

USING ETHICS TO THINK ABOUT PLANNING VALUES

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Using Ethics to Think About Planning Values: Overview

- Some Definitions
- Logic / Policy Argumentation
- Ethical Systems – Derivation of Values
- Ideologies and Heuristics – Application of Values
- AICP Code of Ethics and Planning Values

Some Definitions

- **Ethics** = Broadest sense of how we ought to live.
- **Morality** = Narrower sense of what we owe to others.
- **Norms** = “tend to” and “ought to” statements.
- **Values** = Instrumental (useful to humans) and intrinsic or non-instrumental (inherently worthy of...) statements; what's 'good' versus what's 'right'.
- **Rights** = Claim on someone else: 1) 'Negative' – Right to be left alone; 2) 'Positive' – Right to be given something. *ALL rights implicate duties.*
- **Justice** = How government or society ought to be organized.

Ethics, and Ethics

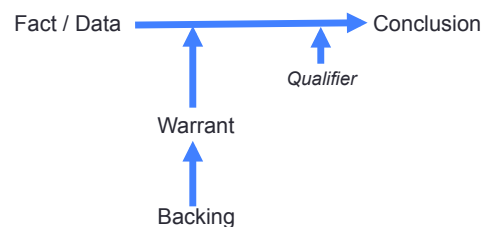
- **Ethics** = As used here, the moral/normative basis of planning and public policy decision-making.
- **Professional ethics** = What duties does a professional owe by virtue of being a professional (e.g., duty to do no harm by M.D., fiduciary duty by attorney)? Also, how to stay out of trouble?

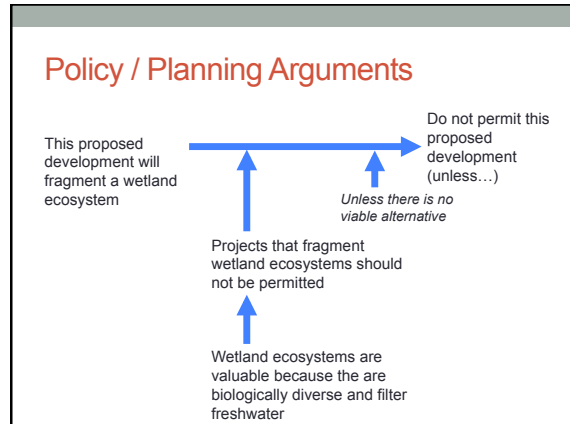
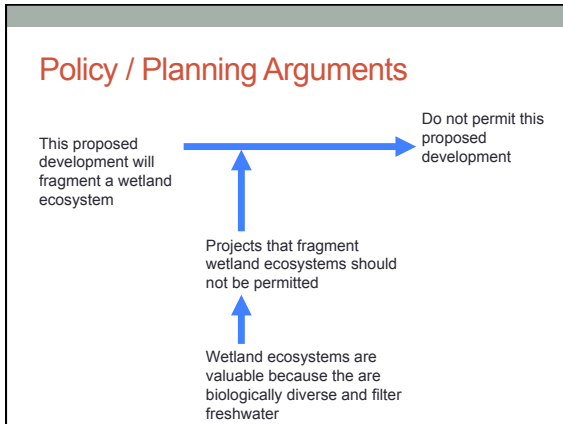
They are related, but the focus here is on the former.

Why Bother? Let's be logical...

- **Abductive Logic** = From an incomplete set of observations to the likeliest possible explanation for the set
Problem: Observations too incomplete
- **Inductive Logic** = From specific observations to a (non-guaranteed) generalized conclusion
Problem: The one unobserved contrary observation
- **Deductive Logic** = From general premises to a specific guaranteed conclusion
Problem: Conclusion may be unsound (incorrect premises) or invalid (incorrect inference)

Policy / Planning Arguments





From Whence the Warrants: Who Counts?

- **Anthropocentrism** = Human-centered: only humans warrant ethical duties/respect
- **Sentientism** = Live beings that are conscious (self-awareness) or that have the capacity to feel pain warrant ethical duties/respect
- **Biocentrism** = All living things (or some combination of) warrant ethical duties/respect

From Whence the Warrants: What Counts? (or Why?)

- **Consequentialist Theories**: Right or wrong (good/bad) based on the consequences of an action
- **Deontological Theories**: Right or wrong based on the kind of act itself or the intent of the actor
- **Virtue Ethics**: Focusing on the moral character of the actor
- **Procedural Theories** (Kind Of) – Related to notions of Justice: Right or wrong based on the procedure / mechanism used to make the rule or decision (democratic vote / republican vote / stakeholder collaboration / marketplace exchange)
- The **Key Tensions**:
 - Proper Focus: Individual versus the Collective/Society
 - Proper Institution: Church, Marketplace, Statehouse?

Kinds of Warrants / Backing

- Egoism
- Utilitarianism
- Religion-based Theories: Divine Command / Natural Law
- Natural Rights
- Kantianism
- Land Ethic (Biocentrism)
- Rawlsian Justice

Egoism

- **Source / Rule**: Do that which is in or that enhances one's own best self interest
- **Arbiter**: Oneself
- **Originator / Popular Proponent**: Ayn Rand (?)
- **Strengths**: Attractive, rewards ambition / productivity
- **Weaknesses**: How to discern "one's best interest" from "interested in"? Is any person an island? Consensus: A socially/morally untenable (adolescent) philosophy.

Utilitarianism

- **Source / Rule:** Do that which produces the greatest good for the greatest number
 - 'Good' = utility = happiness = pleasure, absence of pain, or
 - 'Good' = preference satisfaction
 - Each person counts for one and no more than one
- **Arbiter:** Impartial Spectator, analyst, planner
- **Originator / Popular Proponent:** Bentham, Mills
- **Strengths:** Avoids 'nonsense on stilts', intuitive, coherent
- **Weaknesses:** How to measure? May sacrifice individual rights for common good, yield inequitable distributions. Uninformed / ill preferences.

Religion-Based Theories

- **Source / Rule:** Divine Command or Natural Law: Do that which God directs (and forebear what God forbids)
- **Arbiter:** Prophet, priest, theologian
- **Originator / Popular Proponent:** [many]
- **Strengths:** Intuitively compelling, comforting
- **Weaknesses:** Does God exist? How do we know the Priest is correct? Which dictate: Protestant work ethic and manifest destiny, or creation care?

Natural Law Theories

- **Source / Rule:** Secular version of divine command (?): Do that which promotes the flourishing of humanity
 - Variation: Liberty / Private Property = pre-societal sacred (?) rights
- **Arbiter:** Political theorist, philosopher, constitutional scholar
- **Originator / Popular Proponent:** Locke, Jefferson, Epstein
- **Strengths:** Intuitively compelling, attractive
- **Weaknesses:** What does 'human flourishing' mean? Are these truths really self-evident? Are liberty/property rights really pre-societal?

Kantianism

- **Source / Rule:** Derived from pure reason: 1) "Act only on those maxims of one's actions that one can, as a rational being, will to be (or endorse as) as universal action, that is, obeyed by all moral agents." 2) Treat people as ends themselves, not means to an end.
- **Arbiter:** Philosopher, the rational moral agent
- **Originator / Popular Proponent:** Kant
- **Strengths:** Coherent, intuitively compelling
- **Weaknesses:** What principles, exactly? Who decides? What if following the rule produces unhappy consequences?

Land Ethic / Biocentrism

- **Source / Rule:** Do that which tends to preserve the integrity, stability, and beauty of the biotic community, and forbear that which does otherwise
- **Arbiter:** Ecologist, philosopher, naturalist
- **Originator / Popular Proponent:** Leopold
- **Strengths:** Intuitively compelling
- **Weaknesses:** How to determine? What if following the rule constrains human liberty, productivity, material comfort?

Rawls' Theory of Justice

- **Source / Rule:** The 'original position' and 'veil of ignorance': 1) Liberty principle, and 2) maxi-min principle
- **Arbiter:** Philosopher
- **Originator / Popular Proponent:** Rawls
- **Strengths:** Intuitively compelling, attractive in the abstract
- **Weaknesses:** Does maxi-min principle violate liberty principle (via taxation)? What about undeserving poor? Why better than utilitarian reasoning?

Policy / Planning Arguments

This proposed development will fragment a wetland ecosystem



?

OR

Regulations that protect wetlands are job killers

Projects that fragment wetland ecosystems should not be permitted

OR

Never enforce regulations that are job killers

Application: Cost-Benefit Analysis

- Moral basis: Utilitarianism
 - Problems: Same as utilitarianism, plus diminishing utility
- Amoral basis: Empirical preference satisfaction
 - Source: Problem of interpersonal utility comparison (plus rigor)
 - Forms:
 - Pareto improvement / optimality
 - Potential Pareto improvement
 - Problems:
 - Doesn't really avoid interpersonal comparison
 - 'All that counts cannot be counted; all that can be counted doesn't count'
 - Can you really compensate the losers?
 - *Potential* Pareto improvement is either unconvincing or redundant
 - Practically: Highly subject to manipulation
 - Rhetorically: Is it ethical or is it not? If not, why compelling?

Application: Heuristics

- Libertarian/Free Market Capitalism:
 - Egoism + Natural Law + Divine Command (+ Utilitarianism?)
- Communitarian (Socialist?) / Regulated Capitalism:
 - Utilitarianism, Rawlsian, Divine Command, Biocentrism
- Plus, form of government:
 - Republican: Majority politics + protected rights
 - Collaborative (stakeholder / governance): virtue ethics?
 - Communist: ?

Ethics, Planning, and AICP

- Code of Ethics:
 - Aspirational Principles
 - Rules of Conduct
 - Procedural Provisions