

WASHINGTON UNIVERSITY
LAW QUARTERLY

Volume 1962

June, 1962

Number 3

SYMPOSIUM

'THE CITY IN HISTORY' by Lewis Mumford

Introductory Note

It is not too much to say that the determining factor in our lives at the present time is the growth of the city. Whether one considers health, work, transportation, retirement, amusement—even war (in its present form)—, the fact that the great bulk of our population is packing itself into ever-growing urban concentrations which can stretch for hundreds of miles is of overriding importance. Law is very much involved in all these: whenever people come into frequent contact with each other, especially if there is “property” involved, there will be legal problems. The law schools, oddly enough, have recognized this, even if belatedly. Courses, even “studies,” in “urban land use planning” and similar subjects spring up on every side. To an even greater extent, they exist in architecture schools, and most universities have, or are in the process of acquiring institutes for urban studies. Still, it cannot be said that the enormity and gravity of the problems have made themselves apparent to the ordinary, educated man even if he is specially educated in these fields. After all, most new buildings are designed and built, so far as one can tell, with no concern for their effect on the problems of harmonious urban development. Normally too, lawyers will be prepared to assist manfully in whatever rezoning may be necessary in order, for example, to make an overly congested area worse. And the problems of state and local government—which are the governments of cities—are left to the less glamorous members of the political science departments (less glamorous as compared, say, to “area” men), and to professional criminals who generally find it useful to master the details of aldermanic politicking.

Doubtless the situation will improve. (It could, of course, get worse.) Still, while it remains fluid, and before we become committed to any particular solutions, it might be well to examine the problems

afresh. It might be well, indeed, to enquire a little into what the problems are. There would seem to be few better guides for such a search than Lewis Mumford. He has, after all, devoted most of his life to the study of the city, and he is, besides, (which would not at all necessarily follow) a man of great intelligence, vast learning, and humanity. Moreover, all these aspects of the man are revealed in this book, *The City in History*. One would not expect anyone to agree with all his suggestions, or even with all his observations. Nevertheless, anyone should, at the very least, be brought up short every now and then by various things in his book. One might mention, as instances, his observations on the poor sewage in Rome at the height of its splendor, despite the existence of technological equipment to do better, or the fact that many cities became uninhabitable, with "Tom All Alones" and the like, (though inhabited by more people) not during the middle ages, but during the renaissance or even later. His feeling that the automobile is an inefficient means of transportation; his frequent organic analyses of the city and various of its functions. His condemnation of short-sightedness in planning such things as markets (or failing to plan them). Perhaps most of all, his emphasis on the fact of the city as one of the oldest of human phenomena and on its having certain essential characteristics and needs. No one, it seems safe to say, could read this book with any care and fail to find something that would give him pause and cause him to re-examine some of his ideas. There would seem indeed to be a very good chance that Mr. Mumford might well start us asking the right questions. It is, in any event, with this hope that we have set up this symposium—to see how various people interested in cities react to Mr. Mumford's book. One of the most interesting aspects of their pieces is that they all do react—in different ways, to be sure, but still, they react, and do not pass it blandly by and this indicates that *The City in History* is the sort of stimulus one had imagined it to be.

The contributors can, however, speak for themselves and they do. What must be explained probably, although it ought not to be necessary to do so, is why such a symposium should appear in a law review. There are several good reasons. One is, of course, the perennial desire to force lawyers to peek outside their cloister a bit. This is not, however, a primary purpose here, for it is believed that the problems involved are essentially legal, or, to put it another way, and probably more accurately, it is believed that law is very much a part of any solution to the various problems posed by the growth of cities. Further, that these problems can only be solved if everyone who is involved with them is willing to look outside the traditional narrow framework of his discipline. It is perhaps worth remembering that

one of the greatest achievements of the common law (perhaps the greatest if one excludes due process) was the feudal system. It had many faults, of course, but considering the situation of the time in which it was developed, it was a remarkably successful solution to the social, economic, and political problems that then existed. It, too, was not the product of lawyers alone, nor priests or kings or barons, but rather of all working together over a long period of time and making use of every idea—Christian or pagan, Roman or Scandinavian, that came along. It is just this type of untrammelled thinking that is required to deal with the problems of the city, and it is to encourage it that this symposium was prepared. We feel that we have made a good start just by getting so many people to read Mr. Mumford's book.