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Planning Rights: A post-postmodernist approach to spatial justice
Les droits d'aménagement: une approche post moderniste de la justice spatiale

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One of this conference's topics is the question: What is a just territorial policy? This paper takes a post-postmodernist approach to offer an answer that is at once a return to modernist positivism and yet compatible with a relativism premised on the social construction of knowledge. From an institutionalist perspective the paper takes the society's territorial-spatial planning system as its point of reference, and defines planning rights as the set of institutional rights that manifest that society's procedural and substantive resolution to issues of territorial justice.

For the purposes of abstract discussion, planning rights can be identified as concepts, but real planning rights only exist in a specified real-world context: a particular society or polity and its relevant planning system and institutions. The paper offers a theoretical framework for defining planning rights, and an empirical method for identifying the real (positive and potential) planning rights that define a particular society's just territorial policy. The empirical identification of positive and potential planning rights can facilitate research on spatial justice and policy, and can be a mobilizing tool ("Know your planning rights") in disadvantaged communities' social and political struggle for territorial justice.

Planning rights can be a useful tool in the struggle for spatial justice, by turning hegemonic values and arguments against themselves rather than the alternatives of confrontational conflict or the attempt at conversion to principled radicalism. Applying this tool involves the following :

- 1) Identifying positive and potential planning rights in the subject society/planning system ;
- 2) Exposing violations of positive planning rights and rectifying them through legal, political and institutional action ;
- 3) Initiating effective political and social action to mobilize a societal consensus that transforms potential planning rights into positive ones. In these ways the effectuation and augmentation of positive planning rights can contribute to the enhancement of spatial justice.