Nobody with a good car needs justification!
Explorations in design thinking

Jacob Voorthuis

University of Technology, Eindhoven, The Netherlands

http://www.voorthuis.net

j.c.t.voorthuis@bwk.tue.nl

Abstract. The title of this essay was taken from John Huston's film Wiseblood (1979). It 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 architectural design thinking. I have left out significant parts concerning Martin Heidegger, Georges Bataille, Henri Lefebvre and René Girard, as well as a section on American Pragmatism. All these play a significant and explicit role in the argument as a whole. The structure of the argument itself goes as follows: If we can say that 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 could play a central role? After all, justice is a concept that attempts to think through our social, economic and environmental engagement. And if all this is true, then which theory of justice should we use in our design thinking?

Keywords. ontology of use; justice as fairness; John Rawls.

An aesthetics of use

Let me start by declaring my dictionary. Aesthetics, as I understand it, is something bigger than a concern for the distilled and immunised image. I follow the American pragmatist philosopher Charles Sanders Peirce (1960) who argues that aesthetics is (or should be seen as) a discipline that is concerned with describing qualities that might be desirable or undesirable. In other words qualities can be defined only *in relation to us in our engagement with the world*. This would be very close to a Heideggarian phenomenology (Dreyfus 1991, Blattner 2006, Johnson 2007). This is true even for the qualities as described in science where their relationship to us is characterised by careful disentanglement and precise immunisation from the subject. Ethics then is about how to achieve desirable qualities or avoid undesirable ones. And morality is a body of knowledge, a culture of qualities and practices on which we take a stand. Morality is about qualities being good or bad in relation *to a particular purpose* within *a particular situation*. Design is about realisin qualities, about attuning ends to means in the production of, in my case, buildings. So a purely aesthetic approach to design in architecture is, from this perspective, a highly commendable and inclusive approach to design in architecture in that it puts the concern for specified qualities in relation to practice at the very heart

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of our thinking about what we want to achieve in a building. The image is then the visually communicating part of that full quality which meshes with all the senses and our involvement with the thing as equipment. A design's ability to communicate can focus on all the ways that a buildings *works* on us as we work on or in it. 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.

Design is difficult. So many factors seem to vie for attention (Aalto 1997) while the process of thought leading a design seems so chaotic and forthright communication is so uncertain, fraught with the possibilities of misunderstanding. Designing architecture is however, no more difficult than being able to undergo architecture creatively. However *good* a building is from the point of view of the designer, in the event a building is only ever as good as the person undergoing the building is good at undergoing buildings. If a person hasn't practiced this Proustian sensibility, the designer can do very little about it. At the same time, and this we might call *the paradox of good badness*, people who are well trained in undergoing buildings can find quality where it might appear very scarce indeed. Undergoing architecture is a creative act; it needs practice, coaching and imagination. Part of the problem in the design of architecture is the gap between the highly professionalized *undergoers* of architecture who have become architects, designers or critics, and people who do not want to spend the time practicing their slumbering skills. They have other things to think about. Part of that gap is inevitable. The world of design has by necessity become extremely sophisticated, our need to cope with ever greater numbers of people and activities, in ever denser cities, with ever more intricate networks of technology to avert the problems technology has caused, has generated a building culture which is far more complex than any single person is able to grasp with confidence. We need, I think, a practicable and manageable philosophy to provide us with a compelling attitude to contemporary design. This essay attempts to do just that by putting use at the very centre of our concern and on the basis of that introducing the idea of justice as a design concept. This will give us two rules which can be used to test any design and every design decision.

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 give situation? The three main ways of describing our engagement with the world: being, having and doing are all 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 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. 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.

Having something is similarly 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 have to be destructive or parasitic, it can be symbiotic. Doing is acting, acting is acting *upon*. Acting upon is claiming for one's use. Using things implies a socialization of our relationship with the world: As we use we engage with that which we use and there is a strong possibility that that something might take a stand upon what we are doing with it. A machine used badly does not protest it merely functions by not functioning in the way we want it to function. Animals might agree to their domestication, or at least not disagree to it, but they will protest against being used badly, or cruelly. So will women, men and children. Use is and is not an evil in itself, an inherent evil. It is not from the perspective of the user, but it is from the perspective of the used. However, that evil can be overcome. Quite a few ways of using something can lead to a feeling of good usage. We use from a specific perspective, a viewpoint. That is described by our intention. However, our using can have unforeseen consequences, the building of experience and practice offer a way out. One way to overcome the evil that appears so inherent in usage, particularly from the point of view of the used, is to make sure your use is a *good use*. Part of being is taking a stand on this. And for this it is useful to realise that existence comes before essence.

Purpose is always *a posteriori*. It is difficult to conceive of purpose as being a priori without positing a God. After all it would mean you could have a purpose before having a purpose. That is absurd. We need not go there. What we do need to realize is that purpose is something that one acquires through practice and trying, through experience. That is where dear old William Paley went wrong. (Dawkins 2006) Sure, a watch requires a watchmaker. A watch would not have appeared in the way it has appeared without one. No doubt. But what exactly is a watchmaker? A watchmaker comes at the end of a long line of people who have thought about things and tried things out. The watch did not just appear in the head of a single maker. It took many wishes and much patience to even conceive the possibility of a watch. Watches came to be through an exploration of possible use and uses. Design is not purpose driven it is use driven. Design is exploratory, use-seeking. Purpose is simply realised when use is found. We can describe that exploratory investigation into use as territorialisation, a concept devised by Gilles Deleuze and Felix Guattari (1987).

I would like to propose the following theses:

1. 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.

2. 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.

3. 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. The useless and the harmful in this sense are special instances of the useful. Useful things are desirable or undesirable and desirable and undesirable things cause social interaction, rivalry, jealousy, resentment, admiration, mimesis and its opposite. (Girard, 1972 & 1982)

If everything is use, the burning question is: How do we use well? For that we need to develop a perspective, we need to take a stand. 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. 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. How do I use a kettle, how should I use it? Can I use it for something else? How do I use my friend, my wife and my child? Do I perhaps misuse them? Do abuse my relationship, or do I use it well, nobly and generously, with dignity and for the sake of what exactly?

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, the 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. But also the user needs a standpoint on this. The physical, social and poetic aspects of design in architecture can be related to each other by putting use and the useful at the very centre of our thinking, in design *and in use*. It focuses our responsibility as designers and users in a complex society whereby man has to take on his role as husband of the earth in a very direct way. After all,

it would appear that we have become our own biggest problem and we are becoming aware of it. At the same time we have gained experience. We are creating an increasingly sophisticated artificial environment that, to all intents and purposes, has become our natural environment. With that we have to assume responsibility for its regulation and maintenance. That is a big task. To perform it well it will help to judge everything in terms of use.

But in thinking about everything in terms of use we have at the same time 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. At the same time in using we establish ourselves as an entity separating itself by entangling itself. We become an entity through our engagement. That is paradoxical.

But leaving the paradoxical aspect of our being in the world to one side for the moment, no one could deny that, if this is accepted, design becomes political in a special way. Politics I define according to John Ruskin's (1849) description of it as the discipline that concerns itself with establishing priorities. Economics then, is the discipline that looks at the way value behaves. Design is a political and economic discipline, in that it assigns priorities on the basis of values. As such design is 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 (1849) defined architecture as the useless part of building. Kant (Wenzel 2005) defined art as the purposive without purpose, aesthetic sensibility as a disinterestedness. But all this has been to no avail. John Ruskin, for example merely proved himself disingenuous and insincere. (Proust 2008) His real search was not for the useless but for a *higher purpose* (Voorthuis 1996). 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.

What gave the idea of use such a bad name? An important chapter in that history is the moment that the utilitarians came up with their brilliant idea about putting use at the very centre of their view of the world. Use they said was whatever promoted someone's *good*. Well that is fair enough. But they went further by saying that a society should arrange its priorities in such a way that whatever promoted the good *of the greatest number of people* should have priority over every other kind of good. That was not such a great idea. In other words they promoted what is in effect a well-meaning dictatorship of the majority. We could easily argue, as they did, that the greatest good of the greatest number might well be a good that ensured and protected the rights and duties of all in a society as the protection of minorities would be of benefit to the majority. And that would be a very good thing. However, as many have argued, most incisively Georges Bataille (1993) and John Rawls, (1972 & 1999), this possibility is contingent to the principle, and doesn't suggest itself with full force. It can too easily be ignored as it is not *foundational* to their thought. Ultimately, utilitarianism comes down to a dictatorship of the majority with only the most reasonable countries seeing the need to defend the interests of the minorities as being healthy for the majority. For the *design* of a just society we need something better than utilitarianism. The utilitarian, however unfairly, has come to stand for unabashed misuse of majority thinking, the privileging of mono-cultural functionality encouraging a cold, dismissive, grabbing, greedy society legitimised by a complacent majority.

As soon as transcendence is part of the game, and use is transcendent in that it always serves a further end, (Bataille 1993) choice and action have to justify themselves. At that point an economy is instituted: an economy of actions, good ones and bad ones. And 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. 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. The illustrious institutions of today began with a thought about value and priority within a given space of desires. We engage the world as entities in the maintenance of ourselves. If that is the case we have to evaluate, prioritise and justify our use of the other in the maintenance of ourselves. It is not our existence but our deeds that need justification. If that is true then we can conclude that every instance of design needs justification. A life needs to maintain itself in a climate in which passivity is fatal. At the same time engagement is by definition a form of violence, causing injury, but also jealousy and resentment and rivalry. This is not a paradox, it is a simple given which requires us to focus our attention on the question: how should we act? It is not life as an abstraction that requires justification, it is a life as it is made concrete in attitude and action that requires justification and all actions are instances of use. That is always the case, after all 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. The fact that the actions of people who are lucky enough to own a good car are judged differently than the actions of people like me who do not own a good car means simply that the car is used as a means of justifying something that need not be directly related to its use as a vehicle for transport. That is recognisable, however absurd it sounds. The car has a broad functional horizon. Not just a vehicle for physical transport it is also a vehicle for emotional and social transport. With a good car, you no longer need God.

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. 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. He also measures the use that is being made of him by others. Use therefore determines social space in the sense of social practice (Lefebvre, 1991) and, I would add, social 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 (1999) *A Theory of Justice.* It concerns a well practiced theory that he summarises 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. When things are fairly distributed there is no edge to that distribution, no reason for revenge or bitterness. We feel good about it. Fairness is a species of beauty. It is also used for good weather and attractive ladies. These connotations cannot be simply dismissed as irrelevant. They mesh with each other. 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, and suffused with a certain self-interested generosity toward the other, a generosity without 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.

In *designing* a just society Rawls arrives at *justice as fairness* by positing that inequality is possible in a just society. Inequality can be seen as just and fair in a society if that inequality is the result of respecting two basic principles: liberty and the so-called *difference principle*. They are simple rules to be applied in a strict order: Liberty comes first and has priority over any and every other game rule we might devise for our design thinking; 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 creating a dictatorship of the majority. The principle of liberty 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 also implies that one person's good must not be to the detriment of the good of another. Should it be so, it can no longer legitimately be described as good. The principle of difference says that inequality in a society is fair if, and only if, *any action to promote the good of one person also promotes the good of others*. More important than absolute equality is a well grounded situationally determined feeling of fairness which makes possible a far more dynamic process of judgment. Fairness is bodily determined. (Damasio, 2003 & Johnson 2007) It is a feeling. A feeling, moreover, that comes with learning about social space and its exercise within the framework of our bodily constitution. It has to be said however, that the choice for this system of justice is existential. (Rawls 1999) It has no transcendent foundation other than our experienced based view of how best to monitor and regulate our engagement with the world in order to design a just society. This part is described at greater length in the full version of the essay and justifies the title more comprehensively.

Rawls arrives at this conception of justice as fairness through the use of a number of philosophical instruments such as his concept of the *reflective equilibrium* and his *veil of ignorance*. The veil of ignorance is an instrument whereby the participants in a design conversation have their humanity left intact. In other words they do not have to imagine themselves wonderful people, benevolent saints or altruistic martyrs. They have to imagine themselves quite simply as ordinary people or as the great Dadaist Dr Walter Serner remarked: "too weak to be really good, too good to be really bad. Just weak and, in consequence, …base." (Richter 1965) At the same time they are no ordinary, ordinary people, they are people systematically removed from a sense of their determined situation. Participants in the design process are not to know (in Rawls' case) whether they are white or black, male or female, rich or poor, alive now or alive in three generations time. The reflective equilibrium stands for the moment at which the discourse between these situationless people, taking any possible situation into account, arrive at a plateau of conditional

consensus about the design of (in Rawls' case) a just society. In other words design is played as a game, an infinite game of enforced empathy. It allows people the freedom, indeed the necessity to think clearly about consequences from a negative perspective by which I mean an environmental perspective which has not yet been determined situationally and which has been dehumanised. Humans are only part of the whole. To talk about design 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. 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.

To summarise then: 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 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. 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. He can choose to design his improved place by improving the situation of other users. This is not a utopian dream; it is simply a design challenge. It is not impossible but it is difficult. 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

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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 aesthetics of architecture which is tested against the two Rawlsian principles in their strict order. To do that we need to have a good idea of users the way they use. Together the centrality of use and the benevolent dictatorship of freedom, fairness and openness constitute a coherent argument in which aesthetic concerns, namely the discussion about desirable qualities and the concerns of ethics, the attunement of means and ends in the design of society or indeed the design of our environment can find its way.

Acknowledgements

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