1. Introduction: private enterprise and the future of urban planning

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REDISCOVERING PRIVATE PLANNING

Usually when people think about land use and infrastructure planning they imagine a *public* actor. The term 'urban planning' evokes images of politicians, bureaucrats and technicians engaged in introducing regulations and public services on public lands. Body-Gendrot et al. (2008b, p. 3) write that: 'planning is traditionally perceived as the paradigmatic product of twentieth-century welfarist urban government, as a technique of land use that was supposed to wrench cities from the clutches of speculators and develop them, hopefully, in the public interest.'

But private actors also plan use of land, regulation of buildings and provision of infrastructure as well as a variety of services (Alexander, 2001; Holcombe, 2012). This kind of 'private planning' was usual in the city of the nineteenth century, and has again become popular, in particular in so-called 'contractual communities.' Examples of such communities include homeowners' associations, shopping malls and office parks (see Chapter 3 in this book).

Private planning has always been the most important type of 'infill' planning. But there are also numerous examples that encompass more than mere infill. Today such private urban planning ranges from small condominiums to medium-sized towns. Large-area private communities usually offer community-delimited laws and regulations as well as territorial goods and services (Brunetta and Moroni, 2011).

Note that territorial public goods such as streets and parks are not pure public goods in the Samuelsonian sense, since they have clear spatial limits and are therefore excludable (Foldvary, 1994). Such goods instead increase the benefits that consumers derive from the affected land, thereby causing greater demand and higher land prices. The capitalization of territorial public goods as land price increments enables land developers to fund investments in such goods, as Fred E. Foldvary explains in Chapter 4 (this volume).

The spatially delimited regulations that private planners supply are strictly speaking not instances of 'private law.' Instead, they are examples of the 'law of private entities.' Stefano Moroni explores this issue in Chapter 3 (this volume). He observes that it is necessary to reconsider the traditional distinction between 'public' and 'private' law. The state introduces both types of law: 'public law' concerns interrelations between a state and its citizenry, while 'private law' applies to relations among the citizens themselves (such as when they exchange goods for money). Still, one needs to distinguish between two different types of private law. One type refers to the laws that govern lawful interactions among individuals. The other type is the so-called law of private entities, which refers to the regulations that emerge from the concrete interactions between private entities when subject to the framework of private law. Thus the state introduces private law, whereas the law of private entities emerges through the interactions of individuals in markets.

Many social scientists view society as consisting of three distinct sectors: the public, the private and the 'third' or non-profit sector. But private planning comprises both the private sector in this restrictive sense and the third sector. Some contractual territorial communities are run like profit-seeking firms, while others are directed towards goals other than profitability. There are also communities that combine elements from the practice of profit-seeking firms and non-profits such as churches, sports clubs or universities. Private urban planning thus refers to all non-governmental urban planning.

The distinction is therefore between two contrasting sectors. On the one hand, there is the public sector, of which the defining trait is that it can coerce residents to pay for goods and services whether they want them or not. On the other hand there is the voluntary private sector, which includes all self-propelled individual activities as well as all voluntary exchanges or combinations of property rights that give rise to *ex ante* gains from trade. In this context it does not matter whether such activities are profit-seeking or directed towards other aims, such as charity, persuasion or the symbolic expression of beliefs. As Foldvary explains in Chapter 4, public-sector activity involves the features of sovereignty, authority, unilateral decision-making and mandatory regulation. In contrast, voluntary private sector activity reflects unanimity and contracting.

This book therefore does not focus on the traditional dichotomy between planning and the market. Our focus is different; it is on the dichotomy between two different forms of planning. As Foldvary (2009, p. 324) writes, the 'fundamental contrast is not markets versus planning but between imposed governmental planning [. . .] and planning by voluntary governance.' In other words, the 'question is not whether there is

planning, but at what level and by whom' (ibid., p. 333; see also Foldvary, 2011).

We thus view urban development as the interplay between two forms of planning – governmental public planning and voluntary private planning. Both types of planning imply rearrangements of property rights over time. But private planners are guided by different incentives and face different constraints than public planners. In Chapter 2, David Emanuel Andersson shows that unlike public planners, profit-seeking private planners are constrained by a long-run 'break-even constraint.' Private planners are therefore more likely than their public-sector counterparts to invest in territorial public goods and regulatory regimes that raise land values. With a few notable exceptions, higher land prices signal greater efficiency in the use of land.

Against the background of the greater voluntariness and efficiency of private as compared with public urban planning, this book focuses on four general topics. The first topic is the historical relevance of voluntary private-sector planning, while the second concerns the effects of the type of constructivist and centralized planning that came to dominate the (governmental) planning profession after World War II. The third topic concerns the ethical and normative relevance of private urban planning, while the final topic explores the often-neglected role of technological change.

THE HISTORICAL RELEVANCE OF PRIVATE PLANNING

Privately supplied land-use regulations, building codes and infrastructures are too often downplayed in historical narratives on the emergence of cities. Private-sector actors have had a fundamental role in shaping the urban structure and built heritage of most cities around the world, but their contributions are all but forgotten by mainstream urban economists and urban planners.

This neglect is revealed by the mistaken belief of many scholars that the contemporary influence of non-governmental interests in urban development is something new. It is as if this phenomenon is confined to the last few decades. Edited volumes by Beito et al. (2002) as well as Body-Gendrot et al. (2008a) show that the opposite is true; the contributors to those two books unambiguously describe how private actors played a fundamental role in shaping the great cities that we have inherited from the past.

Body-Gendrot et al. (2008b) contend that the period of centralized public urban governance from the 1940s to the 1970s may merely amount to a 'parenthesis' or 'interval' within a long-run process of urban development

that has for the most part relied on decentralized non-governmental plans and actions. The contributors to Body-Gendrot et al. (2008a) reconstruct the long and rich history of private activism and public–private partnerships in cities across the United States, Britain and France. They demonstrate how both business interests and community groups have always provided active inputs into urban development initiatives.

Private individuals and organizations in fact introduced many of the services that are nowadays considered to be inherently 'public.' Likewise, private entrepreneurs pioneered land-use regulations with the help of covenants, which are reciprocal and legally binding agreements (Davies, 2002). In this context, covenants are restrictions that 'run with the land.'

More generally, private individuals, profit-seeking firms and voluntary associations were the driving forces of urban innovation and change before the twentieth century. The recent rise of profit-seeking and third-sector actors in local affairs should thus not be conceived of as a new development; it is in fact a return to earlier modes of social organization. Stephen Davies (2002, p. 41) sums up the planners' mistaken assumptions as follows:

> For almost a hundred years a powerful body of opinion has argued that the growth and building of cities cannot be left to voluntary action and cooperation. The conventional historical account of the first phase of urbanization [. . .] plays a key part in this argument. Investigation reveals, however, that voluntarist arrangements were able to generate institutions and practices that provided the goods and benefit associated with [public] planning but in a more flexible and responsive fashion.

THE FATAL CONCEIT OF CENTRALIZED URBAN PLANNING

Britain after World War II offers a good example of what went wrong with twentieth-century urban planning. In the nineteenth and early twentieth centuries, Britain had in fact had an unusually market-driven approach to urban planning. But this changed with the imposition of the Town and Country Planning Act by Clement Attlee's Labour government in 1947. Since 1947, urban planning has been the responsibility of Local Planning Authorities (LPA). The LPAs are obliged to plan according to guidelines formulated at the national level.

Post-1947, each and every plot in Britain must belong to a 'use class,' such as residential, industrial or commercial. In most cases, the use classes are much more restrictive than, say, commercial activities in general. Changes to the designated land use of a plot require LPA permission.

Affected land-use changes include even minor alterations such as converting a convenience store to a restaurant or a terraced house to a bed and breakfast. The LPA is obliged to take the local development plan into account, but may deviate from the plan if it deems that there are 'good reasons' for it. Deviations usually consist of refusing new developments that are in fact compatible with the zoning principles that the local development plan implies.

In practice it is impossible to develop land other than what was designated as 'urban land' in the 1950s. Moreover, the supply of land within each use class was also fixed at the same time. Public-sector planners thus determined the allocation of land to each type of production and to housing, which means that explicit price information regarding the opportunity cost of land does not exist in Britain. The planners' allocation of land to different activities is thus a good illustration of socialist central planning of the type that was also practised in the Soviet Union.

The British planning system is exacerbated by the fact that the central government funds 80 per cent of local authorities' expenditures. In addition, there is a system of national tax equalization that transfers tax receipts from households among local authorities. The corporate property tax was nationalized in 1990, with the exception of the City of London (London's financial district). According to Cheshire (2011), this means that all local authorities (excluding the City of London) must pay an implicit fine if they allow commercial development, since more spending on infrastructure investments and maintenance is coupled with unchanged revenues.

In England – but not in Scotland, Wales or Northern Ireland – an even more restrictive planning policy, 'Town Centre First' (TCF), was introduced in two steps in 1988 and 1996 (Cheshire, 2011). Town Centre First lets planning authorities decide in detail how much commercial activity should be allowed in urban areas, and where such activity is to be located. Additionally, TCF includes a 'needs test' and a 'sequential test' for each proposed commercial land use. For example, the needs test requires that a proposed new convenience store is shown to be 'needed' in a neighbourhood *and* does not undermine the competitiveness of existing commercial establishments in the same urban area. The sequential test requires that town centre locations must be chosen ahead of less central urban locations, and further that less central urban locations must be used up before ex-urban locations may be considered. As a consequence, not a single shopping centre with immediate motorway access has been developed in England since the inauguration of Bluewater in Kent in 1999 (Cheshire, 2011).

Not only retail is affected by British top-down planning. Both housing

Table 1.1 Implicit regulatory tax on office space, 1999–2005 (mean estimates)

City (district)	Country	Implicit tax (%)
London (West End)	United Kingdom	800
London (City)	United Kingdom	449
Frankfurt (centre)	Germany	437
Stockholm (centre)	Sweden	379
London (Canary Wharf)	United Kingdom	327
Milan (centre)	Italy	309
Paris (centre)	France	305
Barcelona (centre)	Spain	269
Amsterdam (centre)	Netherlands	202
Paris (La Défense)	France	167
Brussels	Belgium	68
New York	United States	25

Sources: Cheshire (2011); Glaeser et al. (2005)

and office space are much more expensive than in more flexible jurisdictions. Cheshire and Hilber (2008) measure the added cost of land-use regulations as the difference between the marginal real estate price and the marginal construction cost. They call this difference the 'regulatory tax.' Table 1.1 shows that London has Europe's highest regulatory tax. It amounts to 800 per cent in London's West End, 449 per cent in the City of London and 327 per cent in Canary Wharf. This implicit tax is highest in the West End because of more severe building height regulations than in the other two areas.

Table 1.1 also shows that this type of regulatory tax is much lower in New York City than in large European cities. This is in spite of the fact that New York City is known for having more stringent land-use regulations than most American cities. The main reason is that it is generally possible to construct office buildings up to the height where the market price per square metre equals the marginal construction cost. The efficient height of a building is unique, since the market price of a floor area unit decreases or remains constant with the addition of more storeys to a building, while the marginal construction cost is an increasing function of building height. Since British and other European cities have height restrictions that force property developers to build inefficiently low buildings in their city centres, it follows that all major European cities have higher 'regulatory taxes' than New York and other North American cities (with the possible exception of Washington, DC).

The deleterious consequences of centralized urban planning as practised in Britain and other countries influenced by the British planning system (for example, Australia and Sweden) has become increasingly obvious, even within schools of planning. The influential planning professor Sir Peter Hall (Hall and Tewdwr-Jones, 2010, pp. 261–2) writes that:

> [a] tidy systems view of planning can go wrong in a variety of ways. In the first place [. . .] the external environment of the planning decision may [change] with unpredictable results. [. . .] Second, plans can go wrong because of the complex interrelationships between different levels of the planning system. Thus a general, high-level strategic policy may be laid down by a national or regional planning authority; for apparently good cause, but with unexpected effects at the more local planning level. Third, there is the fact that over time human values – or at least the values of those actively concerned – tend to change. [. . .] Since complex plans inevitably take time to prepare and then to execute, the result may be controversy. [. . .] Finally, however, the problem is that it is very difficult to reconcile different sets of values.

Mark Pennington (2002, pp. 41–2) has formulated an even more trenchant criticism of centralized urban planning as it is practised in Britain:

> Not surprisingly, problems associated with attempts to achieve 'integrated land-use planning' in Britain have been at their most severe the more comprehensive has been the attempt to plan the land-use system as a whole. One of the clearest manifestations of the deficiencies of government planning in this regard was revealed with the failure of the postwar New Towns Programme. This particular 'integrated land-use policy' aimed to create a series of 'free-standing' towns, built by the state on green-field sites acquired under compulsory purchase and separated from existing urban areas through a series of Green Belts. [. . .] In the event, planners' predictions regarding the likely effects of future population/employment growth and the transport pattern effects of the towns proved wildly inaccurate [. . .] As a consequence of the inability of planners to adjust effectively to constantly changing circumstances, the New Towns policy persisted long after its initial goals had been subverted. The policy may, as a result, have led to greater levels of population decentralisation, urban sprawl and long-distance commuting than if the older urban areas had been allowed to expand outward in a gradual, incremental way.

THE ETHICAL AND NORMATIVE RELEVANCE OF PRIVATE PLANNING

The third focus is that there may be ethical reasons to give more leeway to private planning. The point then is not merely to acknowledge the existence of the phenomenon of private planning or the inefficiencies associated with centralized public planning. It is also to provide an axiological argument, in addition to the empirical one.

There are at least three views that are available for normative arguments in favour of private planning: (i) classical liberalism (for example, Buchanan and Tullock, 1962; M. Friedman, 1962; Hayek, 1960, 1982); (ii) minarchist libertarianism (for example, Nozick, 1974; Machan, 2006); and (iii) anarcho-capitalism (for example, D. Friedman, 1971; Rothbard, 1973; Hoppe, 2007).

The *classical liberal* approach entails overhauling the distribution of duties assigned to public and private actors, with a shift in emphasis in favour of the latter. The public sector still imposes regulations (but only universal, open-ended and transparent ones) and funds some types of infrastructure and services (but only if there are good reasons for this, such as prohibitive transaction costs associated with market provision).[1] In the present book an approach of this kind is adopted by Andersson (Chapter 2), Moroni (Chapter 3) and Randall G. Holcombe (Chapter 11). A type of classical liberalism is also articulated by Lawrence Lai's hypothetical 'libertarian planner' in Chapter 7. For classical liberals, the point is not so much to blur the boundaries between public and private as to redraw those boundaries according to a different set of criteria than is usually the case (Moroni, 2010, 2011, 2012). Classical liberals view the widespread idea that only the public sector can pursue long-term objectives consistent with the 'public interest' as a fallacy that has led to a spurious line of demarcation between the roles of the public and private sectors. For example, the existence of market failure in a certain domain is not a sufficient justification for government action. Instead, real market failure must be compared with real government failure (Holcombe, 1997; Lal, 1997). According to this view, both Hayekian knowledge problems (Hayek, 1945) and self-interested rent-seeking among politicians and interest groups may give rise to government failures that dwarf many of the market failures that the government would be able to address in the absence of these problems (Pennington, 2011).

The *minarchist* position is that the state has to be reduced to its minimal role of preventing and punishing force, theft and fraud. The state then becomes even more circumscribed than in the classical liberalism of Adam Smith, F.A. Hayek and Milton Friedman. It is possible to interpret the normative visions of Foldvary (Chapter 4) and of Randal O'Toole (Chapter 9) as minarchist ones. Foldvary accuses traditional government planning of three major defects: (i) the impossibility of centralizing all relevant knowledge; (ii) perverse incentives; and (iii) value imposition. Foldvary's normative alternative is what he calls 'cellular democracy,' which he considers to be a hybrid of peaceful anarchism and minimal government. Just as cells are the basic organizing units of the human body, local contractual communities might be akin to 'neighbourhood cells' in

this new social arrangement. The role of the government is reduced to enforcing a uniform and unusually permissive version of the rule of law. According to Foldvary, local private communities should have the right to organize themselves any way they like, while at the same time competing with one another in their attempts to attract residents and mobile capital goods. Foldvary also believes that such contractual communities would have strong incentives to fund territorial public goods in accordance with a renewed version of the 'single-tax' principles of Henry George (1879). O'Toole (Chapter 9) discusses the relatively permissive land-use regulations of Houston. Like Bernard Siegan in his classic *Land Use Without Zoning* (1972), O'Toole focuses on the effects of un-zoned land on spatial flexibility and affordability. As is generally known among urban planners, Houston is the only major American city without zoning regulations. According to O'Toole, Houston is for this reason generally superior to more heavily regulated cities in terms of affordable housing and entrepreneurial opportunity.

Anarcho-capitalists believe that private planning is always and everywhere superior to public planning. Alvin Lowi and Spencer MacCallum (Chapter 6) discuss private communities in a way that implies an anarcho-capitalist view. Walter E. Block's anarcho-capitalist *Weltanschauung* is even more explicit (Chapter 5). Block defends the idea that planning does not necessarily imply government. He contends that government is always inferior to private organizations, and that even the legal system, policing and defence against external enemies should be provided by profit-seeking firms. Block's proposal is to create geographical areas where free enterprise is allowed full sway, for example in bankrupt cities such as Detroit. These geographical areas would be free of tax, free of government courts, police and national defence; they would be subject only to the entrepreneurial initiatives of private firms, including profit-seeking legal systems and private law-enforcement agencies. Lowi and MacCallum, on the other hand, imagine that proprietary communities (their favoured form is the 'multiple-tenant income property') would arise spontaneously, then develop, and eventually out-compete and therefore replace traditional local governments.

In spite of the major differences that separate these three axiological perspectives (classical liberals, minarchists, anarcho-capitalists), they agree on the idea that effective spatial arrangements are emergent orders where bottom-up entrepreneurship plays a key role. This is stressed even more than elsewhere in Peter Gordon and Wendell Cox's chapter (Chapter 8). Entrepreneurs specialize in discovery. As Gordon and Cox painstakingly point out, a flexible land market then becomes a necessity, since a better use of land requires spatiotemporally specific experiments on how to use the land in novel ways. When doing this, the entrepreneurs can

access their local knowledge and personal networks in ways that are often impossible for others to replicate, and that includes governmental urban planners.

A difference between the three axiological perspectives concerns the problem of the relative roles of the public and private sectors. For anarcho-capitalists, the demarcation problem simply does not exist, since they foresee the abolition or 'withering away' of the state. For classical liberals and – to a lesser extent – minarchist libertarians, this issue is not as easily resolved. As Chiodelli and Moroni (2014) note, problems arise that concern the role of the public actor in regulating the possible and lawful forms of private planning. For example, to what extent can a contractual community discriminate against the admission of a certain class of individuals? Another example concerns the extent to which the right to apply contractual covenants supersedes rights of other kinds such as the freedom to express one's religion or political views. Such frictions between the public-actor's role and private decisions – and some analytical tools with which to interpret them – are discussed in several of the chapters in this book, including those by Andersson (Chapter 2), Lai (Chapter 7), Shruti Rajagopalan and Alexander Tabarrok (Chapter 10), Holcombe (Chapter 11), Edwin Buitelaar, Maaike Galle and Niels Sorel (Chapter 12) as well as Nurit Alfasi and Talia Margalit (Chapter 13).

While conceding that private planners are more entrepreneurial and efficient in the design of normal neighbourhoods, whether residential, commercial or industrial, Andersson (Chapter 2) nonetheless draws attention to the fact that the pursuit of higher land values addresses local rather than global benefits. In some cases, particularly those involving creative activities in the arts and sciences, poor and dilapidated neighbourhoods – which are more likely to materialize from public than private planning decisions – may generate outcomes with greater global benefits than private gentrification processes. On the other hand, there is no guarantee that public planning causes such beneficial outcomes; governmental urban planners have also been responsible for unmitigated planning disasters, ranging from Chicago's crime-infested public housing projects to policy-induced arson in the South Bronx.

In Chapter 7, Lai imagines two dialogues: in the first, a pro-government interventionist planner discusses with a pro-market libertarian planner (that is, a classical liberal in the terminology used here); in the second, the latter contests an anarchist free-market thinker. Lai employs the two dialogues as devices that reflect on the proper relationship between the free market and the liberal state – with the public interest in mind – rather than as tools for dismantling the state or the market.

Tabarrok and Rajagopalan (Chapter 10) discuss the Indian city of

Gurgaon, in which there is considerable private provision of civic goods and services, including utilities, transport and security. They examine where Gurgaon has succeeded and where it has failed, considering the interplay between the private sector and the public one in this particular case.

Holcombe (Chapter 11) explores the effects of the Florida Growth Management Act of 1985, which required all local governments to have comprehensive plans that met state guidelines while being subject to state-level approval. In particular, he discusses the conflicts between the public planning that originated from this act and the private planning that the act was supposed to regulate. As he observes, developers make their own plans, which are based on their expected profitability. The top-down, detailed public planning of the act had the effect of inappropriately altering the incentives of private developers. Many of the reasons state-wide growth management was abandoned in Florida (the 1985 Growth Management Act was repealed in 2011) were due to private-sector responses that led to outcomes that ran counter to the act's intentions. Holcombe's conclusion is that top-down land-use planning can prohibit but not replace market initiatives.

Buitelaar, Galle and Sorel (Chapter 12) observe how more incremental bottom-up urban development requires different – but not necessarily less – governmental planning; it requires public planning that is enabling rather than active and steering. The authors discuss two planning experiments in the Netherlands that allow for more bottom-up entrepreneurship.

In the final chapter of this book, Alfasi and Margalit discuss the problems that emerge when negotiating land-development deals between a public actor and a private developer in the Israeli city of Jerusalem. The image of local government as representing the public interest does not match the reality of public–private deal making. The authors contend that the government's failure to act in the public interest stems from the fact that decision-making agencies are interested parties rather than disinterested enforcers of general rules and regulations. As a remedy, they propose the creation of an impartial and independent entity (a semi-judiciary body) that provides oversight and safeguards the interests of both the public and private parties that are involved in specific urban development projects.

THE UNDERSTATED ROLE OF TECHNOLOGY

The domain of private planning may change as a result of technical advances that alter the way that particular goods and services are supplied. Unfortunately, economic and political theories often assume that

technology is an exogenous (that is, unanalysed) factor (Foldvary and Klein, 2003b). In this context, it is important to note that part of the justification for attributing a decisive role to a public actor in many cases derives from treating technology as fixed.

This has resulted in a great deal of theoretical confusion, since there are numerous instances whereby technical advances have made possible the creation of new competitive markets. As Foldvary and Klein (2003b) observe, technological progress tends to expand the feasible domain of free markets. In the normal case, it does so by making market-failure arguments less persuasive, thereby weakening the case for public-sector intervention. Foldvary and Klein (2003b, p. 1) contend that:

> [m]ost market-failure arguments boil down to claims about invisible-hand mechanisms being obstructed by some kind of transactions costs. If technology trims transaction costs – by making it easy to charge users, define and enforce property rights, exit and utilize substitutes, gather information, gain assurance of quality and safety, enter and compete in markets – the invisible hand works better.

Technological change is particularly important for contractual communities such as homeowners' associations. Such communities are in a position to exploit technological advances as a means of securing resources for themselves (Brunetta and Moroni, 2011). It is also a way to eliminate the need to harness – and hence depend upon – various statutory supplier networks. A hypothetical example concerns the possibility of improving solar-energy transformation for domestic use. Another example is the creation of independent water processing and recycling plants as components of closed-circuit systems (Foldvary and Klein, 2003a). Getting such innovations off the ground requires a radical rethinking of the traditional methods for supplying services and infrastructure; it would entail significant changes in the way that contractual communities administer and organize their affairs.

In this book, Lowi and MacCallum (Chapter 6) focus on the technological side of private planning. They note that electricity provision, water supply and waste management are all fundamental to community viability, but these services are commonly only thought of in terms of governmental plants and utility grids. This is in spite of the availability of technologies that could provide alternative on-site utilities. Lowi and MacCallum claim that the evolution of engineering technology will open up new technological opportunities for private communities. The kinds of communities that the consumers of the future will demand will similarly affect the directions of technological development.

The technological perspective also reveals the contingent nature of the classical distinction between 'public' and 'private' goods. Simpson (2005,

p. 187) elaborates on this by remarking that '[t]he real distinction to make [. . .] is not between "public" and "private" goods and services, but between those goods and services that are associated with the use of force and those that are not.'

FINAL REMARKS

Our intention with this book is to take a thorough look at the phenomenon of private planning, while avoiding the alarmist sentiments of those who habitually decry 'neoliberal' phenomena. On the other hand, we do not think that one should gloss over the possibility that governmental planning is sometimes desirable, for example as the delineator of property rights or as the supplier of certain large-area infrastructures (although some of the contributors to this book dissent from our classical liberal view). Therefore, there is a need for honest questioning and realistic responses (Hyatt, 1997).

No matter what normative theory of the state one subscribes to, we believe that there is a need for greater knowledge about private land-use regulation and infrastructure provision. Such knowledge is unfortunately not yet taught or researched in the urban planning departments of most universities. It is our hope that this book will encourage a re-orientation of planning curricula. We agree with Wright and Czerniak's (2000, pp. 419, 423) contention that:

> [a]cademic departments largely ignore or significantly downplay the relevance and importance of voluntary tools. [. . .] It is no longer sufficient to educate students in the regulatory paradigm alone with transitory reference to voluntary methods. [. . .] It seems certain that land use patterns will continue to be altered in some significant measure by voluntary methods – with or without planners' participation'.[2]

NOTES

1. Eighteenth-century classical liberals such as David Hume (1740, book III, part II) and Adam Smith (1776, book V, part III) believed that among the tasks of public authorities was that of providing public infrastructure.
2. On the necessity of improving education on voluntary land-use instruments, see also Merrill and Lapping (2007). Both Wright and Czerniak (2000) and Merrill and Lapping (2007) discuss, in particular, the case of land trusts. Land trusts are non-profit organizations that conserve environmental amenities on private land. They do this by acquiring land and owning it, or by holding 'conservation easements.' The first land trusts were set up in the United States a century ago; the very first was founded in 1891 in Massachusetts. Land trusts in the United States now number more than 1,700 (Land Trust Alliance, 2010). In this book, land trusts are not dealt with explicitly and directly,

but they are obviously a very interesting case of private planning. For more on land trusts, see Campbell and Salus (2003), Meiners and Parker (2004), Merenlender et al. (2004), Parker (2004), McLaughlin (2005), Rissman et al. (2007) and Gisler (2009).

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