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# New Urbanism: Same Old Social Engineering

BY STEVEN GREENHUT

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What should libertarians think of an increasingly influential land-use and planning movement known as the New Urbanism, which seeks a broad change in the way cities and suburbs develop?

That's become a heated question as this architectural philosophy gains traction, not only in academia and the media, but in the planning agencies and government bureaus that have power over development decisions in cities, counties, and states.

Is this an essentially totalitarian attempt to impose a utopian idea on America through the use of heavy-handed regulation, or is it merely a market-based alternative to the current planning regimen? The answer is important, given that local land-use decisions and local planning officials have an enormous impact on Americans' property rights and other freedoms.

I argue that it is mostly the former—that New Urbanism is, too often, about coercion and regulation—but that there is no reason it cannot be the latter. In other words, New Urbanists should be opposed when they try to impose their philosophy on the country, but supported when individual developers seek to offer New Urbanist-style products in the marketplace.

New Urbanism's tenets are simple: Suburban life undermines a sense of community. People spend too much time in their own private space and in their auto-

mobiles. Communities should be built at much higher densities. People should be able to walk from their homes to stores. They should be able to hop on a bus or a rail line rather than take their car. Every town should have a vibrant and hip central area, and there should be open space between towns. Cities should grow mostly within existing urban boundaries. Each urban area would have a core, with growth occurring in an orderly diameter around it. Neighborhoods should be diverse, ethnically and economically.

I take issue with many of these points. Suburban neighborhoods are often filled with the vibrant sense of community the New Urbanists say is lacking. There's nothing wrong with preferring to spend time in a private backyard rather than in the commons area New Urbanists want us to spend time in.

Automobiles offer more lifestyle choices than transit dependency. Although hip neighborhoods are great for a certain stage in life (young adulthood), they lose their appeal during other stages (married with kids). I don't understand why a city as New Urbanists conceive it is any more appealing than any other form of city, and I do not think diversity, economic or ethnic, is either good or bad in and of itself.



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*Steven Greenhut (sgreenhut@ocregister.com) is a senior editorial writer and columnist for the Orange County Register in Santa Ana, Calif., and author of Abuse of Power: How the Government Misuses Eminent Domain.*

People should live around whomever they want to live around, for any reason.

Nevertheless, my personal disagreements with the New Urbanist analysis are largely beside the point. There isn't anything necessarily more libertarian about one lifestyle choice over another. Some people will prefer urban lifestyles, others suburban ones, still others rural ones. To a large degree they all have been influenced by government planning and zoning regulations.

Unfortunately, New Urbanism offers one acceptable planning blueprint, and ultimately must rely on government regulation to impose it on all of us. One cannot, say, ensure the creation of open space around cities and stop what New Urbanists derisively call "suburban sprawl" without imposing restrictions on property rights. We can't move to a transit-dependent society without new regulations and massive subsidies. New Urbanist leaders, despite their insistence that they only want the freedom to build their projects in the marketplace, advocate what is known as the SmartCode. Andres Duany, one of New Urbanism's founders and a leader of the Congress for the New Urbanism (CNU), explains that "The SmartCode is a planning tool that promotes a sustainable urban pattern while protecting landscape that is considered ecologically and culturally valuable. This is accomplished through the creation of plans and standards that determine where development will occur and how it will be implemented."

That sounds eerily coercive. And influential New Urbanist thinkers paint a doom-and-gloom scenario designed to scare most Americans into embracing a new regimen of rules and regulations, lest our suburban nation descend into a pit of despair, soullessness, and economic ruin.

James Howard Kunstler, an author, academic, and ally of the movement, argues in a recent column posted on his website that "The overriding imperative task for us in the face of the problems ahead will be the downscaling of virtually all activities in America. . . . America made the unfortunate choice (by inattention, really) of allowing nearly all of its retail trade to be consolidated by a very few huge national operations, the Wal-Marts and other gigantic discounters." He calls for American society "to be reorganized at the local and regional scale." Kunstler is eagerly awaiting the demise of cheap

oil and predicting a crash in home values and the subsequent destruction of suburbia, with nice neighborhoods turning into festering slums.

He's welcome to his predictions, but his talk of "downscaling" society, of being mistaken in "allowing" the proliferation of Wal-Marts, and of massive "reorganization" is not the language of freedom. And Kunstler offers a "we know best" rebuttal to those who ask whether it's okay to live in suburbia.

"The argument that people like driving around in their SUVs and living in pod subdivisions is really beside the point," Kunstler said on CNN in 2001. "People also like shooting heroin. People also like drinking too much. . . . We are spiritually impoverishing ourselves by living in these environments."

The subtitle of his website article is "Notes on the coming transformation of American life." Most of us get a little nervous when people advocate transformations of society, yet these apocalyptic words are embraced not only by those on the political left, but also among "paleo-conservatives" pining for a simpler, more traditional life.

### The Language of Deregulation

To sell their far-reaching goals to people who don't necessarily want their lives reordered by experts, New Urbanists have been clever, and even deceptive. They use the language of deregulation and fairness, meanwhile denying that calls for heavy-handed central planning have anything to do with their movement. On closer examination we find that New Urbanists are serious about deregulating land use—but only when it helps them achieve their goals. They are quite comfortable with new land-use rules, urban growth boundaries, eminent domain, and other government "tools" when such regulations advance their ultimate goal of promoting the types of communities they prefer. They do not seem to care about freedom, only about their design goals.

The Chicago-based CNU is run by John Norquist, former mayor of Milwaukee. Norquist is a moderate guy, best known for standing up to unruly public-employee unions and advocating school vouchers while mayor. He filed an amicus brief on behalf of the property owners in *Kelo v. City of New London* and spoke out against the Supreme Court's decision in that case allowing the city to use eminent domain for economic devel-

opment. He argues, persuasively, for more deregulation of land-use decisions.

What's not for a libertarian to like? Unfortunately, Norquist is the moderate face on a movement filled by people who view Portland, Oregon, as Nirvana. In Portland local officials installed a Metro government to control all regional planning decisions and imposed a "green line" that virtually outlaws development outside an urban boundary. Land is being deregulated within the boundary to allow the creation of high-rise living, but it is totally controlled outside the boundary. Huge subsidies are poured into the creation of a rail system.

After I referred to New Urbanism as "totalitarian" in an *Orange County Register* column, Norquist responded with these arguments:

"The New Urbanists do not demand the elimination of suburbia—only that we be allowed to build compact, walkable and mixed-use communities. Current zoning codes in most areas allow only the development of single-use, auto-dependent housing subdivisions, shopping centers and office parks. New Urbanists have found that there is a strong market demand for traditional towns, and that towns should not face regulatory obstacles greater than conventional suburbia."

Those are reasonable points, ideas that libertarians can support. That perhaps explains why some libertarians gave me a hard time after I wrote several columns critiquing New Urbanism. But there's much more to the movement than that benign aspect.

Norquist made the distinction between New Urbanism, which he describes as a market phenomenon, and Smart Growth, which he describes as a public-policy movement. Some New Urbanist defenders place Kunstler in the Smart Growth movement and say he doesn't epitomize New Urbanism. When I criticized a local city's (Brea, California) use of eminent domain to create a New Urbanist downtown, New Urbanists told me that isn't really New Urbanism. Norquist invited me

to speak on a panel at a CNU conference in Pasadena to air my criticisms of the movement.

## No Distinctions to Be Found

Yet after speaking to the Congress and attending its conference, I found that the distinctions Norquist made between government-heavy Smart Growth and market-oriented New Urbanism seem phony. A flier in the information packet promoted Smart Growth. The New Urbanists I've talked to always seem eager to use government to promote their ends. The website [www.newurbanism.org](http://www.newurbanism.org) includes a glowing description of Smart Growth, which advocates nearly identical principles to those advanced by New Urbanism—compact walkable communities, development within existing urban boundaries, and so forth.

As I mentioned in my speech at the conference, the CNU's charter for the New Urbanism is filled with governmental demands: "We advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car. . . ." New Urbanists call for metropolitan govern-

ment, which would make it far more difficult for individuals to escape any foolish public policies. Suburbs, with their individual governments, have long bothered those who promote high taxes, burdensome regulations, and other socialist ideas. In a region with multiple governments, residents can flee to ones with better school systems, lower taxes, and fewer regulations. With metropolitan government, one must leave the region to flee the government planners, but the New Urbanists prefer metropolitan "solutions" that reduce individual freedom and choice.

Ironically, the Brea downtown, built on eminent domain and enormous subsidies, was celebrated at the conference as a New Urbanist success, with tours of the area offered to attendees. During one presentation



Downtown Brea, California

Kunstler was celebrated as a visionary. Norquist took an honorable stance on eminent domain, but during my panel Duany made an impassioned case for its use, insisting that New Urbanists would use any means available to achieve their ends.

So what's the difference between market-oriented New Urbanism and government-intensive Smart Growth?

Nothing as far as I can tell. It's the same movement, but whenever critics point to its coercive policies, New Urbanists say, "Don't blame us. That's Smart Growth. We're just a design movement." That is intellectually dishonest. New Urbanism and Smart Growth are the flip-sides of the same coin—a planning regimen that wants to deregulate current land-use practices to impose a new set of even-more-draconian land-use rules that promote the creation of urban rather than suburban environments. If the New Urbanists were serious about deregulation, argues Randal O'Toole of the American Dream Coalition, then Houston, with its lack of zoning, would be their favorite city. Instead, Portland invariably tops the New Urbanist list.

"For many New Urbanists, it isn't enough to build to the market," argues O'Toole and Stephen Town, in a February 2005 *Reason* magazine article. "The Congress for the New Urbanism, founded in 1993, declares on its Web site that 'all development should be in the form of compact, walkable neighborhoods.' New Urbanists eagerly helped write zoning codes that forbade things that had been previously mandated—broad streets, low densities, separation of residential from commercial uses—while mandating things that had formerly been forbidden, such as narrow streets, high densities and mixed uses."

Stephen Town, an architectural liaison officer with a British police department, argues that New Urbanist communities increase crime. For instance, New Urbanist communities obliterate private backyards and replace them with broad common areas, and mix commercial space within residential areas. In that situation "everyone has the right or excuse to be present, and offenders are

indistinguishable from law-abiding citizens," Town argues. In suburbia, people know who belongs on the street and who does not.

Living in such projects is fine if people want to choose to live that way, but New Urbanists are using their political influence to mandate such designs. As Town notes, there will be unfavorable consequences.

### At the Congress for the New Urbanism

My experience at the Congress confirmed what I had long believed. When I attended a session on religion and the New Urbanism, I naïvely expected it to be about the way suburban land-use rules make it difficult for churches to locate their properties, or the way cities, in their zeal for sales-tax dollars, refuse to allow churches to use land that could be "better" used by big-box stores.

I heard none of that. Instead, panelists spent their time criticizing "mega-churches." One panelist couldn't understand why churches felt the need to include basketball courts. My thought: Because they would like to have those things. The whole tone of the discussion was elitist, and the focus was on what churches ought to be allowed to do. During the question-and-answer time, audience members ranted about the Bush administration, corporations, and the like. It was almost funny, except that these people had no interest in freedom—only in promoting an architectural aesthetic that they claim would promote "community." That seemed dishonest, given that the churches they hate—big suburban churches—tend to be growing and filled with community, while the churches they advocated—architecturally beautiful mainline churches—often are dying from lack of attendance. In reality, New Urbanism is about imposing a certain aesthetic on the country, one more to the liking of an elite group of architects and planners.

One of the big concerns among New Urbanists is that suburbanization causes people to be less willing to have their taxes increased to pay for social programs. The best-attended seminar was the one on light rail, in which

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New Urbanists actively pushed for massive subsidies to build these little-used trolley systems. No doubt, the New Urbanists hate the 1960s-era urban renewal projects that libertarians also hate. But libertarians understand that all central planning is bad, while the New Urbanists simply want to replace the old central plans with their new and improved versions. It's a big difference.

Of course, the suburbs can be bland and lacking in style and entertainment offerings. Ditto for small towns and exurbs. Professor Richard Florida argues that the key to urban development is to lure a "creative class" by building hip neighborhoods, vibrant gay communities, subsidizing downtown lofts, and other marks of urban culture. I don't agree, but that argument understandably appeals to some lifestyle libertarians.

Nick Gillespie, editor of the libertarian *Reason* magazine, echoes that idea in his February 2005 column, "Live Free and Die of Boredom." He chides a "U.S. Economic Freedom Index" compiled by *Forbes* magazine and the Pacific Research Institute, which ranks U.S. states based on regulatory issues, taxation, legal risk, and other freedom-related measures. New York was last, Kansas first.

"If you had to choose somewhere to live, would you really move to Jayhawk country if you could figure out any way, short of acting in porn, to stay in New York?" Gillespie asks. "'Economic freedom' . . . is pretty far down the list of what drives decisions about location, whether for businesses or individuals." Although Gillespie doesn't address the New Urbanism directly, his column reflects why the New Urbanism, in its promised antidote to suburban boredom, has a certain appeal, especially among younger, entertainment-oriented people. (I would have hoped, however, that the editor of a

major libertarian magazine would have put a higher priority on freedom, but I digress!)

Developers and planners I know argue that New Urbanism is fine in reaching that small demographic. By all means, regulations should be reduced so that developers can reinvigorate older urban areas with exciting new projects. But it makes no sense, and is an affront to freedom, to use SmartCodes and the like to impose this narrow preference on the entire nation.

### Deregulation Is the Answer

In the September 2005 *New Urban News*, Robert Steuteville argues: "Greenhut lives in what is commonly called suburban sprawl, and he likes it. That's fine, but his neighborhood is not free of regulation. Every subdivision, including those in Houston, the city without zoning, has to submit to regulations and approvals, which involve a degree of coercion. Greenhut and other so-called libertarians such as Randal O'Toole never seem to be outraged by the coercion of zoning that mandates low-density sprawl."

Steuteville is right that no neighborhood is free from regulation, although he is wrong about my supposed lack of outrage about regulation that mandates low-density sprawl. My column criticizes every form of land-use regulation, and I have defended the right of developers to build projects that can be called New Urbanist. Maybe within his criticism lie the seeds of common ground. Perhaps we, as libertarians, should make an offer to Steuteville and other New Urbanists: Let's join in the fight to deregulate all land use. Then New Urbanists can build what they want; suburban developers can build what they want; and we'll all let the market decide.

Based on my experiences with New Urbanists, however, I don't think we'll get many takers. 