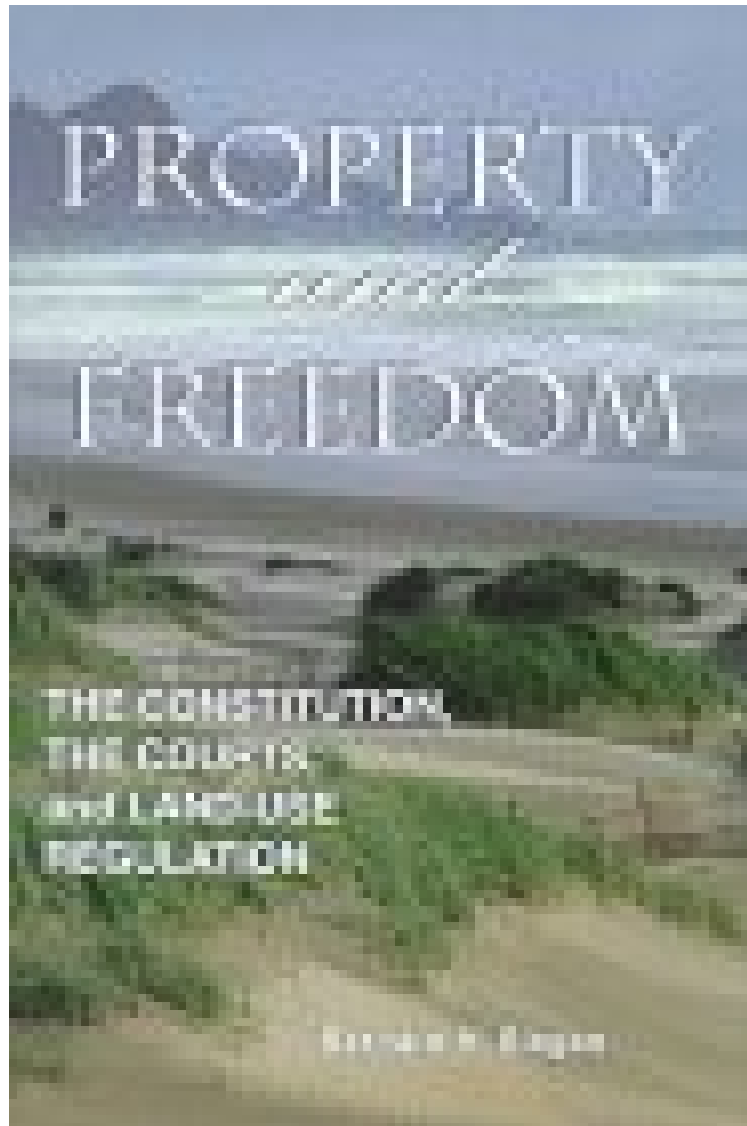


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## Property and Freedom: Constitution, the Courts and Land-use Regulation (Social Philosophy and Policy)

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**From Brand: Transaction Publishers : Property and Freedom: Constitution, the Courts and Land-use Regulation (Social Philosophy and Policy)** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Property and Freedom: Constitution, the Courts and Land-use Regulation (Social Philosophy and Policy):

3 of 3 people found the following review helpful. This is the book to have if you like property rights. By A Customer Bernard Siegan, professor of law at the University of San Diego, has been a pioneer in the analysis of government land-use controls. His 1972 book *Land Use Without Zoning* is a classic. If you want to rock a zoning advocate back on his heels, reading it is the best preparation. He was nominated for a seat on the Ninth Circuit Court of Appeals, but his nomination died in the Senate Judiciary Committee, then firmly under the control of opponents of private property rights and the free market. Judge Siegan would have been a voice of reason on the bench, but Professor Siegan continues to wage war against those who misinterpret the Constitution and promote the folly of government land use regulation. In *Property and Freedom*, Siegan brings together decades of work. From the debates over the meaning of the Constitution to the most recent decisions in the land-use field, this is the book to have if you want to be well informed on the issues. (Excerpted from a review published in *The Freeman*, August 1998)

1 of 1 people found the following review helpful. Best Popular Book on Property Rights By Jack W. Herzberg Although Richard Pombo and James V. DeLong have recently published books concerning property rights, Bernard Siegan's *Property and Freedom* is by far the most informative of the popularly priced books on the subject. Siegan delves into areas that are usually overlooked and takes a much more thorough look at the Constitutional implications of various laws and regulations. His emphasis on zoning (Houston TX has no zoning laws) is very much recommended by this reader. Although my interest is not directly focused on zoning, I was fascinated by his thoroughness on the issue. Siegan is a University of San Diego law professor, and takes a much more pointed view of various issues. Therefore, I recommend that the interested reader look at Ely's, Pombo's, or DeLong's works before attempting Siegan's. Still, in all, it is the best popular work on modern property rights that I have come across.

1 of 1 people found the following review helpful. Best book on where property rights have been and are now. By vinces@gemini.intercenter.net In the last 25 years, I have watched in fear and amazement as the socialist inclined citizens use governmental bodies to effectively steal property or partial property from fellow Americans with what appears to be impunity. This book was the first one, I have ever read which legally explains how this tragedy occurred and how we may have a glimmer of light to the eventual turn around. This book sheds more truthful insight into the legal issues and ramifications of court cases than anything you will ever hear in the media or even from the local legal councils of our governing bodies.

Over the past few years, a series of Supreme Court decisions has strengthened the legal protection of private property in the United States by limiting the power of state and local governments to impose zoning ordinances and land-use regulations on property owners. Bernard H. Siegan explores this new direction of the Supreme Court in *Property and Freedom: The Constitution, the Courts, and Land-Use Regulation*, arguing that this recent jurisprudence implements the objectives of the framers of the original Constitution, the Bill of Rights, and the Fourteenth Amendment. Discussing several key land-use cases, Siegan describes the emergence of a new standard of review for land-use regulations—a standard under which a regulation will be held to be constitutional only when it substantially advances state interests and does not deny an owner economically viable use of his land. This new standard is less demanding than the strict scrutiny test applied to laws limiting freedom of speech or of the press, but considerably more demanding than the standard previously applied in these cases. In elevating the protection of property rights, Siegan contends, the Supreme Court has implemented a fundamental rule of fairness: governments should not force individual property owners to bear the costs of regulations which are supposed to benefit the public. Siegan believes that the new standard of review for land-use regulations accords with the widely held view that the protection of property rights is essential to the viability of the state and the well-being of the people. He cites studies showing that economic regulations seriously limit a nation's productivity and standard of living, and that zoning and no-growth measures reduce housing opportunities and raise the price of housing. Understandably, Siegan notes, people with low and moderate incomes tend to vote against zoning regulations in local elections.

Siegan's critique of the unintended yet unfortunate consequences of some types of zoning and development restrictions (e.g., housing price increases and loss of access) is an important argument that is legitimately aired. D. L. Feldman, Choice Bernard Siegan has provided the raw material to support a full-bone rejoinder to conventional planning wisdom. Howard Husock, *The Independent* About the Author Bernard H. Siegan (1924-2006) was professor of law at the University of San Diego for over thirty years and before that practiced law in Chicago. In addition he served on many American governmental committees including the National Commission on the Bicentennial of the Constitution, the Commission on Housing (under Ronald Reagan), and the Federal Trade Commission. He is the author of numerous books, including *Regulation, Economics and the Law*, *Economic Liberties and the Constitution*, and *The Supreme Courts Constitution*.