

CITIES, PLANNING, LAW,

JUSTICE

Semester 1, 2016

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Class 1 – Introduction:

Administrative Matters:

- **Class Participation** – 20%
 - Need to show that the reading has been done
 - Also link to other readings, other courses and demonstrate critical thinking
 - Post things in ‘interesting cities things’
 - Green Bans Walk (By Week 8) and Week 10 Task is part of assessable CP
- **Book Review** – 30%
 - Short, reflective response of what is read
 - Different way of writing
- **Research Essay or Take Home Exam** – 50%
 - 3000 word essay on topic of choice → Connected to what justice means in cities and how the law contributes or goes against justice in the cities

John Rawls (1971) – A theory of justice:

- Rawls’ approach is to look at the distribution of justice
- **Aim** – To develop an alternative theory of a social contract
 - Social contract = Everyone in society giving up some natural freedom so that the community operates fairly and properly in a functioning society
 - Society has come together to agree to give up some freedoms (and give them to the government) in exchange for the protection of some other rights
 - Automatic as there is no choice as to where one can live
- **Principle** - Any free and rational persons that want to free their own interests can do so. Social justice should be concerned with the way in which social institutions (parliaments, courts, competitive markets, private property) distribute resources
- Concerned to justify inequalities – Inequalities are inevitable in any society (not just existent on the basis of merit)
 - ‘**Justice as fairness**’ – People are to agree on what is classified as fair
 - Society need to be good for everyone
- **Original position** – Everyone comes to society as equals, fairness in society is established by ignoring class
 - Equality allows everyone to look out for the greater good
- Rawls also disagrees with utilitarianism (greatest good for the greatest number)

Possible to get maximum happiness by doing something that is socially and morally wrong

 - Utilitarianism also excludes minority groups (those who aren’t part of the greater good) are marginalised
- Rawls’ theory relates to liberalism (no set good government) as his principles allow people to evaluate their own justice
 - Basic set of rules rather than a set standard of who is justice
 - Agree on rules and allow people to apply them as just in their own lives

- Individuals are responsible for their own lives and are free to make choices that may be different to the general society

Summary - Rawls' Principles of Justice:

- (1) Equality and the assignment of basic rights and duties – Everyone is given as much freedom as possible, however everyone also has the same freedom
 - Maximising the amount of freedom that everyone can have
- (2) Inequalities are okay in some situations, but only if they result in benefits for everyone – Focus should be on the minorities to ensure that benefit is gained

Hugh Stretton – Ideas for Australian Cities:

- Stretton depicts 5 principles which he labels 'moderate socialism' or 'radical conservatism':
- (1) Instead of despising the suburbs we should work to improve them
 - We should try to end segregations of rich and poor, and see that all classes get fair shares of urban land, location and services
- (2) Renewal should rarely be drastic and comprehensive; it should rather be sparing, sensitive and cheap
 - Old centres should be conserved by limiting the numbers who must use and depend on them
 - Can do that by building new cities, and by building new centre into the outer regions of old ones (re-centering)
- (3) We should aim at a pattern of small cities and 'poly-centred conurbations' in which land is used generously for housing, but more densely for public and commercial uses
- (4) Some rich and cultivated minorities would be better pleased by huge, segregated single-centred cities, and they may well be powerful enough to make sure that these are what we get.
- (5) Smaller cities may well continue to be better producers of many arts, most manufacturers and almost all science and invention.
- Stretton also believed that the growth of Australian productivity ought to allow all sorts of social and educational reforms and greater qualities (with appropriate policies) → Cities need to accommodate these great things
- Stretton was concerned with the 1970s approach to policy:
 - "These overgrown concentrations with their very wasteful rates of destruction and replacement and their likely effects on monotony, inequality and alienation, threaten to eat up too much of the increase of productivity which ought to go to more valuable uses"
- **Stretton Connections to Rawls** - Both advocate a human centric view of justice
 - Justice is fairness – Ending the segregations, ensuring that all classes get an equal share and re-centering cities should bridge the gap between the rich and poor
 - Using land for commercial public uses allows for shared benefits