

Afterword: Ethical Problems of Contemporary Cities

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Our earth-transforming and landscape-creating capacities are basic qualities of our human nature: we are geographic beings (Sack 2003).

We human beings are the only city-building creatures in the world. The hives of social insects are fundamentally different in how they develop, what they do, and their potentialities (Jacobs 1961/1993).

Humans have used technology to transform the ... world. ... Whatever ethics we adopt will have to enable us to flourish in a technologically transformed world (Gunn 1998).

1 Introduction: Ethics for Contemporary Cities

1.1 The City as Living Environment

In Europe, more than 75 % of people live in cities (Le Galès 2002). Every month, five million more people live in the cities of the developing world (Glaeser 2011). Cities are wealth creators: over 80 % for developed nations (Landry 2008),¹ and they are cauldrons of cultural innovation. Despite all the hype over telecommunications and globalisation, cities are actually more important than before; the clustering force of cities is still fundamental (Florida 2008).² Cities have always been the heart of civilisation, but now, for the first time in our history, they have become the universal environment of human society, the “universal medium of people’s lives on earth” (Schneider 2003).³ It therefore becomes ever more crucial to question ourselves about what sort of ethical approach can be applied to today’s cities.⁴

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The kind of ethics that can be applied to the contemporary city involves a set of principles and rules of conduct that ensure the safeguarding not so much of the built environment *in itself* as the people living in it and their well-being.⁵ The built environment can be a focus of ethical concern not per se – in its own right – but only in so far as this environment affects people or matters to them.

1.2 *Taking Pluralism and Complexity Seriously*

Two fundamental traits of contemporary cities are⁶ (1) pluralism of the conceptions of the good and (2) the complexity of urban realities. These traits are the inescapable starting point for a reflection on a viable ethics for our cities: the idea is to search for an ethical approach that is not just abstract but grounded in our actual condition.

1.2.1 Pluralism

One “conception of the good” is an idea of what renders life pleasant and worth living – those things one regards as beneficial to oneself (Rasmussen and Den Uyl 2005). The different individual conceptions of good in our contemporary societies differ in terms of religious beliefs, cultural interests, lifestyles, etc. In other words, there are a great many forms of self-realisation (Larmore 1996). This pluralism of the conceptions of the good is not a mere contingent condition that may pass away; it is a permanent feature of our social environment (Rawls 2001). The plurality does not necessary depend on egoism but on the diversity of individuals’ or groups’ ideas of what constitutes the good life: even a society composed entirely of disinterested people, but with different altruistic ideals (regarding who and why is a worthy subject for our altruistic attentions), would be a pluralist society. In brief, pluralism depends on the multiplicity of preferences, interests, and desires of self-interested people and not on selfishness in the strictest sense.⁷ Needless to say, modern cities have been the prime locus of concentration of different ideas about how life should be lived, of how one’s time and resources should be employed. Clearly, this pluralistic nature is even more accentuated in the larger cities, starting with the so-called first-generation metropolises; this feature is endorsed even further by the current type of contemporary second-/third-generation metropolises, which are effectively utilised by different types of “populations”: inhabitants, commuters, city users, etc. (Martinotti 1993). Moreover, it is worth noting how the recently growing phenomenon of immigration heightens the pluralist and multicultural nature of the city (Rogers 2001; Keith 2005; Syrett and Sepulveda 2012).

1.2.2 Complexity

Jane Jacobs (1961) was the first to clearly recognise the intrinsic complexity of urban systems.⁸ Cities are highly complex systems indeed, in that they (1) have a

very large number of components (individuals, activities, etc.) interacting in a polycentric way; they (2) present innumerable non-linear (nonadditive) interactions among those components, with many direct and indirect feedback loops; (3) they exhibit unintentionally emergent patterns; and they are (4) adaptive and dynamic (Portugali 1999; Batty 2005; Pumain 1998; Baynes 2009). The future of a city is therefore intrinsically undetermined: novelty and surprise are fundamental aspects of the urban process. Complexity is in this case clearly a property of the world itself, not simply something beheld by the observer. It amounts to more than mere complication.⁹ It is important to stress that a complex urban order cannot be efficient in an engineeristic sense, exactly because it is conducive to experimentation and discovery. Cities are not efficient in this sense because they are incubators of new ideas and practices: in an urban environment where there is no perfect, static knowledge, innovation entails experimentation, trial and error, duplication, etc. (Ikeda 2007). To quote Jacobs (1969, p. 86): “I do not mean that cities are economically valuable in spite of their inefficiency and impracticability but rather because they are inefficient and impractical”. One point is worth making before we conclude: many of those working in the field of land-use planning today seem to consider the theme of complexity as self-evident – actually, the theme has been scarcely fathomed in this field.¹⁰

1.3 *Levels of Ethical Discourse*

A viable ethics for the contemporary city has to recognise that pluralism of the conceptions of the goods and complexity are ineradicable elements of our social world. (Observe that accepting “pluralism of the conceptions of the good” does not necessarily mean adopting “pluralism/relativism of values”, i.e. moral scepticism).¹¹ The acceptance of pluralism and complexity excludes certain ethical options, such as “communitarianism” and “conservatism”, which tend – albeit in quite different ways – to underestimate the role and impact of pluralism among conceptions of the good and urban complexity. The acceptance of pluralism and complexity as inescapable conditions nevertheless leaves the way clear for some alternative types of ethical perspectives. It is not my intention here to defend a substantive ethical perspective (i.e. to defend a specific position among those compatible with pluralism and complexity) but merely to highlight certain general characteristics that it should have.

A reconsideration of an ethical perspective for contemporary cities should function on several levels and fronts and on two in particular: a discussion must be held first (1) on issues in *institutional ethics* (as regards local government action in particular) (Sect. 2) and second (2) on issues in *professional ethics* (regarding certain professions in particular, namely, land-use planners, architects, policy analysts) (Sect. 3). In both cases, the ethics do not perforce need to be mere recommendations but may also develop into something of a more operative nature, such as legislative meta-restrictions and meta-requirements for local government action and limits and obligations for professionals contained in codes of professional conduct

(Taylor 1992). As regards both institutional ethics and professional ethics, it is worth pointing out certain aspects of a more “procedural” than “spatial” (and “physical”) nature, partly because the latter issues are extensively dealt with by other authors in this volume and partly because I believe that some procedural aspects are crucial in any event. In both cases – institutional and professional – the procedural aspects I will discuss here concern the question of *limits* (to politics in the first case and to knowledge in the second).

2 Institutional Ethics: Politics Within Limits

Among the various rules that the local government introduces, the fundamental ones are those that affect the use and transformation of land, spaces, and buildings; these include regulations for what may be built and transformed and where; what characteristics buildings and spaces must have and the standards they must comply with; what type of activities may be practised in certain buildings and places and on what conditions; which collective services must be guaranteed by private property developers; and which rules of inclusion and exclusion apply to public and private spaces.

This kind of building and planning rule – introduced at local government level – have an enormous impact on our lives and daily well-being and likewise on social network growth and economic activity (Beatley 1994; Ben-Joseph 2005; Needham 2006). This way of regulating the uses and transformation of buildings and land affects not only the overall configuration of the urban fabric itself, but it also impinges on the city’s activities, influencing, for example, the cost and availability of housing; the chances for new businesses or retail projects, among others; the supply of services and infrastructure; and not least access to given places and activities.

The preliminary ethical question that arises concerns (1) the margins within which a local government may introduce regulations (Sect. 2.1) and (2) what goals it should pursue within the margins that are allowed (Sect. 2.2). As James Buchanan and Roger Congleton (2003, p. xx) write: “There has as yet come to be no widespread understanding that a non-monolithic, ... non-omniscient politics requires an anchor in principle, less it remain subject to the capricious forces of rotating coalitional interests”. The point is that we must rethink our rules with the basic aim of limiting the harm local governments can do, while preserving beneficial governmental activities (Brennan and Buchanan 2000). Democracy itself has to work within limiting conditions (Allan 2001).

2.1 Restrictions and Requirements

Contrary to what often happens today, I believe that the urgent need is to insist that when they introduce regulations, local governments adopt the following criteria: (1) *simplicity*, (2) *anti-bureaucratism*, (3) *impartiality*, (4) *stability*, and (5) *openness*.

2.1.1 Simplicity

In the first place, utmost simplicity must be applied to land-use regulations and building standards. We must dismiss complex rules and seek out simple rules for a complex world: in other words, “the proper response to more complex societies should be an ever greater reliance on simple legal rules” (Epstein 1995, p. 21). In many countries during the nineteenth century, important attempts were made to simplify the legal rules; since then, however, the law has been made more and more complex, accepting the wrong idea that law has to mirror the growing complexity of our societies (Kasper and Streit 1998). In this perspective, complex land-use and building issues quickly generated a host of equally complex rules.¹² Systems of complex rules – peculiar to the traditional and current land-use plans and building codes – are sets of rules that present the following features: “technicality”, that is, the trait of those rules that require a high level of expertise to understand and apply them (this means that ordinary citizens are not able to directly know whether they are in compliance with the rules); “density”, in reference to those rules that try to cover in minute details all aspects of certain actions or activities; “differentiation”, which regards the plurality of different overlapping sources of law concerning a given situation; “indeterminacy”, referring to the fact that to be able to decide whether a given action is illegal, it is necessary to deal with several factors provided for, none of which is decisive (the rules fail to give a clear yes/no answer) (Epstein 1995, pp. 23–25). Both theory and practice have demonstrated that this kind of complex rules do not work well because they overburden human cognition and inflict needless high compliance costs (Kasper and Streit 1998). To have simple rules – which avoid technicality, density, differentiation, and indeterminacy – is not a utopian dream but a workable alternative¹³ and not least a real necessity: “The more complex the system, the greater the need for simple rules to achieve order” (Webster and Lai 2003, p. 211).

2.1.2 Anti-bureaucratism

Along the same lines, the second necessity is to drastically streamline bureaucracy. Over the last 30 years, the subdivision-approval process, for instance, has in many countries increased in its complication, as regards the number of agencies and committees involved, the number of standards and additional requirements, and the number of delays (Ben-Joseph 2005). Prolonged administrative-approval processes not only are prohibitive to developers (increasing their direct costs and their overall financial risk) but have also really negative consequences for the consumers (increasing, for instance, the final cost to the units buyers) (Ball 2010). According to a US research, for every additional month that was added to the completion date of the approval process, there was a 1/2 % increase in the final selling price of the unit (Ben-Joseph 2005). In brief, “administrative roadblocks add significantly to the cost of housing and truly constitute barriers to development” (Schill 2005, p. 12). Cities should therefore replace the current lengthy and uncertain permit processes with more “automatic” and faster ones.

2.1.3 Impartiality

Third, it is fundamental that local government sets rules that are as impersonal and as general as possible. This can happen by producing long-term rules that contain no reference to particular persons, objects, etc. In other words, rules must apply to an indeterminate number of future cases. Impartial rules provide the means for the realisation of the incommensurable different purposes of different individuals.

2.1.4 Stability

A fourth vital step is to ensure rules are consistent and reliable. Rules enable citizens to have dependable expectations – in general terms and over long periods of time – with regard to the actions of others and to the actions of the state itself. Stability is decisive if people are to be guided by law not only in their short-term decisions and actions but also in their long-term ones. It is difficult to know, abide by, and respect, rules that constantly change; if legal rules are continually subject to change, the information they provide becomes negligible and useless (Brennan and Buchanan 2000). On the other hand, stability improves reliability, with the consequence of facilitating human interaction. Clearly, the only rules that can remain stable are those that deal with general aspects of local urban reality and do not claim to control the details. In other words, it is due to the tendency to apply overly detailed and specific regulations that we have avoided or failed to ensure stability to land-use and building rules.

2.1.5 Openness

A fifth requirement is to allow far more leeway for experimentation. In this perspective, rules must guarantee that the actions of individuals are coordinated only as regards their “typical features” (i.e. their repeatable, time-independent, and situation-independent aspects), not as regards their “specific features” (i.e. their unrepeatable, time-dependent and situation-dependent aspects) (Moroni 2011). In other words, the rule framework should be “open”, so as to allow individuals (citizens, developers, architects, designers) to respond to new circumstances through innovative action, as suggested by their particular knowledge of circumstances of time and place. In brief, the local government works best when it sets the rules of the game, not when it seeks to determine specific end-states. For instance, as Eran Ben-Joseph (2005, p. 109) observes: “Excessive street and right-of-way widths, rigid earthwork specifications, and overdesigned infrastructure systems are unfavorable to the introduction of site-sensitive solutions, and often impede cost reductions”. And he continues: “Obviously there are many issues to tackle in shaping a new regulatory template for subdivisions. But none is more important than the realization that this new template must allow and promote a variety of housing styles and types of development design” (p. 115). In this perspective, building codes and standards

should only be used as a baseline and not as a barrier to prevent experimentation and innovation.¹⁴ It is important in particular to place more emphasis on “performance standards” than on “physical specifications”.

In conclusion, observe how many of the previous recommendations are good also to minimise public officials’ corruption. Some of the above-mentioned prerequisites work as a “veil mechanism” that suppresses illegitimate, self-interested behavior on the part of public decision-makers by subjecting them to uncertainty about the exact distribution of costs and benefits that will result from their decisions (Vermeule 2007).

The point is not that land-use officials and developers are especially prone to corruption but that the traditional legal-administrative land-use systems intrinsically instigate action in that direction. As John Gardiner (1985, p. 122) observes: “Corruption can only occur when an official has an opportunity to use his or her authority in a way which would lead someone to want to pay for favorable treatment”.

Indeed, it is where discretionality is highest – and where there is greater possibility of differentiating between the positions of single individuals (land owners, developers, and so forth) by way of public decisions – that we find increased levels of corruption. A study sponsored by the US National Institute of Law Enforcement and Criminal Justice found that land-use decisions “were particularly susceptible to corruption because of the significant financial losses and gains which are imposed as a consequence of [traditional] zoning”; other corruption incentives include “the confused treatment of zoning as both a legislative and administrative matter, the increasing complexity of land use procedures, and the lack of standards guiding [land-use] decisions” (Kmiec 1981, p. 45).

It should be strongly emphasised that corruption among public officials is not just wrong in itself but brings negative consequences, such as the loss of competition between urban developers, and that building permission is granted to unsuitable developers.

In brief, the problem of corruption is likewise a crucial element of an ethics of the built environment. And the fact that it is often overlooked is proof of how such “procedural” ethical questions are underestimated.

2.2 Objectives

2.2.1 A Just and Creative City

Regarding the objectives, I suggest that they pivot on establishing a “just and sustainable city” that is also “creative” (Florida 2005, 2007; Andersson et al. 2011). These two factors do not necessary pull in the opposite direction if we avoid too static and reductive an idea of justice – for example, the aforementioned communitarian and conservative outlooks. At any event, it is no easy task to reach a balance between the two aspects: tackling it involves proposing a specific, substantive ethical

perspective (which must also contain some indications of a spatial nature).¹⁵ But this is not the object of the present chapter.

Generally speaking, I will merely say that the fundamental question is not to attract a fluctuating predefined “creative class” but to favour the institutional and social conditions so that everyone can become creative, in a perpetually experimental urban environment that involves all. Richard Florida has recently claimed that only a simplistic reading of his earlier works has led people to believe that he was focusing only on one sector of society, namely, the creative class as an exclusive elite. Irrespective of the correct interpretation of his earlier works, it is interesting to note that Florida himself later kept emphasising that “Creativity is as biologically and intellectually innate a characteristic to all human beings as thought itself” (2005, p. 4). In other words: “Every single person is creative in some way” (p. 22).

2.2.2 People as the Ultimate Resource

The crucial issue is that resources do not exist in their own right, independently from us. They are not a fixed quantity – a stock – whose contours are predefined. Resources depend on human desires and perceptions, knowledge, and technology. Strictly speaking, resources are therefore not so much “discovered” as “invented” (Kirzner 2000; Bauer 2004). As Leila Kebir and Olivier Crevoiser (2008, pp. 49–50) write: traditional approaches “consider that resources exist independently of production... In this case, the resources are reified: they exist in their own right, independently of the relations among the players and independently of the production processes”. The basic question to which this perspective seeks a response “is how to allocate the existing resources in an effective way, given an objective that is defined? The scarcity of the resources is presupposed”. A different, more promising approach “considers the resources as being constructed, meaning they are not imposed once and for all, but are relative and evolutive”. Innovation plays a fundamental role in this case: “What constitutes, or will constitute, a resource will depend not only on what is imposed at the outset and in the future, but also on the intentions and perceptions of the actors”. Actually, the properties of any given “material” are irrelevant if we do not know how to take advantage of them. The point is that, in the city environment also, the human being is the *ultimate resource* (Simon 1996). In brief: “Cities have one crucial resource – their people” (Landry 2008, p. xii).

3 Professional Ethics: Knowledge Within Limits

3.1 Common Duties and Special Duties

Among the main imperatives that professionals (planners, architects, etc.) must conform with are: (1) respect for one’s colleagues and loyalty towards clients; (2) the correct application of knowledge, techniques, and data; (3) to avoid deceit;

(4) to avoid conflicts of interest; (5) to refuse any type of payment or favour that would benefit one party over another; and (6) to pursue a high-quality outcome, while taking account of possible repercussions of a more general nature regarding their choices and actions.¹⁶

The first five imperatives – which correspond to the requirement to be honest, truthful, and fair in their actions – are of a more “procedural” nature and tend to be similar across different professions, such as planners and architects. The last is of a more “substantive” nature and tends to differ between professions. This last type of responsibility has been discussed in other chapters in the present volume.¹⁷ The first five imperatives are usually considered the most self-evident, and yet certain features of today’s city – for example, its intrinsic complexity – actually generate problems that concern these “obvious” five imperatives. Regarding the correct application of know-how (and being honest), I believe that a crucial point prompted by the typical features of the city listed above is the acknowledgement of our limitations. For instance, the limits to our ability to forecast events and outcomes.

3.2 *Intrinsic Limits*¹⁸

3.2.1 Specific Predictions and Pattern Predictions

One of the fundamental consequences of the complexity of systems such as the city is indeed our inability to make any “specific prediction” on our future; we can only venture “pattern predictions”. A “specific prediction” is one capable of predicting certain discrete events with a sufficient degree of precision. As with any form of prediction, a specific prediction states only some – and never all – of the properties of a particular phenomenon, but it can narrow down (circumscribe) these properties and can do this in quantitative terms. Conversely, a “pattern prediction” does not predict particular events but only peculiarly wide classes of events or, better, broad patterns of events; it can only indicate what the “kind” of expected event is (Hayek 1967). The term pattern prediction indicates that we are able to make only a qualitative (rather than a quantitative, precise numerical) conditional prediction about the phenomenon at issue (Caldwell 2004). For instance, we know what general effect a change in housing demand will have on housing prices, but we cannot predict in detail what quantitative changes will occur.

3.2.2 Urban Models

Bearing all this in mind, at this point it is worth making some observations about urban models. In the field of urban studies, some formal models – that show greater sophistication than the traditional ones so far proposed – have recently been put forward to explain how cities function (Wilson and Bennett 1985; Dendrinos and Sonis 1990; Batty and Longley 1994; Batty 2005). As Michael Batty (2005, p. 516)

notes at the end of his fascinating book on urban modelling: “Our models have attempted to extract the essence of dynamic processes generating urban development, but invariably this kind of abstraction focuses on generic outcomes rather than specific predictions”. Furthermore: “Our models simply provide ways of thinking about cities” (p. 517); “these kinds of models inform but do not predict” (p. 518). In line with the discussion developed above, not only is this not a bad thing, but it is precisely how it *should* be. In this regard, the point is not so much that the models “are not the reality” – as every theory or model must perforce involve some level of abstraction – but that *different realities* require *different models* which can provide certain answers and not others.

3.2.3 The Practicability and Relevance of the Models

We must therefore recognise that proper models of urban complexity cannot avoid giving explanations of the principle and pattern predictions, not because they are “models” but because they are models of a specific complex reality, namely, the city. As Friedrich von Hayek (1967, p. 16) observes, referring to models that provide only explanations of the principle and pattern predictions: “Such models are valuable on their own, irrespective of their use for determining particular situations, and even where we know that we shall never have the information which would make this possible”. And he continues: “The understanding of the general mechanism which produces patterns of a certain kind is not ... a tool for specific predictions but important in its own right, and ... it may provide important guides to action – or sometimes indications of the desirability of no action” (p. 40). We are accustomed to thinking that the knowledge generated by our models is useful in directly guiding our action; instead, the real usefulness of models of this kind is often to make plain what we cannot know or do. In my opinion, many complex models are useful inasmuch as they show up our *structural ignorance* (Moroni 2012).¹⁹ It is worth noting how decision-makers often complain that certain models fail to support unequivocal choices, for example, when taking localised decisions – such as, a theme park X must (or must not) be sited in area C. But, as argued above, this fact does not so much denote the limit *of the models* as the incorrect idea that we can make specific land-use decisions on the basis of an unattainable knowledge of detail. As Nicholas Rescher (2009, p. 94) writes: “Questions whose resolution requires determining the outcome of contingent future events ... are ... not ... answerable in a convincingly cogent way”.

3.3 Acknowledging Limits

To conclude, it is the moral duty of the professional – the land-use planner, for instance – not to pretend that certain urban models are able to perform beyond a certain point. More generally, it is the moral duty of all professionals working in the

contemporary city not to claim a thorough knowledge of (and ability to predict) the urban process beyond what is actually feasible. Such a vigilant and cautious approach is not always adopted, notably in the planning field.²⁰

In general terms, we must recognise that constraints to perfect knowledge come not only from us but also from external conditions. They do not depend simply and solely on computational limits of our minds but on the structure of the world itself (Moroni 2012). Our limits in explaining and predicting are therefore both epistemically and ontologically grounded.²¹

4 Conclusions: An Ongoing Debate

The aim of this book has certainly not been to supply a univocal solution to the complex ethical problems of the contemporary city but rather to highlight how these issues are ever-present and require due attention; they affect different levels of action (institutional, professional, etc.) and impinge on diverse professional fields (planning, architecture, design, etc.).

This afterword in no way aimed to summarise all the book's elements but instead to add some extra elements of discussion to an ongoing debate that requires further inquiry. I conclude with the note of hope expressed by Jane Jacobs (1961/1993, p. 584): "Being human is itself difficult, and therefore all kinds of settlements (except dream cities) have problems. Big cities have difficulties in abundance ... But vital cities are not helpless to combat even the most difficult of problems... Vital cities have marvelous innate abilities for understanding, communicating, contriving and inventing what is required to combat their difficulties".

Notes

1. Between prosperity and urbanisation, there is a near-perfect correlation: "on average, as the share of a country's population that is urban rises by 10 %, the country's per capita output increases by 30 %" (Glaeser 2011, p. 7).
2. On this point, see also Clarke and Gaile (1998), Sassen (2000), Landry (2008), and Glaeser (2011).
3. "On a planet with vast amounts of space (all of humanity could fit in Texas – each of us with a personal townhouse), we choose cities" (Glaeser 2011, p. 1).
4. Ethics involves principles that regulate choices and actions, telling us what we ought or ought not to do. I am obviously speaking here about "normative ethics" (i.e. a search for action-guiding principles) and not about "descriptive ethics" (i.e. an attempt to discover what ethical criteria citizens, technicians, public officials, etc. actually accept). For this distinction, see, for instance, Cooper (1993). Interesting studies in descriptive ethics (with particular attention to land-use planners) are Vasu (1979), Howe and Kaufman (1981, 1985), Hendler (1991), and Howe (1994).
5. The question of non-human occupants of the city is omitted, as it does not impact on the central point stressed here.

6. This section is based on Moroni (2012).
7. Note that not even the market itself can be said to be driven solely by self-interest: in market processes, self-interest is indeed a crucial element, but “properly understood self-interest does not exclude altruistic motivation; it depends on purposefulness, but not on any selfishness of purpose. The point to be stressed is that it is one’s own purposes which inspire one’s actions ... One’s purposes may be altruistic or otherwise... It is human dreams and goals which provide the motive force for market processes” (Kirzner 1992, p. 208).
8. Jacobs (1961) started asking what kind of problem cities pose. In order to find an answer, she distinguishes between three type of problems: (1) “problems of simplicity” (situations which presents two factors which are directly related to each other), (2) “problems of disorganised complexity” (problems presenting many factors interacting in multiple ways but with no stable coherent pattern of interrelation), and (3) “problems of organised complexity” (problems presenting many factors which are interrelated in an organic whole). She concluded that cities are without doubt problems in organised complexity (1961/1993, p. 564). On the contrary: “The theorists of conventional modern city planning have consistently mistaken cities as problems of simplicity and of disorganized complexity, and have tried to analyze and treat them thus” (Jacobs 1961/1993, p. 567).
9. As Atlan (1981, p. 186) writes: “We shall say a system appears complex when we do not know how to specify it completely although we know enough about it to recognize it [...]. In this respect, complexity must be distinguished from what we may call complication: The latter only expresses a high number of steps necessary to describe a system”.
10. As aptly pointed out by Byrne (2003), Portugali (2008), and Innes and Booher (2010). See also Moroni (2012).
11. See Rawls (1993), Rescher (1993), Waldron (1993), Larmore (1996), and Connolly (2005). Pluralism of the conceptions of the good as interpreted here is the recognition of an inevitable disagreement about what constitutes a good life and the recognition that people tend to disagree about the nature of self-realisation. But this does not mean necessarily (Moroni 2004) that there exists (1) no value at all that overrides others (state neutrality towards conceptions of the good is itself a meta-value: Waldron 1993) or (2) no limit to freedom of choice (issues regarding the “good” – the way of life we prefer for ourselves, where the state must not enter – can be separated from issues regarding the “right” – the actions that create harm to others and that must be prohibited by the state: Rasmussen and Den Uyl 2005, pp. 22–28). In the normative perspective I accept here, the point is simply that the state cannot impose any comprehensive conception of the good life on the people. The state must therefore concentrate on defending the right of each person to pursue the conception of the good life that he or she prefers, without harming others, and on guaranteeing to everyone – in particular to the worst-offs – also certain “means to differing ends”.
12. “Through the years, the design and layout of urban developments have become increasingly regulated. Professional and governmental bodies have developed standards for the built environment that dictate all aspects of the form and shape of urban ... communities. Obviously, development standards can assure a level of quality in performance as do those plans and construction standards designed to protect our health and safety. The problem arises when standards intended for health and safety overstep their bound and lose grounding in the objective measures of their benefit or break the connection with the original rationale for their existence. This disconnection has overtaken many standards and regulations today” (Ben-Joseph 2005, p. 2).
13. “The common perception is that it is idle at best to long for a return to the imagined simplicity of some past gilded age. Criticisms of legal complexity are often greeted with a shrug by those who view the proliferation of legal rules as an unavoidable necessity” (Epstein 1995, p. 23). “But the current situation is neither inevitable nor desirable” (p. 21).
14. Instead, traditional regulations and urban plans have generally limited the space for experimentation and innovation in constructions and settlements. In a national survey of American developers conducted by Ben-Joseph (2005, p. 105), developers made three

recurrent comments: (1) “regulatory agencies exceed their authority to practice social engineering, architecture, and micromanagement”; (2) subdivision codes “do not allow any flexibility”; and (3) city and county offices “are only interested in exactions and imposing regulations that make them appear more successful in protecting the community from the ‘evil’ developer that may be trying to be profitable”. According to data gathered by Ben-Joseph, more than 70 % of American developers maintain that the main problem that they have to tackle in developing projects consists in the city-planning regulations, which are too detailed and invasive (along with the endless procedures and bureaucratic steps they involve). This is a problem that developers consider more serious than the finding of areas or financial resources. Not so much developers who want to build without rules, but developers who want to work with better rules.

15. On this score – and I agree with what other authors have pointed out elsewhere in this volume – I would urge that an ethical perspective for the contemporary city must also provide specific coverage for the spatial, physical aspects of the city (as cogently stressed by Lynch 1981); it is however important not to forget that the “institutional quality” comes before the “urban quality” and that the latter must be pursued within the framework of legitimacy guaranteed by the former (i.e. the “livability” of the institutions precedes the “livability” of the places and creates the conditions for the latter to come about).
16. I assume here that the professional practitioner (for instance, the professional planner) is neither a “mere technician”, totally value-neutral, nor a “political activist”, completely value-laden, but that he/she is located somewhere in the middle. Irrespective of the way in which different perspectives qualify this “middle position”, there is nonetheless no discussion that, in a democratic society, professional practitioners (for instance, planners) are first of all “experts” (citizens with extensive, special knowledge and particular skills in a specific field) and surely not (elected) “decision-makers”. For an interesting discussion on this point, see Mazza (1995).
17. For more on this last point, as regards the ethics of the planning profession, see Wachs (1985), Thomas and Healey (1991), and Hendler (1995); as regards architecture, see Wasserman et al. (2000), Spector (2001), Ray (2005), Owen (2009), and Taylor and Levine (2011).
18. This section is based on Moroni (2009).
19. “The issue of contingent ignorance – of what people are too lazy or too incompetent to find out about – does not hold much interest ... What matters from the theoretical point of view are those aspects of ignorance that betoken inherent limits to human knowledge” (Rescher 2009, p. 3). “It is important to heed the distinction between facts that nobody *does actually* know and facts that nobody *can possibly* know – between merely unknown facts and inherently unknowable ones. ... The really interesting issue, accordingly, relates not to what is not known to some ... Instead, the really interesting question relates to that which cannot be known at all” (p. 4).
20. As Portugali (2008, p. 250) rightly observes, “the structure of planning law, practice and administration, [is] [...] based on the (usually implicit) assumption that cities are essentially predictable entities; that given sufficient data and information, their future behavior is in essence predictable”. See also Staley (2004, p. 273): the presumption underlying most recent planning law and practice in the United States “is that all the relevant factors for determining housing demand and supply, land availability, and the interrelationships between commercial, industrial, and residential land development are known and foreseeable”.
21. Compare with Rescher (2009, p. 101): “In principle, there are both ontological and epistemological limits to predictive foreknowledge, and obstacles to successful prediction can reside either in the nature of things or in our own cognitive limitations. Ontological limits exist insofar as the future of the domain at issue is *developmentally open* – causally undetermined or underdetermined by the existing realities of the present and open to the development of wholly unprecedented patterns owing to the contingencies of choice, chance, and chaos. Epistemological limits on prediction exist insofar as the future is *cognitively inaccessible* – either because we cannot secure the needed data, or because it is impossible for us to discover the operative laws, or even possibly because the requisite inferences and/or calculations involve complexities that outrun the reach of our capabilities”.

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