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 Doebley 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.


George W. Liebmann
Senior Academic Visitor, Wolfson College, Cambridge UK
Liebmann and Shively, P.A., Baltimore, Md.

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 Brunstilde 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
Cato Institute