

THE LAND PLANNING URGENCY:  
AN ETHICAL PERSPECTIVE

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Jerome L. Kaufman  
Professor  
Department of Urban and Regional Planning  
University of Wisconsin-Madison

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Economic and ecological forces assuredly will affect how land resources are used in this country in the next generation. The need for land resource conservation would be much less were it not for the success of the economic system, which has produced such a high standard of living for many Americans, but left in its wake a lot more sprawl and a lot less farmland and natural areas for the public at large. As a countervailing force, the ecological approach is being looked at more as a check on the economic system's incessant drive to "progress" through growth, having the potential to pull us back to a more harmonious balance between people and nature, a balance set awry by past economic forces.

In contrast, the influence ethics will have as a force in shaping future land resource use appears much more problematical and uncertain. Despite the occasional land and environmental ethic manifestos, ethical reasons are rarely cited as justifications in day-to-day, formulation of land resource policies or in land resource decision-making. The term "ethics" is used in this paper as it commonly applies to those weighty matters of right and wrong, good and evil, and duty and obligation (The Hastings Center 1980).

Consider, for example, the reasons environmentalists and land planners give for preserving prime agricultural land, certainly a policy central to any discussion of why a land planning urgency exists. Rarely is the call for such a policy based on grounds that it is right or obligatory to protect such lands. Instead, the reasons given hew to principles of efficiency, economy, or resource protection: Prime agricultural land is the best land for farming because it is generally flat or gently rolling or susceptible to little soil erosion; prime agricultural land is our most energy-efficient land, producing the most food with the least fuel, fertilizer, and labor; preserving prime agricultural land will help control urban sprawl and protect

open space and critical resource areas, such as wetlands and marshes; or measures to preserve prime agricultural land will reduce the farmer's tax burden that is rapidly increasing because such lands are assessed at urban speculative value rather than at present use value.

Despite the lack of reference to specific ethical principles in ongoing deliberations about land resource issues, it is clear that an ethical perspective could hardly be dismissed as inconsequential to land planning. But that perspective is a difficult one to grasp and articulate. Why? Because ethics is one of those nebulous subjects. Most of us can appreciate ethical principles in the abstract, but when it comes to applying them in specific, concrete situations more often than not we fail to do so.

This paper attempts to shake off some of the cobwebs that shroud the ethical perspective on land resource issues. Specifically, it will do three things: Show that ethical consideration, although often camouflaged, are alive and present in the land resources planning and development process; discuss patterns of ethical thinking and ethical dilemmas that underlie that process; and suggest how an ethical perspective might become more prominent and useful in dealing with issues related to future land planning.

No attempt is made, however, to argue for an ethical perspective as essential to resolve land resource issues. The intention is to be descriptive and analytical about ethics rather than to moralize.

### Two Kinds of Principles

There are two kinds of ethical principles--ends- and means-oriented principles. Both come into play as far as land resource issues are concerned, but in different ways. In a recent article, "A New Land Use Ethic," Graham Ashworth of Salford University in England developed 10 land ethic prescriptions

that embody his personal perspective on American land use ethic issues and imperatives (Barnes 1980). Presented in proper ethical form, as a list of obligations, two of them read:

"You ought to consider land as a resource that may be yours for a time but is also held in trust for the future. Land is not a commodity that any of us can own in the ordinary sense of the word."

"If you are presently trusted with the management of a piece of land, you ought to use it in a manner that benefits the land and does not damage it. Some land uses are abuses that have irreversible consequences, and you ought to avoid such abuses."

These are examples of ends-oriented ethical principles because they imply directions for land policy to follow--view land as a trust, use it in a way that does not damage it, and avoid abusive land uses with irreversible consequences.

Ashworth goes on to contend that land use controls should be developed in the interest of the community and that "you ought to be ready to give time and talents to fight for the land use control." In this instance, the ethical imperative applies to how one should specifically behave--fight for the land use control. This is an example of a means-oriented ethical principle. It is not unlike the standards found in professional codes of ethic, which stipulate how the profession's members should behave in everyday practice. For example, the American Bar Association Code of Professional Responsibility (1978) stipulates that "a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation," a means oriented principle found in most professional codes of ethics.

The distinction between ends- and means-oriented principles is important. Both are needed, for ends without means tend to be impotent, and means without ends tend to be blind. In the context of Ashworth's land ethic prescriptions, it is not enough to say that society should avoid abusive land uses (an end) without also addressing how public officials and others should

conduct themselves (the means) in trying to achieve this and other ends.

On the other hand, overemphasizing behavioral norms--be fair; be truthful, be loyal to your employer, be objective, etc.--without stipulating the ends to be sought provides insufficient direction to guide personal conduct. Aside from specifying more clearly ends- and means-oriented ethical principles that apply to land resources, a balance between them would be helpful to guide the activity of those involved in the land resources planning and development process.

### Right and Wrong in Land Planning

Previously, the absence of references to specific ethical principles in ongoing deliberations about land resource issues was noted. This does not mean that principles of economy, efficiency, and resource protection, or others such as equity, growth, or individual freedom, which are often mentioned in justifying land resource policy decisions, are necessarily void of ethical content. To the contrary, notions of right and wrong, which in part are what ethics deals with, are subsumed, albeit often unconsciously, in the reasoning that underlays a lot of land resource policy and decision-making.

If a moral philosopher happened to listen in on a conversation between land resource planners as they ticked off the reasons for an agricultural land perservation policy, he would probably conclude that the planners believe the consequences of implementing such a program would lead to more good than bad things for the public--more open space, more wetlands preserved, more energy efficiencies, more fairness to farmers, as well as less urban sprawl leading to more compact, better serviced residential development on the urban fringe.

On the other hand, he would probably conclude from the discussion that the planners believe that without such a program the public will end up with less of these "goods" and more of the "bads"--more sprawl, less wetland, less

open space, etc. The high-falutin technical term that best describes the ethical reasoning process used by the planners is teleology. And the moral philosopher would conclude that in this instance the planners are reasoning like teleologists.

A teleologist would say that the basic standard for judging what's ethically right, wrong, or obligatory is the nonmoral value or good that is brought about as a consequence of some action. In this example, more open space, less sprawl, etc., are the nonmoral goods valued by the planners. And since the consequence of acting to preserve prime agricultural land is assumed to produce more of these nonmoral goods than would no action, our land planners (teleologists) therefore reason that such action is right or ethical.

Going further, utilitarians, who are a class of teleologists, might reason that it is right to preserve prime agricultural land because such action would lead to at least as great a balance of good over bad as other available alternatives. This then leads to the familiar utilitarian precept that those actions are right that produce the greatest good for the greatest number. Gifford Pinchot, an esteemed figure in the annals of the conservation movement, clearly spoke as a utilitarian in another context when he announced many years ago that resource conservation should provide the "greatest good for the greatest number for the longest time" (Applegate 1978).

There is yet another form of ethical reasoning that applies to the land resource policy area. It goes by the name of deontology. In contrast to teleologists, deontologists assert that considerations other than an act's consequence of producing nonmoral goods are what makes the act right or obligatory. In effect, deontologists contend that the act itself is what is right or wrong, regardless of its consequences.

Examples of deontological thinking are numerous. The Golden Rule to "do unto others as you would have others do unto you" or Immanuel Kant's categorical imperative to "act only on that maxim which you can at the same time will to be a universal law" are well-known examples drawn from religious and moral philosophy. When Aldo Leopold (1966) asserted that actions disrupting the biotic community are wrong, he too was speaking as a deontologist. For that matter, so is Graham Ashworth, when he says, "You ought to use land in a manner that benefits the land and does not damage it" (Barnes 1980).

While few would assert that the act of preserving prime agricultural land is ethical in itself, deontological principles form the cornerstone of land and environmental ethic statements. To the extent these principles are drawn upon--indirectly or even subconsciously--in shaping land resource policy, the influence of deontological thinking can be seen.

More likely, however, the teleological approach is more often used than the deontological when an ethical perspective enters into a discourse on land resources issues. Why? Because most policy officials characteristically consider the costs and benefits of proposals, even in rudimentary fashion, before recommending or taking any action. And more often than not, this entails some sort of weighting of the nonmoral goods and bads likely to result from the contemplated action. The list of specific "do's and don'ts" in land ethics statements, which reflects the deontological approach, might occasionally enlighten a discussion on a land policy issue, but the principles embodied in these statements in themselves are rarely the grounds upon which land resource policy decisions are forged.

#### The Question of Values

So far, this paper has attempted to sort out some of the ways an ethical perspective can enter the land resources planning process by highlighting

distinctions between ends- and means-oriented ethical principles and between the teleological and deontological modes of ethical thought. But what makes the ethical perspective considerably more difficult to apply to land resource issues than either the economic or ecological perspectives is the multiplicity of values built into that perspective. Unlike the economic or ecological perspectives--each of which basically springs from a unified, coherent set of values--the ethical perspective on land covers a much wider range of values, some of which work at cross purposes. One of the knottiest problems in using an ethical perspective, therefore, stems from the conflicts among competing "goods" built into the perspective. As one well-known ethics scholar contends, "most moral problems arise in situations where there is a conflict of duties, where one ethical principle pulls one way and another pulls the other way?" (Frankena 1973).

This dilemma is illustrated well in a recently published book, where the author lays out some conflicting values that often butt up against each other in the real world, compounding the difficulty of making ethical choices affecting environmental issues (Fritsch 1980).

- economic fuel needs (coal, oil, etc.) versus environmental concerns.
- the psychological need to grow (inducing a quest for economic growth, jobs, and material products) versus the need to conserve resources.
- passive acceptance of nature (based on the Judaic-Christian belief that nature is there to serve man) versus preserving and improving nature (based on an ecological belief).
- the philosophy of individual freedom versus the philosophy of collective restraint and collective decision-making.
- faith in human abilities (for example, technology has the answer) versus caution about human error (for example, the problem of nuclear safety).
- human rights and needs versus plant and animal welfare.

The author's categorization of these value conflicts is helpful because it clarifies our understanding of the complex ethical milieu in which environmentalists and to some extent land resource planners must operate.

One could add other value conflicts to his list that are particularly applicable



to the land resources area, for example, environmental protection versus equity and social justice for the have-nots; the growth ethic (producing more jobs and goods) versus the ecological ethic (favoring a steady state economy and use of more appropriate technology).

The point is that numerous ethical imperatives compete for attention in the real world, which makes it more difficult to sort out right from wrong in a practical sense. Consider the difficulty of facing those who would like to achieve the commendable but numerous ethical imperatives embodied in one of Ashworth's land ethic prescriptions (Barnes 1980, p.3).

"You ought to ensure that the land use controls developed in your area prevent irreversible damage, avoid waste, protect your natural and cultural heritage, stimulate visual order, regulate and control the unsightly, and safeguard individual liberties (such as mobility and a choice in housing and schooling, so long as those liberties do not impede the liberties of others)."

A tall order indeed!

#### Education a Critical Need

Given the difficulty of coming up with a clear, internally consistent ethical perspective on land resource issues, what then might be done to make that perspective a more useful, even potent instrument for shaping future land resource policy? A critical need is to educate those who will shape future policy. Specifically, environmentalists, planners, developers, farmers, and public officials must be better educated to think more carefully, systematically, and analytically about ethics.

Here we can turn for assistance to the work of those currently rethinking how to teach applied ethics or "moral inquiry directed to making actual choices in moral conflicts" that deal with concrete human problems (The Hastings Center 1980). Interest in applied ethics has increased steadily in the past decade,

arising out of symptoms of a moral vacuum in our society, a sense of moral drift and of ethical uncertainty. The field turns on exceedingly difficult ethical dilemmas that are also present in the sphere of land resources planning-- tensions between freedom and justice, individual autonomy and government regulation, efficiency and equity, and the rights of individuals and the rights of society.

Drawing upon the summary report (The Hastings Center 1980) of the recently completed nine-volume study by The Hastings Center on how applied ethics is taught in various professional schools, a four-pronged educational agenda emerges.

First, the ethical issues and numerous ethical dilemmas involved in working in the land resources area should be sorted out more clearly, dilemmas arising out of conflicts among competing ethical principles as well as out of the clash of ends and means oriented ethical principles. This will provide a needed clarity about ethics in the land resources area where murkiness now often prevails.

Second, a greater sense of moral obligation and personal responsibility about what is done to the land resource in our system should be elicited. We especially need to raise the level of moral anxiety of the public at large about what is being done with our land. As a starting point, those professionals who work as custodians of the public's interest in land--land planners, soil conservations and resource managers--should begin to seriously discuss and grapple with the ethical principles embodied in land and environmental ethic statements. For if the land custodians pay only lip service to these principles, little progress will be made in educating the general public.

Third, attention should be given to develop, hone, and then use the skills of ethical analysis to arrive at ethical judgments. Especially needed is:

- more careful examination of the multiple concepts of growth, equity, ecology, fairness, justice, individual rights, and others that underlie ethical issues in the land resource area.
- an effort to trace the implications of these concepts which requires both reason and imagination. Here the possibility of extending environmental impact studies to cover ethical considerations like the above seems like a promising path.
- more discussion of whether consequences of ethical choice and action are the only pertinent criteria in judging their validity--characteristic of a teleological approach.
- more critical inquiry, as a corollary, about whether some ethical principles are so central and critical to resolving land planning urgency that they must be embraced regardless of the consequences.

And fourth, disagreements should be tolerated along with accepting the inevitable ambiguities in attempting to examine ethical problems. At the same time, no less an attempt should be made to locate and clarify the sources of disagreement to resolve ambiguity as much as possible, and to see if ways can be found to overcome differences in ethical views.

What I am proposing is essentially a vigorous, concerted effort at moral education of those in the business of shaping and affecting land resource policy and decisions. This is a formidable task indeed, but it is a necessary one if the ethical perspective is really to become a significant factor in coping with the land planning urgency our society faces.

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