

Chapter 13: Germany

Social Sustainability: Planning for Growth in Distressed Places—The German Experience in Berlin, Wittenberg, and The Ruhr

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I. INTRODUCTION TO SOCIAL SUSTAINABILITY

In the late Twentieth Century environmentalism focused on the notion of sustainable communities.¹ To environmentalists the phrase sustainable communities refers to environmental policies of nondegradation and to economic and development decisions that are designed to renew resources, to reduce energy and resource consumption, and improve air and water quality.² On the regional level sustainable development calls for transit-oriented development patterns, with increased pedestrian, bicycle, and mass transit travel, and a reduced use of automobiles. Sustainable communities envision pedestrians being able to walk to a village center main street for shopping and along and through attractive parks, as well as pedestrian walkways with bicycle lanes.³ A sustainable community should be linked by mass transit to other transit villages, some of which are higher density with mixed uses of shops, offices, and housing, with vibrant street and cafe life, while others are centers of manufacturing and commerce.⁴ Within the neighborhood sustainable development calls for local biological water and sewer treatment as an alternative to giant, expensive treatment plants and delivery systems that too frequently cause environmentally damaging dumping. In comparison to broad private lawns, sustainable community development calls for community parks that allow more climate-friendly landscaping, recycling of water, and less maintenance, water use, and polluting surface water runoff.

observations made and the ideas expressed in this article.

1. SIM VAN DER RYN & PETER CALTHORPE, *SUSTAINABLE COMMUNITIES* (1986). See also TIMOTHY BEATLEY & KRISTY MANNING, *THE ECOLOGY OF PLACE: PLANNING FOR ENVIRONMENT, ECONOMY AND COMMUNITY* (1997); GABOR ZOVANYI, *GROWTH MANAGEMENT FOR A SUSTAINABLE FUTURE: ECOLOGICAL SUSTAINABILITY AS THE NEW GROWTH MANAGEMENT FOCUS FOR THE 21ST CENTURY* (1998).

2. E.g., PRESIDENT'S COUNCIL ON SUSTAINABLE DEVELOPMENT, *SUSTAINABLE AMERICA: A NEW CONSENSUS FOR PROSPERITY, OPPORTUNITY AND A HEALTHY ENVIRONMENT FOR THE FUTURE* (1996); John Dernbach, *Dialogue—U.S. Adherence to its Agenda 21 Commitments: A Five Year Review*, 27 ENVTL. L. REP. 10504 (1997).

3. See MICHAEL BERNICK & ROBERT CERVERO, *TRANSIT VILLAGES IN THE 21ST CENTURY* (1997); PETER CALTHORPE, *THE NEXT AMERICAN METROPOLIS: ECOLOGY, COMMUNITY, AND THE AMERICAN DREAM* (1993); ANTHONY DOWNS, *NEW VISIONS FOR METROPOLITAN AMERICA* (1994).

4. See *supra* note 3.

At the individual home and building level, sustainable communities reflect green architecture. Green architecture looks to climate-responsive design, employing natural ventilation and natural light and using solar power for both heating and the generation of electricity. Green architecture-designed homes and offices can be both efficient and delightful utilizing materials that provide longer life and less damage to the environment. I have previously argued that as a further element of sustainable communities and green planning a stable city requires that each of its neighborhoods be sustainable and livable.⁵ This notion of sustainability beyond concerns for ecological survival refers to a community's cultural, economic, and spiritual infrastructure, which I refer to as "social sustainability." The social sustainability infrastructure would provide attractive living spaces, access to employment, shopping, and recreation, and the aesthetic, cultural, historic, educational, and emotional resources necessary to sustain urban life.

In order to stabilize a declining neighborhood, city, or region, or to rejuvenate stagnant communities, the community must create an environment that both attracts investment and generates a sense of community. This article looks to several communities undergoing urban revival and notes that a key element to their revival is their utilization of projects and activities to create a sense of excitement and optimism among the community's population. This excitement can be generated by activities such as historic preservation, installation of public art, expansion of public squares and gardens, or the development of unique projects that reflect the community's history and offer recreation for residents and tourists. These projects might not appear to be sound financial investments in job creation. Instead, their value is indirectly related to economic development. Projects that can excite local interest, attract tourists, and give an image of an attractive and stimulating destination make up this infrastructure for redevelopment that I call "social sustainability." Social sustainability will differ for each community: in some communities it will reflect the region's cultural and economic history; other communities will highlight their geographic resources;

5. James A. Kushner, *A Comparative Vision of the Convergence of Ecology, Empowerment, and the Quest for a Just Society*, 52 U. MIAMI L. REV. 931, 940 (1998).

while still other communities might structure their social sustainability around sports and recreation or arts and entertainment. This article looks to several communities in Germany, including Berlin, Wittenberg, and the cities that comprise the Ruhr Valley, for examples of social sustainability.

Although German plans for growth, both in the Ruhr Valley and in Berlin, have included traditional environmental and physical planning elements, they have also embraced social sustainability and the inclusion of nontraditional planning elements in their strategies for community development. These planning elements are designed to enhance the regional self image and the image that is portrayed to visitors and to instill optimism for the community's future economic growth. Social sustainability planning involves aggressive and symbolic investments indirectly designed to enhance a community's investment attractiveness.

II. BERLIN AND SOCIAL SUSTAINABILITY: REINVENTING A CAPITAL

Berlin has long been a place to view extraordinary things. Around Berlin one can view the architecture of Karl Friedrich Schinkel, the palaces and monuments of Frederick the Great, evidence of the march of the Third Reich, the construction of the Berlin Wall, and one of the world's greatest collection of museums. Without a doubt the most extraordinary sight of our generation has been the fall of the Berlin Wall that separated the West from the communist bloc nations, and the reunification of Germany.

After the fall of the Berlin Wall some critics assumed that Berlin would become just another burg. Instead, this cosmopolitan capital with a population of 3.5 million in the city, and 7.7 million including the surrounding area,⁶ has accomplished an extraordinary feat. The Berlin Wall was a magnet for tourists and after its fall, Berlin faced a loss of its perceived uniqueness and attractiveness. Following the fall of the Wall and the rapid move to German reunification, the German government designated Berlin as the new capital of the combined German nations. This designation launched a mammoth

6. VALERIE HUCK, Berlin Metropolitan Area, URBAN LAND INSTITUTE PROFILES 19 (1998).

redevelopment, growth, and revitalization process, and is an example of social sustainability.

In the summer of 1997, the middle of Berlin was one large construction site. Potsdamer Platz, the old center of the Weimar Republic, destroyed in the bombing of World War II and later Norman's land within the Berlin Wall was the biggest construction site in Berlin.⁷ The collection of cranes, construction equipment, and workers was so immense that the city and the site developers constructed a \$3 million building called the Info Box just so that visitors could watch the action. The Info Box replaced the Berlin Wall as the city's top tourist attraction, at least until the opening of the roof of the Reichstag with its futuristic dome, pleasant restaurant, and awesome views of Berlin.

Now almost all of the Friedrichstrasse, the new fashion and office center of the former East Berlin, is completed. This district includes hotels, offices, and expensive shopping arcades. The district also includes many foreign embassies, other buildings, and is adjacent to Pariser Platz at the Brandenburg Gate, a short distance from

7. Nicolai Ouroussof, *Berlin's Divided Identity: Germany's Capital is Poised for the 21st Century But Uncertain About Confronting the 20th*, L.A. TIMES, Oct. 31, 1999, Calendar at 4 (\$120 billion investment in post-reunification Berlin). While not seeking to undertake a physical description of the vast Berlin metropolis that includes canals, more bridges than Venice, beautiful parks like the Tiergarten and the Botanical Gardens in Steglitz, Sanssouci Palace in Potsdam, the lakes of Havel and Wannsee, the Grunewald forest, and dozens of disparate neighborhoods and living environments, a general idea of the scope of redevelopment activities is useful. Potsdamer Platz is adjacent to the Reichstag, which is now completing its radical rehabilitation. On the other side of the Reichstag is the site for the huge complex of the Reich Chancellery, while on the other side of the Chancellor's administration headquarters is the new central rail station, LEHRTER BANHOF, DAS UNTERNEHMEN PARLAMENTS—UND REGIERUNGSVIERTEL (BUNDESBAUGESELLSCHAFT BERLIN MBH) (1998). Looking north one can see construction of thousands of apartments for the members of the legislature, and on every square foot of space around the Tiergarten the offices of agencies, foreign embassies, and offices and housing for workers, lobbyists, and visitors. Looking east from Potsdamer Platz is the Brandenburg Gate with the entire Pariser Platz, a site for new, mostly completed buildings with the noticeable absence of the American Embassy, which is stalled by concerns for security. One block to the east, past the recently built Adlon Hotel is the fashionable Friedrichstrasse, which is almost completely rebuilt. Indeed, virtually every structure to the east of Potsdamer Platz on the Unter Den Linden boulevard has been rebuilt or rehabilitated, up to Alexanderplatz, where a high-rise city is planned to augment the city's commercial center. See generally Bradley C. Grogan, *Berlin Builds*, URB. LAND 66 (1998) One unfortunate impact of construction is the endangerment of the trees in the Tiergarten park. U.C. TIMES, July 2, 1999, at A5 (noting that the trees are also threatened by air pollution from too much traffic and too many urinating dogs, necessitating intervention costing nearly \$3,000 per tree).

Potsdamer Platz. The fully rehabilitated Reichstag has been completed and is awaiting final landscaping and construction of the new chancellery complex, which will be located in front of the Reichstag and along the beautiful Tiergarten, crossing the Spree River at two of its bends. The Lehrter Bahnhof, the new central train station, is adjacent to the Reichstag and the future Chancellery. This multi-level station represents an amazing engineering feat that will bring high speed trains and new subway (U-Bahn) lines to the district. The modern terminal, scheduled for operation in 2004, will allow fast access to all sectors of the city and all regions of Germany.

The latest extraordinary sight in Berlin is the transformation of Potsdamer Platz. By Spring 1999, only a year and a half since site preparation, seventeen major buildings designed by internationally renowned architects had been completed on the site developed by Daimler-Chrysler. Adjacent to this site the huge, Helmut Jahn-designed Sony project is nearing completion following a delayed start to permit construction over a new U-Bahn station. Together, the projects will provide an entire city of hotels, residences, and entertainment. Already open is an I-MAX giant screen three dimensional theater, another theater for live productions, a gambling casino, large shopping arcades, and a rather unpretentious Jose Raphael Moneo-designed Hyatt Hotel. The collection of buildings⁸ reflects a collection of varying designs. The completed community will not appear to have been constructed in the same era as the original construction in Potsdamer Platz. One criticism of Potsdamer Platz, from those familiar with historic Berlin, is the failure to include the large beer halls that contributed to the exciting reputation of Berlin during the days of the Weimar Republic, and that are typically associated today with Munich. I believe that this criticism goes to the heart of what is happening in Berlin. The Berlin revitalization is not about returning to or restoring its past history. Instead, it is a city looking to the future, one that is far more cosmopolitan than its roots.

8. Ouroussof, *supra* note 7, at 73 (\$2.5 billion investment in the Potsdammer Platz). In addition to Moneo's Hyatt, the Daimler-Chrysler Potsdamer Platz development includes the factory-like Daimler-Chrysler Headquarters, Mediterranean residences designed by Renzo Piano, and notable structures designed by Helmut Jahn, Arata Isozaki, Richard Rogers, Helga Timmermann/Hans Kollhoff, and Ulrike Lauber/Wolfram Wöhr.

Berlin, unlike any other city, faces controversy with every building proposal. This dilemma was poignantly identified by the urban planning historian Brian Ladd:

All cities' buildings display their cultural traditions, but the sandy soil of the German Capital conceals the traces of a history so fiercely contested that no site, however vacant, is safe from controversy. Each proposal for construction, demolition, preservation, or renovation ignites a battle over symbols of Berlin and of Germany. None of the pieces of the new Berlin will present an unambiguous statement about Berlin's tradition or meaning, but most will nevertheless be attacked for doing so. Berlin faces the impossible task of reconciling the parochial and the cosmopolitan, expressions of pride and of humility, the demand to look forward and the appeal never to forget. A building or monument might be able to display the wounds of Berlin's past, but it can do little to heal or even hide them. Politicians and architects who want to put to rest the ghosts of Berlin are probably doomed to failure.⁹

The size of the Potsdamer Platz development would reflect several decades of large buildings in major cities. The scale of the complex is awesome and the speed of construction quite unbelievable. By July, 1999, Potsdamer Platz, although not designed to recreate Berlin's city center, was showing signs of city life. Filled bicycle racks, planted trees, outdoor cafes, and a few precious public spaces, suggest that with the completion of the Sony Center and other area construction projects the redevelopment will yield a very modern, successful city space. Berlin as a city is uniquely poised to welcome the Twenty-first Century because of its renewed infrastructure, its cultural, historic, and aesthetic treasures, and its great entertainment and renowned nightlife.

In addition to the city redevelopment plan that recalls Germany's post-war reconstruction, Berlin has launched revitalization projects throughout the city, building over 8,000 housing units around Potsdamer Platz and rehabilitating thousands more throughout the

9. BRIAN LADD, *THE GHOSTS OF BERLIN: CONFRONTING GERMAN HISTORY IN THE URBAN LANDSCAPE* 234-35 (1997).

city. In a city already rich in cultural and entertainment resources, the pace of new museum openings and nightlife expansion is staggering. The newly opened Gemäldegalerie is in the Kulturforum near Potsdamer Platz and specializes in Thirteenth to Eighteenth Century European painting. The Gemäldegalerie and the restored Hamburger Bahnhof, the former rail station for trains to Hamburg, which now holds a remarkable collection of contemporary art, join the Pergamon Museum of antiquities as some of the world's best museums. There are new office, commercial, and government buildings everywhere one looks. This public renewal has in turn triggered the private revitalization of shops, galleries, restaurants, apartments, and offices, in part due to the excitement generated by growth and reunification, and in part reflecting generous German tax incentives.

Berlin is also embarking on a plan to expand the former East Berlin Airport at Shoenefeld into a modern regional airport that will accommodate non-stop intercontinental air flight to Berlin.¹⁰ As another German city, Frankfurt, has demonstrated such airports not only generate tourist development, but also attract industries like consulting, technology development, and transfer and related service industries that rely heavily on access to long distance markets. Berlin's expanded rail, subway, and air transportation systems and resulting accessibility should provide a significant catalyst to the region's continued economic growth and success.

The German revitalization effort is not limited to Berlin. Along with massive infrastructure improvements in the former East Germany funded by a ten percent tax surcharge on already high national income taxes, public and private investment efforts are giving a new face to the former socialist nation. By 1999 the condition of cities and towns in the former DDR (East Germany), which reflected neglect in 1990, was astounding. Dresden is a remarkably and beautifully restored city. Even smaller communities such as Meissen, Torgau, Wittenberg, Dessau, and Magdeburg have had face-lifts that make the communities indistinguishable from West German towns. Evidence of former socialist rule, however, is

10. Roger Cohen, *Berlin's Connections? By Air, Virtually None*, INT'L HERALD TRIB., Mar. 15, 1999, at 17 (city to spend \$3.3 billion to convert Shoenefeld to one of the most modern airports in the world, yet with no non-stop intercontinental flight commitments).

apparent in the panelized prefabricated large concrete apartment blocks, although most are already remodeled. The essence of social sustainability is the investment in unique undertakings to change the community's physical appearance and in programs that are sufficiently dramatic to reverse the community's negative image. The extraordinary investment in revitalizing the infrastructure, and rehabilitating the architecture, of the former East German states is a paradigmatic example of social sustainability.

III. HELLERSDORF: SOCIAL SUSTAINABILITY AT THE NEIGHBORHOOD LEVEL

The community of Hellersdorf in Berlin presents an example of social sustainability at the neighborhood level. Hellersdorf was a socialist suburban village of 130,000 on the northern political boundary of the city of Berlin within the former Eastern sector of the DDR. Hellersdorf was a model of a socialist community lying at the end of a subway line.¹¹ There was a complete absence of color and foliage in a village of nearly uniform panelized prefabricated drab concrete apartment blocks, each building with at least one flat windowless wall. Hellersdorf also had no city services, not one telephone, and the apartment units, despite being the newest in the former Eastern sector were, like East Germany itself, deteriorating and in need of major rehabilitation. A pedestrian-friendly village center was non-existent and without cafes, pubs, restaurants, or other entertainment, Hellersdorf lacked the typical community life found in Germany.

Following the fall of the Berlin Wall in 1989, virtually all of Hellersdorf's population migrated to the West in search of better housing and jobs, reducing the community's population from 130,000 to 350. A reunified city of Berlin, along with its private sector development partners, installed public art, planted 15,000 trees, modified building facades to introduce variation and color in the structures, and brought in top mural artists to paint mural designs on many of the buildings. The panelized housing was rehabilitated, and a

11. Ladd, *supra* note 9, at 191 (noting that one-third of East Berlin's population resided in its three satellite panelized cities of Marzahn, Hohenschönhausen, and Hellersdorf).

significant portion privatized, with government subsidies available to assist in the purchase of units. A private developer constructed a massive commercial mixed-use project including a multi-screen cinema entertainment complex with offices, shops, and restaurants around the transit line.¹² Along with shopping malls and a state of the art entertainment center, the city has new offices, a city hall, a vocational college, and a full service medical clinic. In addition, the private developer purchased 2,500 units of the former socialist housing, added balconies, and remodeled the units for rental at market rate. Although memories and past images persist, with the construction of additional market rate and senior citizen housing units, Hellersdorf lost its remaining physical stigma and is now the best example of a rehabilitated community of the former DDR. Today, Hellersdorf, with a population of 140,000 has one hundred percent occupancy with a waiting list, and each apartment faces an attractive inner courtyard of new landscaping and modern playground and recreation facilities. Hellersdorf has been transformed into a sustainable village. Both Hellersdorf and Berlin are now more stable and each city presents a more attractive site for private investment and are more secure that public policy will discourage neighborhood disinvestment and abandonment.¹³

IV. WITTENBERG: URBAN SUSTAINABILITY

Best known for Martin Luther's posting his Ninety-Five Theses that launched the Protestant Reformation, Wittenberg, an industrial town on the Elbe River in the German State of Saxony, found itself on the eastern side of the Wall in the former DDR. Today Wittenberg has had a major facelift and resembles, at least in its pedestrianized *altstadt* and beautiful gardens, a typical attractive West German

12. The entertainment center was beautifully designed on a spartan budget by Jürgen Sawade, a talented Berlin architect who also designed the remarkable, contemporary, art-filled, and modernistic Grand Esplanade Hotel on the Tiergarten. The original plan to extend the office project over the rail so as to create an Italianate piazza has been delayed pending market demand, reflecting Berlin's rather high commercial vacancy rate. See generally PROJECT LARGE SCALE ESTATES (1996) (describing the Hellersdorf Revitalization plan).

13. The massive rehabilitation of Prague's panelized housing communities is modeled after the Hellersdorf example, introducing color into facades and cultivating lush landscaping.

town. Former East German towns such as Wittenberg are distinguishable from their former West German neighbors only by the number of Mercedes-Benz automobiles on the street and the “panelized” or “modularized” prefabricated, concrete, and medium-density apartment blocks favored by the former Socialist cities. This problem of rejuvenating a community of panelized housing was solved with a theme that may have been inspired by Hellersdorf.

Wittenberg brought in the late whimsical Viennese artist Friedensreich Hundertwasser to recast the community’s image. Hundertwasser, a renowned, if not critically acclaimed painter, is best known for his zany social housing project in Vienna known as Hundertwasserhaus. The windows appear irregular in the modern fairy tale-like multicolored apartment complex. The irregularly shaped textured facade gives the appearance that the development design is a collaboration between Disney and the Brothers Grimm. Actually, the real magic of Hundertwasserhaus is that the artistic facade is clapped over normal social housing floor-plans.¹⁴ The city of Wittenberg rehabilitated the housing in a similar manner, adding color to the facades and attractively relandscaped the sites with many new trees. Hundertwasser designed colorful bodyworks as a facelift for an elementary school and kindergarten. Instead of the school being a frightening institution, the whimsical castle looks like a place a child would eagerly explore. The community, just like the neighborhood around Hundertwasserhaus in Vienna, developed a greater sense of community and a heightened sense of civic pride.

The remodeling of the Wittenberg Hundertwasser school, like the installation of public art, is an example of social sustainability—a policy of investing in infrastructure without a direct economic development return. Instead, the investments cumulatively contribute to the enhanced attractiveness of the community for living and investment. Through the modest investment required to enlist an internationally renowned artist, Wittenberg has become distinct and attracted tourism and economic development—a form of community building. Wittenberg, with its historic image, is poised to develop a niche as a center of creativity and the arts. With exhibitions and

14. ARCHITECTURE IN VIENNA 3-19 (3d ed. 1998).

public art activities, and the continued rehabilitation of the city and its historic center, Wittenberg finds itself more attractive to investors, tourists, and employment-generating development.

V. THE RUHR VALLEY: REGIONAL SOCIAL SUSTAINABILITY

Another area of Germany that has experienced economic and physical decline is the Ruhrgebiet, or the Ruhr Valley.¹⁵ Germany's largest industrial region, the Ruhrgebiet, contains a population of nearly 5.8 million in a megalopolis described as a polycentric agglomeration consisting of 11 major cities and 42 smaller communities.¹⁶ Unfortunately for the Ruhr valley the coal industry continues to follow the remaining coal reserves in the north, reserves that are more difficult and expensive to mine. All but one operating steel mill in Duisberg have closed, dismantled, or sold and transported to a foreign nation.

Except for the affluent city of Dusseldorf, which is home to many of Germany's large corporate headquarters, banks, and the center for fashion in Germany and Japanese business enterprises in Europe, the former federal capital of Bonn, with its government and private industry headquarters, or the industrial and media city of Cologne, which are in the State of North Rhine-Westphalia but is not a part of the Ruhr. The Ruhr's population is facing high unemployment and the region lacks resources to update its cities and revitalize its once flourishing economic base. Unemployment rates in some cities in the Ruhr reached almost twenty percent during the 1980s.¹⁷ By comparison, in 1999, Berlin's unemployment rate was at twenty percent.¹⁸

15. ARNO WRUBEL, *THE RUHR* (1960).

16. Klaus R. Kunzmann, *Developing the Regional Potential for Creative Response to Structural Change*, in *CITIES IN COMPETITION: PRODUCTIVE AND SUSTAINABLE CITIES FOR THE 21ST CENTURY* 286, 287 (J. Brotchie et al. eds, 1995) (population at about five million); Michael Wegener, *Physical Structure and Planning of the Ruhrgebiet*, in *COMPARATIVE INTERNATIONAL DEVELOPMENT WORKSHOP—GERMANY- READER 1* (Susan H. Kamei ed., 1999) (population down from 5.75 million in the 1960s) [hereinafter *GERMANY-READER*]. See also *FACETS ABOUT GERMANY* 127 (1996) (at 521 persons per square kilometer, the State of North Rhine-Westphalia's population density is one of the highest in Europe).

17. Kunzmann, *supra* note 16, at 288 (Ruhr unemployment almost twenty percent in the 1980s); Wegener, *supra* note 16, at 1 (unemployment at 15 percent during the 1980s).

18. John Lloyd, *An Incomplete City*, *FIN. TIMES*, Jan. 27, 1999.

The State of North Rhine-Westphalia undertook actions that can be characterized as social sustainability when it established five regional universities in the Ruhrgebiet in the 1960s.¹⁹ Two recent government policies demonstrate local government's efforts to revitalize the economic life of the Ruhrgebiet. A significant problem in the Ruhr is the broad brownfields of polluted water and soil left in the wake of departing coal mining and abandoned steel mills. In 1988 the State of North Rhine-Westphalia, through the Internationale Bauausstellung (International Building Exhibition or "IBA") and its public real estate management arm, LEG Landesentwicklungsgesellschaft NRW GmbH ("LEG"), embarked on an aggressive program of revitalization through environmental cleanup and the adaptive reuse of Germany's abandoned manufacturing infrastructure.

The IBA Emscher Park project is a brownfields cleanup program extending throughout the Ruhrgebiet along the Emscher River, a 550 kilometer waterway that has served as an open sewer.²⁰ The project area is 75 kilometers long and 10 kilometers wide between Duisberg in the West and Dortmund in the East.²¹ In addition to water quality improvement through treatment and toxic cleanup of the abandoned steel mills and mining sites, the state has set out to make the region interesting to visit, preserving and improving its historic industrial infrastructure. The IBA Emscher project in the Ruhr has expended \$1.8 Billion U.S. dollars over ten years, or nearly four billion Deutsche marks.

A central focus of the IBA projects in the Ruhr has been environmental enhancement. The enhancement has come not only from brownfields cleanup, but also from innovative planning

19. Kunzmann, *supra* note 16, at 28; Wegener, *supra* note 16, at 5 (describing the five new federally financed universities at Duisberg, Essen, Bochum, Dortmund, and Hagen).

20. *The Emscher Park International Building Exhibition* (undated IBA publication), in GERMANY-READER, *supra* note 16, at 17.

21. Wegener, *supra* note 16, at 9. See generally *The Emscher Park International Building Exhibition (IBA): Preserving Open Space and Our Industrial Heritage Through Regional Brownfields Redevelopment—Emscher Park, Germany*, in GERMANY-READER, *supra* note 18, at 292. See also Rob MacDonald, *IBA Emscher Park*, <<http://www.towns.org.uk/ej/udq/56/inter.html>>; *Emscher Park, Germany*, <<http://www.iclei.org/egpis/egpc-039.html>>; *The Emscher Park International Building Exhibition (undated IBA publication)*, in GERMANY-READER, *supra* note 16, at 252.

components: the goal is for reuse strategies to include environmental planning in the landscaping of the various projects. The projects include returning many brownfields to greenfields and creating parks and recreational greenspace, surrounding 10,000 new and rehabilitated housing units which 75 percent are to be social housing.²² The project also included a series of 22 business and technology parks as part of the “Working in the Park” portion of the project.²³

In Duisberg-Nord the former steel works have been preserved as part of a recreation park called “Landschaftspark” (Landscape Park). The young and old can climb giant blast furnaces, practice rock climbing, or slide down a chute. A former iron pit and steel works provide outdoor theaters, concert halls, discotheques, restaurants, and cafes. A large gas tank or “gasometer” has been filled with water and a sunken ship is used for scuba diving. Also part of the overall program, the inner harbor in Duisberg is being rehabilitated as a mixed use and mixed income residential, commercial, and recreational project.²⁴

In Essen another giant industrial works, previously known as the Zeche Zollverein, has been readapted as the Design Zentrum Nordrhein Westfalen, an art and industrial park. The park includes an exhibition hall of industrial design located in a former boiler house that was remodeled by Sir Norman Foster, the architect of Berlin’s Reichstag renovation. The park also offers a gourmet restaurant within one of the preserved Bauhaus buildings, modern at the time of their construction in the 1930s. Other buildings in the coal complex have been readapted as artist studios, with space for design offices and workshops.

22. *The Emscher Park International Building Exhibition*, supra note 21, at 26; *The Emscher Park International Building Exhibition (IBA): Preserving Open Space and Our Industrial Heritage Through Regional Brownfields Redevelopment—Emscher Park, Germany*, supra note 20 (3,000 new and 3,000 rehabilitated dwelling units).

23. *The Emscher Park International Building Exhibition* (undated IBA publication), supra note 21, at 20-23.

24. *Preserving Open Space and Our Industrial Heritage Through Regional Brownfields Redevelopment—Emscher Park, Germany*, supra note 21. See also STRUCTURAL CHANGE: DUISBERG INTERNATIONAL NO. 2 (1996).

In Oberhausen the largest gasometer in the world—providing the largest enclosed space in the world, ostensibly excluding domed stadiums—on scale with the Cologne Cathedral has been converted to another exhibition hall with an interior glass elevator.²⁵ Exterior elevators on the gasometer lead to extraordinary views of the Ruhr region. The mammoth structure allows the contemplation of art whether that art is exhibited within, or painted on the exterior of, the gasometer.

In Bochum-Wattenscheid the Ecotec Technology Park has preserved and renovated factories making up the former Holland Colliery. The colliery has been converted to a business incubation park for environmentally beneficial textile-related research companies.²⁶

The “Minister Stein” Service and Industrial Park, in Dortmund Eving, is a coal mine site that has been converted to a business park under another IBA regional project. The mine head structure has been converted to offices and a disco. New buildings, such as a supermarket and a shopping mall have been built using matching brick and were designed to conform to the architecture and materials of the preserved buildings.

In Gelsenkirchen the IBA’s headquarters is located within the buildings of an abandoned coal company. In addition to rehabilitating the beautiful brick structures, the redesign includes preservation of various features of the prior use that now constitute land art. On land adjacent to the headquarters at Wissenschaftspark Gelsenkirchen, IBA has constructed the largest solar building in Germany for the purpose of new energy-related business incubation.

Many of these projects can be criticized on a number of grounds. First, they could not have been undertaken without an enormous public subsidy. The large and influential coal and steel companies have exerted their power to obtain extraordinary subsidies for brownfields cleanup and redevelopment. Equity would argue that

25. *International Building Exhibition, Emscher Park, Germany*, <<http://www.beakman.com/christo/gaso/gaso.html>> (describing an exhibition at the Gasometer by the artist Christo, famous in Germany for his wrapping of the Reichstag).

26. As of March, 1999, only one textile firm had moved to EcoTec, mainly due to the dearth of environmentally beneficial textile-related research companies.

polluting companies should have paid for the high cost of cleanup if not redevelopment. American brownfields policy has focused on cleanup, emphasizing strict cleanup liability against polluters.²⁷ The American system, imposing joint and several strict liability against all polluters, can result in large corporations bearing more than their fair share of cleanup liability.²⁸ Future research might analyze whether the German subsidy or the American tort liability scheme generates the most effective or most efficient revitalization model. It would appear that delays inherent in the administrative and judicially enforced cleanup obligation could not generate the dramatic scale of the Ruhr revitalization generated under the German system.

27. Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-9675 (1994). *See generally* TODD S. DAVIS & KEVIN D. MARGOLIS, *BROWNFIELDS: A COMPREHENSIVE GUIDE TO REDEVELOPING CONTAMINATED PROPERTY* (1997); ROBERT A. SIMONS, *TURNING BROWNFIELDS INTO GREENBACKS* (1998); William W. Buzbee, *Brownfields, Environmental Federalism, and Institutional Determinism*, 21 WM. & MARY ENVTL. L. & POL'Y REV. 1 (1997); Joel B. Eisen, "Brownfields of Dreams?": *Challenges and Limits of Voluntary Cleanup Programs and Incentives*, 96 U. ILL. L. REV. 883 (1996); Joel B. Eisen, *Brownfields Policies for Sustainable Cities*, 9 DUKE ENVTL. L. & POL'Y F. 187 (1999); David B. Hawley, *The Brownfields Property Reuse Act of 1997: North Carolina Creates an Additional Incentive to Reclaim Contaminated Properties*, 76 N.C. L. REV. 1015 (1998); Paul S. Kibel, Essay, *The Urban Nexus: Open Space, Brownfields, and Justice*, 25 B.C. ENVTL. AFF. L. REV. 589 (1988); Margaret Murphy, *Brownfields Sites: Removing Lender Concerns as a Barrier to Redevelopment*, 113 BANK. L.J. 440 (1996); Georgette C. Poindexter, *Addressing Morality in Urban Brownfield Redevelopment: Using Stakeholder Theory to Craft Legal Process*, 15 VA. ENVTL. L.J. 37 (1995); R. Michael Sweeney, *Brownfields Restoration and Voluntary Cleanup Legislation*, 2 ENVTL. LAW. 101 (1995); Bernard A. Weintraub & Sy Gruza, *The Redevelopment of Brownfields*, 9 NAT. RESOURCES & ENV'T 57 (1995); Scott C. Whitney, *Expediting Productive Reuse of Superfund Sites: Some Legislative Solutions for Virginia and the Nation*, 20 WM. & MARY ENVTL. L. & POL'Y REV. 223 (1996); Tarea Koch, Comment, *Betting on Brownfields: Does Florida's Brownfields Redevelopment Act Transfer Liability Into Opportunity?*, 28 STETSON L. REV. 171 (1998); Sarah W. Rubenstein, Comment, *CERCLA's Contribution to the Federal Brownfields Problem: A Proposal for Federal Reform*, 4 U. CHI. L. SCH. ROUNDTABLE 149 (1997); John Chihak *et al.*, Public Administration Essay, *Developing Brownfields*, 19 HAMLIN J. PUB. L. & POL'Y 254 (1997) (redevelopment funding under state brownfields cleanup programs); Jonathan S. Karmel, *Second Circuit Review: 1996-97 Term: Environmental Law: Title 5 of New York's Clean Water/Clean Air Bond Act Authorizes Risk Assessment to Clean Up Brownfields*, 63 BROOKLYN L. REV. 469 (1997); Recent Development, *Maryland Brownfields Law Provides "Carrot" to Encourage Cleanup of Contaminated Properties*, 6 J. ENVTL. L. 156 (1997); Forum, *Will Brownfields Initiatives Really Work?*, ENVTL. F., May/June 1995, at 28.

28. *See generally* Aaron Cooper, Note, *Understanding Causation and Threshold of Release in CERCLA Liability: The Difference Between Single-and Multi-Polluter Contexts*, 52 VAND. L. REV. 1449 (1999) (advocating proof of causation where single polluter, but no such burden where multiple polluters, and instead shifting the burden to the defendants to prove divisibility as an affirmative defense, as a balance to strict liability).

Second, one might challenge the emphasis on the reuse of polluted industrial parks over making the cities of the Ruhr more liveable or targeting subsidies to create the most jobs. These projects, however, preserve the region's heritage and history and provide a unique recreational and economic resource. Indeed, the Emscher project presents a bold statement, on a scale with Berlin's urban renewal, that decline is not to be the fate of this resilient nation, not in any district or region.

Another notable project in the region is the adaptive reuse of an abandoned newspaper printing plant in Essen called "Girardet Haus."²⁹ In the center of an old and formerly depressed industrial-commercial and residential district the large factory complex was slated by the city for demolition. Instead, a private sector developer purchased the building and had to battle the city to rehabilitate the structures and construct extensions of the existing buildings to house offices, restaurants, cafes, shops, and a hotel along with residential flats. In addition, the building contains a daycare center, a school, and a full service medical clinic complex. The attractive project fits well into the surrounding neighborhood, preserves a significant historic building, and as a result has sparked revitalization of the entire surrounding neighborhood. Girardet Haus makes a powerful argument for transit villages: mixed uses of commercial, recreational, and residential development offering lively pedestrian-friendly spaces and streets, generating a sense of community.

Central to the region's economic revitalization strategy are commercial and recreational destinations to attract tourists and shoppers. The development of commercial shopping malls reflects the financial success of the American experience. In Oberhausen, on the cleared and cleaned brownfields that had been the site of a former steel mill adjacent to the Gasometer, private developers have built "CentrO." CentrO is currently Europe's largest shopping mall and recreation facility, with 2.1 million square feet of commercial space, on a 21 acre indoor and outdoor recreation park containing \$2.32

29. PETER RING, *DAS GIRARDET BAUS: NEUES LEBEN IN ALTEN MAUERN-REVITALISIERUNG EINER INDUSTRIEANLAGE IN ESSEN—RÜTTENSCHIED* (1994) (developed by Die Otremba Unternehmensgruppe, Berlin).

million in landscaping.³⁰ The outdoor park called “Adventure Island” contains a 75 foot long ship and a pirate fortress-like jungle gym, adjacent to a several story-high pagoda-like structure surrounded by sliding boards. With the recreation park targeted at children, a parking lot with structures accommodating 10,500 automobiles, its own rail station, a promenade of outdoor restaurants and cafes, a multi-screen Warner Brothers cinema, miles of fast food, and typical mall shopping the complex is popular among young people. This popularity generates rising retail sales but escalates automobile trips. The complex already contains a 12,000 seat arena, and future development phases include a world class aquarium, a 60 yacht marina, and 300 to 600 residential apartments.³¹ It is the government’s policy to only locate shopping facilities on former brownfields, while preserving greenfields.

In Dortmund an eight story train station is planned to include a modern mall and entertainment complex. The structure will hold multiplex movie cinemas, offices, restaurants, and an aquarium, all in the form of a flying saucer from a Martian invasion movie. The 150,000 square meter “UFO” (unlimited fun object) project is designed to attract regional shoppers, increase the local tax base, revitalize the largely social housing community north of the station, and support the rejuvenation initiatives for the old downtown area to the south of the station. According to Erik J. Englebrecht of the developer Immobilien Team Consulting GmbH & Co. (“ITC”), Dortmund is one of twenty-six such rail station commercial projects based on the “UFO” design that ITC is seeking to develop in Europe. In Dortmund the proposed one billion Deutsche Mark “UFO” would have eight levels, 6,200 parking spaces, 50,000 square meters of shopping, and seven thousand square meters of restaurants, and is projected to create 3,000 new jobs. Political acceptance of the design concept remains to be realized.

One might wonder why the current development pattern and planning model in the Ruhr more closely reflects Los Angeles and

30. Phyllis Gillespie, *At Centro, Fun Starts Outside the Mall*, SHOPPING CENTERS TODAY, Sept. 1997, at 53; Phyllis Gillespie, *Brits Develop Giant Mall in Germany*, SHOPPING CENTERS TODAY, May 1996, at 132 (project cost \$1.4 billion).

31. Gillespie, *At Centro*, *supra* note 30, at 53.

sprawling Southern California rather than the success of higher density outdoor pedestrian shopping districts so popular in other areas of Germany. Although the shopping malls in the Ruhr are transit accessible, the pattern appears to reflect increasing automobile use and dependency. The causes no doubt include a combination of more and better highways, consumer demand for luxury automobiles, the decline of the age of the planned community in favor of a more market-driven economy, and an environment favoring deregulation. Dortmund has located its mall at the central rail station while Oberhausen's "CentrO" enjoys a local train line and bus service to a station constructed within the "CentrO" complex. Nevertheless, initially sixty percent of "CentrO's" patrons arrived by automobile, increasing in the first year of operation to a dramatic seventy-five percent. This modal split disparity should continue to increase as more housing developments are being located on the outskirts of the region's cities and towns.³² Even the excellent autobahns,³³ or limited access, and typically unlimited speed, superhighways are congested at rush hours, leaving the region's roadways resembling Los Angeles or Istanbul rather than a picturesque "Romantic Road" through Bavaria.

Each of the cities that make up the megalopolis called the Ruhrgebiet have an attractive pedestrian shopping mall, from Essen to Oberhausen, Dortmund, or the "Bermuda Triangle" of shops, restaurants, and pubs in Bochum. The new shopping districts of the Ruhr augment rather than compete with nearby Dusseldorf's sophisticated Königsallee ("Ko"). New shopping malls that may enjoy tax and other development incentives enjoy a competitive advantage over traditional small shops, and "mallification" could spell a decline for the relatively historic post-World War II rebuilt pedestrian districts. Each of the cities is hoping that the regional malls will generate economic growth and job development, without any destructive competition. While the simultaneous development of

32. The development pattern has spawned the label "green widows" as a reference to mothers with children and a kindergarten or elementary school in a district with nothing else, thirty-five kilometers from the city where the husband works and commutes.

33. Wegener, *supra* note 16, at 4 (autobahn system in the Ruhrgebiet includes a huge grid of five east-west and six north-south autobahns).

a series of malls in the Ruhr has a dramatic impact on the perception of the region's revitalization, the cumulative number of traditional pedestrian shopping districts and modern malls may not be excessive for a regional population in excess of five million.

By the summer of 1999, the "mallification" of Europe was well underway. Vienna will be cineplex theater central, with shopping malls and the popular factory outlet center the latest strategy for commercial success. Vienna is also rehabilitating and converting three brick gasometers to a shopping center. Prague is planning a number of suburban malls, one larger than Centro or the Mall of America. In Istanbul, Akmerkez, the largest and newest mall in Turkey and a symbol of that beautiful city's modernity, is competing in "the most mall square footage in the world" contest. Berlin is finding that suburban shopping centers on rural sites just beyond the city's borders are attracting customers from higher price, higher rent, well-planned mixed-use transit-accessible shopping districts. Traditional shopping in Berlin, by comparison, has been carefully, and expensively, integrated with public transit and pedestrianized communities. New suburban shopping centers on non-transit served highways, and just beyond Berlin's regulatory authority, however, offer lower prices and encourage an automobile-based society by offering further incentive to choose a low density suburban lifestyle dependent on automobile usage.

The mall is not, however, the universal model for European or German community development. Wittenberg, Germany, is developing a beautiful pedestrianized *Hauptstrasse* (Main Street) in its *Altstadt* or old town, following the successful model of Heidelberg, or the pedestrian shopping district of Cologne. Los Angeles presents a dramatic contrast to the German retail scene. Long the mall capital, with continuing astounding success in retail sales and tax generation, Angelenos appear to prefer the traditional main street outdoor pedestrian shopping found in Old Town Pasadena, Santa Monica's Third Street Promenade, Larchmont, Melrose, Montrose, or the Latin flavor of Broadway to the sameness offered by the Gallerias.³⁴ Ironically, future mall development and

34. Aaron Curtis, *A Place in the Crowd-The Appeal of Gathering Spots Such as Old Town in Pasadena and Third Street Promenade in Santa Monica Stems from Equal Parts of Planning*,

redevelopment may seek to create an interior “outdoor” traditional main street layout, with central landscaping and wide sidewalks along storefronts, exchanging food courts for various “outdoor” cafes and sidewalk vendors. Entertainment by street musicians might replace the recorded music often heard at malls.

VI. CONCLUSION

German social sustainability projects, although not perfect, provide an example for social sustainability development in the United States and elsewhere. The public sector Ruhr projects ostensibly present a questionable use of taxpayer money based on strictly economic concerns. “CentrO,” a private development, also enjoys deep subsidies in the form of the environmental cleanup and site preparation. The steel industry was relieved of any legal obligation to clean up existing pollution.

The grandiose design of the Ruhrgebiets’s dramatic attempt to provide itself an economic, environmental, and aesthetic makeover is probably essential to undo the typically indelible label of “declining region.”³⁵ It is this grandiosity that is an essential element of social

Social Alchemy, and the Fickle Sense of Fashion, L.A. TIMES, July 4, 1995, at B.

35. Kunzmann, *supra* note 16, at 288. Professor Klaus Kunzmann of the University of Dortmund has put forward seven principles of regional creativity which are necessary to attract development. The seven elements include: (1) a diversified and differentiated set of educational institutions, (2) a diversified system of public and private research and development institutions focusing on research and development, (3) a cultural environment serving a multicultural society, (4) a positive international image, (5) a high quality natural and built environment, (6) a broad information base of print, audio and visual media, and (7) a socio-political environment open to innovation. *Id.* at 290. The revitalization strategy in the Ruhr appears to address these seven principles. Achievement of regional aspirations would endorse Professor Kunzmann’s model and, as well, the notion of “social sustainability.”

Professor Kunzmann has appropriately asked whether there exists a set of criteria or conditions for social sustainability. Social sustainability, however, represents a subjective requirement that the investment or combination of programs must make an aesthetic and physical impact sufficient to alter both the community image and public perceptions, replacing a sense of hopelessness with a promise of prosperity. I leave to future research to discover models or formulae for social sustainability, but I suspect that, as in the case of neighborhood revitalization, the nature and extent of investment necessary to ignite private market investment enthusiasm and confidence is a function of the desirability and accessibility of the location, the conditions of adjacent neighborhoods, the nature of the competing residential and commercial markets, the regional economic conditions, and a bit of coincidence, luck, and the dynamic of chaos theory.

sustainability.

What is being accomplished in the Ruhr, as well as in Berlin, Hellersdorf, and Wittenberg, must also be evaluated in social or political terms as well as according to a direct cost-benefit economic analysis. Instead of declining, like so much of America's "Rust Belt," Germany has dramatically addressed revitalization of the former East Germany, and similarly has taken a leadership role in doing some very sophisticated high visibility projects to announce that the Ruhr will not be permitted to continue its decline. These projects may very well succeed in stimulating private sector investment in such historic industrial communities. As an adjunct to these industrial infrastructure reuses, each of the cities, along with professional sports stadia and cultural infrastructure including theaters and museums, is undertaking new housing and housing rehabilitation efforts. With the emphasis of regional and international shopping, each of the cities is looking to enhanced tourism to render the region more attractive to investment and the traditional job creation that in the past has eluded the Ruhr for more attractive locations.

The strategy of the Ruhr provides a great lesson for America's declining industrial belt. Historic preservation is not just about aesthetics and architectural appreciation. Historic preservation is about larger values of optimism in community revitalization, providing diverse cultural environments and generating an environment of attraction for investment, tourists, and people in search of a stimulating community with a high quality of life. Communities need to identify and preserve their unique cultural heritage while creating entertaining spaces with specialized museums and parks. This might mean steel mill theme parks in Youngstown, movies and southwest heritage parks and museums in Hollywood, military theme parks on abandoned bases, or farmers markets in both rural and urban neighborhoods.

The strategy and general ethic of current local German planning is to provide livable, attractive communities that are friendly to pedestrians, bicyclists, and the environment. The strategy utilizes mixing offices, recreation, commercial shopping, and housing designed around specialized cultural centers, museums, exhibition halls, indoor and outdoor theaters, restaurants, cafes, and clubs. Safe, attractive, and walkable neighborhoods designed around local

cultural and historic resources and accessible by public transit offer a desirable model for many American communities.

One significant difference between planning in the United States and Germany is that a fundamental goal of German spatial-economic policy is to reduce regional socioeconomic disparities, targeting programs and taxation to depressed areas.³⁶ In the United States, although congressional spending programs often target certain programs to depressed areas, regional disparities are largely problems faced by individual states and are too often inadequately addressed. Although the Ruhr benefited from such policies since reunification, as in the case of the IBA Emscher Park program, most equalization resources are targeted to the former East German states.

Another significant difference between planning in the United States and Germany is the emphasis of German planning on the preservation of city life and serving the interests of the community as compared to the American land use focus on private domesticity, the glorification of private life, and the individual aspirations of the affluent. This emphasis subjugates the preservation or creation of city life according to a model of the normatively desirable community to the interests of private life.³⁷

Social sustainability should be recognized as a vital non-ecological element to the larger environmental model of sustainability. The fall of the Berlin Wall is important not just as a victory for liberty, but as a testament and evidence that what is universally perceived as impossible can in fact become a reality, that anything is possible, and that miracles can indeed happen. Berlin's success in rebuilding its divided city on a grand unimaginable scale, stabilizing a community's least attractive and most distressed neighborhoods as in Hellersdorf, and Germany's undertaking to

36. B.W. LAMBREGTS & M. SPAANS, THE DEVELOPMENT AND FINANCING OF PUBLIC REAL PROPERTY IN URBAN AREAS IN BELGIUM, GERMANY, FRANCE AND GREAT BRITAIN 4.3.1, at 4-42 (1998).

37. Matthew A. Light, Note, *Different Ideas of the City: Origins of Metropolitan Land-Use Regimes in the United States, Germany, and Switzerland*, 24 YALE J. INT'L L. 577, 585-86 (1999). See also Clifford Larsen, *What Should Be the Leading Principles of Land Use Planning? A German Perspective*, 29 VAND. J. TRANSNAT'L L. 967, 1020-21 (1996) (German planning officials enjoy greater autonomy as compared to American officials, and the German notion of freedom is more communitarian than its notion of individuality in the United States).

revitalize the former East Germany and the depressed Ruhr are examples of social sustainability. These ambitious programs offer adaptable examples of urban revitalization and a promise of hope for the most neglected of neighborhoods.

FESCHRIFT FOR DAN MANDELKER

It is a great privilege to contribute to a work honoring The Howard Stamper Professor of Law, and my friend, Dan Mandelker. For a quarter of a century Dan has been the dean of American land use law. During our not long enough years of collaboration, Dan has been my mentor and rabbi,³⁸ and I have learned much from him. He taught me how to be productive,³⁹ the importance of meeting deadlines,⁴⁰ how to teach,⁴¹ the importance of mentoring other

38. In popular fiction every young cop needs a rabbi: typically an officer on the rise in the administration who will offer advice or assistance. Having a rabbi in academia can also be valuable.

39. It was easy because you just worked twenty hours a day. When you were not typing text and footnotes—preferably on two typewriters—you were reading every case in the field in every West Reporter, many of the law review articles, and every book on the subject.

40. I have had collaboration experiences that went on for years and often wondered if the product of collaboration was inversely related to the amount of collaboration. Working with Dan was quite different. Dan was precise on production schedules. Indeed, he resolved every question raised according to how the answer would affect completion of the schedule. Over the course of producing three editions to our casebook, DANIEL R. MANDELKER *ET AL.*, HOUSING AND COMMUNITY DEVELOPMENT LAW (1981) over the past twenty years, the co-authors would on occasion witness how Dan, or perhaps he should be known as “The Godfather,” would address someone he was mildly miffed with and appeared not to recognize someone who had missed a deadline, perhaps it was our imagination. Avoiding Dan’s wrath and receiving his approval was a significant added motivator. I imagine I would have felt a similar fear were I one of Dan’s students, not wanting to know the consequences of being unprepared for class.

41. I learned a lot of my land use from Dan’s casebook, DANIEL R. MANDELKER & ROGER CUNNINGHAM, PLANNING AND CONTROL OF LAND DEVELOPMENT (1979). I may be one of the few, but I especially liked the several thousand page first edition. The book nearly taught itself the way excellent teaching cases were selected and judiciously edited, and set adjacent to contrasting rulings, allowing the luxury of sophisticated synthesis that is too often missing from today’s teaching materials—materials that are shortened to meet marketing principles and simplified to allow the coverage of too many issues and topics. Dan’s treatise, DANIEL R. MANDELKER, LAND USE LAW (4th ed. 1997), has become the bible for courts and commentators. I also learned state and local government law from teaching from his excellent casebook in that field DANIEL R. MANDELKER *ET AL.*, STATE AND LOCAL GOVERNMENT IN A FEDERAL SYSTEM (4th ed. 1996).

The most intense education came from our housing casebook. Many of us taught housing courses, usually from our own prepared materials, which were often idiosyncratically designed around the research interests of the instructor. Dan assembled a team of teachers, each of whom

teachers,⁴² and he taught me the danger of specialization. While many scholars and teachers have profited from a focus within a narrow subject matter, Dan demonstrated by his mastery of the law of land use,⁴³ the environment,⁴⁴ housing and redevelopment,⁴⁵ and state and local government⁴⁶ and that you must also be on top of constitutional law, legislation, antitrust, and a good deal of taxation.

The most important lesson I learned from Dan was the theme that ties all his scholarship together and describes his approach to both law and society: a pragmatic, common-sense, soft-spoken

had engaged in significant research in the areas that Dan envisioned would comprise a unified course book for the core concepts and issues of a book on housing and urban revitalization. Dan had us prepare elaborate detailed outlines of the issues, materials, and questions that should be included. We then met for a co-authors' seminar in Chapel Hill, and we discussed what should be included, resolved what should be emphasized, and in what order. Before we left we had a clear image of our production assignment and how it related to the remainder of the book. We also had our production deadline.

Additionally, Dan showed me that teaching is also accomplished through demonstration. Over the years I have frequently enjoyed participating in conferences with Dan and observing his presentations. I have had the privilege of knowing a significant number of teachers and scholars who were wizards in their fields. I have known very few who, like Dan Mandelker, maintain a finely tuned expertise in a whole series of subjects. Not just the central principles of the fields, but an intimate acquaintance with literally thousands of cases and statutes, their analysis, and their practical application. Dan demonstrated that it could be done. Dan is like the computer whiz who shows you how to go four or five levels above your best performance on a computer game. If Dan were born a bit later he would have been the first kid in the neighborhood to save Zelda. *See: The Legend of Zelda* (Nintendo 1985)(videogame). Watching Dan in action is like a first trip to the art museum after working at an easel with poster paints for a semester in kindergarten.

42. This is a role that we should also strive to repeat-being a resource for those coming up in our fields. As busy as Dan has been keeping his prodigious publishing empire afloat, he has always made time to have a meal or return calls to eagerly discuss questions of law or to serve as a sounding board for a whole range of personal and professional questions. Dan is also a fan of his colleagues, proud of each, and eager to encourage their work and give suggestions for the next project.

43. DANIEL R. MANDELKER ET AL., *FEDERAL LAND USE LAW* (1986 & Supp. 1997); DANIEL R. MANDELKER, *LAND USE LAW* (4th ed. 1997); DANIEL R. MANDELKER, *MANAGING OUR URBAN ENVIRONMENT* (2d ed. 1971); DANIEL R. MANDELKER, *THE ZONING DILEMMA* (1971).

44. DANIEL R. MANDELKER, *ENVIRONMENTAL AND LAND USE CONTROLS LEGISLATION* (1976 & Supp. 1982); DANIEL R. MANDELKER ET AL., *ENVIRONMENTAL PROTECTION: LAW & POLICY* (2d ed. 1990); daniel r. mandelker, *nepa law and litigation* (2d ed. & Supp. 1997).

45. DANIEL R. MANDELKER & ROGER MONTGOMERY, *HOUSING IN AMERICA: PROBLEMS AND PERSPECTIVES* (2d ed. 1979); DANIEL R. MANDELKER ET AL., *REVIVING CITIES THROUGH TAX ABATEMENT* (1980).

46. DANIEL R. MANDELKER ET AL., *STATE AND LOCAL GOVERNMENT IN A FEDERAL SYSTEM* (4th ed. 1996).

authoritative advocacy for the three ostensibly incompatible goals of fairness, efficiency, and justice for the powerless. Dan has always been an advocate for those who have failed to prevail in the democratic system, the poor and people of color. Dan was not only an expert in the arcane universe of environmental law, but he straightforwardly advanced principles that would protect our precious environment. Yet, Dan's was not the rhetoric of the ideologue. Always keeping fairness to the landowner and the need for growth and development in mind, Dan's was a quiet voice of reason.

My favorite Dan Mandelker lesson, however, and the one to which this article is dedicated, is the importance of scholars to look beyond our national borders.⁴⁷ There is an excitement to discovering how different societies have faced problems, along with the similarities and contrasts of those experiences. There is a richness and excitement in the classroom generated from taking a more global view to our ecology of urbanism. The field research is also a good deal more amusing than living in library stacks or in front of a computer. Thank you Dan.

47. DANIEL R. MANDELKER, *GREEN BELTS AND URBAN GROWTH: ENGLISH TOWN AND COUNTRY PLANNING IN ACTION* (1962); DANIEL R. MANDELKER, *HOUSING SUBSIDIES IN THE UNITED STATES AND ENGLAND* (1973); Daniel R. Mandelker, *City Planning in the Soviet Union: Problems of Coordination and Control*, 2 URB. L. & POL'Y 97 (1970); Daniel R. Mandelker, *Notes from the English: Compensation in Town and Country Planning*, 49 CAL. L. REV. 699 (1961).