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Public Land Ownership: Frameworks for Evaluation

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BOOK REVIEW

PUBLIC LAND OWNERSHIP: FRAMEWORKS FOR EVALUATION. Edited by Dalton Kehoe, David Morley, Stuart B. Proudfoot, and Neal A. Roberts. Lexington, Mass.: D.C. Heath & Co. 1976. Pp. xv, 211. \$17.00.

In November 1975 York University sponsored a Public Land Ownership Conference in Toronto, Canada. The conference attracted over three hundred professionals concerned with land planning from both the United States and Canada. As the title of the conference suggests, its purpose was to examine public land ownership as a means—hopefully a more effective means than others currently utilized—to accomplish social objectives related to the use of land.¹

The conference was designed to explore the pros and cons of government ownership and development of large tracts of land as opposed to private ownership and development of such tracts subject to government regulation through zoning and other control devices. This book is an outgrowth of the conference and consists of papers prepared for the conference and commentaries made by various conferees. These conferees include public planners and land managers, civil servants (principally Canadian at federal, provincial, and municipal levels), university professors, politicians, developers and users - in short, a cross-section of those involved in making decisions relating to land use and development. The editors have organized these materials and commentaries into five chapters, and in addition to a general introduction and concluding commentary, preface each chapter with an introductory essay on the general theme of the chapter with comments on the papers contained in the chapter.

This outline of the book's format reveals both its strengths and weaknesses. Inevitably a compilation of papers from many different contributors of diverse backgrounds, no matter how well-structured or organized thematically, presents a gamut of ideas—good, bad, and indifferent—for the consideration of the reader. Obviously, too, these papers were written for oral delivery or are based on transcriptions of remarks made at the conference. Most of them are quite

1. PUBLIC LAND OWNERSHIP: FRAMEWORKS FOR EVALUATION 3 (1976)[hereinafter cited as FRAMEWORKS].

brief and are not intended as formal, scholarly, in-depth analyses of the difficult topics they cover. But these limitations, arising out of the conference record format, also contribute to the appeal of the book. The informal, unstructured style of most of the papers make them quite readable and easily comprehensible. Some of them are genuinely thought-provoking—which is, I believe, the ultimate purpose of successful conferences and conference papers. They generate interest in certain topics, raise issues, present arguments pro and con without reaching many definite conclusions, and suggest possibilities without supplying definitive answers.² Not surprisingly, most of the conferees do believe that public land ownership programs offer substantial advantages over present regulatory systems, that they reduce long delays in land development,³ eliminate the windfall profits presently available to private speculators by capturing such profits for the benefit of the community,⁴ minimize urban sprawl and enhance generally the effectiveness of government efforts to coordinate and plan urban and suburban development.⁵ Growing public interest throughout the world in the development of new towns, in the protection of amenity lands, wetlands and tidelands from development, in the implementation of low-income housing programs, or in the formation of land banks for the purpose of controlling or shaping development, directly and immediately suggest that public land ownership may indeed be an idea whose time has come.

Part One of the book consists of three chapters dealing with the idea of public land ownership and how it might augment present programs of urban planning. In addition, these chapters discuss possible ways public land ownership, either alone or in conjunction with a program of site-value taxation, might be used to capture for the public certain windfall profits in private land speculation. Incremental land value is frequently a consequence of some program of public works by government.⁶ Since the benefit bestowed by govern-

2. See, e.g., Bosselman, *A Legal Perspective on Land Banking in the United States*, in FRAMEWORKS 66; Page, *Land as a Life Support System*, in FRAMEWORKS 27.

3. See, e.g., Logue, *Implementation Systems in Urban Land Development*, in FRAMEWORKS 41.

4. See Penalosa, *Politics, Planning, and Land Use*, in FRAMEWORKS 8, 9-11.

5. Logue, *supra* note 3, at 42-43.

6. Hamilton, *Critical Perspectives on Public Land Ownership*, in FRAMEWORKS 57, 60-62.

ment increases the value of certain lands more than others, some private property owners presently realize substantial profits which do not result from any contribution or improvement which they may have made.⁷ Arguably these windfalls properly belong to the public, and public land ownership furnishes a way of recapturing these profits. Chapter Three is especially interesting in its stress upon land as a basic natural resource apart from its utility for development for industrial, commercial, or residential purposes.

Part Two discusses public land ownership in Canada and the developing countries. The Canadian discussion should be particularly interesting to United States readers since the two countries have, to a large degree, both a common legal background and many of the same urban problems. But there are differences in the history and in the political climate of the two countries which may make many of the Canadian approaches to public land ownership much harder to sell to an American electorate. I might also add that while some of the conferees were Americans and the book contains many valuable comments on American urban problems and approaches,⁸ it does not deal specifically with the problems of public land ownership peculiar to the United States. I would have found such a paper, however brief, helpful, especially in understanding the Canadian experience. Canadians are obviously less fearful than Americans⁹ of public land ownership, which raises the question of the reasonableness of American fears.

Chapter Five deals with public land use and ownership in developing countries such as Kenya, Senegal, and Sri Lanka. This chapter written by William Doebele concludes with a discussion of two different approaches to public land use ownership and management in two mythical countries.¹⁰ I found Doebele's discussion a particularly imaginative vehicle for presenting the advantages and disadvantages of these two approaches, albeit weighed heavily in favor of one.

I personally found the introductory essays and conclusion prepared by the editors among the best pieces in the book. They suffer

7. *Id.* at 60-61.

8. See Bosselman, *supra* note 2; Jacobs, *A Question of Scale*, in FRAMEWORKS 30; Logue, *supra* note 3.

9. FRAMEWORKS 36-37, 195.

10. *Id.* at 190-92.

from one defect, however. The editors do a good job of introducing each chapter and synthesizing the approaches involved, but their comments on the individual papers and commentaries are bland and ineffectual. Apparently, having invited the various commentators to participate in the conference, the editors felt compelled as good hosts to maintain a neutrality on the merits of the various pieces. Consequently their comments avoid any criticism or evaluation, however constructive, of the papers and commentaries presented by the conferees. Certainly good manners would not preclude some scholarly, evaluative commentary. In their concluding essay the editors do discuss and summarize many of the questions and issues raised by the conference papers, and they do draw general conclusions which stress the lack of clear agreement as to the relative merits of alternate forms of public land ownership,¹¹ while recognizing the utility of public ownership when used with other planning techniques to augment the private land market and to curb its worst excesses.¹² They suggest that the ultimate test of public ownership is its effectiveness in promoting such basic social goals as redistribution of concentrated wealth and the amelioration of existing urban problems.¹³ Their emphasis on the need for human scale in the development of our urban environment is a fitting conclusion of the book.¹⁴

Books which are the outgrowth of conferences such as this frequently make very dull and unrewarding reading for persons who were not present at the conference. Their chief value is as a record for the conferees of what was said and found thought-provoking at the time, a device for refreshing one's recollection. Fortunately, this book is an exception to this general rule.

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11. FRAMEWORKS 195.

12. *Id.*

13. *Id.* at 197-98.

14. *Id.* at 201.

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