

To What Extent and in What Ways Should Governmental Bodies Regulate Urban Planning?

A Response to
Mark Pennington

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Mark Pennington has provided a spirited defense of market mechanisms and the critics of New Urbanism and smart growth. I agree that there is common ground with respect to the need for regulatory reform in land market controls to allow the market to meet the demand for greater variety in settlement choices, and also in the essential role of the market in the growth, development, and rebuilding of neighborhoods and communities. Pennington's defense of the anti-planning, pro-sprawl advocacy coalition, however, relies on: a much too casual dismissal of a variety of empirical evidence showing both a regulatory bias against New Urbanism (NU) and the market acceptance of Traditional Neighborhood Developments (TNDs); an internally inconsistent position regarding the existing relationship between the (imperfect) market and consumer preferences as manifested in the built environment; and a devaluing of the democratic process and the very concept of community in American life. While New Urbanists and smart growth advocates would be quite comfortable with his veneration of the market (no government or policy has ever built a traditional neighborhood development or subsidized their mortgages and rents), the ultimate extreme of unplanned, market-as-god (and market-as-citizenry, market-as-elected governor, and market-as-judge), metropolitan landscapes to which Pennington leads us toward at the end of his commentary spawns an increasingly frightening vision and one at odds with core American values which are not, as the marketists imply, limited to the contents of our wallets.

Methodological Hubris

Pennington is all too quick to dismiss a variety of empirical evidence showing both a regulatory bias against New Urbanism and the market acceptance of Traditional Neighborhood Developments. Pendall and Talen and Knapp found clear links between land-use controls and sprawl, and de facto prohibitions against NU. With so many land markets closed to NU, how can you know if people want it? You ask them. Survey research is often the *only* method available to investigate the market for NU and the relative satisfaction with different elements of conventional suburban development. It is also the best method to reveal citizen attitudes, opinions, and values beyond what they are capable of expressing through their consumption. Critics view surveys as unrealistic wish lists that cannot capture real-world choices, trade-offs, and peoples' willingness to pay for alternative neighborhood designs and bundles of goods. For example, the American LIVES survey found that very large percentages of respondents want pedestrian-oriented, mixed-use town centers, *and* convenient parking, which marketists and sprawl advocates are quick to criticize as incompatible desires. New Urbanists, however, view this as a design problem and have come up with solutions for concentrating large amounts of parking in a pedestrian-oriented town center through on-street parking spaces and surface lots and parking garages located behind buildings.

Marketists hammer away on a zero-sum game in which everything must come at a price and every act of community planning must be viewed as an "intervention" that comes with a price tag as if a park, playground, or nature preserve that will serve a community for generations to come is analogous with purchasing a loaf of bread or making car payments. And while methods involving contingent valuation and transaction costs can help investigate the trade-offs that the public is willing to make with respect to the use of tax dollars, these methods also advance imperfect substitutions of prices for values and are just as fraught with validity threats as with survey research.¹

There are also many areas of planning that do not entail clear trade-offs and costs. Community planning often involves nonrival goods and the mitigation of negative impacts of development. With respect to costs and trade-offs, New Urbanists are in constant battle to *reduce* the widths of streets and right-of-ways to calm traffic and create pedestrian-friendly environments. New Urbanists also assail the oceanic standards for parks, recreational areas, and school grounds that force the construction and maintenance of park space that is much too large for traditional neighborhood development. Marketists are so focused on *costs*, but how do they cope with *savings* reflected in planning that

would result in *smaller* investments in the construction and maintenance of narrower streets and smaller parks?

Last, even for the lightly researched topic of NU, the evidence on the market-demand side for NU is not limited to survey research. A hedonic pricing study of six TNDs by Tu and Eppli found that people were willing to pay a considerable premium for homes in TNDs versus conventional suburban developments, a premium that was independent of housing-unit quality.² Across the aisle, research attacking NU and smart growth typically relies on aggregate, secondary data and focuses on abstract characteristics such as density and land-use mix for geographic areas of hundreds and thousands of square miles, figures that are meaningless with respect to NU, which focuses on urban design principles that can operate across all different scales, densities, and use mixtures. Regardless of which research methods they prefer, if the critics of NU ever hope to come up with genuine empirical evidence to support their positions, they will have to develop conceptual frameworks, research designs, and measurements capable of capturing the detailed urban design characteristics that distinguish NU from conventional suburban development and carry out research that directly looks at outcomes related to TNDs versus conventional settings. This will require putting aside the canned census data, carrying out some field research, and collecting primary data.

The Market, Housing Choices, and Mass Production

In response to a reference to Henry Ford, Pennington takes a surprising turn when he clings to the notion of an undifferentiated, mass market (à la 1950s tract housing) in the midst of an economy now finely tuned to produce widely differentiated versions of formerly standardized products at affordable prices. Extending the analogy of the automobile industry, as a consummate marketist Henry Ford responded to the demand for greater variety and transformed his all-black fleet of Model-Ts into a rainbow of choices and models *while maintaining mass production*. Marketists, of all people, should be strong believers in the capacity of American industry to find ways to produce what people want as cost-effectively as possible, including homes and neighborhoods that respond to their needs and desires.

The cost of homes themselves, of course, do jump when individualized designs are substituted for the use of standard plans, but NU principally concerns the layout and design of neighborhoods, and most TNDs already involve the same production builders who build homes for conventional subdivisions.

The inability or unwillingness of marketists and anti-planning advocates to distinguish New Urbanists from civil servants again shows here: New Urbanists by and large are not abstract policy wonks; they are pragmatic business people working with developers and communities to build and sell a product: the TND. To the extent that they do engage policy, they do so to remove barriers and level the playing field so that TNDs are no longer illegal or more time-consuming to get permitted than standard subdivisions and strip malls.

Pennington presumes that planning and designing different types of neighborhoods for different markets would be too costly, but history and research show that there are not “fifty-seven varieties” of neighborhoods but, rather, a relative few settlement types that could accommodate extremely large market segments. Sidney Brower’s research suggests that people generally conceive of about four different types of “good neighborhoods.”³ “Centers” are recognized as more dense, urban types of neighborhoods associated with city living. “Residential partnerships” are seen as closest to conventional suburban subdivisions representing exclusive, homogeneous, family-directed neighborhoods. “Small towns” are seen to represent a “settled, familiar, friendly type of neighborhood.” “Retreats” are understood as places removed from other people and pressures but are interpreted in a variety of forms including gated communities, apartment complexes, and rural retreats. Perhaps the most striking finding concerned Brower’s small-town neighborhood type, which is consistent with NU. Brower found that the “small-town was the most widely valued type of place and that more people would like to live in small-towns than actually live there (forty-eight percent to thirty-four percent).”⁴ While Pennington might dismiss this as simply more survey research, Brower predicates his typology on a few thousand years of historical patterns of human settlement. The findings of the research are not earth shaking but, rather, quite common-sensical and suggest that there are a relatively small number of settlement types that would permit the economies of scale in production building to be realized for each.

Nevertheless, the main difference between NU and conventional suburbs is not craft-built versus production-built homes but the arrangement of houses in a traditional neighborhood structure (i.e., community design). Although many TNDs contain distinctive houses that adopt traditional architectural styles and materials, NU has always worked through the private sector and found ways to adapt the techniques of production builders to achieve the best possible result in terms of both urban design while hitting the price points that builders identify for their markets.

Recall that from the nineteenth century to World War II the building of *suburbs* was a craft, much more so than the mass production of tenements, rowhouses, apartment buildings, and other urban types of residential construction. This craft production is part of what endowed pre-1930 suburbs with the charm and character that has made many early suburbs highly attractive, enduring neighborhoods. It took more than a century from the creation of the first suburbs in the mid-nineteenth century, such as Riverside, Illinois, and Llewelyn Park, New Jersey, before mass production methods were refined and adopted for the well-known Levittowns and other postwar suburbs. In contrast, it has taken NU less than a decade to move from craft to production building. Seaside and Kentlands, two of the earliest and best-known TNDs, approached the craft end of the production spectrum while more recently developed TNDs, such as Celebration and Lakelands, adopted the production building methods at the opposite end of the spectrum. NU is not about style or a complete return to craft homebuilding, at its core it is about urban design: the arrangement of homes, workplaces, and marketplaces in relation to one another, the dimensions of streets and intersections to accommodate not only automobile traffic but human-powered movement including walking, biking, and skateboarding; and the arrangement of buildings to create a pleasant, human-scaled, public realm. All manner of production can take place within this framework—anything from manufactured homes to estate homes.

Market Imperfections

Pennington's celebration and defense of the imperfect market is valid but misses the mark. There is no expectation that land markets should approach the perfect theoretical model. The issues identified in the literature concern the nature and bias of these imperfections, which have favored sprawl for more than half a century and that largely fail to cope with the "negative externalities" of development. This is a nice way of saying that our imperfect market does not deal with many important policy matters that truly concern citizens, such as pollution, traffic congestion, and discrimination (as in redlining).

Pennington's response also fails to resolve the bipolar use of "the market" by the anti-planning protagonists whom he defends. Either the imperfect market is working in response to consumer preferences and sprawl really is all that anyone wants or needs, or the market is being horribly threatened and constrained through the heavy-handed "interventions" of regulators. Which is it? We still do not have an answer from the marketists. The answer is: It depends. It depends on whether they are attacking planning and governmental

regulation across-the-board, or whether they are attacking alternatives to the automobile-dependent, low-density, single-use pattern that the pro-sprawl lobby advocates under the rubric of the market.

If the pro-sprawl marketists are correct, and sprawl does represent that bundle of public goods and trade-offs that consumers are looking for, then the people who are buying homes and renting apartments and opening stores in TNDs are acting in completely irrational ways. Not only are they voting with their feet and choosing TNDs, they are paying a *premium* to do so. The poor pro-sprawl marketists—if only it could be shown that people had no choice but to purchase and rent in these communities, then they could blame the regulators. Unfortunately for this argument, virtually all TNDs are surrounded by a sea of suburban sprawl, real estate options that the TND residents did *not* choose.

Far from presenting a unified position based on empirical inquiry or theory, the marketists adopt whichever position is most convenient to advancing their advocacy positions: anti-regulation, pro-property rights, pro-sprawl, and anti-smart growth, anti-New Urbanism, anti-transit, anti-livable communities, anti-conservation, anti-preservation, anti-sustainable development. The problem for the marketists is not one of pricing but of *value*: Human beings value private property, but they also value old buildings, public spaces, wildlife, forests, streams, clean air, clean water, playgrounds, memorial gardens, pleasant walkable streets, parks, squares, and—yes—even democracy, and sometimes these values conflict with pricing.

The Rubric of Failures

What the marketists do not address are the decades of coercion that transpired under the existing regulations, policies, business models, and financing practices that literally paved the way for sprawl to occur. Pennington would lay all the blame at the feet of planners, but from the earliest days planning regulations evolved in conjunction with market interests. Marketists suffer from a form of selective Alzheimer's disease that prevents them from recollecting any basis—legal, moral, functional, or constitutional—for planning. Zoning evolved and was upheld by the courts to protect the health, safety, and welfare of citizens but *also* to protect property rights! And it was through the active support and flat-out advocacy of zoning by private property owners and developers that zoning took hold and spread so rapidly. Likewise with the provision of public infrastructure which, in contrast to the “takings” of private property rights, has almost always delivered a cash register of “givings” that exponen-

tially lifts the value of all private property that it touches. Witness the interstate highway system, public investments in parks, trailways, waterfronts, bridges, airports, and even the light rail systems that pro-sprawl advocates pillory.

While Pennington dismisses the “hopeless faith that planners will some day ‘get the regulation right,’” the selective Alzheimer’s kicks in with respect to why regulations and town planning were created in the first place: because people got tired of waiting for the *market* to get it right. Tenement slums and those wonderful mixed-use neighborhoods of yesteryear that mixed factories, brothels, apartment buildings, slaughterhouses, and schools; the machine-like subdivision and development of block-after-block of Manhattan island that led to the creation of Central Park; the dissatisfaction with cemeteries as the only refuge of public space for family picnics and community celebrations—all fueled the reforms of the Progressive Era and the birth of town planning. Just an evolutionary glitch? How about Love Canal? Remember the United States savings and loan bailout that involved billions of dollars of real estate? What of Enron, Arthur Anderson, and the parade of corporate malfeasance carried out under the auspices of the market?

The issue for New Urbanists is not one of allocating blame—of which sector lands the biggest failures with respect to the building of livable communities. Observers of the metropolitan American landscape find that there is plenty of blame to go around. New Urbanists do not need to be convinced that regulatory failure is an obstacle, but neither are they so superficial as to assume that the market provides all the answers or that market failures are not of concern.

So, we, as planners, as New Urbanists and as citizens, know the market; we respect its power and ability as a system of exchange and accumulation to lift all boats and deliver higher standards of living, to provide us with endless varieties of shampoo and soft drinks, but when it comes to community planning and real estate development, we live in the real world of mixed motivations, deal making, and human nature. Pennington is quick to jab at the human frailties of planners and planning, but he sticks to the high road of theory when discussing “the market.” When one pauses to consider how land development actually occurs, however, the splendid rationality of his theoretical world is shattered. With respect to land markets, when Pennington invokes “the market,” he is cloaking the *agents* who shape our urban and suburban landscapes: real estate developers, builders, bankers, realtors, building inspectors, zoning officers, elected officials, public works officials—all of these and dozens of other actors are the agents of the market.

And while Pennington and the marketists decry the hegemony of town planning, when we read the words of Raymond Unwin, nearly a century old, we cannot help but be struck by how timely and relevant and familiar his words sound today.

The corporations and other governing bodies have looked on helplessly while estate after estate around their towns has been covered with buildings without any provision having been made for open spaces, school sites, or any other public needs. The owner's main interest, too often his only one, has been to produce the maximum increase of value or of ground rent possible for himself by crowding upon the land as much building as it would hold. The community, through its representative bodies, having watched the value of land forced up to its utmost limit, has been obliged to come in at this stage and purchase at these ruinous values such scraps of the land as may have been left, in order to satisfy, in an indifferent manner, important public needs. In this way, huge sums of public money have been wasted.⁵

As the marketists and the planners have made abundantly clear, there can be market failures and there can be policy failures, and there are those who would argue that other varieties of failures exist.⁶ New Urbanists are less concerned with the source of the failure and more concerned with advancing propositions for solutions to generate more livable community designs.

Marketists or Sprawl Advocates?

Marketists sympathize with the fact that New Urbanism is outlawed by most regulations and standards and (on paper) tout the idea that a completely unfettered market is desirable.

The market is, of course, the dynamic force that New Urbanists want to tap, and a force that they feel is greatly curtailed by sprawl regulations, but the market alone does not build communities, something the marketists are loathe to discuss. A planless, visionless, market will build "Subdivisions on a Hill," not "Cities on a Hill." As Leon Krier has written, throughout the ages the building of communities (*civitas*) has involved the meshing of the private realm (the *res economica*) with that of the public realm (the *res publica*).⁷ That the marketists could keep a straight face in advancing the notion of "private contractual communities" as a replacement for the *civitas* of Western society since the time of the ancient Greeks is difficult to believe.

The anti-planning, anti-democratic, market-as-god vision of the “American Dream” touted by the avowed marketists such as Wendell Cox and Randall O’Toole is a soulless vision of a Privatopia in which society splinters and retreats into enclaves connected by toll roads and pay-per-visit, quasi-public spaces. It is the type of nightmare vision that would destroy American society, a model of severe class divisions and gated enclaves scattered across a harsh geography of haves and have-nots that would reshape America in the manner of Latin America.

The soft underbelly of the marketist anti-planners is that they preach the free market, but they are, in fact, sprawl *advocates* par excellence. A free marketist, by definition, should have no advocacy position—it is all up to “the market.”

If they hope to be taken seriously, marketists need to shed their advocacy positions with respect to sprawl. The quagmire for pro-sprawl marketists is that they are faced with a five-hundred-pound gorilla of pro-sprawl regulations already in place, regulations that outlaw alternatives such as TND. For every Portland with an urban growth boundary in place, there are thousands of municipalities whose regulations mandate large-lot subdivisions, the separation of land uses, lavish requirements for parking, street rights-of-way, buffers, and “open space” that ends up in the form of strips and pockets of green that provides no public use value. This puts marketists in the ridiculous position of trying to peek around from behind the five-hundred-pound gorilla to point a finger at the two-ounce TND chickadee to proclaim a threat to the (imperfect) market.

The Price of Everything and the Value of Nothing

It should not come as a great shock to marketists that planners and planning academics have been familiar with land markets for some time now. The perspective of land economics associated with William Alonso’s theory of *Location and Land Use* (1964) approached the level of pure economic theory, but this and other deterministic theories have been criticized as overly “mechanistic interpretation(s)” of urban land use.⁸ The shortcomings of both land economics and ecological theories of land use were highlighted long ago, as early as Walter Firey’s seminal work on “sentiment and symbolism as ecological variables,” which showed that social and cultural values can, and do, often contradict economic explanations of land use.⁹ It was nearly six decades ago that Firey wrote:

Systematization of ecological theory has thus far proceeded on two main premises regarding the character of space and the nature of locational activities. The first premise postulates that the sole relation of space to locational activities is an impeditive and cost-imposing one. The second premise assumes that locational activities are primarily economizing, "fiscal" agents. On the basis of these two premises, the only possible relationship that locational activities may bear to space is an economic one.... The result is a pattern of land use that is presumed to be most efficient for both the individual locational activity and for the community.

Firey characterized this as "economic ecology." He maintained that "certain ecological processes ... cannot be embraced in a strictly economic sense." His twofold hypothesis is that first, "ascribing to space not only an impeditive quality but also an additional property, viz., that of being at times a symbol for certain cultural values that have become associated with a certain spatial area. Second, it would involve a recognition that locational activities are not only economizing agents but may also bear sentiments that can significantly influence the locational process."

To test this hypothesis Firey looked at land use in central Boston, specifically the Beacon Hill neighborhood, "sacred sites" including the Boston Commons and colonial burial places, and the North End immigrant district. He maintained that "certain spatial patterns and landmarks ... have had a remarkable persistence and even recuperative power despite challenges from other more economic land uses."

Nearly five decades later, Tribid Banjeree presented a more poignant discussion of the marketist worldview, quoting the poet Octavio Paz, who wrote that the market is "a faceless, soulless, and directionless economic process.... The market is circular, impersonal, impartial, inflexible. Some will tell me that this is as it should be. Perhaps. But the market, blind and deaf, is not fond of literature or of risk, and it does not know how to choose. Its censorship is not ideological: It has no ideas. It knows all about prices but nothing about values."¹⁰

The market, as Paz notes, is blind, deaf, and dumb with respect to the concepts of community, public realm, and *civitas*, let alone the costs of sprawl; that litany of pollution, public infrastructure costs, land consumption, discrimination, traffic congestion, lost productivity, and plethora of public policy concerns that the marketists would sweep aside under the euphemism of "negative externalities" and "knock-on" effects, to be dealt with through a pricing mechanism-to-be-named-later. There are, no doubt, good marketist approaches to help cope with many of these challenges, but some, such as those involving

the pricing of pollution impacts, would require the public sector to implement them; many would never pass the tests of the ballot box or the courts, and; others—as empirical inquiries have shown—would be outright failures.¹¹

Of Markets, Planning, and Democracy

This brings us a long way from our discussion of New Urbanism and the market, but Pennington cannot resist pursuing an overarching critique of an extraordinarily simplistic view of planning as nothing more than regulation that interferes with markets and impinges on the property rights of individuals and corporations. Pennington rolls out standard marketist doctrine that treats virtually all public sector roles as “interventions” in the market, regardless of whether the market involves toothpaste, toilet paper, or communities. Communities, however, by their very nature involve the interweaving of public and private property, shared infrastructure and resources, and are shaped, not simply by markets but by the will of the people through their laws, elected representatives, and democratic process.

Marketists ascribe great powers to planning, yet planners are typically only the enforcers of rules passed by elected bodies, through ballot box measures, and through laws whose constitutionality is the purview of the courts, not of the market. It is here that we arrive at another distasteful area for marketists: democracy. It is through citizens—“the people”—and not an abstract “market” that communities are shaped: through purchases, yes, but also through elections, citizen committees, the work of public servants and, yes, through the imperfect planning process.

New Urbanists have no delusions about how difficult and unwieldy the public process can be, but they embrace democracy and look for ways to ensure that the planning process is more and more representative. Andres Dunay writes:

I saw a beach in Australia that actually had all the wealthy peoples' houses on it. And as part of it, they built a beach club for the people who didn't live on the beach. And I said, "How'd you do this? Don't you have a democracy here?" And he said, "Yes. But we don't confuse a democracy with the immediate neighbors." "We think the immediate neighbors are in fact lobbyists for a single issue." And what they do in Australia when the process is engaged—this is in Perth—they actually get the electoral board to select a few hundred names at random among the citizens. So they come in; they're told what the public issue is, and then several dozen volunteer, say fifty. And these people come in as jurors do in the United States to truly represent

the community as a whole, and they're the ones who do the public discussion. Then people like yourselves who are the immediate neighbors are seen for what they are, which is the immediate neighbors; it's not the same thing as the citizenry. Because the basic principle is, the cure for the ills of democracy is more democracy. You see, whenever you get in trouble, whenever you say, "It isn't working here," it's that democracy isn't working. And you have to figure out how do we make this more democratic.¹²

In stark contrast, Ralph Harris wrote of the fiftieth anniversary gathering of the Mont Pelerin Society, founded by Friedrich Hayek in 1947: "I now express our remaining war aim as being to deprive (misrepresentative) democracy of its unmerited halo."¹³ It is also worth noting the title of Harris's article: "The Plan to End Planning." Pennington and the anti-planning lobby maintain the thinnest of veils when they grudgingly suggest that planning might be allowed to smolder on, but only for the purpose of defraying the albatross of "negative externalities."

Whereas New Urbanists are often described as evangelical in their proselytizing for better place making and more livable community design, the marketists allied with the pro-sprawl lobby have out done NU in creating a cult of the market. In reality, Pennington and the anti-planning lobby cannot imagine a need for town planning. Pennington points to contractual associations (homeowners associations or HOAs) as a sign "that the property rights alternatives of which Hayek speaks are evolving to internalize land-use externalities."

The reason there are so many HOAs in the United States is because they are spawned on a site-by-site basis—a dozen townhomes here, a one-hundred-unit subdivision there, and the occasional planned community (although these, too, are typically balkanized into multiple pockets of HOAs). The reader is left to ponder how his neighborhood HOA is going to solve traffic congestion, air, land, and water pollution, and what public goods will be provided for beyond paying for the private club house to be painted and for the private pool to be cleaned.

Marketists run into even more difficulty when confronting the advocates behind smart growth regulations, also known as citizens and voters. While marketists hold up planners and New Urbanists as scapegoats, they conveniently ignore the fact that the meager inroads made by smart-growth advocates in terms of countering the impact of the five-hundred-pound sprawl gorilla over the past sixty years were largely voter-mandated. This type of ballot-box planning is becoming the norm, particularly in places such as Portland where the marketists become most apoplectic.

Finally, this discomfort (and discounting) of democracy and the very notion of a public realm is endemic of marketists. Contingent valuation and transaction theory are tools, just as survey research is a tool, to help citizens and community leaders understand the wants, needs, costs, and trade-offs involved in the building and rebuilding of neighborhoods and communities. The idea that community planning and design can be accomplished wholly through pricing and market mechanisms is a pipe dream—as Paz warned, we end up with a process and places informed by the price of everything and the value of nothing. In a pure marketist world, citizens are entitled to all the liberty and freedom they can afford.

Conclusion

As someone who entered planning at a time when many academics were still enamored of Marxist, and even of Maoist notions of planning, and when even mainstream planning saw the field primarily as a bulwark raised in direct *opposition* to the excesses of private developers, I quickly found myself in what would now be termed the marketist camp that grew and gradually changed the teaching and practice of planning from the 1980s forward. As I and many of my cohort from that era came to believe, the public goals and objectives of communities—identified through exhaustive dialogues with citizens, committees, and elected representatives and widely embraced by rich and poor, civil servant and CEO—could best be realized, not simply through regulating what developers could *not* do, but by tapping into the dynamism of the market to help achieve these broader community goals.

We looked to forge public-private partnerships and develop plans and policies while bearing in mind the potential cost implications of regulations. We planned in an era when property rights were not only beginning to make a comeback but were State-enacted law in many places and established by the United States Supreme Court. We pushed for: more flexible zoning; bonuses for development that helped to provide for public goods and to reduce the negative impacts of development on the environment, traffic, public infrastructure, and services; and public policies and regulations that would allow developers to be profitable *and* responsive to the goals of citizens.

In response to powerful no-growth movements and the spontaneous formation of NIMBY coalitions in opposition to every new house, office building, Seven-Eleven, and school proposed, we developed a positive vision of growth that would enhance communities as better places to live, work, raise families, grow old, and celebrate our coming together as neighbors, friends,

and citizens. We called it by many names: livable communities, New Urbanism, and perhaps the best catch-all phrase: smart growth. Not smart regulation, or smart policy or smart plan, but smart *growth*.

Smart growth defined a middle ground with respect to balancing the agendas of the public sector, representing the common good, the private sector, representing the rights of individuals and corporations (particularly as property owners), and the environmentalists and other interest groups traditionally opposed to growth and development. As the marketist camp drifts ever further toward the extreme view, however, we are witnessing the final increment of a pendulum swing in community planning that began more than two decades ago with the widespread promotion of privatization of public services and the benefits of deregulation. Those new ideas are now old, and we are learning what public goods cannot be provided for through a vision of community planning that is informed solely by individual property rights. Beyond this point, the further the pendulum swings into Privatopia, the more quickly the marketists will lose the middle ground and lose the American people, regardless of whether people choose sprawl, the farm, the city, or a TND.

Notes

1. See, for example, Greg Lindsey and Gerrit Knaap, "Willingness to Pay for Urban Greenway Projects," *Journal of the American Planning Association* 65, 3 (1999): 297–314.
2. Mark J. Eppli and Charles C. Tu, *Valuing the New Urbanism: The Impact of the New Urbanism on Prices of Single-Family Homes* (Washington, D.C.: Urban Land Institute, 1999).
3. Sidney N. Brower, *Good Neighborhoods: A Study of In-Town and Suburban Residential Environments* (Westport, Conn.: Praeger Publishers, 1996).
4. *Ibid.*, 129.
5. Raymond Unwin, *Town Planning in Practice* (New York: Princeton Architectural Press, 1994 [orig. pub. 1909]), 1–2.
6. See, for example, Gunaweera, Regina Birner, and Hasantha, "Between Market Failure, Policy Failure, and 'Community Failure': Property Rights, Crop-Livestock Conflicts, and the Adoption of Sustainable Land-Use Practices in the Dry Zone of Sri Lanka," in *CGLAR Systemwide Program on Collective Action and Property Rights* (Washington, D.C.: International Food Policy Research Institute, 2001).

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7. Leon Krier, *Architecture: Choice or Fate* (Great Britain: Andreass Papadakis 1998).
8. Harold Carter, "Urban Land-Use: General Problems," in *The Study of Urban Geography* (London: Arnold, 1995), 138–39.
9. Walter Firey, "Sentiment and Symbolism As Ecological Variables," *American Sociological Review* 10 (1995): 140–48.
10. Tridib Banerjee, "Market Planning, Market Planners, and Planned Markets," *Journal of the American Planning Association* 59, 3 (1993): 353–61.
11. See, for example, Herbert Grubel, "Regulators Versus Adam Smith," *Wall Street Journal*—Eastern Edition, October 3, 2002, 240 (67): A14; Christopher Colclough and James Manor, *States or Markets? Neo-Liberalism and the Development Policy Debate* (New York: Oxford University Press, 1991); and "Let Them Eat Pollution," *The Economist*, February 8, 1992.
12. Jennifer Hurley, "On Public Process," *The New Urban Post* VI (Spring 2003).
13. Ralph Harris, "The Plan to End Planning," *National Review* 49, 11 (1997).