

A Generous Use: Design, Spatial Practice, Situationality and the Concept of Justice.

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Abstract

This essay constitutes an abridged version of an extended essay forming part of my research into the ontology of use. The specific purpose of this essay is to investigate the relevance of John Rawls' theory of justice (1999) to complex architectural design thinking starting from a specific configuration of attitudes to spatial practice as proposed by Martin Heidegger and Henri Lefebvre. The structure of the argument itself goes as follows: If the notions of subject and object are reduced to abstractions in Heidegger's analysis, the notion of the body-in-its environment is made concrete. It posits a process of differential engagement which we could call socialisation through use. Use constitutes the production of social space. Use is what characterises our engagement with the world, and if use is what socialises us in that engagement because of the need to make use of the other in the maintenance of our 'selves', is then not every decision we make about that engagement one whereby the idea of justice should play a central role? After all, justice is a concept within a discipline that attempts to think through our social and environmental engagement with the other. And if all this is true, then which theory of justice should we use in our design thinking? There are many to choose from. In this essay I want to explore the theory of John Rawls summarised in the slogan justice as fairness.

Author biography

Jacob Voorthuis lectures in architecture and philosophy at the Technical University of Eindhoven. With a special interest in the relationship between society and design, he has lectured widely in The Netherlands, England, Europe and the Caribbean. He works as a critic and architectural consultant at the concept stage of the design process. His current research project involves an ontology of use, the attempt to put a new conception of use and the useful at the very centre of design thinking.

An aesthetics of use

Aesthetics is something bigger than a concern for the form for itself. I follow the American pragmatist philosopher Charles Sanders Peirce who argues that aesthetics should be seen as a discipline that is concerned with describing qualities that might be desirable or undesirable.¹ Qualities can be defined only *in relation to us in our engagement with the*

world. This would not obstruct an approach through a Heideggerian phenomenology.² Ethics then, is about how to achieve desirable qualities or avoid undesirable ones. Finally morality is a body of knowledge about qualities and strategies constituting a culture of practices with the help of which we take a stand on our engagement with the environment. Morality is knowledge about qualities being good or bad in relation *to a particular purpose within a particular dynamic situation or event*.³ Design is about realising qualities, about attuning ends to means in the production of, in my case, buildings-within-a-situation. So a purely aesthetic approach to design in architecture is, from this perspective, a highly commendable and inclusive approach in that it puts the concern for specified qualities in relation to social and environmental practice at the very heart of our thinking. In concrete terms this means that one starts a design by setting out the qualities one wants to achieve and the ones one wants to avoid and then attunes means to those ends. This forces us to think very carefully about how to achieve a quality without overshooting the mark, without exchanging means for ends, without falling short.

A problem

The central this essay poses is:

What if the *use relationship* constitutes a fundamental relationship, one that describes and characterises *every relationship* between our 'selves', our body and its environment, in any given situation?

Wild Use: evolution, design and the reterritorialisation of purpose

The consequences of such a stand are radical. For one it invalidates every form of philosophical or indeed architectural functionalism, where the thing and its function, or indeed meaning and its object have been determined in their relation to each other through habit or principle. If use characterises *every* relationship, a thing cannot *have* a predetermined function defining the thing in itself. That would quickly lead to infinite proliferation and the absurd. Use is by definition transcendent, connecting a thing with its other. We have to ground our thinking on the idea that functions, uses, are *imposed* on things from without. Thus they become *objects* defined through their use to the (potential) user. In other words we leave the terms of a relationship alone and focus only on the relationship itself. *Use is the activity of bringing things into relation*. This requires a Copernican revolution in our thinking in that, like with the relationship between signifier and signified, we suppose the relationship between use, user and used arbitrary. What I now propose is that we put that relationship central in our thinking. A toaster is not a toaster *per se*. It is only a toaster in relation to people who use it as such, or know how to use it as a toaster. So the word toaster becomes a curious word describing not so much the object as our relationship to the object in the form of an expected effect. Such an approach encourages a phenomenological-pragmatic view of the world, whereby all metaphysics beyond experience is bracketed and disqualified from taking part in the discussion as we acknowledge that language is grounded on a pragmatic premise, and deals never with terms and always with relationships. We create transcendence through use.

An immediate consequence of such a way of looking at things would be to discredit the primacy of the role of purpose in design. Purpose, like use is formulated *a posteriori*. It is impossible to conceive of purpose as being *a priori*. After all it would mean you could have a purpose *before having a purpose*. That is absurd. We need not go there as we are concerned not with the proving of God's existence, but with the idea of how to design well, as humans bound to an ever unfolding situation. However, such a metaphysical stand also has

consequences for a more everyday look at design. In such a model design cannot be primarily purpose driven as we in fact would impoverish design by reducing it to reproduction. Design is *always* a confrontation between experience and the new. Purpose is an ability to envision and plan something, a skill one acquires heuristically through practice, by the building of experience. Purpose requires *experience*. It comes *after* one is properly familiar with the world. That is where dear old William Paley (who was interested in proving the existence of God from the argument of *design*) went wrong.⁴ Sure, a watch requires a watchmaker. A watch would not have appeared in the way it has appeared without one. No doubt. But that does not prove the existence of God; it proves that a watch is something that took a lot of practice to perfect. What exactly is a watchmaker anyway? A watchmaker comes at the end of a long line of people who have thought about things and tried things out, gathered experience and explored the possible with what has been given them. The watch did not just appear in the head of a single maker. It took many wishes, the building of experience and a great deal of searching and selecting to even conceive the possibility of a watch. In any case the watchmaker of around 1800 is not the same sort of watchmaker as the one conceiving watches today. Watches evolve through an exploration of possible use and uses. If anything, William Paley's Watchmaker analogy proves Darwin right. Whatever this means for the concept of God, it means that design, even though it works on what there is and allows its vision to be determined by what there is, is not purpose driven, it is not wholly use driven, it is driven by search, selection and practice; it explores the possible and is helped by the selective powers of experience which allows access to a generic sense of where one wants to go, but can never foreclose on the generic nature of that vision, without reducing design to reproduction. Design is exploratory, use-seeking; at least that is the nature of creativity in design. Purpose is possible only after use is found and this *finding* has been assimilated into experience, and has been practiced. In other words purpose is based on what there is. Design is based on what there is and what might be possible. We can describe that exploratory investigation into use as territorialisation, a concept devised by Gilles Deleuze and Felix Guattari.⁵ Use is wild and can take any direction; we claim *our* environment and our body in use, territorialise it by naming things as objects according to our use of them and de- and re-territorialise them when we find new uses for old things or new things for more efficient usage. It is helpful to do things this way. At the same time it continually threatens to over-determine the world by instituting the primacy of a specific *culture of use*, a morality of use, a functionalism in which a particular relation of usage is privileged above others. This can only be dismantled or critiqued by a paradigm shift or the forcing of what Badiou calls a situational truth process.⁶ Misuse, abuse, subversive use, alternative use and the falling out of use, form the dynamics of evolution, the dynamics of spatial differentiation. The centrality of use allows us to force our use culture into stopping it using false categories in which the useless is seen as more than simply another way of describing use. It thus gives access to a world where the question is not *whether any* relationship between ourselves and the environment constitutes use, but encourages us instead to think and rethink *how* to use well. For as soon as we see *every* relationship as a use relationship the intimate relationship between aesthetics and ethics as defined above requires an ever widening and generous morality, where we see ourselves as part of the world as a whole. We territorialise our environment and force it, through habituation, through the familiarity that dwelling in a stable environment or situation encourages, into a narrow functional relation to us. With the gathering of experience and practice we have the luxury of allowing experience to help us formulate *purpose* as an intention. When something has proved itself to *work well*, we can start *reproducing* it. But design is never about reproduction, it is about thinking through the new, it is about differentiating through analysis and critique. And as such it must maintain itself as *use driven*, in which experience can help and hinder.

Using as socialisation

This freed conception of use as a deterritorialised concept, a virtual concept of relation, is problematic. Henri Lefebvre posited spatial practice as a *production of social space*.⁷ Spatial practice, in the sense of using space, forces our conception of space to be a social or socialised conception of space. Space is relational; space is the space of uses. From the perspective of *human being* there is no conception of space which is not in some way socialised, not determined by use. Let's illustrate this by reference to the three main ways of describing our engagement with the world: being, having and doing. These can all, legitimately and compellingly, be described as ways of using.

- Being as using: As entities maintaining ourselves in the environment of which we are an inextricable part we use the atoms we are made up of to exist. We use our ability to think and our body to take a stand. We use our position in a situation to define ourselves. Some use God to feel secure in their being. In order to maintain ourselves as entities within the plenum, the fullness of being, we engage with what we consider *the other*. Use is not peripheral to what entities do in order to exist. Entities can exist as entities only if they use that of which they are constituted and that against which they are constituted in order to maintain themselves. To be is to use. And to use is to engage with the other.
- *Having something* is legitimately defined as *having the use of something*. The poet Jan Arends once said that no one has ever owned a grain of sand. And he is right. Ownership is a paltry way to describe the fact that you have claimed the privilege of use. That relationship does not, of course, have to be destructive or parasitic, it can be symbiotic.
- Doing as an instance of using hardly needs explanation. Doing is acting; acting is always an acting *upon*. Acting upon is a using of the other.

Using things then implies a socialization of our relationship with the world: after all we use *the other*. *This* entity uses *that* entity. In fact things become entities in use. But that path cannot be explored here. As we use, we engage with that which we use and there is a strong possibility that that something (or indeed someone else who is intending to use that something) takes a stand upon what we are doing with it. A machine *used badly* stops working *for us*. In itself it has never worked, it just does what it does. The owner of that machine however, might well get cross about his property being used *badly*. Animals might agree to their domestication, or at least not disagree to it, but they will protest or waste away when used badly, or cruelly, so will men, women and children. Use needs to be judged from the perspective of the user and from the perspective of the used. Usage can lead to a feeling of having been used well. I am a teacher; I am used well if and when my students learn something from me. I feel that as a person being used. A brick, *as a brick* is well used if its properties are exploited to the full and handled with skill. It will reward you by doing what is asked of it. As an aggregate of baked clay, however, a brick is indifferent to its use. It is not the brick that will take a stand on its being used well or badly *as a brick*, but those who judge its use in a particular situation. A brick takes a stand on its being used *by proxy*. That is why Louis Kahn's legendary conversations with a brick are far more than just funny. Through the systematic enquiry into qualities and properties, he reveals a way to arriving at a *using well*. One way to overcome the evil that appears to be inherent in usage, particularly from the point of view of the used, is to make sure your use is a *good use*. But how? There is a paradox involved: a hefted culture of use, where the *using well* has been carefully prescribed

in protocols and fully determined by a particular view of our place in the world, severely restricts the exploration of the possible; on the other hand, the complete deterritorialisation of use as a virtual relation and an acknowledgement of its savage wildness, severely restricts our ability to function in a situation: directionlessness and perspectivelessness are by definition destructive to people who have evolved into creatures who use perspective to desire direction, who need a perspective to create a spatiotemporal order in which to survive. Part of *being-there* is taking a stand on one's being-as-using.

Practicing being there

Through Heidegger's concept of disclosedness and being-in as *familiarity*, the *production* of social space could be legitimately related to *a practicing* of space, in the sense of rehearsing possibilities and exploring the unfamiliar and expanding and maintaining one's familiarity in a space. I would like to posit this as a fundamental aspect of our use of space: engagement as use and practice as a localised *using better* is the way to spatiotemporal familiarity, a smooth, agile, athletic *being-in*. Heidegger's concept of mood (Befindlichkeit) as *finding* is a form of spatiotemporal attunement, coordinating the confrontation and affective reciprocation between personal mood and a personal reading or experiencing of the mood of the immediate environment. The way these two moods mesh and determine each other is an aspect of spatial practice. Proprioceptive spatiality is practiced from birth and that practice is about the attunement of one's own mood or *finding* or situatedness to that of the environment. In the same way one needs to practice a city, a house, a room in order to build that spatiotemporal and proprioceptive familiarity which Heidegger places at the very basis of *dasein*. Critical practice allows a localised *improved use* as increased familiarity and a widening of experience. It also allows adjustment and re-evaluation when a situation alters. Design *is* practice in the sense of practicing one's skills, experience and attitude. Design as a developmental practicing of situations, possibilities and uses is a far more accurate way of describing what design entails than the ideas of planning and purpose. Practicing leads to a proper attunement of the undetermined nature of use and the object it seeks to fix itself to in building its relationship with the user. The idea of design as practice is particularly relevant today as we appear to be on the brink of quite a radical shift in our situation, which, to all intents and purposes, is becoming very unstable.

The possibility of being-there and the possibility of improvement are correlative: the body engages with space and practices space to *become familiar with the situation*, to become better at *that* space. That is what being-there essentially comes down to. Being-there is therefore never a static condition. This conception of things is similar to that of Pierre Hadot who puts the idea of *practicing thought* at the very centre of philosophical discourse.⁸ Aristotle's concept of *theoria* as put forward in the Nicomachean Ethics is, in Hadot's view, a way of *exercising* one's paradigm, one's view of the world with increasing consistency as a human being practices *being human*.

This has unexpected implications for Henri Lefebvre's concept of space-production and its relationship to the idea of society. The idea of society is something that must reside in and grow and adapt as part of each individual's experience of daily life. The only basis for a shared concept of society is the problematic one of spatial familiarisation and practiced discourse *about that* experience. This means that all forms of discourse and all forms of practicing space, at every scale, constitute a way to attune oneself to the dynamics of society and the environment in some way. People practice environments on various scales revealing a socio-spatial dynamic shaping society through discourse. Such a notion of spatial practice

reopens the possibility of a socio-morphological approach to architecture while avoiding the traps of earlier attempts to implement a normative environmental psychology. But how?

One might be tempted, as Lefebvre was, to identify the pivotal question as to whether the senses constitute instruments of spatial *consumption* or whether they constitute instruments of spatial *production*. However, with reference to Heidegger's concept of the *bestand*: consumption is not qualitatively different to production. It is merely *a stage* in *endless* production and vice versa.⁹ We, as entities, individual and collective, are dynamic assemblages, engaged in the world, consumption and production *is what we do* as beings, not just as bodies subject to metabolism, but also as *daseins* practicing while involving ourselves with our environment. Success is measured locally by the effect of our engagement on *that* environment or on us *as selves*. As such we can concentrate on the concept of engagement as the synthesis of the two: consumption and production is engagement. The product of that engagement is Darwinian success: being there as an entity. Success is always a localised and situated success, of course; a good basketball player is not necessarily a good lover and a good lover is not necessarily a good politician or scientist. Spatial practice *as use* is consumption for production and production for consumption within a situation, allowing growth, adaptation and, above all the evolution and involution of spatial familiarity, allowing us to live within a world that is never static but always differentiating. Successful or indeed unsuccessful engagement (that is when it can be said to have an effect that is either good or bad in some way and with reference to *something*) can legitimately, within the confines of a specific, local situation, an event, be described as *use*. That is why I would like to suggest putting the concept of use at the very centre of our discursive perspective on the universe's differential process, the world's engagement with itself, of which we are a localised part working to maintain and explore ourselves in that engagement. Our engagement with the world is necessarily social, *because we use the other* in that engagement. Social space as the product of our engagement with the world is a product of our use of ourselves and the environment in constant practice. So the question cannot be *whether we use* women, children, toasters, men, science, philosophy, fishing rods etc. But *how we use* them and how we can use them *well*. What is *good use* that avoids the tendencies of over-determination of a hefted culture, which allows practice and differentiation, which allows constant de- and reterritorialisation but which nevertheless achieves a real stability by being able to cope with radical resituation?

Good using and design

To summarise that what has gone before I would like to propose the following theses:

- Use, in its most abstract form is *a relationship that has an effect*. It is impossible to specify use further than this extremely generic definition without leading to the absurd or to a monomaniac functionalism.
- Use characterises *every* relationship between our 'selves', our bodies and the environment in any given situation. It might be possible, with some allowance for the problems of categorisation, to devise a refined typology of use, but it is not possible to deny any relationship the character of a use relationship without leading to the absurd.
- Use is wild territorialisation. *Any thing* can be claimed for use and used in any way. That is not to say that anything can be *used well*. Rubber bands can be used as wings, but they might not *work*. For something to be used well, we need to practice

and decide, from a localised or situated perspective what *well* might mean in that instance.

- Use is a socialising aspect of our lives in that use is in fact the generic word that stands for our engagement with the world, as entities, or bodies that take a stand on their being bodies. Use and experience institute a distinction between the desirable and undesirable. The desirable and undesirable further socialise interaction and engagement causing rivalry, jealousy, resentment, admiration, mimesis and its opposite.¹⁰

If use does indeed characterise everything we do then the question can never be *whether* we use things, the people we are with or even our own bodies, it must instead address *how* we use them. If everything is use, the burning question is: How do we use well within the dynamics of a constant resituating? For that we need to develop a perspective, we need to take a stand which allows use its wildness and yet allows us to achieve a sense of stability within the process of differentiation. That gives an obvious moral dimension to design. And with that I mean that it requires a cultural network of values and norms that guide us through our engagement with the world, but which renounces its claim to a particular kind of stability. It is not the fact that we use that needs to change as our way of life becomes unstable, it is our evaluation of what and who should be taken account of, in order to design for our being in a changing world.

By putting use at the centre of our thinking, discourse on various subjects becomes compatible. Science describes the world with which we engage, for example by estimating the strength and durability of structures, the environmental sustainability of a design. However, the stringent objectified protocols of science and the wild resonance of poetry come together in use; they find each other in use: a structure has poetic potential, poetry has structure. A designer must judge what is appropriate in relation to a design decision and the critic with regard to the judgment of a design. For this they need a perspective on what is good (i.e. useful in whatever sense) in a given situation and relative to a vision of our place in the world. But also the user needs a standpoint on this. Before we became concerned with the wider environment and only thought of design in selfish or societal terms, we could focus quite exclusively on a limited number of interested parties in design; that is now no longer possible. In order to make a society possible where we do not murder and neglect our environment to the detriment of ourselves we need to build a far more inclusive paradigm for design, in which we need to take into account the existence of different living species *for our own benefit*. In fact it helps to see the world as a dynamic organism, subject to a sophisticated metabolism of which we are part. That requires a special approach to design, one whereby we need to approach the concepts of experience and situation in a special way. We need to approach experience by acknowledging the fact that use is wild, that is that no single function can ever be reduced to the object to which it refers and we need to approach the idea of situation in a similar way, by deterritorialising it. I shall come to that when we get to the heading *fair justice*.

In thinking about everything in terms of use we have to think very widely about what is useful to us and our environment of which we are an inextricable part. It is that Heideggerian link whereby subject and object dissolve in their hermeneutic entanglement which is central to this new way of looking at the aesthetics of use. Any single thing, extracted from its environment as an object in relation to us, displays a manifold in its virtual existence: it can be used in an indeterminate and potentially infinite number of ways by all sorts of users. At

the same time in using we establish ourselves as an entity separating ourselves by entangling ourselves. We become an autonomous entity through our engagement.

Politics of use

If this is accepted, then design, in which the environment, whether it is alive or inert, is mobilised for our use, becomes political in a direct way. A life needs to maintain itself in a climate in which passivity is fatal. Engagement concerns *the other*; it is by definition a form of violence, causing injury, but also jealousy and resentment and rivalry. This is a simple given which requires us to focus our attention on the question: how should we act if...? It is not life as an abstraction that requires justification, it is a life as it is made concrete in attitude and action in a situation that requires justification and all actions are instances of use. Every action mobilises something, either within the body or without it, something within the dynamic flow that is the body in its environment. That mobilisation of something for a purpose beyond itself is an instance of use.¹¹ Use is transcendent in that it always serves a further end, it is intentional, it is about creating movement, about stirring the world *in order to* maintain ourselves as entities. It destabilises a situation and is a step in the process of differentiation. It supplies the dynamics of a situation's constant transformation, or as I call it, *resituation*. As soon as this process of use becomes governed by experience, choice and action have to justify themselves with in terms of that experience. At that point an economy is instituted, an economy of actions: good ones versus bad ones. Values are assigned to uses. As soon as there is an economy, there is a politics of priorities; and as soon as there is a politics there is a system of justice. Politics I define according to John Ruskin's description of it as *the discipline that concerns itself with establishing priorities*. Economics is *the discipline that studies value and the way it behaves through use and exchange*.

A good economy, a good politics and a good system of justice is slowly arrived at, through an understanding of the given situation and its dynamics, through practice within the given situation and only counts as good for that situation. The illustrious institutions of today began with a thought about value and priority within a given space of desires. We have to evaluate, prioritise and justify our use of the other in the maintenance of ourselves. If that is true then we can conclude that every instance of design is an instance in which the idea of justice plays a central role. Design is a political and economic discipline, in that it assigns priorities on the basis of values it assigns. Wherever there are priorities and values, wherever value and priority are distributed a system of justice automatically follows. Justice is the stand we take upon that distribution. That is an empirical observation, but I know of no example where justice is not somehow conceived as soon as our actions translate themselves into priorities and values. As such design is by definition a question of justice. We have to *judge* buildings and *justify* design decisions. It seems suddenly rather self-evident that the design process is in fact a sort of chaotic court of law and that design thinking is in fact a good (or bad) conversation about qualities in terms of ends and means. But all this sounds rather unattractive. After all, haven't we learnt to rather look down on use and the useful? Have we not spent time in looking for the useless as a means to escape the dictatorship of use? Is that not what poetry is about? John Ruskin defined architecture as the useless part of building.¹² Kant defined art as the purposive without purpose, aesthetic sensibility as a disinterestedness.¹³ But all this has been to no avail. John Ruskin, for example merely proved himself disingenuous and insincere and Nietzsche made short shrift with Kant.¹⁴ Ruskin's real search was not for the useless but for a *higher purpose*.¹⁵ Well what is that if it is not a purpose? And the idea that poetry or indeed philosophy are not *useful* is merely laughable, an echo of an overly academic and snobbish semantics. I want to turn all that round and feel quite happy about doing so and feel that my poetic nature is in no way compromised by admitting that poetry has done me well, has been useful to me as a full

human being. And if that isn't useful in just the same way as a nut and a bolt placed in the right place on my bike is useful then I feel I am holding my mind to ransom.

Fair Justice

Design education is about justification and judgement. We are constantly asking for the basis of someone's opinion about something. That is what education is about, finding a substructure to one's view of, and engagement in, the world. Justice as a concept covers that area of our being in which man as an entity takes a stand on itself in relation to the world around him for practical purposes. That stand places him back into his environment as an entity and measures his engagement with it and his use of it in order to maintain him and the environment. He in turn measures the use that is being made of him by others. Use therefore determines social space in the sense of social practice and, I would add, social practice as exercise. The theory of justice can help us to provide our attitude to design with a secure ground for the judgment of designs and the justification of our design decisions. The theory of justice is an important aspect of aesthetic judgment in the special sense I introduced in this essay.

One of the most convincing and workable theories of justice that I know of and that has continued to excite me where other theories gradually lost their cogency is that of John Rawls in his book *A Theory of Justice*.¹⁶ It concerns a well practiced theory that he summarises with the slogan *justice as fairness*. When Socrates had to discuss the concept of justice he did it by *designing* what he considered a just society. That design became known as *The Republic* as published in Plato's *Politeia*. It was a concrete example of a carefully organised and meticulously structured social space. The interesting thing is that *The Republic* was arrived at through discourse, a Socratic conversation. The problem with this utopia *avant la lettre* was, however, that, because it was concrete, static and immobile it could not adjust, it could not develop and differentiate, evolve. It was doomed to failure as all utopias which rely on the concrete and the determined. When Rawls decided to *design* a just society he also put the notion of a conversation about the design of that just society at the centre of his endeavour. Through his *design conversation*, of which we will study the game rules in greater detail further down, he arrived not at a concrete description of a society like *The Republic*, but he arrived at a very simple and manageable set of rules or principles to apply at every step of the way in the design of a just society and test any development within that just society. These rules he summarised with the slogan *justice as fairness*.

With the word fairness Rawls engages the traditional discipline of aesthetics by placing one of the conventional and most effective and desirable qualities of being human at the very centre of his concerns. *Fairness* engages rightfulness and legitimacy, reasonableness and even equanimity. Fairness makes a generous approach to self-maintenance possible. When things are fairly distributed there is no edge to that distribution, no reason for jealousy, revenge or bitterness. We feel good about it. Fairness is bodily determined.¹⁷ It is a feeling, a bodily quality determining the relationship between the body and some aspect of its environment. A feeling, moreover, that comes with learning about social space and its exercise within the framework of our bodily constitution. Fairness is a species of beauty, as a word it is used for good weather and attractive ladies. These connotations cannot be simply dismissed as irrelevant. They mesh. To separate them is to perform semantic violence. Fairness is a generic word that connotes the mood of our engagement with the world, a mood of the gentlemanly, the chivalrous, suffused with an openly self-interested generosity toward the other, a generosity without undue altruism. It is where self-interest and the greater good appear to affirm each other without one being subjected to the short term gains of the

other. It never gives up the self. That is crucial. Fair behaviour is, in a sense, beautiful behaviour, because it serves us-as-part-of-a-whole. When things are fair we fit comfortably into the bigger picture. Nothing has to be crushed in favour of something else. Everything has its place.

Rawls argued that a group of people discussing the design of a just society would, human beings being what they are, interested in the maintenance and of their selves, *inevitably* arrive at a conception of society where two rules would be agreed upon unanimously, without exception. The first is the principle of liberty, which constitutes a contract agreement that *each person in a just and fair society should be free to pursue their own good*. The priority of this principle over all others implies that one person's good can never be considered a good if it constitutes an obstacle to someone else's pursuit of their own good (someone else here includes the same person at a later moment in her life by the way). Should such a *good* be detrimental in such a way, it can no longer legitimately be described as good and would not pass the test. The second principle is the so-called *difference principle*. This says that inequality in a society is just and fair if, and only if, *any action to promote the good of one person also promotes the good of the others*. More important than absolute equality then, is a well-grounded, situationally determined feeling of fairness which makes possible a far more dynamic and plausible distribution of goods. These simple rules are to be applied in strict order of preference to every step of the design process: Liberty comes first and has priority over any and every other game rule we might devise for our design thinking, and the difference principle comes second. This order is paramount to avoid the utilitarian problem where the possibility of harmful compromise lies at the surface of the theory allowing the institution of a dictatorship of the majority.

It has to be said that the choice for this system of justice is existential. It has no transcendent foundation other than our experienced view of how best to monitor and regulate our engagement with the world in order to design a just society. It is pure practice. This is crucial and aligns the system to the centrality of use, which is being posited here. Rawls arrives at this conception of justice as fairness through the use of two philosophical instruments, namely the *reflective equilibrium* and the *veil of ignorance*. These instruments are in fact game rules for the design conversation, the discussion a group of people will embark on to arrive at the design of a just society. *The veil of ignorance* is an instrument whereby the participants have their humanity left intact but their *situatedness* removed. In other words they do not have to imagine themselves wonderful people, benevolent saints or altruistic martyrs, while participating in the design process, they have to imagine themselves quite simply as ordinary people. At the same time they are no *ordinary*, ordinary people, for although their humanness is left intact they have been systematically disentangled and immunised from any conception of their concrete situation. Participants in the design process of a just society are not to know whether they are white or black, male or female, rich or poor, alive now or alive in three generations time. This *unsituatedness* stops them making choices from the perspective of their particular situation, and shifts that perspective to a more generic level *without* cancelling out the self.

The *reflective equilibrium* stands for the moment at which the conversation between these situationless people arrives at a plateau of conditional consensus about the design of their just society. It is in this way related to Louis Kahn's discursive approach to the design of institutions and the nature and possibilities of materials. In fact, I believe that this approach dovetails snugly with much thinking about economic, environmental and cultural sustainability, especially design philosophies such as cradle to cradle and the attractive theoretical humanism of the Dutch structuralists and Team 10. But we now need to go much

further. For it is no longer just a society we want to design but our natural environment. Rawls' discursive *game* for the design of a just society allows people to think clearly about social perspectives of justice. For the design of our environment we need to take Rawls' conversation between unsituated people in the design of a just society to an environmental level. We need to strip our situatedness even further. Not only are we not to know that we are white or black, female or male, young or old, living now or in the future, but in the design for the total environment we need to take into account the desires of other living creatures and even the desires *by proxy* of things that can only wish and want, that can only enjoy freedoms *through* us, our careful and generous exploitation of their qualities. Human beings are not just part of the whole, they have to think through that being part of the whole, and the veil of ignorance can help there. To talk about the design of environments with a *veil of ignorance* is to talk about the design of something whereby one suspends one's knowledge of one's own determined situation and thereby throws oneself back into a state of open ended anxiety about the possible without segregating oneself from one's engagement with the world. It therefore does not only rely on one's own narrow interest to determine what is good but one *is forced* to take into consideration the network of perspectives of very different users in helping you to use *better* in that given situation. But that given situation is no longer static and stable. Using better now means something that takes on the long term whereby we take account of the fact that man is in a position to change his own environment to his own detriment. Design has to be design of environmental improvement tested by the *Rawls' constant*. This is the philosophical basis for theories such as cradle to cradle, but also for a transcendent humanism, whereby we acknowledge that to be human is to be part of a full world.

Good design is a case of just design because justice places man as an entity expressly in his environment in relation to the other in terms of use and possession. A relation can be legitimately described as just when all users, that is, all concerned, directly or indirectly, remain able to maintain and develop themselves as entities and are able through that relation to improve their situation in relative and situated terms. If these principles hold we shall need to look very carefully at the range of users of the environment and develop a typology of uses. Only when we have a proper view of the interested parties who, in whatever way, use the environment and each other, can we take account of them in a just and fair design for a world which has to take account of drastic shifts in the three ecologies: the environment, society and the economy. Every aspect of architecture has to be involved in this search, from the physics of construction to the poetry of signification. In fact these very extremes have to be brought in relation to each other in such areas of concern as the tectonic, the thinking about the making as the Smithson's called it.

A user's freedom is his situationality, his ability to respond to a situation in the pursuit of his own good. A user finds himself in a situation and has to be allowed to determine his place and subsequently improve it. In order to do this he must be able to define his sense of what is good for his place in that situation. For this he needs a compelling view of himself and his place in society or the environment. In a complex society like ours someone's situation is necessarily a coordinate of many perspectives. By deterritorialising one's own situation within design discourse, that manifold can be coordinated to place ourselves within a wide context, the context of the world as organism. We have to replace our situational stability, upon which we are used to building our moralities, our cultures of practice, with a procedural stability, in which we learn to face the new with what I would like to name Rawl's constant, namely the two strictly indexed questions promoting fair and just design. In this way we are put into a position to design for change, improving our own position by improving the situation of other users. This is not a utopian dream; it is a simple design challenge. It is not impossible and it

is not difficult, it means one simply has to ask at least two questions with regard to every design decision one makes. It also means one has to make design a thing of discourse. Design is the practice of discursive games. We need to constantly rebuild our experience of our widened grasp of our situation as being-in-the-world. Design discourse needs to decide which uses and which users are relevant to the judgment of a design and the justification of a design decision. A reflective equilibrium will arise from a thorough analysis of the situation in which the users play a role in terms of the relations they enter into. Those relations need to be pointed out and described. Ultimately we shall have to move towards an inclusive aesthetics of architecture assembled around the centrality of use and tested against the benevolent dictatorship of freedom and fairness.

Endnotes

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 - ¹⁷ Antonio Damasio, *Looking for Spinoza, Joy, Sorrow and the Feeling Brain* (Harcourt, 2003)