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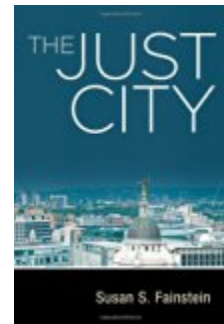
in the Humanities & Social Sciences

Susan S. Fainstein. *The Just City*. Ithaca: Cornell University Press, 2010. xi + 212 pp. \$29.95 (cloth), ISBN 978-0-8014-4655-9.

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Planning for Justice

In *The Just City*, Susan Fainstein sets out “to develop an urban theory of justice and to use it to evaluate existing and potential institutions and programs” in New York, London, and Amsterdam (p. 5). She wants to make “justice the first evaluative criterion used in policy making” (p. 6). The introduction and chapter 1 are thus dedicated to explicating and critiquing contemporary theories of justice as they relate to cities and urbanism. In particular Fainstein is interested in the (frequently contradictory) relationship between “democratic processes and just outcomes” (p. 24). Just outcomes include both (but are by no means limited to) equity and diversity, as well as deepened democratic practices. Surveying key contemporary, often radical, theorists of justice (such as David Harvey, Nancy Fraser, Amartya Sen, Martha Nussbaum, and Iris Marion Young) as well as pillars of liberal philosophies of justice such as John Rawls, this part of the book provides an accessible synthesis of many of the key strands of justice-thinking. Fainstein’s style is quite winning. Throughout she names—often with direct quotations from communications sent to her—critiques and limits of her own position, noting how she answers them and honestly admitting when she cannot (and then using that admission to better clarify what is at stake, intellectually and politically).

In particular, and as a planner, Fainstein argues for a model of justice that accepts the possibility of what she calls (following André Gorz) “nonreformist reforms” (p. 17).[1] Complaining that Marxist theorists like Harvey too often adopt an all-or-nothing position—that any-

thing short of systemic transformation merely props up existing structures of injustice—Fainstein instead agrees with Erik Olin Wright that “[Alternative] institutional designs can become part of pragmatic projects of social reform within capitalist society. There are many possible capitalisms with many different ways of interjecting non-capitalist principals within social and economic institutions” (quoted, p. 19).[2] At the same time she worries (quite correctly) that much recent debate over social justice in general, and progressive planning in particular seems too often to offer only a single remedy to all that ails the city—“a more open, more democratic process” (p. 24) which she argues is inadequate (necessary as it may be) because it “overly idealizes open communication and neglects the substance of debate” (p. 23). Indeed, this remedy “fails to confront adequately the initial discrepancy of power, offers few clues to overcoming co-optation or resistance to reform, does not sufficiently address some of the major weaknesses of democratic theory, and diverts discussion from the substance of policy” which may or may not aim to increase equity, diversity, and democracy (p. 24). On top of that “a faith in the efficacy of open communication and the reality of structural inequality and hierarchies of power ... slides over the question of whether in an existing historical context citizens are good judges of their own interests or the public good” (p. 30). Unlike many current writers, Fainstein does not reject the notion of “false consciousness” out of hand, adopting instead a more nuanced argument—linked to a Gramscian notion of hegemonic ideology—that argues that all manner of vested interests, parochial

or not, may intercede between individual and collective knowledge and desire and any “public good.” “[W]e cannot deny out of hand,” she argues, “that insulated decision making may produce more just outcomes than public participation.” (p. 32). This fundamental tension sits at the heart of the theory of justice Fainstein seeks to elucidate in these introductory chapters. After critiquing a range of theoretical positions (from Harvey to Young, whom Fainstein oddly associates with “poststructuralism”), Fainstein argues that within the context of urban planning the “most fruitful” approach to justice is the “capabilities approach” associated with Sen and Nussbaum (p. 54). Under such an approach, judgments about particular policies or planning actions “would be based on whether their gestation was in accord with democratic norms (although not necessarily guided by the structures of deliberative or deep democracy), whether their distributional outcomes enhanced the capabilities of the relatively disadvantaged, and whether groups defined relationally achieved recognition from each other” (p. 55).

One might to question whether pushing for “enhanced capabilities” rises even to the level of “nonreform reforms” Fainstein advocates. The language of “capacity building” is rife among the liberal foundations and community-based organization with whom I work (whose mission statements invariably also name “justice” as a primary value), and there is nothing “nonreformist” about them. Capacity building—“enhanced capabilities”—seems never to amount to much more than teaching “the relatively disadvantaged” to better negotiate the bureaucracies that govern their lives, to write clearer grant proposals, to put “accountability” at the heart of all their work, and to accommodate themselves to a neoliberal order that places responsibility for “success” always on the shoulders of the individual. This diverts not only discussion but especially activism and advocacy “from the substance of policy” *and from the structural problems confronting* the relatively disadvantaged every bit as rapidly as does the unreflexive invocation of “more and deeper democracy.” Little in Fainstein’s argument inspires hope that more is possible. Indeed, she concludes her discussion of philosophies of justice by laying out a general rule for choosing between policy alternatives: “[W]e should opt for that alternative that improves the lot of the relatively disadvantaged or minimally does not harm them” (p. 56). It is hard to argue with that. It is also hard to argue *only* for that.

Chapter 3 quickly traces the twentieth-century rise of planning as a central practice of the modern state and the struggle for more democratic planning beginning in

the 1960s and 1970s, seeks to outline richer arguments for diversity than appear in the planning and economic development theories of (say) Richard Florida and that might counter the cynical invocation of diversity by private and public gentrifiers (p. 73), and subjects the notion of equity to fuller scrutiny (Fainstein makes it clear that equity should not be confused with equality, and that the former is the preferred goal). Finally, she turns to the complexity that spatial scale adds to any discussion of and struggle for justice, with a particular focus on the question of the best scale for policy making and planning, finding that “there is nothing about regional bodies that automatically makes them vehicles for greater equity” than that possible in the individual cities that might make up a fragmented region (p. 85). “Thus,” Fainstein concludes, “while metropolitan governing institutions potentially can redistribute income, disperse affordable housing, encompass a diverse public, and offer the possibility of popular control of a level of government with greater capacity than small municipalities, the likelihood that they will produce these results is slim” (p. 85).

In the hopes of increasing the likelihood that results like these might arise at the city or regional level, Fainstein uses her final chapter 6 to spell out rules for just planning, which she hopes will lead to the “maximization of the three values of equity, diversity, and democracy, as expressed in a set of norms by which to direct and evaluate policy” (p. 166). She lays out seven principals “in furtherance of equity,” six for diversity, and four for democracy. For equity these include requirements that all new housing development include housing for low-income people “either on-site or elsewhere” (p. 172); that affordable housing units remain so in perpetuity; that there be no involuntary relocation of households or businesses “except in exceptional circumstances” and with just compensation; that economic development policies give precedence to small, locally rooted businesses over footloose capital; that “Megaprojects ... be subject to heightened scrutiny” and provide direct benefits to low-income people; that transit fares for commuter rail be high, while fares for intercity travel be low; and that “planners ... take an active role in deliberative settings” and work to block programs that “benefit the already well-off” (p. 173). For diversity: households should not be required to move in order to increase it, but neither should new segregated neighborhoods be allowed (this includes class segregation); that zoning should be oriented towards inclusion; that “boundaries between districts ... be porous”; that lots of accessible public space be provided and that speech be permitted on privately

owned public space while “[a]t the same time groups with clashing lifestyles should not have to occupy the same location”; that land use should be mixed to the “extent practical and desired by affected populations” (it is not clear how these two prescriptions should be synthesized with the earlier one that segregation not be allowed in new settings); and that affirmative action in housing, education, and employment be bolstered (p. 174). For democracy Fainstein recommends the creation of mechanisms that allow for advocacy on behalf of groups not able to directly participate; that consultation with existing populations in an area targeted for change or development should be required, but such local populations should not be “the sole arbiter of the future of an area” (p. 175); and that planning for greenfield sites should require the participation of distant groups.

Fainstein is clear-eyed about the difficulties in instituting such policies within existing liberal democracies (in the remainder of the chapter she explored the tensions between state and market at the heart of such democracies, and outlines some strategies for implementing her prescriptions), but the clear advantage of her book is that these principals are not derived out of thin air. Rather, they are derived from the analysis she undertakes in the previous three chapters—her case studies of New York, London, and Amsterdam. These chapters are for that reason important. They are also the most disappointing of the book. Drawing on years of research, often conducted in collaboration with her students or with other planner-theorists, each chapter follows roughly the same format. Fainstein begins with a brisk overview of planning history in the city, then limns a small number of important planning cases (Battery Park City, Times Square, and the new Yankee Stadium for New York; Docklands, Coin Street, and planning for the 2012 Olympics for London; Bijlmermeer, and Amsterdam South Axis for Amsterdam), and ends with a brief evaluation of the degree of justness—measured in terms of equity and diversity outcomes and democratic practice—of planning and development in each city.

The problem is not with the quality of the histories, the outlines of the case studies, or even with the evaluations that Fainstein provides. Rather it is with the superficiality of the case studies—they just aren’t deep enough to bear the normative weight Fainstein wants to place on them. To give just one example, in discussing the equity outcomes of the planning and development of Battery Park City (BPC), Fainstein breezes past the highly contentious debates over the development of low-income housing as a critical component of the develop-

ment, an eventual agreement whereby the city would instead develop such housing elsewhere, the hijacking of the funds raised through bonds issued for that purpose for use in the general fund, and therefore the fact that exceptionally little low income housing has been built either as part of or an effect of BPC’s development. By not delving more deeply into the specific planning history of BPC, Fainstein seems to miss—or at least underplay—the degree to which BPC was *planned* to increase segregation (both at BPC and wherever the putative low-income housing was going to be built), without ironclad guarantees that such segregation would *in fact* be offset by increased access to low-cost housing somewhere. Similarly, she praises the Battery Park City Authority’s decision to “over[ride] residents’ preferences ... to maintain exclusivity” (p. 98) by building a pedestrian link to the public Battery Park to the south, without noting how the landscape was at the same time structured (with strategically placed guardhouses among other things) to discourage movement between the two areas. Both these issues are subject to careful scrutiny in Margaret Kohn’s *Brave New Neighborhoods*, a book Fainstein cites elsewhere, but which gets no mention in this case study.[3] Such details matter when assessing the possibilities for a just outcome as well as the degree of democracy within planning processes. And such details are too often missing from Fainstein’s telling of her case-study planning histories.

To be clear, Fainstein can be harsh in her condemnation of undemocratic planning, planning that tends to increase segregation, or planning that predominantly benefits the well-off. But the *source* of that condemnation is not always clear, given the brevity of the case studies. As importantly, the missing depth in the case studies matters, and matters a lot, if we are to really push for the sorts of justice planning prescriptions Fainstein advocates. What struggles to emerge from each case study is a sense of the actual structural—and political—constraints and possibilities for just planning. Fainstein argues, for example, that “a practical alternative for [BPC] could have used revenue bonds derived from the project’s future earnings not just to fund housing elsewhere in the city but to supplement developers’ cross-subsidies within the buildings so as to provide below-market units in every structure” (p. 99). Yet the original plan for BPC called for just such integration, a point Fainstein does not acknowledge. Kohn shows in good detail just how and why (in essence, a witch’s brew of fiscal crisis, political dicker-ing, changed economic development ideologies, and more) such cross-subsidation and integration was subsequently planned out.[4] While I am less familiar with

the details of the London and Amsterdam cases, they too read with a similar level of breeziness that seems not to befit the depth of research Fainstein and her colleagues clearly have done. Instead, each chapter reads as a sort of checklist or score card: after a few details, we are in essence told whether planners in New York, London, or Amsterdam deserve an A, or a B- or maybe a D on equity or diversity outcomes, or on democratic practice.

The point here is that it is in precisely the *structured* and intense struggles over planning and development that processes and outcomes are shaped, whatever the good (or bad) intents of developers and planners. If we are to increase the likelihood of more just processes and outcomes, then we certainly need to attend to theories of justice and to the prescriptions they lead to, as Fainstein urges us to do. We also need to think clearly about strategy as she likewise urges us to do (pp. 180-182). As Fainstein recognizes, the power of progressive planners requires a “mobilized constituency and supportive officials” to be effective (p. 181). Even without this, she says, “justice is a goal to continually press for and to deploy when evaluating decisions. It is way too easy [for planners] to follow the lead of developers and politicians who make economic competitiveness the highest priority and give little or no consideration to questions of justice” (p. 181). True enough. But to do so requires a much deeper analysis of the specifics of planning struggles in cities that this book provides. Without that the prescriptions and strategies Fainstein argues for seem as utopian

as the recourse to total revolution she thinks debilitates Harvey’s and others’ own prescription for a more just city.

Nonetheless, *The Just City* is well worth reading. The discussion of theories of justice and their relevance to planning is lucid; the insistent reminders that planners (and the rest of us who work in the urban realm) need always to have justice at the forefront of our analyses and plans are welcome; the prescriptions offered are, in fact, well worth debating, discussing, and often, despite their contradictions, fighting for; and finally, the question of whether such reforms can amount to something more than reform needs to be thoroughly hashed out. Susan Fainstein has given us a good starting point for doing so.

Notes

[1]. André Gorz, *Strategy for Labor* (Boston: Beacon Press, 1967).

[2]. Erik Olin Wight, “Socialism as Social Empowerment,” paper presented at the symposium on “Power” organized by the *Berkeley Journal of Sociology*, Working Draft, February, 2006, <http://www2.lse.ac.uk/PublicEvents/pdf/20060223-Wright.pdf>, 22.

[3]. Margaret Kohn, *Brave New Neighborhoods: The Privatization of Public Space* (New York: Routledge, 2004).

[4]. *Ibid.*, 142ff.

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