



# NATURAL RESOURCES JOURNAL

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Volume 6  
Issue 2 *Spring 1966*

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Spring 1966

## Harr, Charles M., Law and Land

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### Recommended Citation

Daniel R. Mandelker, *Harr, Charles M., Law and Land*, 6 Nat. Resources J. 358 (1966).  
Available at: <https://digitalrepository.unm.edu/nrj/vol6/iss2/18>

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## *Law and Land*

Edited by  
CHARLES M. HAAR

Cambridge: Harvard University Press and the M.I.T. Press. 1964.  
Pp. xvii, 290, \$7.50

This collection of essays is the product of a conference of English and American lawyers concerned with problems of land use control, who met in September, 1960, in Washington, D.C., at the same time as the American Bar Association. The result is an excellent collection of articles dealing with land-use control and compulsory acquisition problems in both countries. Although the English material is slightly dated by changes in procedures, such as the adoption of regulations for planning inquiries, most of what is in the book is still current. However, the reader should be warned that if proposals recently made in a study by the Ministry of Housing are adopted in England, the character of land-use planning will be substantially changed, at least as it relates to the preparation of development plans. Adoption of the Labor Party's development charge proposal would also have important effects on the land-planning process.

The topics included cover relatively well the range of problems involved in land-planning law. Introductory essays discuss basic concepts in the relationship of land planning to land ownership. English and American conceptions of the development plan are then contrasted, and the machinery for planning in both countries is then discussed. The final essays discuss questions of compensation and land acquisition.

Most of the contributors to this volume are personal friends of mine who have worked long and hard in the field of land planning and related problems in both countries. They bring to this volume a wealth of experience and expertise which gives the essays the sound of authority. David Levin, Deputy Director of the Office of Right-of-Way and Location in the United States Bureau of Public Roads, is probably the man most singly responsible for the strides that have been made in the law of highway access and eminent domain in this country. Mr. Levin provides a summary of problems in the American law of eminent domain. Desmond Heap was midwife to the English planning legislation, and continues to provide perceptive and

illuminating comment on the reach of English planning law. Mr. Heap is Solicitor and Comptroller to the Corporation of the City of London, which includes the mile-square ancient Roman city, but not all of London. Mr. Heap discusses English development plans. F. H. B. Layfield, a planner turned barrister with an extensive practice and a wide influence in planning law, contributed the section on "Planning Decisions and Appeals." There is still too little writing on administrative problems in English planning law, and his contribution is particularly welcome.

I do not mean to slight by omission, although I cannot cover all of the contributors. David W. Craig, then City Solicitor of Pittsburgh, contributes a valuable chapter discussing the limits of police power regulation of land use. Allison Dunham, Professor of Law at the University of Chicago, continues his discussion of the limits on public interference with the use of land. James B. Milner, Professor of Law at the University of Toronto, provides an excellent comparative survey of the general planning law framework.

This book is of value both to the practitioner and to the student for the introduction it provides to land planning in both countries. Nevertheless, while the contrasting details of each system are spelled out, the reader comes away with the feeling that the underlying issues have not been joined, despite Professor Haar's excellent summary. As England provides the example of a highly industrialized nation which shares our common law tradition, the opportunities to learn from each other should always be seized, especially as some observers have detected a tendency for the two planning law systems to grow together.

The differences and similarities are suggested in this book but are not fully developed, an inevitable result when papers are prepared on both sides of the ocean. I have no really satisfactory suggestions on how better to make these comparisons, although a preliminary discussion of differences in physical environment, political institutions, and cultural background could have been helpful. In particular, the issues surrounding the scope of noncompensable land-use regulation need to be thrashed out in full. Even with these reservations, however, *Law and Land* is an extremely useful book.

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