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SYMPOSIUM LAND USE PLANNING

INTRODUCTION

Increasingly it has become the fashion for law reviews to dedicate their pages to topics whose connection with law is tenuous, and then follow this by a brave apology. This introduction is not intended as an apology. The topic of land use in a law review requires no defense nor explanation.

Land and its various uses have occupied the lawyer from the very inception of our legal system (and, for that matter, of other legal systems). During the formative years of the common law, when feudal tenure was in its hey-day, the lawyer's major concern was with the land. The lawyer was a conveyancer; land was the primary, if not the exclusive, income producing factor in the feudal economy. It became the mission of the lawyer to secure for his client the maximum from the land or, at the very least, to insure uniformity of result.

But, as has been observed by many, the emphasis of law during more enlightened times shifted from what were essentially property rights to civil and human rights. It was only natural in this metamorphosis that "land law" was neglected by the legal profession and its regulation delegated to various other professions.

It is a curious twist of fate that, through focus upon human and civil rights, land law has once more become of primary concern to the lawyer. Urban ecology is not the concern of the social scientists alone but must necessarily be important to anyone who professes interest in civil rights.

The modern lawyer's concern is not so much with land as an income producing factor, but of more importance he must work with land as a matrix within which society is developing. It is the duty of the lawyer and not the social scientist to establish workable norma-

tive values by which land can be most productively employed and within which an essentially urban society can flourish.

It is in this context that "land law" has returned to the legal profession. The contributors to this symposium have examined various aspects of land use planning and have each leveled criticisms. It is the function of this symposium to focus the interest of the legal profession upon some problem areas in land use planning.

SOCIAL AND PHYSICAL PLANNING FOR THE ELIMINATION OF URBAN POVERTY*

HERBERT J. GANS†

I.

City planning has traditionally sought community betterment through so-called physical methods such as the ordering of land uses and the rearrangements of buildings. This paper deals with a new planning concept which places greater emphasis on economic and social methods of improving community life. In some places it is called human renewal; in others, community development; in yet others, social planning. Although none of the names is quite appropriate, the programs to which they refer are of crucial importance to the future of the city, for they seek to do away—or at least to decimate—urban poverty and the deprivation that accompanies it. If these programs succeed, they are likely to have a lasting impact on city planning and on the other professions concerned with planning matters, including the law.

The fight against poverty is not new, of course, and, in fact, the elimination of urban deprivation was one of the goals of the founders of modern city planning. The planning movement itself developed partly in reaction to the conditions under which the European immigrants who came to American cities in the mid-19th century had to live. The reduction of their squalor was one of Frederick Law Olmstead's goals when he proposed the building of city parks so that the poor—as well as the rich—might have a substitute rural landscape in which to relax from urban life. It motivated the Boston civic leaders

* Expanded and revised version of a paper prepared for the 1962 conference of the American Institute of Planners, Los Angeles, October 17, 1962, and read at a panel entitled: "Cities as Places to Live and Work: How Much Improvement?"

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