned a number of different approaches some of which imply objective or, possibly, trans-subjective interpretations of interests. We return to some of these ambiguities in the penultimate section of the article. First, however, we look more specifically at the treatment of the public interest in the planning literature.

The public interest and planning

We see in this brief examination of the origins of the idea of the public interest that different interpretations have held sway at different times and in different places. Within the domain of the public planning activity, it has also occupied a shifting position and has always given rise to contestation and argument. In this section we consider some of the ambiguities of the concept in relation to planning in the period since the Second World War. In doing so, we draw on the literature relating principally to the UK and the US.

The creation of an effective land use planning system in Britain in the 1940s struck at the heart of private interests in land and property. Planning was conceived as the means by which the best use of land could be secured irrespective of market conditions and this required unreserved acceptance of the need to subordinate private interests to the public interest (Expert Committee on Compensation and Betterment, 1942). Determination of the ‘best’ use of land was not itself seen to be problematic and was frequently conceived as the application of predetermined prescriptive standards to local situations in the interests of securing amenity, convenience and efficiency. That there might be significant disagreement over what constitutes the ‘best’ use of land did not appear to be an issue which vexed the minds of members of the Uthwatt Committee (the Expert Committee on Compensation and Betterment). The unanimity of the nation and its preparedness to accept collectivist provision and state intervention in the market were matters which astonished American observers of the British scene (see Haar, 1961).
The unanimity suggests that there was a unitary concept of the public interest shaping conceptions of land use planning and what it might accomplish. In practice, other reasons were being proposed by observers by the 1950s to explain the apparent consensus and while analysis did not necessarily undermine the public interest foundation of legitimacy, it did call into question the basis upon which the claim to unitary public interest was built. The sociologist, Ruth Glass, commented upon the lack of self-awareness in the British planning system: ‘. . . there is comparatively little scepticism or even curiosity about the system because it has been established by common consent, in recognition of the public interest’ (Glass, 1959: 397). This lack of critical reflection she attributed not only to the stability and strength of the planning machinery established in the 1940s but also to the effects of the professionalism of the activity. Those involved in the activity had vested interests to maintain the status quo and were resistant to change.

Glass also commented upon the ambiguity and ambivalence of the ideas concerning social change implied in contemporary planning ideology which, in turn, contributed to its ability to maintain support from different sections of society. Interestingly, Glass was not seeking to undermine the idea of the public interest as the determinative value guiding planning processes. Quite the reverse because she saw in the profession’s too ready acceptance of established ideas and its lack of clear focus about aims and purpose ‘a growing indifference to the public interest’ which she juxtaposed with the growing ‘Americanization of British planning’ (Glass, 1959: 406).

Transatlantic comparisons were frequently made in the 1950s and 1960s underlining the perceived differences between the emerging systems of regulation in Britain and the US. In particular, Americans were keen observers of the British scene (Foley, 1960; Haar, 1961; Mandelker, 1962; Altshuler, 1965). Foley, for example, in a celebrated article, took up the ideas of Glass and argued that in Britain ideology built upon ‘seemingly self-evident truths and values’ provided an ‘operating rationale’ which bestowed ‘a self-justifying tone to its main propositions and chains of reasoning’ (Foley, 1960: 212). Ambiguity and ambivalence enhanced its role to win support not only from the public at large but from politicians and officials. ‘[P]hrases like “the public interest”’, he argued, ‘may take the place of fuller substantive reasoning which is implicit in the ideology(ies)’ (Foley, 1960: 213).

In fact, the immediate post-war years in America were also characterized by a strong belief on the part of the emerging profession that the public interest stood at the heart of their professional concerns (Howe, 1992). The significant influence in the 1940s came from the progressive movement which exerted a strong belief in the role of professional expertise in ameliorating social ills. The role model was the professional expert providing apolitical advice to elected representatives (Howe, 1992). There were, however, major studies published in the 1950s and 1960s, based on case study investigations, which appeared to belie this faith in a public interest
conception of professional competence. Meyerson and Banfield’s (1955) study of the provision of public housing in Chicago revealed a policy process far removed from a rational model of decision-making and Alshuler (1965) found in his studies of Minneapolis and St Paul a lack of political realism and the absence of a clear rationale for professional practice. A serious challenge to the rational comprehensive model of decision-making was also mounted by Lindblom (Lindblom, 1959; Braybrooke and Lindblom, 1963). The plurality of interests, with each interest or value having its own watchdog, had, he argued important implications for public policy-making. First, it made any ordering of goals impossible. Second, ‘mutual adjustment’ between competing claims to value led to incremental change which served a broader range of interests than could be achieved through comprehensive centralized approaches to policy-making.

Lindblom’s analysis undermined the idea of the public interest and, indeed, other political scientists in the 1950s and 1960s were mostly hostile to the idea of the public interest either because they held it had no value as an explanatory device or because it could not be used as an operational norm (Schubert, 1957, 1960, 1967; Sorauf, 1957, 1967; Downs, 1962). Running somewhat against mainstream opinion were Barry (1964), Flathman (1966) and Held (1970) who argued, from different premises, in its defence. Despite criticism of the concept, Howe (1992) argues that planners in the US continued to place faith in some idea of the public interest although there was no dominant conception of its meaning and role. In the 1950s and 1960s planning thought was very much influenced by positivism and technical rationality. Professional value-neutrality was upheld in the sense that rational decision-making models emphasized a separation between ends and means. Determination of ends (value orientations) was the province of politicians whereas professional expertise had a major part to play in the generation and evaluation of the means by which aspirations might be met (Howe, 1992). By the late 1960s, however, the faith in technocratic conceptions of planning and in a consensus-based idea of the public interest was being increasingly challenged. Not only was it apparent that planning endeavours were not having much impact on the problems they were seeking to remedy but, worse than that, the prescriptions of planners were creating their own unanticipated problems. As Schön (1983: 207) observes, ‘[p]lanning “problems” came to seem more like dilemmas made up of conflicts of values, interests, and ideologies unresolvable by recourse to the facts.’

In the face of the plurality of competing interest groups the idea of an overarching public interest receded and planners searched for new roles given that centralized comprehensive conceptions of planning could no longer be sustained (Schön, 1983). A splintered society of special interest groups competing for attention and resources implied new strategies and modified conceptions of professional responsibility. Either, it seemed, planners must become overtly partisan and align themselves as advocates
to particular interest groups especially the poor and dispossessed (Davidoff, 1965) or should seek process forms appropriate to the particularities of the contexts which they encountered in their work.

The story in Britain was similar although there were important differences both because the planning system and its profession had a more secure foundation within a very different system of government than was the case in the US and because disenchantment with the consequences of intervention in a period of rapid change emerged somewhat later. The 1960s, in general, were a period in which planning was held in relatively high esteem (although public disaffection began to manifest itself towards the end of the decade). The criticisms of Glass and Foley were addressed in so far as the profession became more reflective and self-critically aware, a process which was assisted by the widening of the basis of its membership as social scientists were attracted into it in increasing numbers and eventually ended the domination of the profession by those initially trained as architects, engineers and surveyors. The period was one of both economic and population growth and the planning system had a particular role to play in controlling and managing the physical demands arising from growth. Moreover, ‘growth’ had normative connotations not just for planners but in the wider sphere of political debate. Economic growth was seen as the key not only for material progress but also to social justice and even environmental wellbeing. The good life would emerge through enlarged prosperity and maximizing opportunities for individual choice. The post-war consensus on the need for planning was maintained and so was the underlying (and largely implicit) belief in the public interest basis of its legitimacy.

There was recognition that planning involved conflicting claims over values and could not escape the inherently political nature of the task of adjudicating between these claims. In defining their own role and purpose, however, planners embraced technical managerialist conceptions of their function. They saw themselves standing either above or below politics (Low, 1991). Although in theory this meant that their professional task was to proffer expert advice on the best means of achieving externally generated ends, in practice not only were ends and means inextricably intertwined but professionalism was so ingrained into the structure of local government, that practitioners played a significant role in shaping preferred values and ends in so far as discretion was possible within the statutory powers exercised by local councils and within the constraints imposed by central government policy.

Any lingering attachment to positivism and rational comprehensive models of the planning process was dissipated during the 1970s and by the 1980s the modernist planning project appeared to be in tatters. Two influences were particularly important. The first was the triumph of market liberalism in the 1980s (the vestiges of which are still very much apparent) and the associated restructuring of economic institutions and the relationships between state and society. The second was the intellectual assault on
the Enlightenment project by postmodernism. Both of these challenges raised questions not only about current planning practices but about the very enterprise of planning (Healey, 1997).

In market liberalism the public interest becomes consumer or customer interest and Adam Smith’s hidden hand is invoked to illustrate the way in which individual self-interest is converted into the interests of society (Douglas, 1992). Writing at the end of the 1980s, Bearegurd (1989: 387) observed in relation to the US, ‘[n]o longer is the idea to improve society . . . Economic development, not reform is the political aim of the 1980s, and it sacrifices regulation and the welfare state to the lure of new investment and jobs.’

Planners, argued Beauregard, had become dealmakers rather than regulators and it was no longer possible to maintain a conflict-free public interest. Beauregard’s observations concerning the American scene in the 1980s could equally apply to the UK over the same period. Thatcherism, indeed, became emblematic of the doctrines of market liberalism the effects of which on the planning system have been well-documented elsewhere (Thornley, 1993; Allmendinger and Thomas, 1998).

Postmodernism also struck at the heart of the modernist planning project. Two related themes are particularly important in this respect. These are, first, the recognition of difference, otherness and the dynamic nature of situations and, second, the rejection of universalism and the supremacy of scientific reasoning. A key issue for postmodernism and for feminist and postcolonial critiques of modernist thinking is the recognition of the fragmented nature of communities and the variety of lived experiences. In order to understand the individual or the community of which they are a part it is necessary, the argument goes, to engage with the heterogeneity of individual lived experiences – experiences which are themselves constituted through language and discourse and, in turn, are contingent and historically specific. As a consequence all forms of knowledge are perceived to be situated within heterogeneous worlds of difference. This conception of knowledge provides a link to the second key theme within the postmodern debate, namely the rejection of foundationalism and universalism. Metaphysical claims concerning truth, objectivity and validity in epistemology or to higher order moral values are regarded as misguided and potentially dangerous. Notions of universality are condemned because of their totalizing, homogenizing and elitist qualities. The public interest, so the argument goes, is such a universalizing, homogenizing concept which carries with it the danger that difference and heterogeneity will be masked and representing, therefore, a potentially oppressive idea. While, from the 1960s through to the 1980s, planning gave recognition to the existence of plural interests and searched for ways of reconciling them, postmodernist and feminist thinking does not look for reconciliation but seeks instead to encourage and celebrate plurality and difference (Milroy, 1991). A politics of difference ‘is the struggle for the right to difference, as well as the right
to a voice in decisions affecting a wide range of groups, including indigenous peoples, migrants and refugees, women, and gays and lesbians’ (Sandercoc k, 2000: 15). The challenge posed to planning as a consequence of epistemological relativism and the politics of difference has preoccupied the planning academy in the period since the late 1980s (see, for example, Milroy, 1989, 1991; Beauregard, 1989, 1991; Harper and Stein, 1995; Healey, 1997; Sandercoc k, 1998, 2000).

Public interest conceptions of planning have, therefore, been undermined by the critical debates of the recent past. Nevertheless, some writers have sought to resuscitate the idea (Howe, 1992, 1994; Klosterman, 1980; Fainstein, 2000; Campbell and Marshall, 2000a). Howe, in particular, has identified a continuing place for the notion both in theory and in practice. Indeed, she argues that the critique of positivism in the 1970s and 1980s, in releasing planners from the straitjacket of neutrality and impartiality, gave planners a new moral mandate. As a result there was recognition of the view ‘that planners do exercise discretion, that their personal values do influence their work, and that they are called upon to make moral choices in their activities’ (Howe, 1992: 232). And, certainly, a very influential voice has persistently argued in the last decade in support of similar contentions. John Forester (1989, 1993, 1999a, 1999b) has put the case for a transformative role for planning and planners and has argued that ethical judgments are central to the day-to-day work of practitioners. However, the idea of the public interest as something definable and knowable he casts as a chimera. The dominant contemporary view within the planning academy is therefore dismissive of the public interest either because it is too vague to be useful or because it is an elitist and potentially anti-democratic idea. Despite this ambivalence or rejection on the part of planning theorists there is some evidence that it still holds sway with the practice community (Howe, 1994; Campbell and Marshall, 1998, 2000a).

**Normative interpretations of the public interest**

In the preceding review of the public interest in relation to planning thought it is apparent that, although a contentious concept, the idea of the public interest has never entirely been abandoned and it is evident too that rather different conceptions have held sway at different times. In this section of the article we seek to categorize some of these alternative conceptualizations in an effort to pin down some of their distinguishing characteristics.

A number of attempts have been made to categorize public interest conceptualizations (Banfield, 1955; Sorauf, 1957; Held, 1970; Cochran, 1974; Howe, 1992). In the construction of their typologies important distinctions are the point of view (whether subjective or objective) and the interest base (whether individual or collective). In general, the subjective categorizations involve variants of utilitarianism and are individualistic in the sense that
they assume that judgments in the end are dependent on individual evaluations of good or bad, better or worse. In contrast, objective categories emphasize collective values either in the sense of interests generally shared by everyone or in terms of a normative standard against which judgments are made concerning collective interests or the common good.

In addition to the distinctions in concerning the ‘point of view’ and the ‘interest base’ we would introduce a third which relates to whether the conception of the public interest is outcome focused (consequentialist) or procedurally focused (deontological). To identify deontological categories of the public interest is possibly contentious but we argue that communicative planning theorists are not dispensing with the idea of the public interest but are placing their faith in the future of the planning project in procedural norms and rules by which the public interest can somehow be discovered discursively through participatory practice. Dryzek (1990: 54), for example, asks us to think of communicative rationality ‘as a procedural standard, dictating no substantive resolution about the values to be pursued.’ And Healey (1997: 297) writes ‘... the “public interest” has to reflect the diversity of our interests and be discovered discursively.’ In the typology which we offer below we have therefore made the distinction between outcome and procedurally focused approaches a primary one. In the case of consequentialist conceptions we distinguish three contrasted perspectives – utilitarianism, modified utilitarianism and the unitary approach. Procedurally focused conceptions include rights-based and dialogical approaches. The categorization, which provides an integrative framework for the discussion which follows, is summarized in Table 1.

**Utilitarianism**

The problems of utilitarianism are many and most were acknowledged and attempts made to address them within its mainstream 19th-century tradition especially in the writings of John Stuart Mill. A basic objection is the use of ‘happiness’ or ‘pleasure’ as the measure of value. Apart from quantity, there
is the quality, intensity and duration of pleasure and pain to be considered. How is it possible to equate the many different conditions of happiness or the many varieties of pleasure (MacIntyre, 1985; Bobbio, 2000)? The reductive-ism entailed through a unitary principle of valuing, especially in circumstances where the hedonistic calculation is based on monetary value, is also a source of concern (Hampshire, 1978, 1983; Smith, 1988; Harvey, 1996). ‘Quality of pleasure being equal, pushpin is as good as poetry’ asserted Bentham and many recoil from such an absurd equation. This was a problem which Mill sought to address in his essay on Utilitarianism, where he rejected the unitary scale of valuation, introducing instead a qualitative distinction between what he called the higher and lower pleasures (Mill, 1861). For Mill, the higher pleasures are to be preferred to the lower and the distinction between them is to be made by those who have experienced both. But, as MacIntyre (1998) shows, the distinction between higher and lower pleasures does not help in practical terms. Pleasure for Mill, as for Bentham, retains its unitary status because it embraces anything which an individual might desire or aim for. It loses through this process of extenuation any evaluative moral purchase (MacIntyre, 1998). Utilitarianism has also been criticized because its mechanistic calculation can condone exploitation or other horrific ends if they are compatible with the general happiness principle (Hampshire, 1978, 1983; MacIntyre, 1998; Campbell and Marshall, 1999; Bobbio, 2000).

Despite the criticisms of utilitarianism, its impact upon public policy-making has been enormous. Undoubtedly, it was a major influence on the social and administrative reform movement in 19th-century Britain. Bentham, it must be noted, was not centrally concerned with moral philosophy but with jurisprudence (Warnock, 1962) and, for his followers, the practical issues with which they were concerned including prisons, hospitals, public health and so on were, in the crudest sense, amenable to a calculation concerning the effects of reform on general welfare (MacIntyre, 1998).

In theory, the individual stands at the centre of utilitarianism. It is the sentient human being who experiences pain or pleasure. In practice, as we noted earlier, the utilitarian principle, at least as a means of determining public choice questions, recognizes the conflict between public and private interests and that the state has a necessary role in ensuring that the individual’s pursuit of private pleasure is consonant with the collective good as represented by general welfare. It falls to the enlightened ‘expert’ to determine what constitutes the best nexus of private utility and public interest.

Consequently, although utilitarianism, as originally formulated, is based on a subjective view of interest, in practice trading off one person’s utility against another’s is an ethical judgment made by someone who is assigned the role of defining the common good. The stance, therefore, becomes objective and it is for this reason that we have distinguished modified utilitarianism as a separate category. Sugden’s (1989) synoptic view of interest falls into this category as does welfarism as it emerged in the 20th century.
Welfarism, as Samuelson and Bergson first formulated it, arose when economists began to doubt whether it was possible to compare one person’s utility with another’s because utility merely represents an expression of subjective preference. The Bergson-Samuelson approach accepted the impossibility of an inter-subjective comparison of utility but argued that it was still permissible for someone to make judgments about the common good provided it was made clear that the determination is made on the basis of value judgments (Sugden, 1989). Sen, as Sugden notes, took this line of reasoning further by stressing the normative aspects of interpersonal comparisons of utility and arguing that it may also be necessary to take into account ‘non-utility information’ such as overriding ethical principles including rights (Sen, 1979; Sen and Williams, 1982).

Despite these modifications to utilitarian theories, it was the economic-analytical methods of quantifying the predicted consequences of policies particularly through cost–benefit analysis which offered widespread appeal to planners in the 1960s and 1970s. Howe (1992) argues that one of the problems of this approach is its failure to take account of the distributive aspects of choices in that it is the balance of total benefits over costs which is determinative. Lichfield (Lichfield et al., 1975) attempted to overcome this weakness through his planning balance sheet in which the differential impacts on groups affected by a proposal or policy are taken into account and, subsequently, through his community impact evaluation approach (Lichfield, 1992). The saga of the third London airport in the 1960s and early 1970s represented in Britain at least the apotheosis of cost–benefit analysis and with it of rational comprehensive planning.

The utilitarian ethic still has its ardent proponents. Singer (1993), for example, has developed a utilitarianism based on interests. Instead of judging consequences in relation to the balance of pleasure over pain, Singer argues that they should be assessed on the basis of what fosters the interests of those affected. As he observes, given the ambiguity concerning the way in which pleasure and pain were defined in classical utilitarianism, the difference between it and his version may not, indeed, be significant.

Unitary public interest

This conceptualization differs from the utilitarian concept in that, while individual interests are seen to be an important part of determining the public interest, it also gives emphasis to an ‘outsider’ perspective or an ‘objective’ evaluation. The necessity for this is based upon three important considerations. First, there is the existence of inequalities of various kinds (status, resources and other personal attributes) which requires someone (authority/government) to compensate for the differences. The second consideration is the notion that individuals may be mistaken in their interests. We return here to the shoe-pinching analogy referred to earlier. Third,
it acknowledges the existence of collective values and principles which transcend private interests and their summation.

Flathman (1966) puts the case for what he calls the ‘trans-subjective view of the public interest’. The public interest, he argues, is not to be equated with the sum of self-defined interests (the utilitarian concept) but is a moral concept the consequences of which require that citizens are obliged to obey particular laws, commands, policies even when they are contrary to their personal interest. Flathman (1966: 38) writes: ‘It is true that self-interest has a legitimate place in the public interest, but deciding whose self-interest and to what extent requires the utilization of values and principles which transcend such interests’. An important principle for Flathman is universalization by which he means that when a policy or decision is made or put into effect by the state it must apply to all members of the society in question.

Although for Flathman universalization is a necessary pre-condition, it is not the only principle entailed by the concept of the public interest. Those in authority, he argues, must give good reasons why they have chosen one course of action as against others. Of course, in the final analysis people will judge whether a policy is right or wrong, good or bad and their judgment will be based upon their assessment of the substantive consequences of the policy as it affects themselves and others. At the end of the day, it is the ballot box which gives citizens the opportunity to express approval or disapproval of the choices made on their behalf by their elected leaders.

Some would see in the principles described above positivistic and/or elitist ideas but we would argue that this is not necessarily the case. The approach does not preclude deliberative and participatory practices. Nor does it necessarily privilege expert over other forms of knowledge. What it does recognize is that claims to values conflict and that politics is the means by which we settle those claims and in that process we recognize collective values and interests which individuals cannot achieve by themselves and which sometimes require the active promotion of some interests as against others.

Deontological interpretations of the public interest

Deontological views of morality focus not on substantive outcomes but on rights, fairness of approach and justice. Chambers (1996) identifies the following characteristics of deontological theories of morality. First, the right is prior to the good – the basis of morality is independent of the goals or ends for which human beings strive. Second, the principles or procedures entailed have a formal and fixed quality. Third, these principles do not tell us what to do but are a ‘testing’ mechanism for helping us decide what we ought to do.

Conceptualizations of the public interest have, for the most part, eschewed a deontological frame of reference. An exception is Cochran’s (1974) typology in which a proceduralist approach is identified. Although
Howe’s (1992) typology focused on consequentialist conceptions of the public interest. Her subsequent book did find an important place for deontological views of the public interest influenced by the ways in which practising planners themselves identified the public interest which included both consequentialist and procedural interpretations (Howe, 1994). Broadly, Howe identified two deontological versions of the public interest. The first is focused on rights and especially the right of everyone to be considered fairly and equally in the planning or policy-making process. The second concerns the transparency of the process by which planning decisions are arrived at with the implication that where a participatory approach is adopted then the result will be in the public interest whatever the actual outcome is. There is, of course, an important link between these two views because the second implies an entitlement by members of the public to a right to be heard – to have an opportunity to influence outcomes. In our typology we make a similar distinction to Howe’s except that we give emphasis in our second category to current preoccupations within the planning academy to dialogical processes of deliberative debate as a way of achieving consensus and agreement.

Rights-based approaches

The deontological emphasis on rules is premised on the assumption that this is the best means of achieving consistent, universal and impartial decisions and therefore of protecting individual rights. Concern with the protection of rights is a central plank of liberal thinking. As Anderson (1987: 27) states, ‘[t]he persistent aim of liberal philosophy has been to devise principles of individual rights and legitimate public purpose from a basic agnosticism concerning conceptions of the good or ultimate human purpose.’ We return, therefore, to the view that values are subjective and that individuals should be free to pursue their own conceptions of the good life constrained only to the extent that in doing so they do not prevent others from doing likewise.

Rawls’s (1971) theory of justice stands within this liberal tradition. It is premised on the assumption that in a society composed of free and autonomous individuals, there are ‘many conflicting and incommensurable conceptions of the good’ (Rawls, 1982: 160). The role of the state is to facilitate citizens in their individual pursuit of the good whilst ensuring that the principles of justice are upheld. In his later work, Rawls (1982, 1993) has addressed more centrally the political implications of his theory and, in particular, how it is that citizens continue to acknowledge shared understanding of the claims of justice when they remain deeply divided over conceptions of the good. This similarity of interests rests on two higher-order conceptions of the good. The first is ‘moral personality’ and the second is the agreement of citizens to advance the same primary goods, these being ‘the same rights, liberties and opportunities as well as certain all-purpose means such as income and wealth’ (Rawls, 1982: 161).
Rawls’s theory is not purely deontological because distributional justice is acknowledged in the second of his principles. Acceptance of his rules of justice is accounted for by the original position by which we are asked to imagine the principles by which people would choose to be governed if they were making the choice before they knew what endowments or talents they would possess or what privileges they might enjoy by virtue of birth or social standing. This process of arriving at principles of justice is conducted monologically and not by real social agents, a source of criticism and an important point of difference with Habermas’s theory of communicative action (Moon, 1995). It is interesting that Rawlsian-type principles of justice were acknowledged by some of Howe’s planners who broadened out a concept of rights as fairness into a principle of social justice (Howe, 1994).

To be sure, rights are a crucial buttress in ensuring that the dignity and equality of minorities will be respected by the majority (Dworkin, 1978). In this regard, therefore, they have social value in that they are good for society as a whole (Sen, 1979). Nevertheless, as Dworkin (1978) is at pains to point out rights are principles of individual duty or entitlement and not policy instruments for achieving some collective goal. Dworkin also emphasizes that there is a difference between ‘having a right’ and ‘doing right’. Crucial though rights are we contend that a rights-based theory of the public interest presents some problems. It is, for example, one thing for formal rights to be recognized in law but quite another for all citizens to make use of them (Benton, 1993). The opportunity or ability to exercise rights is not distributed equally. It can be argued, indeed, that rights solidify and perpetuate inequalities (Benton, 1993).

Since rights are assigned to individuals it would be surprising if they were not used in certain contexts to buttress self-interest against the claims of collective values and the needs of others. This is particularly pertinent to planning where rights to property are crucially affected by the decisions being made. Our findings from empirical work carried out in the Bay Area of California in the US exemplified some of the problems stemming from a rights-based approach (Campbell and Marshall, 2000b). The focus on the right of individuals or communities to articulate their self-interests virtually paralysed the decision-making process. When the right to defend one’s interests becomes agonistic, collective values are likely to be squeezed out and local democracy reduced to confusion and noise.

**Dialogical approaches**

In this conception of the public interest the focus is on deliberation as a means of arriving at consensus and agreement. The emphasis is on procedural norms and rules. It is commonly associated with participatory forms of democracy but in the context of institutional structures which seek to avoid agonistic clashes of self-interest and the development of open dialogue encouraging the emergence of shared solutions through the
uncovering of *new forms of knowledge and understanding* (Gutmann and Thompson, 1996). The notion of communicative rationality has been based upon Habermas’s theory of communicative action. Habermas’s theory is deontological through and through. It is a theory of justice but one which does not, as in Rawls’s case, depend upon individuals making their own self-centred contracts behind a veil of ignorance. Instead, Habermas’s practical discourse requires all participants to imagine themselves in others’ places in the process of deciding whether a proposed norm is fair. It is a process which must be carried out by real social agents and, moreover, it is essential that agreement is reached uncoerced and willingly by all those who will be subject to the norms. Argumentation is the only process allowed and there should be no forced closure of debate in order to secure agreement or a decision.

What for Habermas was a theory of moral discourse concerning a process of argumentation focusing on the overlap of generalizable interests has in the hands of his supporters been transformed into a more general theory of democratic will formation. Habermas’s aspirations have, we would contend, been rather less ambitious than some of his critics and, it must be said, some of his supporters would have us believe. Communicative rationality, nevertheless, has had enormous impact and has come to occupy a dominant place in the current debates on planning theory. This is not the place to examine in detail the arguments in that debate but we would like to discuss some of the more general criticisms concerning the problems of operationalizing deliberative democracy.

First, the stringent requirements established by Habermas for effective communicative discourse are inevitably relaxed in the real world. Dryzek (1990), for example, argues that universal participation is unnecessary and, indeed, he stresses the need for ‘communicatively competent’ people to be involved in the process of debate. More generally, communicative planning theorists propose that participants should represent the major interests or stakeholders involved. Selectivity inevitably raises questions concerning who should be involved and who should set the agenda. As with all participatory processes there is the evident difficulty of ensuring inclusiveness so that all relevant interests are given voice.

Second, the emphasis is solely on process. Even if agreement is not reached, the process of debate is seen to have value in its own right. Thus Innes and Booher (1999), in their analysis of actual consensus-building exercises, stress the beneficial consequences which arise even when agreements are not reached because participants’ ways of knowing and understanding are changed. Healey (1997) also stresses the transformative nature of the ‘reflexive process of intersubjective communication’. In Healey’s terms collaborative planning is ‘future seeking’ and not ‘future defining’. It can have no prior conception of the ends to be sought. Such planning, she writes, may enable us ‘to agree on what to do next, on how to “start out” and “travel along” for a while. We cannot know where this will take us’ (Healey, 1992: 156).
Third, participants in communicative discourse are expected to shed important aspects of their personalities so that the cognitive rather than the affective dimensions of the self come into play (Warren, 1995) but it seems most unlikely that individuals will be dissuaded from using strategic argumentation or distorted communication as a means of resolving conflict. As we have noted elsewhere (Campbell and Marshall, 2002):

... the distinguishing hallmark of planning is its concern for strategically linking multiple policy arenas and decision fields across space and through time. ... Given the unequal distribution of rights, resources of all kinds and, hence power, negotiation, bargaining, trade-offs, strategic argumentation and other competitive practices, which do not meet the requirements of discursive argumentation, are an intrinsic part of the process.

Fourth, models of deliberative democracy are too optimistic in confronting the pluralism of modern societies. Given the deep divisions of interest within society, the persistence of disagreement and the prevalence of discord and conflict it seems unlikely that a consensus can be discursively constructed. The corollary of this is that if communicative discourse is to work at all it is likely to be most effective in small homogeneous groups. Localism is, we suspect, likely to favour conservatism and exclusivity. As Fainstein (2000) observes, communicative planning theory evades the problem of what to do when democratic processes produce unjust results.

Conclusions

Although the idea of the public interest is often scorned by contemporary planning theorists this article has argued that it nevertheless remains the pivot around which debates about the nature of planning and its purposes turn. Those who are dismissive of the value of the concept as conventionally conceived are, we have argued, putting their faith in a procedural interpretation of the public interest. In framing our own categorization we have consequently proposed a typology which makes a distinction between consequentialist and deontological versions of the public interest. To offer a categorization of the public interest in deontological terms is possibly contentious but the article has argued that the communicative turn in planning theory is based upon the assumption (whether explicitly or implicitly stated) that the public interest is best discovered discursively through participatory processes.

Although we have included deontological conceptions of the public interest in our typology, the article has been critical of them. Communicative planning theory, in placing emphasis on difference, diversity and democracy, has made a positive contribution to the debate about the future of the planning enterprise. However, although we do not dissent from the
idea that public deliberation and debate are essential for a responsible and responsive planning system, we nevertheless argue that choices cannot be left endlessly open. Planning cannot evade what Harvey (2000) refers to as the dialectic of the either/or. Closure must occur when one design or alternative is materialized as opposed to others and as Harvey (2000: 188) states ‘closure is in itself a material statement that carries its own authority in human affairs.’ Modernist planning emerged as a state activity precisely because of recognition that there are important goods which are manifestly in everyone’s interest to have but in no one’s interest to provide. An open agenda for public deliberation seems unlikely to provide the means by which important collective values can be upheld and maintained. To paraphrase Pitkin (1981), no account of planning, politics and the public can be of value if it is empty of all substantive content, of what is at stake.

Notes

The title of this article we owe to E.P. Thompson (1978: 368).

1. John Dewey drew a similar analogy in The Public and its Problem when he wrote:

[Popular government] forces a recognition that there are common interests, even though the recognition of what they are is confused; and the need it enforces of discussion and publicity brings about some clarification of what they are. The man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied. (Dewey, 1927: 364)

See also Barry (1964: 5):

Whether his opportunities are increased or narrowed by being unemployed is something each man may judge for himself; but it is surely only sensible to recognise that most people’s opinions about the most effective policies for securing given ends are likely to be worthless.

2. Generalizable interests are those interests which are of concern to everyone. Habermas’s discourse ethics are concerned with questions concerning how we ought to act and not with particularistic interests and needs. Habermas (1990) argues that as pluralism has increased in the modern world society has become more differentiated with the result that morally justified norms have become even more generalized and abstract.

References


Planning Theory 1(2)


Heather Campbell is Professor of Town and Regional Planning at the University of Sheffield, UK. Her research interests include planning theory and its interaction with practice, the interrelationships between the state, society and the development industry and technological change and innovation. In the case of the former she is currently working with Robert Marshall to explore the ethical dimensions of theory and practice in planning. Recent publications include journal articles in the International Journal of Urban and Regional Research (1999), Environment and Planning A (2000), Environment and Planning B (2000), and International Planning Studies (2000).

Address: Department of Town and Regional Planning, University of Sheffield, Sheffield S10 2TN, UK. [email: h.j.campbell@sheffield.ac.uk]

Robert Marshall is Senior Lecturer in the Department of Town and Regional...
Planning at the University of Sheffield, UK. His research interests are in planning history, environmental policy and values, and planning theory. His recent work has focused on the latter with a particular interest in ethics and planning practice, a project he has pursued jointly with Professor Heather Campbell. This has resulted in several journal articles including papers in the *International Journal of Urban and Regional Research* (1999), *Journal of Environmental Planning and Management* (1999), *Environment and Planning B* (2000), and *International Planning Studies* (2000).

Address: as Heather Campbell. [email: r.j.marshall@sheffield.ac.uk]