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REGULATION was first published in July 1977 “because the extension of regulation is piecemeal, the sources and targets diverse, the language complex and often opaque, and the volume overwhelming.” REGULATION is devoted to analyzing the implications of government regulatory policy and its effects on our public and private endeavors.

FOR THE RECORD

Reassembling Fragmented Land

The responses by William Fischel and Robert Nelson (“Master Plans and Rent Seeking” and “Neighborhood Collectives Instead of Central Planners,” Winter 2015–2016) to Roderick Hills Jr. and David Schleicher’s article (“Can ‘Planning’ Deregulate Land Use?” Fall 2015) inspire this further reflection:

The major deterrents to redevelopment in large cities are not the zoning restrictions per se, but the difficulty that fragmented ownership poses for land assembly. There is a tried-and-true device for the organization of Fischel’s “neighborhood collectives” for this purpose: land readjustment—the establishment, by super-majorities of landowners, of joint development plans from which dissenting owner-occupiers are excluded.

This device has been used in several dozen countries to unite the fragmented land holdings resulting from forced heirship in civil law countries. It has also been used in urban areas, first with the Lex

Adickes in Frankfurt, Germany at the turn of the 20th century, and then on a much larger scale in the post-war redevelopment of cities in Japan, Korea, and Taiwan. It has also been used in common law jurisdictions, including Madras and Gujarat, India, and Western Australia, and was used by George Washington in the land assembly for the nation’s capital.

A number of American scholars, including Harvard University’s William Doebele and Florida Atlantic University’s Frank Schmidman, have written on this subject. The continuing failures of government-sponsored urban renewal suggest that this mechanism, founded on private initiative, deserves another look.

For more on the subject, see my article, “Land Readjustment for America: A Proposal for a Statute,” *Urban Lawyer*, Vol. 32, No. 1 (Winter 2000).

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Regulation Milestones

This issue of *Regulation* arrives a few weeks later than usual, and for that I apologize. But I have a good excuse: Dominick Joseph Firey entered the world on Jan. 4, 2016, upsetting his father’s publication schedule. The future John Bates Clark Medal and Conn Smythe Trophy winner is doing fine, as is his mother. The publication schedule should return to normal with the summer issue.

This joyful arrival is accompanied by a sad exit: Supreme Court Justice Antonin Scalia, a former chief editor of *Regulation*, passed away over the night

of Feb. 12–13, 2016, at age 79. He was a frequent contributor in the magazine’s early years, when it was published by the American Enterprise Institute. We offer a summary of some of his essays at: cato.org/blog/scalia-pages-regulation.

He is one of several important contributors to *Regulation*’s early years who have passed away in the last decade, including Anne Brunsdale in 2006, Robert Bork in 2012, and Murray Weidenbaum in 2014. Their influence on *Regulation* and U.S. regulatory policy cannot be overstated.

Thomas A. Firey

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