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**Land use, planning, and the “difficult character of property”**

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**ABSTRACT**

Contemporary land use planning has an ambivalent relationship with private property. While inextricably entangled with private property, planning frequently presents itself as at a remove, such that planning does not appear to regulate property, but rather acts upon “land use.” It is tempting to see land use, therefore, as a means by which planning can institutionally distance itself from its necessary relationship to private property. An original genealogy of land use planning within Canada, however, reveals its entanglement with debates concerning the governance of land, and the imperative for the state assessment of the productive or wasteful uses to which it is put. Private property thus emerges as a central concern to planning, given its importance to landholding, the fear being that unregulated private property leads to unproductive and wasteful forms of land use. Viewed thus, land use should be treated not as the negation of property, but rather as a particular and constrained framing of the planning/property relationship. Put simply, land use asks certain questions of property, while eliding others. It becomes important, therefore, to open the “black box” of land use, in order to understand the important way in which planning practice engages private property.

**Planning and property**

> “Planning cannot escape its relationship to property rights”

(Jacobs & Paulsen, 2009, p. 141).

In 1917, Frederick Law Olmsted Jr., son of the famous landscape architect, mapped out an ambitious agenda for planning, arguing that it “has a breadth and ramification at once inspiring and appalling … The stake is vast, the possibilities splendid” (Olmsted, 1917, p. 2). Defined in this way, its scope was wide: “Nothing which may conceivably become a part of the city or affect the city’s future can logically be excluded from its field” (p. 2). However, Olmsted notes that a city comprises public lands, the means of circulation, and privately held land and all the developments thereon. Given its size and significance, it is the latter, he suggests, that makes up “the real city” (p. 12):

> In a country which relies for its progress primarily upon individual initiative under the stimulus furnished by the institution of private property, the major part and the most intimate part of the physical environment of the people – their workshops and the dwellings – must inevitably be in private ownership (p. 14).
If it is to achieve its ambitious goals, state planning must act upon private property. But this raises an obvious question:

Certainly, it would contradict our definition of city planning if this most important part of the entire physical environment of the people were not to be suitably planned and controlled. And yet the extent to which collective control over private property may properly be carried is a debatable, and very much debated, matter (p. 12).

And debated it was, in ways that we seldom hear within contemporary planning discourse. What was the proper relation between planning and property? What were the problems generated by the private ownership of land? To what extent and manner, and to what ends, was “private” property to be opened up to “public” ends?

Such conversations seem less in evidence today, noted Donald Krueckeberg (1995), in a paper called “The difficult character of property,” that sought to reopen this conversation. His argument was that property should be at the center of planning. However, property is vexed, ambiguous and controversial. Questions of property’s meaning, its derivation, its effects on social power and distributive justice, its contested ends, and its centrality to the proper relationship between the state and the individual make it potentially contentious.

In one sense, planning is inextricably entangled with private property, both practically and conceptually (Davy, 2012; Krueckeberg, 1995). Accredited planning programs often entail a class in the fundamentals of real property for good reason. Practicing planners surely recognize that if it is to have any effect upon the city, planning must affect private property, either through incentives or prohibitions (Needham, 2006), given that most urban land is privately held. To the extent that planning empowers landowners to do certain things, or prevents them from doing others, it affects property rights (Alterman, 2010). In this sense, “planning is fundamentally about the allocation, distribution and alteration of property rights” (Jacobs & Paulsen, 2009, p. 135). More conceptually, broader planning interventions, such as attempts at “revitalization,” appear sustained by some deeply engrained notions of “improvement,” motivated by anxieties toward “blight,” “decay,” “decline,” and “vacancy,” perhaps echoing Lockean or Ricardian concerns regarding the disposition of property.

Yet, as a practice, planning often appears to distance itself from questions regarding property. Its declared focus is the spatial organization of something called “land use.” A classic text by Lewis Keeble on urban planning notes that while planning deals primarily with land, it is not a form of “economic, social or political planning” (p. 9). The objectives of urban planning can be summarized as “the provision of the right amount of land for each use in the right place” (Keeble, 1964, p. 88, my emphasis). Perks and Jamieson (1991), describing Canadian planning, adopt a similar logic; the city, they argue, is a three dimensional artefact, made up of land that has “been divided up and designated for use in specified ways” upon which we build. “In its most elemental sense, planning has to do with anticipating all these many land-use needs, then “assigning” them to various locations within the city” (p. 489).

“Land use,” Krueckeberg notes (Krueckeberg, 1995), appears detached from “property.” One might thus be tempted to think of land use as a prophylactic device, a means by which planners can imagine themselves to be protected from the vexing ethical and political controversies that attend the “difficult character of property” and its regulation. I argue here, however, that planning that operates through a land use lens may have a more direct relationship to private property. This is easier to discern if we avoid the black boxing of property in contemporary planning, and unpack some of the lively debates that ensued during planning’s institutional emergence in the early decades of the twentieth century. Land use, I will suggest, does not quite sever planning from its relation to property, but rather hooks the two together in a quite particular and particularly consequential manner. The outcome entails
the construction of a specific relationship between planning and property, with a concern at the reg-
ulation of things and spaces through zoning, that seeks to enroll private property in order to achieve
desired ends. Structuring planning’s relationship to private property through the frame of land use, I
will argue, may continue to have contemporary relevance. This can be seen in terms of what land use
does in regard to property, and in terms of what it cannot do.

This paper contributes to a discussion regarding property and planning through its excavation of
these historical roots, drawing in particular on the Canadian experience, with references to the US case.
While planning history is well documented (although less so in Canada), I have not found accounts that
unpack the manner in which early planners reflect on planning and private property more directly,
nor in the manner in which land use is framed in relation to such conceptions. My hope is that the
paper begins to give a richer account of planning’s historical encounters with the institution of private
property. In so doing, I hope that it contributes to a small, but significant body of literature concerned
with the relationship between planning and private property (e.g. Davy, 2009, 2012; Jacobs, 2009; Jacobs
& Paulsen, 2009, Porter, 2014; Wagner, 2013), as well as critical scholarship concerned with the work
that property does in the social and political world more generally (Blomley, 2013, 2004; Singer, 2000).

**Land use**

While land use, including the planning that acts through it, has a taken-for-granted quality, it operates
in a quite particular manner. To think of a city through a land use lens, most immediately, is to classify
spaces according to the function or use to which they are put. Land use, therefore, entails a form of
primary spatialized classification (Bowker & Star, 1999). Note, however, that the owner is only of sec-
ondary concern. Rather, it is the “use” that is attached to the parcel that is a primary concern. Things,
not people, appear as the primary focus.

If land use thinking focuses on the individual parcel, it does so in order to scale up, such that individ-
ual uses are treated as components of the whole. A land use logic operates in relation to distributions
across the city. “Use” leads us inexorably to questions of “utility,” understood according to the ends, both
private and collective, associated with particular forms of land use. As such, land use is not a disinter-
ested matter. Land use planning seeks to act upon such uses, to serve multiple ends. Commodious goals,
such as amenity or livability may be deployed, as well as avowedly progressive ends. Again however,
such ends are to be realized through an appropriate arrangement of uses including the avoidance of
that spatial **bête noire**, incompatible uses. In so doing, land use planning can be thought of as a form
of biopolitics, defined as the calculated management of human populations, or the practices deployed
to regulate the physical productivity of persons and populations (Fischler, 1998; Rutland, 2015a):

Planning … [is] to be structured by forms of knowledge that illuminate the spatial prerequisites of a better
life, the socio-physical “conditions of life” that underlie optimal “forms of life.” Oriented in this way, planning
is able to shape and manage populations through various indirect, spatial interventions. Its vocation is to
produce and regulate the spatial conditions that underpin an improved, ostensibly optimal form of exist-
ence (Rutland, 2015a, p. 851).

But note that such biopolitical interventions work through the use that is made of the property: “Local
authorities govern persons as well as pieces of land and buildings, but they generally avoid governing
through the category of ‘person’ that is so central to liberal governance and hence to law” (Valverde,
2005, p. 37, original emphasis). Clearly, as critical observers note, to act upon “uses” is to govern individu-
als. However, it is to do so at a crucial distance. In this, land use planning differs from state interventions
that act more directly on other dimensions of the “bundle of rights” attached to private property, such
as the direct “takings” of property interests by the state, or the relative empowerment or modification of
the exclusionary powers of private owners. Planning, of course, can act upon property very differently (for example, through the socialization of land itself). Similarly, land use planning is but one manifestation of a related set of governmental practices that conceive of urban space through a “land use” lens.

**Land use, planning and property: a genealogical analysis**

A Foucauldian genealogical analysis can usefully be brought to bear here (Fischler, 1998; Huxley, 2006; Pløger, 2008). Genealogy offers a method for the examination of organizing ideas central to the present, through an excavation of their contingent historical emergence (Koopman, 2012). It provides a history of the present through a temporal excavation of its conditions of possibility, reliant upon a twofold form of problematization. First, it aims to unsettle the contemporary practices that we take as normal or as given. Genealogy, as used by Foucault, seeks to “recover the memory that structures today’s formulations of the social question” (Castel, 1994, pp. 250–251). Secondly, to do so requires the tracing of the ways in which actors have approached and analyzed social problems, and developed novel and practical solutions to such problems, with an emphasis on their contingent emergence. Rather than an examination of what planning is, the goal is to trace “what made it possible, what scientific and administrative practices rendered mentally and technically possible the existence of a modern apparatus for the regulation of urban development” (Fischler, 1998, p. 403). A full genealogical treatment of land use is beyond my scope. However, there does seem merit in an exploration of its emergence, tracing the manner in which it was framed, the problems that it generated, and the practical solutions that were deployed, with particular reference to the problem of planning’s relationship to private property.

Land use planning, of course, was shaped by a variety of powerful and often conflicting intellectual currents (Hall, 1988; Peterson, 2003; Scott, 1969). Within Canadian planning, my primary focus here, we can identify two important threads. Utilitarianism provides one crucial resource (Smith, 1979). Classical utilitarianism seeks to serve as a system of political and social decision-making (Alexander & Peñalver, 2012, p. 12). The correctness of an action, from this perspective, is determined by whether an action maximizes social “utility,” or the welfare of society as a whole. Private property may be an impediment to collective utility: for Mill, “no exclusive right should be permitted in any individual, which cannot be shown to be productive of positive good” (Mill, 1999/1871, p. 98). Utilitarianism is inimical to claims for property based on natural rights: “when somebody employs resources in a way that does not benefit everyone, the reply ‘it was his to do what he liked with’ is not conclusive” (Ryan, 1984, pp. 94–95 original emphasis). Private property is a socially produced monopoly and, as such, wholly a matter of general expediency: “The privilege, or monopoly is only defensible as a necessary evil; it becomes an injustice when carried to any point to which the compensatory good does not follow it” (Mill, 1999/1871, p. 98). For Mill, “The claim of the landowners to the land is altogether subordinate to the general policy of the state” (Mill, 1999/1871, p. 97).

And here “utility” connects with “use.” In consequentialist terms, the focus is on the outcome of an action, rather than a deontological emphasis upon the character of the behavior that prompts it. Similarly, the utility of private property, for Mill, is to be judged according to the use to which land is put. Private uses may generate unproductive utility: “When land is not intended to be cultivated, no good reason can in general be given for its being private property at all; and if any one is permitted to call it his, he ought to know that he holds it by sufferance of the community” (p. 98). Private property as a necessary evil is to be sustained if its use sustains utility, but property is not given to an owner “to use and abuse, and deal with as if it concerned nobody but himself” (p. 98). Mill was no statist, however.
Although government should intervene, it should do so with a view to developing the capacity of a society for self-government.

Utilitarianism converged, secondly, with a bundle of ideas traceable to David Ricardo’s political economy of land, particularly as taken up and inflected by Henry George, whose ideas on taxation and value proved very significant in many North American cities (Rutland, 2015b). Land and improvements are at the center of these ideas, particularly in relation to their effects upon a population. However, property owners cannot be trusted to generate the “improvements” needed for the population. Rent-seeking activity and economic inefficiencies are endemic to a system of private property, George argued. Consequently “[t]he state … is called upon not just to protect property rights … but also to evaluate and optimize property holdings: to ensure in the interest of the population’s survival and flourishing, that the optimal use of land is universally achieved” (Rutland, 2015b, pp. 363–364). Taken up in new systems of property assessment, Rutland (2015b) notes, the effect is to reconfigure the city as a “terrain of value,” the level of improvement of which becomes a matter of civic rather than private concern. Value is both collectively generated, and collectively generative. The “use” of land becomes of greater significance than the land itself.

Injurious speculation and the jumble city

Canadian urban planning was clearly shaped by such threads, as well as by existing concerns at housing conditions, and urban reform more generally (Wolfe, 1994). The Canadian Commission of Conservation, in particular, played a formative role in shaping the ideas that generated land use planning. Initiated in Europe, the Conservation movement was embraced by President Theodore Roosevelt, who convened a North American conference that prompted the Canadian government to establish the Commission of Conservation in 1909. Vigorously optimistic regarding the application of science and rationality, Conservation was progressive in orientation, yet should not be seen “as a theory of resource ownership when, in fact, the movement was most concerned with resource use” (Hays, 1959, p. 262, my emphasis). Its focus was thus the “resource,” an object to be used. Conservation, and the institution of planning that it spawned, relied on a utilitarian rationality that focused on “use;” understood in practical and physical terms. Use – the employment or mobilization of a resource – leads to utility – the purpose of such use. Utility is to be understood in collective, not individual terms. Inaugurating the Canadian Commission, Clifford Sifton quoted from the North American Declaration as its guiding principle:

We recognize as natural resources all materials available for the use of man as means of life and welfare … We agree that these resources should be developed, used and conserved for the future, in the interests of mankind, whose rights and duties to guard and control the natural sources of life are inherent and indefeasible. We agree that these resources which are necessities of life should be regarded as public utilities [and] that their ownership entails specific duties to the public (Commission of Conservation Canada, 1910, p. 8).

To conserve was to regulate and order “natural resources” so as prevent “disease, disability and waste in human life” in order to attain a “truly national vitality,” declared the frontispiece of the first issue of the Conservation Commission’s journal, Conservation of Life (1914).

The Commission’s biopolitical concern with public health soon provided a conduit for an engagement with the city, one of its multiple and diverse foci (Artibise & Stelter, 1981). Charles Hodgetts, its advisor on public health, was convinced of the need to examine the relationship between public health and housing conditions. Conservation, Hodgetts argued, concerns both the “physical” and the “vital.” Town planning, he insisted, centers on both (Armstrong, 1959, p. 18). The Commission thus appointed Thomas Adams, a noted British planner involved in the Garden City movement, as town planning advisor in 1914. Through his forceful work, “conservation and urban improvement came to be
seen as opposite sides of the same coin” (Smith, 1979, p. 201). Adams played a pivotal role in shaping Canadian planning, publishing an influential text on rural planning and development in 1917, and subsequently becoming President of the Town Planning Institute (Stein, 1994), before moving into U.S. planning practice and education (Simpson 1985). A tireless proselytizer, he launched and largely wrote the Commission’s journal, prompted the formation of the Civic Improvement League, undertook plans for individual municipalities, and lobbied for planning legislation.

In his influential text on planning, Adams looks forward to the potential of a postwar Canada. Yet he laments the tendency to place “the sanctity of property on a higher level than human life and civic welfare” (Adams, 1917, p. 2). Echoing Bentham, he worries that democratic nations are prone to treat liberty as an end, rather than a means to an end. Similarly, the planning of land “shall not be an end in itself, but only a means by which the end is to be achieved. That end shall be the proper development of land for the purpose of securing the best results from the application of human activity to natural resources” (p. 7, my emphasis).

This goal represents a distillation of a conservationist philosophy and is one, I suggest, that animates subsequent discussions concerning private property and planning. Land, Adams argues, is the nation’s most vital resource, as it underpins life itself. It is, he argued, as President of the Town Planning Institute, “the greatest resource possessed by a people” (Adams, 1921, p. 15). But if land is a resource, its potential is only realized by the human labor that produces particular uses. Conservation acts upon such uses and, in so doing, is both prudential and productive. As Adams put it, “Conservation means economy and development at the same time” (p. 3). “Economy” here is used in its older sense, as the careful marshaling and husbanding of resources. Resources must be used economically lest they be wasted. Waste – that of capital, human energy, or most importantly, land - becomes a repeated refrain, and is to be continually guarded against by the state. But conservation also must be directed simultaneously toward “development.” Thus, to conserve land means to prevent deterioration of the productive uses of the land that has already been equipped and improved, and simultaneously to develop more intensive use of such land, as well as to open up and improve new lands … Hence to conserve … means not only to prevent waste in what we have but also to plan and develop for future growth (Adams, 1921, pp. 3–4).

At work here is the imperative of “improvement,” but also a persistent worry at its negation: “waste.” This binary movement, evident in conservation discourse, runs as a leitmotif throughout early planning debates. Waste runs as a constant, almost obsessive anxiety (Hays, 1959). The degree to which land is put to either productive or wasteful use becomes a driving concern, animated not by a concern with the individualized benefits that the disposition of land generates, but with its biopolitical utility. Waste is not of the order of things, but a product of classification and evaluation. Given its focus, early planning, therefore, can be thought of as a “waste regime” (Gille, 2007), one of a set of institutions that “determine what wastes and not just what resources are considered valuable by society” (p. 34). Contrary to purely aesthetic criteria, practical planners are encouraged to pursue “health, economy and beauty” (Anon., 1915a, p. 76), where economy is understood as a prudential, use-oriented disposition. As an anonymous article (presumably written by Adams) noted in the Conservation of Life "the chief object of planning is to save the money and health of the citizens which is now being wasted … owing to the haphazard and extravagant method of developing land without plan, exercise of foresight, or regard for its best economic use" (Anon., 1918a, pp. 65–66).

For the use of land can so easily be wasteful, it seems. Private actors, driven by their own self-serving ends, frequently put land to use in wasteful ways, Adams laments. Farmers invest energy and time into agriculture, for example, but this is wasted as they abandon it and leave for the temptations of the
Two frequently cited concerns for Adams and his colleagues are speculation (dubbed “injurious speculation” by Adams) and unregulated urban land. Speculation is understood not as the strategic extraction of urban rents, but rather as the passive holding of land in expectation of financial gain, or “real estate gambling,” as he puts it (Adams, 1916 p. 73). It is injurious not simply because it tends indirectly towards “social evils,” such as overcrowded tenements. More importantly, it generates “waste,” notably the “holding up of large areas of land for speculative purposes” (Adams, 1917, p. 103). As with absentee ownership, the effect is to create “idle territory” (Adams, 1917, p. 103). Photographs in his planning text instruct a reader in the biopolitical perils of an “unhealthy” district “where there are hundreds of acres lying idle because of injurious speculation,” contrasting it with a “more satisfactory” form of land development with “compact groups of buildings and intensively cultivated land” (p. 109).

In a Georgite vein, he argues that while investment on improvement generates desirable wealth, any value generated by speculation (“sweated land”) is “fictitious” (p. 107), as “socially created values are inflated and exploited and monopolies in natural resources are established” (pp. 102–103). The “gains of the parasite exploiter,” he cautions, “have to be paid out of the productive enterprise of the people as a whole” (Adams, 1921, p. 12), with the predictable result being “contracted and anemic cities” (p. 12).

Similarly, unregulated urban development is problematic, the early planners argued, not only because of the social problems it generates, such as slums and congestion, but also because it can again be put to wasteful use, generating “jumble cities,” as Adams dubs them. In an early reference to the “nonconforming use,” James Ewing (1921a, p. 6) laments the prevailing anarchic development of Montreal, as factories move downtown to benefit from transport infrastructure, but then move uptown in pursuit of workers, leaving slums and “empty and unproductive land.” He rejects the view of those who regard this movement as the “march of progress,” arguing that it is, in fact, “lost motion … putting up and pulling down, building and rebuilding, so much waste and nothing accomplished that is enduring or worthwhile.” It would be better if we could plan, “putting things in the places where they rightly belong and having them stay-put” (Ewing, 1921a, p. 6).

Speculation and unregulated land development are problematic, therefore, because they waste land. For land does nothing in itself. It is only through the application of human labor (here we surely hear the echo of Ricardo and George) that wealth is generated from land. However, the human capacities that we have put to work to develop land, Adams fears, have been deployed in wasteful ways. We have focused more on short-term results rather than, as quoted above, “securing the best results from the application of human labour to natural resources” (Adams, 1917, p. 7). Canada has lots of land, but a “wasteful system of land development” (Adams, 1921, p. 10).

In one striking biopolitical metaphor, Adams likens Canada to a “great business enterprise,” but one in which the conservation of resources for ends is the priority. Hence it is necessary that the “control of all beginnings of development and of the utilization of resources should be under the direction of the highly skilled administrators – responsible to government but with discretionary power” (Adams, 1917, p. 180). This will ensure that the development of that most precious of resources – land – will not be based on the “make-believe” forms of wealth that derive from the “license enjoyed by the few to the injury of the many which is misnamed liberty” (p. 250).

Private property, “life,” and “joint action”

And here we get to private property. The problem, feared the early planners, is that the privatization of land can lead to misuse and waste. We are stuck in the “imitative grooves of precedent” and the “deadly doctrine of laissez faire,” worried Adams (1921, p. 10). Echoing Millian liberalism, Adams argues
that it is the consequences of property (notably the uses to which land is put) that must be the concern. In an address to the Canadian Senate, Nolan Cauchon, then the chairman of the Ottawa Town Planning Commission, worried that an economics “restricted to the ‘science of wealth,’ free from ethical restraint, merely tends to the relative efficiency of one to the deficiency of others” (Cauchon, 1921, p. 26). Similarly, James Ewing (1921a) rejected the likely objection to planning as an interference with individual property rights:

it is about time we did [interfere], for they [individual interests] have been interfering with and overriding us for long enough. If there is one thing more than another that has brought us into this mess it is the assertion and exercise of individual privilege over public interest and the common good, the only remaining thing left to the public being the privilege of paying for it all, with little or no voice in the matter. But town planning is in the interest of all and ultimately for the best interest of every single individual (Ewing, 1921a, p. 8).

It is important not to misread condemnations of the “parasite exploiter” or “injurious speculation” as attacks on the institution of private property, however. This is no Marxist critique of “bourgeois property.” Rather, this is a consequentialist and utilitarian argument that focuses on the problematic effects of excessive individual liberty on land use. For Adams, for example, a restraint of private property did not entail collectivism, for “we do not want to inaugurate socialistic extremes but to forestall them” (Adams quoted in Simpson, 1985, p. 29). Put baldly, the claim is that unregulated private property leads to unproductive and wasteful forms of land use. As such, planners must act upon private property so as to ensure forms of use that realize land’s capacities in the maintenance of “life,” for “there is nothing so vital in the interests of production in Canada as to conserve and develop human life” (Adams, 1917, p. 4, original emphasis). This is not an argument for social justice, then, but for biopolitical productivity.

Land use planning is thus not a tool for collectivism, but a calculus that balances and mobilizes individual interests. Discussing bylaws regulating private bill boards and signs, the Commission’s journal noted that while a private owner may object, “he holds a property subject to the city by-laws, which should be equitable in the interests of all the citizens, and not favourable to one only. To interfere with the liberty of one in this case is to prevent interference with the liberty of a much larger number” (Anon., 1918b, p. 41). It is surely Adams who argues for “the social conception of liberty” whereby we “put freedom of life for every citizen on a higher plane than freedom of use of property for the few” (Anon., 1918a, p. 69).

We hear echoes of such arguments amongst early American planners. Walter D. Moody, the Managing Director of the Chicago Planning Commission, was clear that “City planning … deals first with real estate” (Moody, 1919, p. 33). Yet, echoing Georgite conceptions of land value, he complained that too many owners of property “refuse to admit that their ownership is an equity in which is shared the rights and privileges of their neighbors” (p. 33). Those who invest in real estate, he argues, do not simply buy “mere ground, so many feet this way and so many feet another.” What they really buy is “civilization,” that is, the amenities of urban life. “What is urban planning? In essence, it is the intensification of civilization” (p. 34).

In his chapter, noted above, Olmsted (1917) charts a similar route for American planning. He advocates what he terms a “democratic” route. Eschewing universal truths, the democrat recognized that the city was formed by “the individuals who compose the city,” a process dependent upon the active play of individual efforts and conflicts. The democrat thus looks to planning “in its control over developments on private property not as something to supersede individual initiative, but as a means of expressing and defining the kind and degree of discipline under which individual initiative can attain for itself the best all-round results” (Olmsted, 1917, p. 16).

Planning, therefore, should not seek to supersede private initiative, but rather to “discipline” it, with the aim being to “leave open the maximum scope for individual enterprise, initiative and ingenuity
that is compatible with adequate protection of the public interests” (p. 14). In language that seems to echo Adams, Olmsted characterizes “democratic” planning as entailing “joint action for harmonizing the more wasteful or injurious conflicts of individual enterprise” (p. 16, my emphasis). Granted, planning will exercise control over private property, but if pursued in this “democratic, modest, common-sense spirit, there is no vital danger to be feared,” and planning can thus be freed from the “theorizing extremes of socialists or single taxers” (p. 16). Similarly, John Nolen (1917, p. 36) cites Mill (“when private property in land is not expedient, it is unjust,”) and then goes on to argue that “[w]e have no quarrel with private ownership in land. On the contrary, there is much to be said in its favor … Our objections … are with the misuse or uncontrolled ownership of private property in land.”

Adams traced a similar line. “So long as we have private ownership,” he argues, “the urgent necessity is to control it in the public interest – to properly regulate the use of privately owned lands” (Adams, 1917, p. 120). Like Olmsted, he rejects the “theoretical extremists” of socialism, though he also adds “individualism” as that which is to be avoided. While he condemns the wastefulness of the “parasite speculator,” he affirms the right of the “user of the land” to “secure for himself the full benefit of his enterprise” (p. 179), although this is subject to the “discharge of his social responsibilities and obligations” (p. 179). Like Olmsted, he advocates for a form of “joint action,” or “associated individualism” (Simpson, 1985, p. 5):

Governments should lay the foundations correctly and provide the skeleton plan for the building up of the social system; after that the strength and beauty of the structure will be the greater in proportion as the citizens themselves have been able to do the building without government’ (Adams, 1917, p. 179).

Perhaps the clearest synthesis of the arguments concerning land use, planning and property can be found in Adams’s (1918) response to a proposal to empower the Canadian government to “conscript” lands held by rail companies for speculative purposes in order to settle returned soldiers. Adams is clear that such an intervention would be a violation of justice and would undercut productive economic activity. However, he insists that the biopolitical imperative of “Life” is “higher and more valuable under the law than real property” (p. 59), assessed according to the uses to which property is put. Thus, “land should not be permitted to be used in such a way as to injure life” (p. 59), which may include holding land vacant, as an unproductive use. Such disutilities (notably “unused and badly used land” p. 59) can be prevented without outright confiscation, he argues, through planning interventions that act upon use: “We should deal with bad ownership by direct prevention or punishment. The right to ownership of land under proper conditions should be encouraged” (p. 59, my emphasis). The result, ideally, is that land will become a “usable article” serving a “proper and healthy purpose” (p. 60).

But how, practically speaking, was the planner to act? While the stated end of planning is the conservation and enhancement of human life, the primary focus appears to be the arrangement of space and objects. Rather than working directly through individuals, planning first acts upon spatialized use. An early statement from *Conservation of Life* proposes a simple template for municipalities: (1) prepare a map of existing conditions, detailing uses, (2) construct a map outlining ideal configurations of use, and (3) act upon uses through the regulation of building lines, heights, densities and so on (Anon., 1915b, p. 71). Organized more systematically, of course, such a form of intervention describes zoning, the combination of individual parcels into districts governed by particular regulations on use, such as density. Zoning is understood here as a form of “joint action,” that acts upon land use, so as to minimize waste and advance improvement. As Adams (1917, p. 7) notes, the planning of territory is not an end, but a means to achieve an end. Zoning “amenitizes” in pursuit of planning’s goal: “the conservation and conversion of energy in the maintenance of life” (Cauchon, 1923, p. 3). Zoning is here imagined as a “vast social economy” of uses (Anon., 1924, p. 2). It is likely that it is Adams who notes that zoning of cities “makes for economy,” through the reduction of waste and inefficiency (Anon., 1921, p. 12).
This is worth reflecting upon, given a tendency to characterize the uptake of zoning simply as a capitulation to private interests (Kaplinsky, 2012; Peterson, 2003; Van Nus, 1979). In regard to planning’s relationship to private property, this story may need qualification, at least in terms of the intentions of the early planners. As noted above, “progressive” planning was not necessarily hostile to the institution of private property, but rather to its wasteful biopolitical ends. Planning was never intended as a socialistic form of regulation, but as a flexible instrument for attaining Olmsted’s goal of “joint action” that would mitigate “the wasteful or injurious conflicts of individual enterprise” (Olmsted, 1917, p. 16). The city, as noted, was full of such “wasteful” and “injurious” manifestations, of which Adams’s “jumble city” was pressing. The Canadian Town Planning Institute editorialized that the city is a “factory for the making of citizens.” Its disposition is thus of crucial importance. “Let a town grow up on the method of land sweating and for the supposed benefit of a few real estate owners only and sooner or later the price will be paid in waste of life” (Anon., 1922, p. 1). What was needed, as the TPI’s motto put it, was the “orderly disposition of land and buildings in use and development.” Zoning, as Cauchon argued, in relation to Ottawa, appeared to be a useful technology in producing orderly, non-wasteful uses.

It is certainly easy to find planners arguing for the merits of zoning through naked appeals to market interests. Yet this may have reflected realpolitik, rather than realignment. Recognizing the pragmatic need to argue for the “plain economics” of planning, rather than pie-in-the-sky claims regarding “the regeneration of mankind” (Ewing, 1921a, p. 6), planners argued for the benefits of zoning to private actors. Yet even brash American claims that “zoning pays,” argued for its urgent necessity in order to salvage the city “from the ruin caused by uncontrolled property” (Ford, 1921, p. 16).

**Conclusion**

This paper seeks to contribute to a small but important body of scholarship on the relation between planning and the institution of private property (eg Davy, 2012; Jacobs & Paulsen, 2009; Porter, 2014; Wagner, 2013). I have delved into the early emergence of planning as a professional institution in order to explore the manner in which its first practitioners conceived of planning and its relation to property through the frame of “land use.” I believe that there is value in such an account.

Most immediately, the history of planning appears to have overlooked this important and lively conversation. A fuller treatment of planning requires the examination of the manner in which it has engaged with the “neglected theme” of property (Jacobs & Paulsen, 2009) in the past. As well as fleshing out the story of planning – particularly in a Canadian context – this account contributes to the narrative regarding the political commitments of early planning practitioners, as noted above (cf. Peterson, 2003).

More generally, it is my hope that this historical account is of contemporary relevance. Planning and urban practice more generally continues to rest upon “land use.” It “is the key building block of contemporary urban governance in North America,” such that cities begin “to appear as collections of land uses” (Valverde, 2011, pp. 280–281). Yet despite its centrality, it has become a doxic and taken for granted term. Here the critical impulse of genealogy is useful. The idea of bringing our submerged problems into view is to do something with them (Koopman, 2012). To make land use criticizable, we have to make it intelligible. An enquiry into its emergence as an object of enquiry and problematization hopefully helps open the black box of land use. For “if we are to reconstruct our present so that it may yield better futures, we first need a grip on the materials out of which our present has been constructed in the past” (Koopman, 2012, p. 12).

It becomes important to ask, then, how the legacy of “land use” continues to shape the manner in which contemporary planners act upon property. One must be cautious, of course, of simply
extrapolating the past into the present. Debates over a century old need to be situated within their historical contexts. Planning, and its instruments, such as zoning, do not have an essential politics, and can be deployed for multiple ends. Yet planning is surely shaped by the ideas that produced it. In this it is worth revisiting Krueckeberg’s (1995) argument that contemporary planning’s fixation with land use obscures its necessary examination of property. The problem with land use, he argued, is its presumptive neutrality and functionality. Land use asks a functional, spatial question: Where do things belong? To ask this, however, is to sanitize the more salient question: To whom do things belong? “Where things belong,” Krueckeberg argued, “cannot be answered justly until we know whose things we are talking about” (Krueckeberg, 1995, p. 308).

This is useful in that it directs us to think about the particular work of land use. Land use planning acts upon uses and spaces, not (apparently) persons. True to its utilitarian roots, planning has no particular interest in the morality of property on its own terms, but rather concerns itself with the results of property, and the degree to which these are beneficial or useful. An attention on use, framed through the zone, redirects conversations about cities and places in consequential ways. But I suspect it does so in a rather paradoxical manner. On the one hand, land use planning appears detached from many of the ethical dimensions of property. Questions of the power relations that course through property – exclusion, dispossession, rights – do not figure. The personhood central to such ethical questions appear incommensurable to a materialist logic of use, centered on things and spaces (Valverde, 2005).

Re-zoning hearings in inner city neighborhoods, struggling with marginalization and gentrification, hear residents’ claims – centered on collective rights to not be excluded, and appeals to indigeneity and colonialism – politely but totally rebuffed by the depoliticizing discourse of setbacks, building heights, and car parking requirements (Blomley, 2004). Density, it seems, nullifies justice. Yet, contrary to Krueckeberg (1995), the concept of land use is not detached from questions of property. Land use, I have suggested, may not be an empty cipher. On the principle that representations do not simply portray reality, but help to perform it (Blomley, 2013), land use may play an important role in producing particular arrangements of property. Land use planning may encapsulate an analysis of the ends to which land should be put, and the role of the state in sustaining such ends. Private property is imagined as an institution that potentially misallocates land, and one that the state can engage through forms of joint action. While some conservationist concerns may have fallen from view, continued biopolitical concerns at the right disposition of things, and the utilitarian reliance on efficiency, amenity, order, and, of course, use, suggest their lingering presence. The utility that land uses serve can, of course, take many forms. As noted, Adams and his associates inveighed against slums and “injurious” speculation. However, they did so through the prism of improvement and waste, the effect of which is to seek to “prevent deterioration of the productive uses of lands that has already been equipped and improved, and simultaneously to develop more intensive use of such land, as well as to open up and improve new lands” (Adams, 1917, pp. 3–4). This logic of improvement and waste may continue to shape contemporary land use planning in consequential ways.

Moreover, if in choosing to act upon use in engaging with property, planning engages particular dimensions of property, it follows that also in so doing it elects not to act upon other components. In particular, land use planning does not question who owns, or how. Issues of property acquisition and distribution are bracketed. In that sense, it takes as given a prevailing distribution of property. In a settler society such as Canada or the USA, such elisions are of importance. In bracketing such questions, moreover, land use planning becomes implicated not only in reproducing a prevailing hierarchy of exclusion and domination, but may also produce new forms of dispossession and displacement. In tracing such work, however, it is important to recognize that while planning is clearly a form of
power, implicated in relations of privilege and authority, it is also power of a particular form, organized according to particular ideas and practices, in which land use is clearly pivotal. It is here, perhaps, that we can begin to explore the relationship between property and planning.

Notes
1. My focus will be planning in Canada and the USA. Given space constraints, I also do not address the undeniable differences between Canada and the USA, including the distinctive manner in which property and state intervention is understood. Moreover, we can anticipate that the relationship between planning and property will take different forms in other parts of the world.
2. Valverde (2005, 2011) is immensely helpful in alerting us to the need to unpack land use in the North American context, and offers some productive explorations as to its development, as well as the continuation of older urban logics, such as nuisance. However, she does not explore the relation between land use, planning, and property that I provide.
3. To do so would require a richer attention to the multiple and diverse threads and practices at work within early planning, including the development of ideas in related fields, such as engineering, as well as the importance of nuisance law. It would also require an attention to the precursors of “land use” thinking, and its subsequent development within planning practice during the twentieth century (see Valverde, 2011 for some useful discussion).
4. As distinct categories, however, the difference between “waste” and “productive use” is hard to discern on the ground (Van Nus, 1979, p. 238).
5. As a category, the biopolitics of waste needs more careful exploration (cf. Gidwani & Reddy, 2011). There is, perhaps, an echo here of earlier conceptions of waste, economic productivity, and property, although here inverted. Waste has been used in the past to refer to under-improved land, such as unenclosed commons (cf. Goldstein, 2013). Waste (framed as spoilage) also figures in Locke’s influential rationale for the privatization of land.
6. As such, we should be cautious of characterizations of Adams as simply a “late-Victorian liberal who believed in a sturdy, property-owning yeomanry” (Stein, 1994, p. 15).

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