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THE DESIGN OF A PLURAL LAND USE PLANNING SYSTEM - A TENTATIVE PROPOSAL FROM AN ITALIAN PERSPECTIVE

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**45th Congress of the European Regional Science Association,
23-27 August 2005**

**THE DESIGN OF A PLURAL LAND USE PLANNING SYSTEMS: A
TENTATIVE PROPOSAL FROM AN ITALIAN PERSPECTIVE**
(Paper submitted to: Planning Theory and Practice)

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Abstract

It seems that not only theoretical but also practical reasons lead to welcoming mixed and plural approaches to spatial planning. In fact, classical ethical approaches to spatial planning, as the utilitarian, the contractualist and the dialogical ones, seem hardly adequate to respond, in their pure forms, to plan-making requirements in our complex societies.

So, in this paper, the main characteristics and the relative potentials of integration, of the three mentioned ethical approaches to spatial planning, are analyzed and evaluated towards the pursuit of a plural integrated planning system. First of all advantages and disadvantages of each approach are analyzed in relation to the indispensable aims and functions of an effective and legitimated planning system; then, combinations of the different approaches are searched in order to correspond better to the requirements of the desired planning system; finally a connection between the components of the plural planning system and the relative institutional settings, is proposed. To correspond to this task, the three classical dimensions of power (forums, arenas and courts) are recovered and interpreted (in a rather analogical way), in order to define the institutional contexts able to generate valid legitimation and effective implementation for the proposed plural planning system.

Key words

Plural spatial planning system; forums, arenas, courts

Aknowledgments

The contents of this paper have been inspired, to a large extent, by the reflections conducted with Piero Properzi, of the University of L'Aquila and Vicepresident of the Italian Istituto Nazionale di Urbanistica (in particular on the combination of utilitarian and contractualist approaches to planning) and with Stefano Moroni of the Milan Polytechnic (in particular on possible mixed combinations of ethical-political principles in planning). Critical reviews of the paper have then been made by the two aforementioned scholars and by Luigi Mazza of the Milan Polytechnic and Peter Roberts of the University of Liverpool. I would like to thank everybody for their fundamental collaboration on the elaboration of this final version of the paper. A previous Italian version of this paper has been published in the Italian Journal of Urban Planning *Critica della Razionalità Urbanistica* n.16, 2004. At the moment, the paper is under submission at *Planning Theory and Practice*.

1. Introduction

The paper explores, from an Italian perspective, the potential for the combination of utilitarian, contractualist and dialogical approaches towards the design of plural land use planning systems. An essentially conceptual analysis of the selected spatial planning approaches will be developed. In this perspective, the contribution of the paper is, first of all, addressed towards the theoretical debate focused on the planning doctrine perspective (as set by Faludi and Van der Valk, 1994), on the essential functions of the spatial planning systems (as put in Mazza, 1998a, 2003) and on the ethical-political principles in planning practice (es. Upton, 2002, Campbell and Marshall, 2002).

More specifically, the paper argues that:

- some fundamental principles of ethical-political origin can help in ordering the variety of instruments normally used in planning systems;
- it is possible to identify the “indispensable” components of a planning system and, consequently, to bring them back to their ethical planning principles;
- through the analysis of these fundamental principles, it is also possible to recognize potentialities of cooperation, if not of integration, between them -and, consequently, between the related tools- towards a plural and consistent planning system;
- the specification of a “plural spatial planning system” can be used as a frame of reference both when a regional government (in Italy the “Regioni”) has to issue new laws in the planning field and when a regional or local government has to make important revisions of its plans.

The following discussion is articulated in two parts: in the former, an analysis of the strength and weaknesses points of the selected planning approaches (the utilitarian, the contractualist, and the dialogical one) is carried out. In the latter the main features of a plural land use planning system are designed.

2. Utilitarian, contractualist and dialogical-collaborative planning: advantages and limits

2.1. The analytical framework

In order to address growing and complex land use needs, planning practices often try to combine together different tools and, consequently, the different ethical-political principles and values on which these tools are based. Different scale strategic plans and sectorial-functional plans; regulatory plans (zoning) and participation documents; reports of Agenda 21

and public-private negotiated plans and projects; strategic environmental assessments and more traditional instruments of public appraisal and intervention etc., are only a partial sample of the different kinds of instruments that a local administrator as well as a practitioner find nowadays on their desk and have, somehow, to coordinate. This proliferation of tools if, on the one hand, can be seen as a symptom of vitality, on the other can be seen as further demonstration of the fragmentation, or of the absence, of a unitary planning discipline (in the sense of Faludi and Van der Valk, 1994). Each of them, in fact, imply different ethical values and refer to different planning approaches the combinations of which often produces an incoherent if not contradictory outcome.

It seems, therefore, that a greater understanding of the range of ethical approaches involved and of the possibilities of combining them in a consistent way could be a valid program addressed to a greater legitimation of the planning process as a whole. This paper, from an Italian perspective, moves in that direction trying to clarify the differences and, eventually, the possibilities of integration, of some of the more common ethical approaches to land use planning.

Classical ethical approaches to planning are those based on the principles of utilitarian (oriented to ensure efficiency and effectiveness for land use changes), contractualist (oriented to pursue social and environmental equity) and dialogical type (oriented to define planning ends in a fair public dialogue). But these ethical approaches seem inadequate, in their pure forms, to respond to plan-making requirements in our complex urban and regional societies. They function in limited conditions and above all where the “ends” (an idea of the public good in the city and region) and the “means” (social consensus, laws, regulations, administrative instruments, economic resources, etc.) of political action can be easily defined¹.

Mazza, with particular reference to the Italian PRG, has often argued (Mazza, 1996, 1997, 1998a, 1998b, 2003) that a planning system pursues land use control through, at least, three main specific functions: “structuration” of the decision-making process through strategic plans, “implementation” through conservation as well as transformation projects and programs and “regulation” through land-use zoning. Furthermore he asserts that these functions have to be differentiated even if they have to develop a cooperative interaction

¹ Ends and means are basic ingredients of any type of spatial planning. Breheny (1996) proposes different possible combinations of ends (that he calls “aims”) and means that depend on matching different theoretical planning conceptions with the specific regional contexts.

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aimed at strengthening the operation both of each function and of the planning system as a whole.

But in Italy, as Properzi asserts (2003a, 2003b), when someone refers to urban planning normally refers to the PRG prevalently considering its regulative functions. This type of plan, in fact, through its regulation system, has quite effectively supported the urban expansion in the last decades. But, it is also clear that nowadays it is not enough. Not only urban needs, but also citizenship rights, the sense of places, the sense of territorial space, the sense of land property and soon have completely changed: everything is, in a certain sense, urban and everything is, at the same time, exposed to the global competition between cities, regions and continental systems. So, starting from the nineties, another model of planning has grown up in Italy in order to answer to this changed situation. Current planning experiences comprehend not only those public-private transformation programmes and projects that are shifting the focus from the traditional regulative planning form to a more operative one, but also those planning strategies that tend to combine together objectives of competitiveness, of sustainability and of polycentrism. A new planning system has not yet emerged even if, thanks to the academic as well as practical reflection of Luigi Mazza and thanks to different local and regional experiences (in Tuscany and in Lombardy first of all) many steps have been made in that direction.

A new planning model needs to be necessarily plural in order to satisfy the different public functions as well as the different ethical-political approaches that legitimize each of these public functions. In the following Table 1., in order to explore the functions of the three considered ethical approaches, a possible theoretical framework is therefore proposed.

ETHICAL APPROACHES TO LAND USE PLANNING	Contractualist	Utilitarian	Dialogical
Contractualist	Pure contractualist <i>Basic principle:</i> Rights, Justice <i>Function:</i> To define rules of juridical value	Contract.-Utilitarian <i>Function:</i> To pursue transformation in a context of guarantees for all	Contract.-Dialogical <i>Function:</i> To elaborate and share long term sustainable development objectives and scenarios
Utilitarian	Utilitarian-Contract. <i>Function:</i> To frame transformation programs in the context of public interests	Pure utilitarian <i>Basic principle:</i> Individual and collective utility <i>Function:</i> To aggregate existing different interests in programmes and projects	Utilitarian-Dialogical <i>Function:</i> To aggregate existing interests in a context of public dialogue
Dialogical	Dialogical-Contract. <i>Function:</i> To settle a context of public dialogue as a basic condition to pursue also substantive rights and guarantees	Dialogical-Utilitarian <i>Function:</i> To settle a context of public dialogue as a basic condition to pursue common meta-preferences	Pure dialogical <i>Basic principle:</i> Fair public dialogue <i>Function:</i> Guarantee fair public participation to decisions

Table1. - Three ethical approaches to land use planning

The raising problem is how to combine the different approaches in order to actually correspond to the emerging practical needs of urban and regional communities avoiding those ethical conflicts as well as that logical incoherence that could generate also practical failures of the possible efforts. But the identification of both the eventual ethical as well as logical conflicts between the different approaches and the possible solutions to these conflicts largely depend on the application of a higher-level system of analysis. Towards this objective, the paper introduces another analytical as well as normative frame: the three classical dimensions

of power (forums, arenas and courts) as discussed by Bryson and Crosby (1992). The problem of these authors was how to make planning in a “shared power” world and, to address this fundamental question, they proposed a systematic and coherent use of the three classical institutional contexts (and the relative sites and functions) in order to produce effective outcomes in urban strategies. In this paper, the three planning approaches (contractualist, utilitarian and dialogical) are brought back and confronted with the three institutional contexts (the forum, the arena and the court) in order to see how far they can work together: forums as the context where to create and legitimate general long term land use values and rules; arena as the context where to aggregate different interests towards plan implementation and “courts” as the context where to make adjudication activities, normative controls and the management of interest conflicts.

So, hopefully, the final exit of the analysis is that of defining a plural planning system where all the three considered dimensions (ethical, functional and institutional) can cooperate and control each other.

2.2. Advantages and limits of the utilitarian approach to planning

Utilitarian planning, based on the 18th and 19th century “utilitarian” philosophy which sustains that the aim of society should be that of producing “the greatest good for the greatest number “, consequently assumes, as its basic aim, the pursuit of “collective utility” determined by adding together the individual “preferences” existing in a given society. “In theory, the individual stands at the centre of utilitarianism (...). In practice (...) (it) 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” (Campbell and Marshall, 2002, p.175). Welfare assessment is its typical way of operating: plans, projects and programs must be able to be “assessed” on the basis of the “consequences” (effects) they produce on the collective utility (the expected objective). All the various methods of assessment in planning (from one-dimensional to multi-dimensional) are thus ultimately derived from a utilitarian approach to planning.

Preferences (in the sense of clearly identifiable interests) are therefore at the basis of utilitarian approaches. As regards territories, it is possible to recognize more individual land use preferences (of residential quality, of real estate improvement, of identity affirmation, of mobility for the use of services etc.) or collective preferences (for example, of development of certain land use functions) or sectoral ones (housing development expected by the owners of a certain zone, the growth expected of a certain productive sector etc.).

The utilitarian approach, as it is known, does not question the formation and the nature of preferences and interests, nor does it consider whether these are expressed by all the social groups that could be, directly or indirectly, affected by the consequences. Preferences are given and, with respect to them, policies are worked out that aim to maximize the “collective utility” defined as an aggregation of the preferences expressed (i.e. policies as answers to given preferences or, in other words, policies as means to respond to given ends). Examples of this type of planning are the various impact assessment tools and procedures from cost-benefit analysis till the different attempts to take account of impacts on groups and also on communities (Lichfield, 1992).

But, if preferences are lacking, either because the actors who should express them are not, for various reasons, able to do so, or because there are no adequate actors to represent them, or again because the preferences have not yet emerged in a clear and definite manner, a theoretical risk exists that a planning process will not start simply because “without preferences there can be no planning”.

In such conditions, it seems problematic to think of constructing decision-making contexts capable of aggregating preferences that do not exist and, even more, of causing higher-level “preference systems” to emerge as “frames” to justify more routine, local, sectoral, etc. outlooks and actions, as in the example of the decision-making model of Etzioni’s “mixed scanning” (1967).

The hypothesis can then be formulated that a theoretical space exists for a planning modality able, at one and the same time, to foster the emergence of weak preferences, to make more ordinary sectoral and local preferences more explicit by means of confrontation, and possibly to encourage a broader system of “metapreferences” (Hirschman, 1982) to grow. This implies a planning system related to long term values and of a basically synoptic character, to which the “political community” could refer, during the time, also for the purpose of assuming more ordinary, sectoral and local decisions.

This mode of planning (the creation of a system of metapreferences) is still partly an approach of utilitarian type as it falls within that horizon whereby the plan is first and foremost a response to the desires and interests of the various stakeholders (citizens, companies etc.), and, as such, should be able to be assessed on the basic “consequences” it produces on collective welfare, but, at the same time, it seems to lay down the conditions for going beyond the main limitations of the utilitarian approach to plan making (Moroni, 1997) as the following ones:

- the incomplete and erratic information and convictions that lead to the distortion of desires and preferences;
- the indifference to how preferences are formed and are affirmed (often thanks to the privileged conditions of some preferences and to the weakness of others);
- the underestimating of the conditions of disadvantage which exclude certain groups from decisions;
- the instability of social preferences which, almost cyclically, alternate between public and private action and, in any case, the fact that preferences are often liable to change;
- the use of the criterion of “collective utility” as the sole common denominator also in situations in which differentiation, singularities and individualities constitute elements to be appreciated and taken up as such (as in the well known case of cost-benefit analysis where all the values at play are reduced to a single monetary value).

So a planning approach able to occupy the theoretical space mentioned and supply new horizons both for defining collective long-term problems and for seeking solutions that have to be as broadly shared as possible, is needed. A new definition of “collective utility” in planning can thus adequately occupy this space: not just answers to given preferences but also systems of metapreferences, regarding fundamental values and addresses, to be fixed in a specific documents for basic orientations and evaluations. Consequently the idea of a “neo-utilitarian” planning approach where preferences are not only given but also formed and structured in a public dialogue, emerges.

As asserted by Moroni (1997), an informed, open and inclusive public dialogue seems, at least in theory, able to overcome some of the limits of the utilitarian approach, because it:

- prepares the ground with the maximum opening to all those directly or indirectly affected by the decision;
- offers and guarantees information and knowledge for all participants to allow evaluations of the different available alternatives;
- creates the conditions, for all participants, for a common starting point in defining the problems and in elaborating and assessing the possible future scenarios;
- promotes a future oriented visioning approach, rather than one of aggregation and evaluation of the preferences already expressed.

The idea of a “neo-utilitarian” planning is certainly, as we will also state below, something less than the pure “contractualist” land use planning of the past (which was based on ideal and compactly structured systems of social preferences) but also something more than the weaker concepts of decision-making processes that regard the plan only as a sort of

ex-post sanction of the level of equilibrium achieved among the different interests in a given political arena and which tend to be framed by an idea of governance as a synthesis of just those interests which present themselves on the “political market”. This could be also a first definition of that space of governance where the search for a plural planning systems could be considered important.

From this point of view, the restructuring of given preferences or even the action of constructing new systems of preferences (see, for example, Crosta, 1990), seems then to transcend utilitarian planning and to go towards the perspective of a dialogical planning which, in the form of the so called collaborative planning (Innes, 1995, 2003, Healey, 1997a), enables steps forward in resolving conflicts based on the opposition of alternative values (as can occur, for instance, in contexts of a multicultural type).

But collaborative planning (and thus the public dialogue on which this mode of planning is based), as an ordinary way of spatial planning in our fragmented societies (to recall its basic motivations, again according to Healey, 1997a) can clash with the practical requirements of utilitarian planning processes which emphasize efficiency in the decision making process and attention not only to the procedure but also to the final outcomes of the process. A structured public discussion should not only give guarantees of a procedural type but also of the quality of the outcome. Without this, planning will probably be considered an activity of weak social utility. At this point, then, it is necessary to distinguish – returning to a certain extent to Etzioni (1967) – between fundamental decisions and ordinary decisions and, consequently, also between the institutional contexts where the different kinds of decisions can take place (that are, as said before, forums, arenas and courts).

Utilitarian planning, that is intrinsically oriented to ensure efficient and effective decisions for territorial transformations, is more related with arenas than with forums or courts. But, when local, short-term or sectoral interests need a deeper legitimation and a wider social consensus, the necessity to set basic and long-term metapreferences also emerges, then arenas no longer suffice and it is necessary to activate forums concerned with “metadecisions” (“the emergence of a collective interest or vision that transcends narrow partisan interests” Bryson and Crosby, 1993, p. 191). Besides, when the utilitarian planning needs a forum to get more legitimation on difficult decisions, the planning form changes becoming alternatively contractualist or dialogical. The first case occurs when the emphasis is centred on the recognition of a system of fundamental guarantees for all people (for example, a certain degree of equity in allocation of services or the safeguarding of common land use values and resources or the strong protection against environmental risks etc.). The

second case occurs when the search for a shared and long-run vision is needed in order to legitimate also short-run transformation interests and strategies . The alternative approaches affect also planning tools:

- in the former case (a sort of “utilitarian-contractualist” perspective, as indicated in Table 1.) a system of “structural invariants”, based on a deep recognition of territorial deficiencies, values and risks can be registered in a specific document in order to promote evaluations, of the different possible transformations, in terms of coherence or compatibility with those structural invariants;

- in the latter case (a sort of “utilitarian-dialogical” perspective) a shared process of structured participation could be the right solution to give structuration and legitimation to more specific transformation projects.

2.3. Advantages and limits of the contractualist approach

An important perspective that has deeply influenced, particularly in Europe, the reformist and socio-democratic approach to land use planning during the second half of the last century, is centered on social rights, fairness of approach and the meta-principle of justice. It could be referred to the wider “deontological” category of planning principles (Upton, 2002) but, if we also introduce the Rawlsian distributional principle of social justice, it transforms from the purely deontological form (Campbell and Marshall, 2002) to the “contractualist” one that refers to the ethical-political philosophy that studies the basic conditions for social unity. According to Rawls (1982), in fact, given a reasonable pluralism of ends and conceptions of good in a democratic society, it is necessary to work out a conception of justice that does not have to rest on any particular one of the competing conceptions of the good to make it acceptable. In other words, the justification of the conception of justice must be one that all free and equal citizens can reasonably be expected to accept, no matter what their particular conception of the good is. So, while utilitarianism is a substantive moral doctrine that covers all domains of life, whether personal or collective, contractualism aims at pursuing social unity among citizens through formal procedures able to guarantee a reasonable pluralism of conceptions of the good. Besides, in the Rawlsian perspective, a distributional principle (the so called “difference principle”) that takes account of social and economic inequalities, establishes that social justice implies to work to everyone's advantage (compared to a baseline of equality) and that, in particular, it must maximize advantages at the positions least favored by the inequality.

In Italy, the Piano Regolatore Generale (PRG) is intrinsically contractualistic in the sense that it is aimed at assuring formal regulations and long-term guarantees for the entire urban community affected. It is, at the same time, “deontological” -in the sense that it implies formalized and impartial procedures of formation and approval and standardized building regulations- and substantially redistributive in the sense that it is aimed at assuring equal services provisions and accessibility to all parts of the urban territory. Besides, this plan, as a tool of formal institutional value, assumes an *a priori* definition about what the public interest is: basic legal procedures of formation, approval and application; redistributive objectives (e.g. environmental quality, fair accessibility, social services etc.) and regulations for land use. The main consequence, on an operative level, is that only within this framework is thus possible to locate more specific sectoral, local and operative projects .

But this kind of planning possesses also some characteristics that have made it not very desirable in the context of the present urban administrations:

- the guarantees of safeguarding impartial, formalized (and in some cases hierarchical) procedures of formation, approval and implementation tend to make the plan rigid and inflexible to changes in such a way that only frequent, punctual and often not so transparently motivated variations to the plan can allow the necessary urban transformations;

- besides, guarantees of equity and social justice tend to neglect those of efficiency especially when translated into a plan with its laborious and costly procedures. This makes it hardly comprehensible to many and especially to those interested in developing new urban transformation projects;

- the equal distribution of public urban goods and services is often only formal as it rarely implies an effective policy in how these goods can subsequently be managed and used (eg. public spaces “for services” left semi abandoned, in big urban districts, for long time etc.);

- moreover, in present-day pluralist and fragmented societies, it is no longer easy to identify, without any ambiguity, the least favored sectors of a territory;

- finally, the “long term” perspective of the plan is often transformed into “timelessness”, making any matching with more ordinary, pragmatic policies quite impracticable.

But the major contradiction worth to be mentioned is that the PRG, as a long-term formal plan, tends to comprehend elements that are intrinsically different and mutually incoherent (Mazza, 1996, 1998a): in particular, it tends to frame rules and constraints (basically centred on building regulations, on protecting given environmental and landscape

qualities and on safeguarding areas for future infrastructures) -normally in a very detailed and determining way-, into an uncertain scenario of development expressed in a general and partially discretionary form. These different ingredients (rigid formal rules on one hand and long-term and uncertain perspective on the other) result incoherent, due to the different levels of maturation of the themes, to the various implementing actors, to the different rationalities (absolute in the former case, contextual in the latter) but above all to the different perspectives with which the public interest is necessarily regarded (as an *a priori* assumption in the former case, as a process construction in the latter), generate an often confused tangle of more rigid planning modalities with more flexible and interactive provisions. So this plan risks leading not only to a twisted, cock-eyed sort of decision-taking (as at the same time it has to handle very different temporal perspectives and modes of implementation) but also to paradoxical situations: in the best of cases the plan ends up possessing a strong “conservative” value but completely losing that of guiding development actions. Moreover, having to decide not only on development provisions but also on a complex system of regulations, it also implies very lengthy technical times of elaboration, complex recognitions, late updating etc. (Mazza, 1997, 2003).

The PRG therefore, over and above – and often even against – the good intentions underpinning it, ends up becoming a plan of “constraints” to achieve uncertain provisions, with results that can even generate significant conflicts. Therefore, the strong formalistic and “aprioristic” feature of the PRG has become, stabilizing the distribution of land values and rentals, a paradoxically unequal instrument, unable to create new urban opportunities for all.

The “contractualist” plan is, therefore, open to a whole series of “threats” to its social acceptance:

- the obligations and bindings to social behaviors which, while supported in principle, not all individuals and political administrators are prepared to accept and to fully implement;
- the excess of formalism and of bureaucracy compared with plans and projects that are more properly incremental and pragmatic;
- the disappointment and frustration due to excessive expectations often connected with the redistributive objectives of the plan.

It must be finally remarked that important criticism to the “contractualist” approach to planning, has been moved both from the post-modernist perspective as well as from the neo-liberal one:

- on one hand, in fact, at least in its general form, it has tended to neglect the diffuse interests and needs of individuals, of the smaller communities, of the cultural diversities

because it is difficult, if not impossible, to aggregate and guarantee, in the form of this plan, such heterogeneous rights;

- on the other hand, the neo-liberal tend to consider the contractualist planning as egalitarian and, in no few cases, wishful and utopian. These criticism have then mingled with the criticisms of public interest and of pervasive forms of state intervention in the economy and in society, leading to a single criticism of all types of planning, including urban and regional planning, as “*dirigiste*”, “statist” and, last but not least, “conservative” (Sorensen, 2003).

However, despite these negative criticism, a system of formal guarantees cannot be set aside. Formal guarantees in planning:

- remain fundamental in pursuing social justice objectives through the reduction of socio-spatial inequalities that nowadays can be reconducted under the strategies to promote territorial cohesion and sustainable development (Roberts, 2003);

- act as historical memory of the territory and stabilize in time the great options regarding the safeguarding of the primary and “unavailable” public assets of a community in such a way that said assets are not liable to the waverings of short term interests, to the fashions determined by the short-lived cycles of the attention proper to politics in the age of the means of mass communication, to the changes of the local and regional political majorities and so on;

– fixing and formalizing rules of behaviour, limit free riding and the opportunism of single actors and address the more mature actors towards responsible choices;

– finally, as an ensemble of institutional rules, can also reduce uncertainty with regard to the transaction costs between the various actors, thereby making the operative possibilities of the real estate business more certain and consequently making the market more efficient.

But, in order to survive and to function, the contractualist plan must relax some of its basic conditions to avoid being expelled from the system of land use policies through excessive counter-indications:

- the institutional legitimization of the plan can be founded on a public dialogue even if, to the term “institutional”, in this case, should be attributed the “weaker” meaning of institution that produces and maintains meanings, shared identity and shared responsibility (Bryson and Crosby, 1993) towards common and primary resources and not just systems of formal competences. This means that the institutional legitimization of the plan should be

kept in a sort of “forum” as those dedicated, in the Agenda 21 processes, to establish the environmental objectives of a certain territorial community. In this case:

- the forum has to be centred on the definition of the basic, long-term, non-negotiable values on which more operative plans should be evaluated in terms of coherence or compatibility;

- the forum has to be fed by information and knowledge. These have to be generated and managed separately from the more transformative processes (it means, in Rawlsian terms, “behind a veil of ignorance” of any possible transformation plan or project issued in arenas). Moreover, in order to activate compatibility evaluations of the different possible development scenarios, knowledge has to be oriented to the recognition of deficiencies, values and risks of the specific territory concerned.

So a weaker definition of the institutional legitimation of the contractualistic plan leads to the identification of two possible evolutive directions: on the one hand, towards the dialogical approach and, on the other, towards the utilitarian approach. In the former case, the contractualist and the dialogical approach merge in the forum to define a long term idea of what the public interest, in a certain territory, can be (for example that of guaranteeing equal rights of access to fundamental resources to present as well as to future generations). In the latter, the contractualist and the utilitarian approach merge in arenas to pursue more specific and temporary aggregation of different subjective interests. In the contractualist-dialogical perspective, the basic assumptions emerging in forums can be used to address specific documents (“strategic visions” as well as “structural invariants” to be adopted in the City Councils); while the contractualist-utilitarian perspective implies that the transformation plans and projects, emerging from arenas, can be evaluated, in terms of coherence, with the strategic visions and, in terms of compatibility, with the system of structural invariants. At this point the traditional contractualist plan (that normally is expressed by zoning) results clearly articulated in other important components: a contractualist-dialogical document defining the long-term structural invariants of the territory and a contractualist-utilitarian document defining the short-term transformations strategies (see also Mazza, 2003). At this point protocols to evaluate the coherence and the compatibility between transformation strategies and the general values and risks established in the forum, become indispensable. These protocols can be directly introduced in the plan making process as a sort of self-evaluation (as in the case of the Environmental Strategic Assessment) or transferred to a specific public Authority. In any case, a sort of court, to control the correctness and the fairness of these evaluative protocols and to solve eventual conflicts, becomes indispensable.

2.4. Advantages and limits of dialogical-collaborative planning

Since the creation of an inclusive and fair dialogue is regarded as one, if not the main, of the general tasks of collaborative planning, I think to discuss the dialogical approach making reference to the form that it assumes in the so called “collaborative planning” to recall the term used by Healey, 1997a, although it could also be defined with other terms indicating more or less the same approach, such as “communicative” (Innes, 1995, Innes and Booher, 1999) or “deliberative” (Forester, 1999).

What Healey and other authors have defined as collaborative planning (see also Innes and Booher, 2003) draws on a series of theoretical suggestions deriving in particular from Giddens (1984), on the one hand, and Habermas (1983), on the other, and which leads – albeit between positions differing according to their role, either more analytical or more prescriptive-normative - to a common denominator consisting in an emphasis on participatory forms of democracy and on “the development of open dialogue encouraging the emergence of shared solutions” (Campbell and Marshall, 2002, p. 179).

Collaborative planning, at least theoretically, seems useful and effective not only when there is great uncertainty on which means to adopt, but also when the definition of both ends and means is particularly difficult, though there are great expectations on the practical results of the planning process. This form of planning, starting from the recognition of how difficult and yet necessary it is to share spaces in our complex and culturally fragmented and differentiated societies (Healey, 1997a), pursues first and foremost the aim of producing “relational goods”, that is “social capital”, “institutional capacities” or, in other terms, the ability to tackle complex problems with autonomous and cooperative ways of deciding and acting. These institutional capacities imply, in their turn, formal and informal organizations (the formal systems define limits and rules, the informal ones generate consensus for the collective action), routines, modes of knowledge, resources of sense and of significance able to mobilize collective action and learning. Collaborative planning is a paradigm that is now no longer emergent but has become consolidated in the panorama of planning theories though treated in several ways by different proponents. Differing from utilitarian approaches to governance, that stress efficiency and effectiveness as well as from contractualist approach that stresses formal guarantees of social justice, this approach considers governance as strongly based on dialogue and participation and, as such, able both to regulate the society in a more informal manner, and to deal effectively with multicultural differences. Towards this aim, collaborative spatial planning includes both formal and informal instruments and

decidedly faces also the problem of an “institutional design” of new planning systems. Furthermore it is interesting to note that, having to define the in-depth and in some way “necessary” reasons of an orientation towards space sharing in a public context characterized by a plurality of cultures, Healey adopts the concept of “*political community*”: cities, regions and territories can be regarded as *political communities* formed by interactions between places and cultures. This point of view allows to avoid any deterministic and organicist conception of the community and local identity: the *political community* does not exist in nature (excluding formal territorial jurisdictions) but is a social construct that stems from the dialogue and from the necessary sharing of daily life spaces in a multicultural context.

This type of planning is also defined “strategic” (Healey et al., 1997b) but it does not have much to do either with “structural” planning (that we have considered more contractualist oriented) or with the strategic planning in the sense of negotiated programs and projects (that we have considered more utilitarian oriented), but it is rather an alternative solution both to the utilitarian and contractualist limits when policy situations are characterized by difficult rationality, a multiplicity of actors, values and viewpoints, uncertainty of decision-taking and so on. In this case, the objectives and results of public policy are seen not so much as something prefigurabile a priori, but rather as something that emerges from an open interaction because it produces beneficial consequences on ways the participants know, understand and construct their visions (Innes and Booher, 1999). In this regard, some claim (cf. Innes, 1995) that the involvement of a large number of actors in a collaborative processes would also make it possible to approximate far more effective forms of complexity than the forms of complexity sought through the comprehensive approaches pertaining to analysis and policies of traditional type (Innes and Booher, 2003). That is to say there would be no sense in recognizing “objectively” what would be “best for all” with the claim of a system of presumptively unitary and compact preferences (as in the utilitarian and contractualist approaches). There is more sense, if anything, in trying to construct processes of communication and collaboration that imply open and creative results not foreseeable a priori.

Planning, in this conception, does not “disappear” into something too much procedural and too little substantive, but is simply transformed from an instrument that imposes, through the plan, systems of values and objectives (even defined arbitrarily as often occurs in the contractualist approach) on a given context of actors, into an instrument of listening, communication and learning, to grasp, interpret and recombine in a reasonable way the often inadequate and partial systems of preference coming from the various social and institutional

actors. So, collaborative planning is not purely procedural as in the modern liberal conceptions of democracy but rather based on post-modern concerns. Its themes stem from integrated visions of the territory in which the various dimensions – economic, environmental, social, cultural and institutional – all stem from a common “sustainability” matrix. Attention is therefore not turned exclusively to the themes of economic competitiveness but rather to those of cohesion, identity, autonomy of the social actors, recognizing the rights of minorities of any type (Sandercock, 1998).

Spatial planning, in this conception, aims, therefore, at using the intelligence of the network of actors (that is, the intelligence whereby individuals and groups compare interests and preferences) as a resource and as a value, attempting if anything to orient this intelligence instead of substituting the “intelligence” of the public planner for that of individuals and groups.

As far as the critical remarks on the perspective of dialogical-collaborative planning are concerned, it can be stated that its main weak points are:

- it is often utopian. As it advocates a fair, open, inclusive dialogue among the various actors and since these conditions are very hard to achieve in the normal course of events, it follows that dialogical-collaborative planning itself is often unrealistic, unless the conditions under which said public dialogue should take place are relaxed and the situations in which to apply this form of planning are limited (Moroni, 1997, Upton, 2002);

- the *political community* risks being an overly strong abstraction in the presence of actors who, while expressing their direct interests as stakeholders, are hardly capable and prepared to redefine their preferences in the light of new ethical values;

- sharing the daily life space (which is the anthropological space that seems to result from the interaction between places and local cultures) is assuredly a rich, fertile concept of analytical-normative suggestions but it risks excluding other notions of space that belong to the contemporary social hyperspace as that of flows – virtual and otherwise - of the big networks of the globalized economy, information and knowledge age (Castells, 1996-2000; Giddens, 1999) as well as that of media communication which condition and transform also desires, expectations and needs of the individuals (Sartori, 1997) as well as of the various local communities (even though Healey mentions these webs).

Other crucial criticisms of the dialogical-collaborative model (cf. Tewdwr-Jones & Allmendinger, 1998, Allmendinger & Tewdwr-Jones, 2001) are that:

- from the standpoint of the basic theoretical questions: i. too much importance is attributed to the process and scanty importance to the results; ii, it is not always possible or

even desirable to seek consensus at all costs; iii, a “correct and neutral” dialogical process seems to neglect the role of politicians and that of professionals; iv, in spite of everything, it seems still to form part of a top-down type institutional perspective;

- from the standpoint of practical questions: i. that model cannot easily be translated into realistic projects; ii, it forgets that a solution to the conflicts, at least at a certain level, can also be provided by practical-professional elaboration and not necessarily by dialogue procedures; iii, it tends to exclude professional planners and politicians.

4. Conclusions

In this paper, the main characteristics and relative potentials of integration, of three basic ethical approaches to urban and regional planning, have been analyzed. Those approaches have been selected as they derive from those ethical-political principles ("collective utility", "social justice" and "fair dialogue") which have been the main ones upon which the history of urban and regional planning has been founded.

It seems to emerge, from the analysis conducted, that not only theoretical but also practical reasons (the need to handle with combinations of instruments that are often incoherent and conflicting) do not lead to excluding but actually to welcoming mixed and plural approaches to ethical principles in land use planning (see also Beatley, 1994, with reference to ethics in the planning field and Veca, 1989 with reference to ethics in the wider political science field).

In the Introduction, the thought of Mazza, with particular reference to his criticism to the Italian PRG, has been mentioned. As regard to the three main functions that he attributes to every land use planning system (“structuration” with general strategic plans, “implementation” with projects and programmes and “regulation” with zoning) he also argues that these functions have to be differentiated in order to better develop their potentialities as well as to cooperate and interact each other. So the utility, from different points of view, of a differentiated planning system, in substitution of single-principle based plans, is largely recognized. The problem is how to develop this systems, in a context of growing spatial governance (also thanks to the EU social and spatial cohesion policies) and avoiding redundancy, lack of basic components or inconsistency.

First of all it seems necessary to define better the concepts of arena, forum and court (the three-dimensional view of power) in order to capture their analogical potentialities in relation to the definition of planning systems in a scenario of growing interaction between government and governance. In this context, in fact, a specific and complementary definition of

arenas, forums and courts could help in structuring plan-making systems. As we mentioned above, forums could be interpreted as “institutions” devoted to the creation and communication of general values; arenas as “institutions” devoted to the aggregation of interests and to program implementation and “courts” as “institutions” devoted to adjudication activities, normative control and management of conflicts.

My argument, as already stated, is that in a decision-making process, without the elaboration of “metapreferences” (to use Hirschman’s terminology), there is not only the risk of not considering important rights and issues of justice (which is the main aim of a contractualist planning system) but also that the preferences expressed – admitted that there are such – will be practically unattainable because of the conflicts and of the cross-vetoes that can impede implementation due to the possible combination of contrary or merely negative “preferences” (as in the case of “nimby” situations). The preferences and, to an even greater extent, the metapreferences, can instead be the result of an open, critical and informed arena. But it is also true, and this should not be forgotten, that in the public arena, the strongest and best-organized groups are certainly more capable to place their views and preferences in the centre of the agenda and to condition the final outcome of the public discussion. The unequal distribution of power is therefore fundamental in determining the final result of the arena. For this reason it is also necessary to give guarantees of inclusivity, transparency, correctness and open confrontation between the various actors that the arena, in its ordinary conditions, cannot guarantee. The alternative is not to discard the idea of a public dialogue but instead to address and structure its use in another form and for different aims: that form is the forum and that aim is to discuss fundamental questions regarding the future of the community. The “forum” is the place where the dialogue between those concerned can responsibly measure up even to lengthy times, to the fundamental needs of the territory, and to the issues of social justice and of sustainability (or to the rights of future generations, to quote a current definition of sustainability). In this perspective, the forums of the Agenda 21 processes could be considered good examples of public structured dialogue (Innes and Booher, 2001).

ETHICAL APPROACHES TO SPATIAL PLANNING	Contractualist	Utilitarian	Dialogical
Contractualist	<p>Pure contractualist</p> <p><i>Basic principle:</i> Justice</p> <p><i>General aim:</i> Rules of redistributive justice</p> <p><i>Outcomes:</i> Regulatory zoning</p> <p><i>Place of legitimation and control:</i> City Council Courts</p>	<p>Contract.-Utilitarian</p> <p><i>General aim:</i> To pursue transformation in a context of guarantees for all</p> <p><i>Outcomes:</i> Coherence and compatibility controls</p> <p><i>Place of legitimation and control:</i> Courts City Councils Arenas</p>	<p>Contract.-Dialogical</p> <p><i>General aim:</i> Definition of sustainable development objectives and scenarios</p> <p><i>Outcomes:</i> Long term strategic visions</p> <p><i>Place of legitimation and control:</i> City Council Forums</p>
Utilitarian	<p>Utilitarian-Contract.</p> <p><i>General aim:</i> To address transformation programs towards public interests</p> <p><i>Outcomes:</i> Negotiations on the basis of a Structure Plan</p> <p><i>Place of legitimation and control:</i> Arenas City Councils</p>	<p>Pure utilitarian</p> <p><i>Basic principle:</i> Individual and collective utility</p> <p><i>General aim:</i> To aggregate existing interests</p> <p><i>Outcomes:</i> Programs and projects</p> <p><i>Place of legitimation and control:</i> Arenas and evaluation procedures</p>	<p>Utilitarian-Dialogical</p> <p><i>General aim:</i> To aggregate existing interests in a public arena</p> <p><i>Outcomes:</i> Strategic negotiated plans and projects</p> <p><i>Place of legitimation and control:</i> Arenas</p>
Dialogical	<p>Dialogical-Contract.</p> <p><i>General aim:</i> Fair and open dialogue to define substantive rights and guarantees</p> <p><i>Outcomes:</i> Definition of fundamental spatial values; the Charter of the territory.</p> <p><i>Place of legitimation and control:</i> Forums City Councils Courts</p>	<p>Dialogical-Utilitarian</p> <p><i>General aim:</i> To elaborate common meta-preferences</p> <p><i>Outcomes:</i> Long term strategies; Strategic Environmental Assessment</p> <p><i>Place of legitimation and control:</i> Arenas with special mandates</p>	<p>Pure dialogical</p> <p><i>Basic principle:</i> Fair dialogue</p> <p><i>General aim:</i> Participation to fundamental decisions</p> <p><i>Outcomes:</i> Shared fundamental objectives and scenarios</p> <p><i>Place of legitimation and control:</i> Forums</p>

Table 2. The three ethical approaches to land use planning and their internal interactions

As we can see in Table 2, the forum, at the time that it deliberates on fundamental aims and rules, constitutes a point of interaction between the contractualist and the dialogical planning and the proper context for the elaboration of long term strategic visions.

Instead, when the arena debates the operative resources and solutions and, in doing so, activates the contingent assessment processes, it constitutes a point of interaction between utilitarian and dialogical planning and the proper context for the legitimation of public-private negotiated projects.

In the case of the forum, the input consists in the available system of spatial knowledge (not only of the existing spatial situation but also regarding the results of past planning processes) while the output consists in addresses regarding future possible scenarios as well as the values and risks to consider in the planning process. In the case of the arena, instead, the input consists in the identification of the specific areas of possible transformation as well as of critical spatial sectors or ones of opportunity, or mixed ones, in relation to which to construct effective agendas of local and sectoral action while the output consists in partnership agreements, in area projects and in implementation programmes.

- The relations between forums and arenas consist in specific evaluations of compatibility between the plans and projects issued from the arena and the addresses and general rules established in the forums.

A court could be at this point indispensable to manage the eventual conflicts that could arise between the two different places and functions.

Finally it seems possible to refer:

- the forum to a component of the planning system that is more oriented to the definition of those fundamental public goods and those basic rules that have to be guaranteed independently from the quality of any specific strategic plan and project;

- the arena to a component of the planning system more oriented to the construction of transformation projects and programs;

- the court to a component of the planning system more oriented to the solution of conflicts between transformation projects and programs and the basic values and rules defined in the forum.

At this point the features of a plural land use planning system emerge. Its structure is based at least on three components that found their legitimation on forums, arenas and courts:

1. firstly, there is a "Charter of the territory" (Properzi, 2003a, 2003b). It is the technical document based on the principles and criteria established in the territorial forum. It expresses the dialogical-contractualist form of approaching land use planning in the sense that

it is dialogical in its fundamental aim (to define territorial values and risks and ensure to them a wide social legitimation through public dialogue) but at the same time contractualist thanks to the way chosen to enforce and technically implement the output of the forum (the contractualist form of the Charter consists in the formal protocols and guide-lines for compatibility evaluations). This Charter, based on the shared knowledge of the territory, defines the general public goods to protect and the basic rules and criteria through which to assess the compatibility of any transformation process. The Charter is issued by and belongs to the “territorial community”; it is a tool of long term and institutional value to which constant reference could be made for assessing the compatibility of the more ordinary and pragmatic plans, projects and programmes. Technically, the Charter is made of maps and indicators, in the form of a Geographical Information System, and of rules and protocols for the compatibility evaluation. The general addresses of the Charter are deliberated in an open and inclusive forum promoted by the vast area Authority provided with responsibilities and powers in matters of land use planning (in Italy, the Regions or the Provinces).

2. Secondly there are the strategic planning tools capable of adequately treating both the long-term prospects and uncertainties and the local, sectorial, short-range interests. They express the utilitarian-dialogical form of approaching land use planning in the sense that they are utilitarian in their fundamental aim (to aggregate interests in shared plans and projects) but at the same time dialogical thanks to the way chosen to do this work (through dialogical-collaborative arenas). The form and definition of these plans does not have to depend on abstract principles of statutory competences and norms but on principles of effectiveness, of structural adequacy and on the intentional and collaborative capacities of the actors involved: hence strategic plans may be of regional, vast area and urban scale (Albrechts, Healey & Kunzmann, 2003). These strategic plans as well as their implementation projects have to be elaborated and issued in a structured arena. Its scope is to coordinate different interests and, at the same time, projects and programs in a wider vision of the future of the community; so its role cannot be merely the registration of the main interests existing on the political market, but instead it has to develop, through the construction of shared land use frames, a dialogical link between the fundamental aims established in the forum and the specific strategic projects and programs (this could be also a possible interpretation of the specific role of the Environmental Strategic Assessment).

3. Finally, institutions able to pursue the “court function” are also needed. The Charter and its evaluation protocols need to be applied to the different spatial jurisdictions and to the different strategic plans: so, inevitably, conflicts can easily emerge on interpretations,

evaluations and judgments. Also arenas produce “residual” conflicts that need to be solved. Moreover local land use regulations require a super-local control on their coherent formulation and application. All these functions require the design and the enforcement of a “general social control mechanism” that, according to Bryson and Crosby (1992, p. 190), corresponds to the general function of the court. It expresses the contractualist-utilitarian form of approaching land use planning in the sense that it is contractualist in its fundamental aim (formal application of principles, guide-lines and norms connected with the Charter) but at the same time utilitarian thanks to the technical way chosen to do this work (through compatibility evaluation protocols). In fact, if the general principles of land use expressed by the Charter have to be enforced towards transformation strategic plans and projects, inevitably raises the necessity to evaluate these tools through specific “courts”. The prevalent mode of control is evaluation which means that the various scenarios of the general strategic plans, as well as the various hypotheses and solutions of the strategic projects and programmes, have to be confronted with each other and with the Charter. Evaluations regard the “coherency” of the various plans, projects and programmes with each other and the “compatibility” of said plans, projects and programmes with respect to the contents of the “Charter” issued in the forum mentioned above. But this kind of evaluation cannot be managed without a special “third authority” able to control the impartiality and the quality of the evaluations as well as to sanction those who do not respect the evaluation protocols.

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