

PUBLIC INTEREST IN POLITICAL PHILOSOPHY. A NECESSARY ETHICAL AND REGULATORY CONCEPT FOR TERRITORIAL PLANNING

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I. INTRODUCTION

Territorial planning is a means of public decision. Its purpose is to organise and regulate land use and deploy infrastructure and facilities in such a way as to improve the quality of life, enhance territorial development and safeguard natural, environmental and cultural resources.

A territorial plan, since it is generated in the public sphere, is an expression of political will. If, furthermore, the plan is developed by a democratic administration, it must meet the essential requirements to be expected of any democratic organisation: transparency, objectivity, participation and it must serve the public interest.

Of these requirements, this paper refers to the public interest, since this is what we use to justify the content of the plan. The planning process must therefore identify that collective interest. Public interest has the function, then, of justifying the decision and, in turn, it becomes the criterion for the evaluation of alternative proposals.

The acceptance of a public interest presupposes that we accept that society is a single whole which shares common ethical values. In reality, the public do not share the same preferences or the same values, and so it is difficult to accept that they share the same interests. The existence of a public interest can, therefore, be questioned. However, the public interest is used to justify the proposals of the plan and the distribution of resources but we do not specify the concept of public interest served by the plan.

The purpose of this paper is to examine the concept of public interest and its ethical content on the basis of the different lines of political philosophy which have addressed this question in order to extract some theoretical references which may be applicable to planning and which may also afford us greater awareness in the analysis of plans, the values which they sometimes claim to defend and the consequences of their proposals, since all plans, consciously or unconsciously, have an underlying concept of the public interest.

II. THE CONCEPT OF PUBLIC INTEREST AND ITS JUSTIFICATION

The essential question is whether or not there exists a public interest which planners should observe. In the 1930's, a theory began to arise regarding planning methodology and the public interest was seen as a crucial element to explain the purpose and role of public planning.

The concept of the public interest arises from two major lines of liberal philosophical and historical thought, utilitarianism and contractarianism. As well as these lines of thinking, we must also refer to Habermas's theory of communicative action, which introduced a new perspective in the concept of public interest. These philosophies have in common the fact that they consider the public interest to be a means to the achievement of a fairer society, although their different notions of fairness are another question.

Utilitarianism proposes that the public interest is the increase of social wellbeing. The utilitarian method does not, however, address the way in which the increased social wellbeing is distributed between individuals and social groups. Utilitarianism uses an aggregatory principle and the question of fairness is seen simply as a matter of the maximisation of collective utility. Such aggregation, though, can mask deep and unacceptable inequalities which, ethically, must be rejected.

The contractarian position proposes the application of the principle of distributive equity, trying to go beyond the liberal principle of ensuring equality of opportunity. From the viewpoint of contractarian ethics, equality of opportunity which attempts to neutralise the effects of initial inequalities, whether they be social or natural inequalities, is not sufficient and so it proposes redistributive action to benefit those who are least favoured. In this case, then, the utilitarianist principle of efficiency in the public interest is replaced by the difference principle.

Communicative action, replaces instrumental reason with communicative reason. It is through the act of speech that rational communication is produced and, if the speakers rid themselves of their personal interests and act without coercion, that is, if there is an ideal community of undistorted dialogue, through rational communication it is possible to reach understanding and agreement. It is by reason of the best argument, accepted by all, that the public interest emerges.

These theoretical conceptions of the public interest allow us to consider it an ethical, non-subjective concept which serves the entire community. This implies that it contains regulatory elements on the basis of which to establish the social conditions which allow people to develop their own life projects.

III. THE QUESTIONING OF THE PUBLIC INTEREST

In contrast to these lines of thought which consider the public interest to be the active ingredient of public decision making, there are approaches, such as the libertarian-liberal position, Marxism and post-modernism, which reject the existence of a public interest or the idea that the state represents the public interest. This questioning has a profound political effect and, consequently, leads to a critical position towards planning and how planning should be carried out.

The libertarian-liberal position allows no place for the public interest. The philosophical presuppositions of the liberal state are based on the doctrine of natural law. This approach maintains that the rights of man are rights which are not established by human will, but by nature. They therefore pre-date the formation of any social group and this philosophical construct is the basis of the contention that the public powers have the obligation not to interfere in the private sphere. In other words, the only state interventions that can be considered just are those which safeguard individual rights. This approach is based on negative rights. The state, therefore, must protect those individual rights regardless of any consideration of collective wellbeing.

As regards Marxist philosophy, the starting point is not the person but society. Society, in this case, means a system of social relations based on production, in which the state is not the result of the public will or of a contract, but an instrument created by society to enable it to meet the needs derived from the modes of production. The state has a dual function. It has, firstly, the technical function of organisation and coordination which regulates the functioning of society and, secondly, political domination. This political domination is a higher function than the concept of the state as a neutral entity or a functional instrument for the development of productive forces.

In the Marxist view of capitalist society, there are antagonistic classes whose interests are not only different, but conflicting and the capitalist state protects the interests of the bourgeoisie, which it disguises as the public interest. Its function is to integrate the social classes through ideological action in order to protect the interests of the dominant class and ensure its enduring domination. From this position, the state exercises its role of coercion as well as ensuring the ideological domination of the ruling class. Therefore, there is no public interest, since this is merely an ideological concept whose purpose is to legitimise the established social order.

For those lines of thought falling within what has come to be called postmodernism, the public interest does not exist. Postmodernism rejects the cohesion of society and highlights the complexity of social life, the fragmented nature of communities and the variety of the experiences of life. Notions such as objectivity, validity and truth are therefore seen as constituting totalising, homogenising concepts which serve to mask the difference and hide the heterogeneity of society. Postmodern thought highlights the multiplicity of voices and interests and rejects belief in the existence of shared values since the multiple, largely irreconcilable interests found in modern society cannot give rise to a public interest. For postmodernism, there is no monolithic public to represent that public interest, but a society made up of a plural public with many differing voices and interests.

IV. THE PUBLIC INTEREST, AN ETHICAL CONCEPT

From the above analysis, the existence of philosophical positions averse to the existence of the concept of the public interest can be appreciated, but a subtler analysis might conclude that the libertarian-liberal approach suggests that the public interest would be that which allows commutative justice, that is, free exchange between individuals. In this case, therefore, the minimal state would safeguard such rights. On the other hand, in Marxism, the public interest would not be feasible in a capitalist state, but in a classless state. As regards

postmodernism, the fragmentation of society is not a definitive argument in favour of the non-existence of a public interest and, for these purposes, it could be said that democratic societies share moral values which have brought them a certain coherence and without which coexistence would be impossible.

The day-to-day reality in our plural, western societies is that there exists mutual tolerance and harmonious coexistence, although this is at times unstable and difficult. Gender, race, religion, class and wealth differences can mean that the ultimate aims of individuals may not be shared, but it is nevertheless necessary to share some common intermediate objectives in order to carry out our life projects, without which a plural society could not exist. Health, education, political independence, stable social institutions, etc., are just some of these intermediate objectives over which people, despite their different aims, may be in agreement and which may be called the public interest.

If there is a common aspect to the different philosophical conceptions which accept the existence of a public interest, it is that the public interest is a means to the achievement of a fairer society. The public interest is not a set of static values, ideals and principles of society. On the contrary, the public interest is variable, contingent and the result of the needs of society, of the objectives laid down at any given time by society, which cannot, on the other hand, be limited to the internal objectives of a given community or society, but rather, it refers to the objectives laid down by society within the wider framework of the globalised world we share. In the same way, the public interest is also a commitment over time. It requires both the short and long term implications of decisions to be carefully pondered and the future perspective must be included in the considerations which lead to the definition of common interests.

V. THE PUBLIC INTEREST, AN OPERATIVE CONCEPT IN PLANNING

The question resides in how to elaborate that public interest. The imperfections of our current democratic system means that the public interest is not the expression of the social and political process, as one of the deficiencies of democracy is that political pluralism does not reflect social pluralism. There is pluralism in contemporary society, but it is corporate and is therefore a fiction. Organised, predominant interests replace the common good. For these reasons, in this corporate society, there cannot be common aims since participation or democratic representation is passed through the filter of interest groups or corporations and it is difficult to construct a public interest.

This is why we must advocate an intensification of democracy, a model of participatory democracy, and trust in the rules of democratic play. The public interest would thereby be the result of a socio-political debate on the objectives and priorities of society.

If we conclude that the public interest can only be the result of the ordering of real priorities through a socio-political process free of special interests, we could agree that planning procedures, as a method of political decision, should incorporate the appropriate mechanisms to make it possible for it to reflect the public interest.

The utilitarian concept, together with the rational comprehensive method that has dominated planning practice until relatively recently, resolves this problem. The consideration of all of the viable alternatives and the application of economic analysis allow the public interest to be clarified. The method will bear out the rationality of the proposal and the analysis of the costs and benefits will identify the best proposal. In this way, the greatest aggregate utility becomes the public interest.

The contractarian approach represents a change of tack. Attention centres on the least favoured members of society. The difference principle is translated into distributive planning. The essential proposals of such plans are attention to run-down neighbourhoods, to housing problems, to people on low incomes, to public transport in the outskirts of urban areas, to the balanced provision of facilities in the city and urban systems, etc. They aim to guarantee a series of primary goods through the application of a territorial perspective. That is, there is a general, commonly-applied basis which guarantees equality for all and a subsequent differential treatment in the distribution of certain goods in order to aid the least favoured, thereby achieving the principle of distributive justice applied to the public interest.

Public participation is not a consubstantial element of either the utilitarian or the contractarian approach. The planning method on which both approaches are based could, in an extreme case, forgo participation. Both are exclusively founded on the work of experts upon which the political decision is, in part, based.

The communicative approach is a change in the orientation of the planning method. The crisis of the rational comprehensive planning method and, therefore, of the preponderance of experts, the only agent in the planning process, opens up the way for a participatory model in which the social agents construct knowledge through discourse.

Unlike rational comprehensive planning, which presupposes perfect, objective information, in the communicative approach it is assumed that the knowledge is intersubjective. The right of everyone to have his or her opinions taken into account and the transparency of the deliberations are the means by which to arrive at shared solutions which represent the public interest. The emphasis is therefore on the procedure, on the manner in which the consensus is constructed.

In short, in the three lines of thought analysed, an operative approach to the concept of the public interest appears to be feasible.

VI. CONCLUSIONS

The analysis of the main philosophical theories which have, directly or indirectly, addressed the question of the existence of the public interest reveals conflicting positions regarding the concept. The existence of the public interest is questioned by certain philosophical lines of thought which argue the impossibility of consensus, either because of the different interests of individuals (postmodernism) or because the division of society into antagonistic classes (Marxism) make such consensus impossible, or because there are no interests other than private interest and any interference justified on the basis of a “public interest” goes against individual liberties (libertarian liberalism).

This questioning is backed up by powerful reasoning of which we are aware, but for us, the public interest forms a consubstantial part of the essence of political discourse and should

be rejected if it renounces any attempt to evaluate and justify the actions of government. That is to say, the public interest does exist as an ethical concept which is necessary as a guide for political action and which, therefore, can be put forward as an argument for decision-making in the planning process and, consequently, in its empirical evaluation. Therefore, we can state that it is also an operative concept through which actions can be justified and policies which further or hinder the public interest can be identified.

The public interest can be determined in different ways under the different philosophical currents but, basically, it is constructed either by examining the results (consequentialism), as in the cases of utilitarianism and contractarianism, or by examining the procedure, as in the theory of communicative action. The construction of the public interest from the consequentialist perspective does not require public participation as the basis of its fundamental presuppositions; however, public participation is essential in the theory of communicative action.

For us, the identification of the public interest must be demonstrable and evaluable on a case by case basis. The public interest does not emanate from the actions of the state simply because that state is democratic, but because the action can demonstrate that it reflects the public interest.

The plan, as an instrument of government action for territorial organisation and development is an appropriate framework for the expression of the public interest, since it is in the plan that the different options open to the territory can be addressed and its decisions affect all of the inhabitants equally. The identification of the public interest constitutes one of the basic premises of democratic planning, for which reason its objectives and the consequences of its decisions must be explicit. Whether the planning method, as it exists today, allows the construction of the public interest is quite another question, but that is something that requires reflection elsewhere.