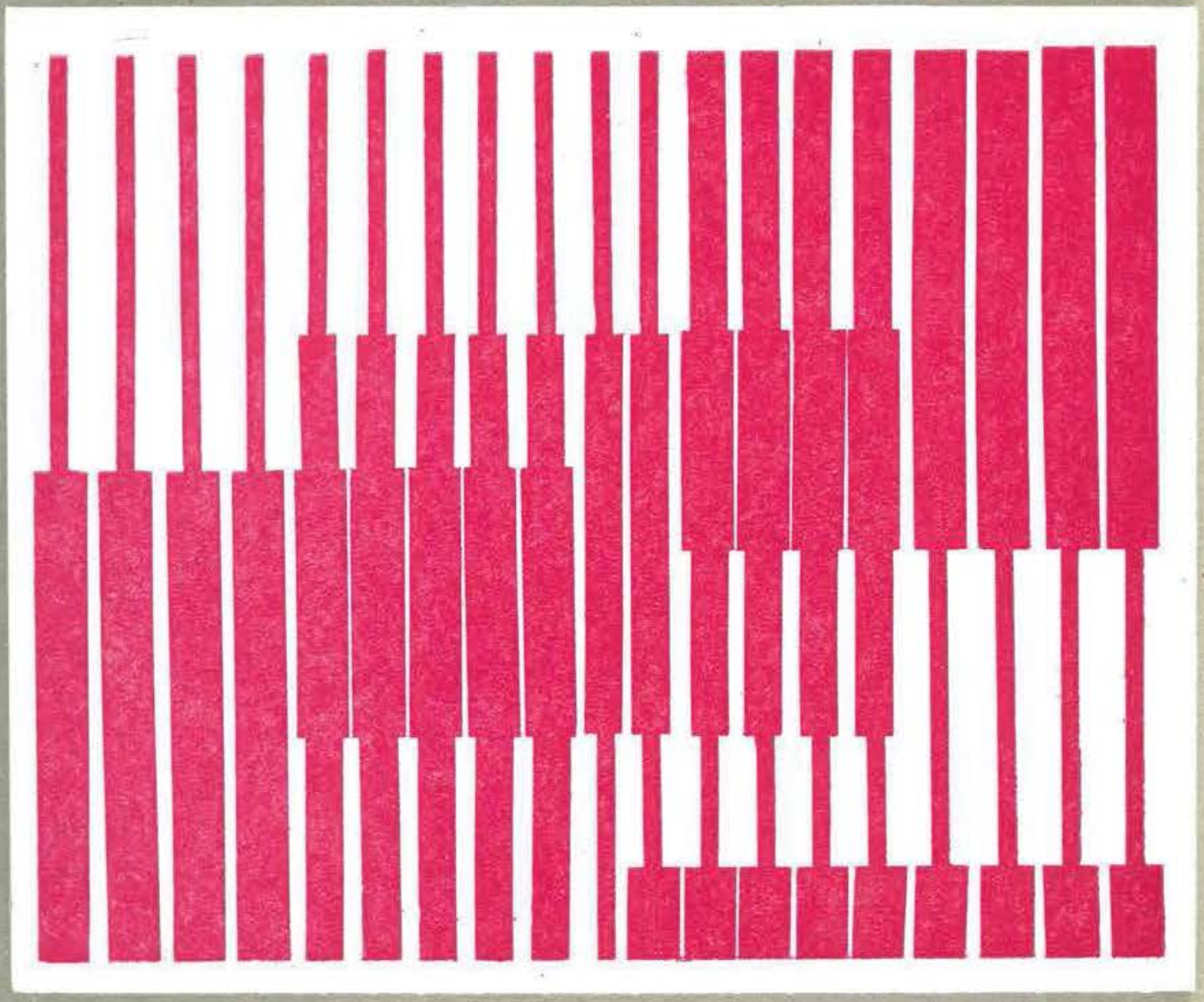
Polish Academy of Sciences
Committee for Space Economy and Regional Planning

THE SOCIAL NATURE OF SPACE

Editors: B. Hamm, B. Jałowiecki



STUDIA REGIONALIA

Editor of the series: Antoni Kukliński

Volume 2

Polish Academy of Sciences
Committee for Space Economy and Regional Planning

THE SOCIAL NATURE OF SPACE

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WARSZAWA 1990

PAŃSTWOWE WYDAWNICTWO NAUKOWE

Cover design: Zbigniew Stasik
Publisher's editor: Kalina Michalkiewicz
lay-out: Stefania Turczyńska

ISBN 83-01-08965-2
ISSN 0860-3375

Drukarnia Narodowa w Krakowie

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ERLING BERGE

Land Use Controls: Institutional and Cultural Implications[1]

INTRODUCTION

No one, it seems, questions the necessity of controlling land use, particularly not in and around our largest cities. But the unanimous agreement to controls is not followed by a similar consensus on how to do the controls (Kehoe 1976, Neufville 1981). Various procedures have been tried, but none seems to be quite as helpful in the daily efforts to execute plans for a better city as planners dream of. This has led some to think we need a stronger, more centralized land use policy and others to the conclusion we need more local decisions and reliance on private property (Neufville 1981). The reasoning is far from clear and coherent. Ideology seems to be as important as ideas about how various effects — both expected and unexpected — come about. I am not convinced the question can be resolved by reasoning alone. Ideology will in this case more than most be a significant deciding force. The choice of land use controls is very much linked to the "kind" of society one gets. The links between culture, institutional structure and land use controls are old and deeply rooted. A fundamental change in these will also be a fundamental change of the society. An indicator of the many links between society and land use is the number of disciplines where land use is a topic. In geography and regional science land use may be said to be the central topic. In other disciplines it is not the central topic, but it is at least recognized as important (see in economics: Vickerman 1980, Clark 1977, Mills 1972, Alonso 1964; in sociology: Berry & Kasarda 1977, Duncan 1961, Park 1936, McKenzie 1925, Engels 1884; in anthropology: Vayda 1969, Haaland 1969; in law: Falkanger 1980; in political science: de Neufville 1981; in psychology: Canter 1977, Scheflen 1976; in architecture: Norberg-Schulz 1978, Küller 1976; in history: Holmsen 1966).

But even if much is known of land use, an integrated perspective on the links between societal development and land use seems to be missing. The present paper

[1] I appreciate the advice and comments received from Svein Einersen Helge Espe, Randi Hjorthol, Andreas Hompland, Lise Kjølsrød, Åsmund Langsether, Jens Nystad, Trygve Solheim, Knut Magne Sten, Jan Eivind Myhre Asle Selfors, Hans Sevatdal, Eli Fure, Kåre Lunden, Erik Langdalen, Morten Edvardsen, Daniel Rogsted and the editors of this volume. But I shall of course take responsibility for errors introduced both by my stubborn inability to listen to advice and my great ability to leap to unwarranted conclusions.

endeavours to discuss some of these links. I will begin by asking why we need land use controls and by trying to understand the processes forcing one type or another of control to be adopted. This, I think, will help us see how a particular control structure affects the shape of institutions and culture in our societies. The paper tries to outline the logic of land use and some institutional and cultural implications of the kind of control institutions adopted in Norway. It will be argued that rural and urban societies need different land use controls and that our present land use controls not quite are suited to either of them. Both urban and rural communities encounter problems applying the present controls.

THE LOGIC OF LAND USE

Classical human ecology identified competition as the central process in society, particularly the competition for land (Theodorsen 1961, 1982), and was later criticized for this (see Hawley 1950). Both the classical position of human ecology and the critique of it identified competition as a process. I think this gives the wrong associations. Competition is not ONE process, but rather a general property of a class of processes which, of course, we may call competitive processes. It is the competitive logic which shapes these processes. Of course, the competitive logic is not alone in shaping a process. Other forces, like the cooperative logic, will be at work at the same time (Berge 1983). But here we will be concerned with the logic of competition and particularly as this appears in land use processes. The formal properties of the competitive logic is studied in game theory (Luce and Raiffa 1957). It has to do with conflicts of interest. If circumstances force actors with at least partly conflicting interests to interact, a competitive process develops. But the precise shape of such a process depends on how "circumstances" moulds the interests and constrains the development of a conflict towards some kind of solution. The most interesting aspects of competitive processes are thus the "circumstances" shaping the processes (Hollingshead 1947). These "circumstances" I shall refer to as cultural and institutional arrangements. Land use may be a particularly instructive field for studying the inherent logic of competition and how cultural and institutional arrangements are working to overcome the various destructive consequences of competition as well as to further its benevolent aspects.

In an outstanding article Hardin (1968) has described a type of social process he calls the "The Tragedy of the Commons". The tragedy resides in the remorseless working out inherent processes whatever the victims of these processes think or feel. It is illustrated by the pasture open to all: the commons. It seems reasonable that all herdsmen will try to keep as many cattle as possible on the commons. As long as tribal wars and deseases keep the numbers of both men and beasts well below "the carrying capacity" of the land the system works to everyones satisfaction. But, finally, one day stability and peace become reality. That brings on the tragedy. As each herdsman adds cattle to his herd, the inherent logic of the process assures that overgrazing destroys the vegetation, then drought and wind destroys the soil. First beasts then

men starve. As each man tries to better his future, together they will destroy it. Such are the rules of this game. Hardin concludes: "Freedom in a commons brings ruin to all".

With a given technology and social organization the ecological laws determine and upper limit to the number of people living selfsustained within an area. A society approaching this limit and exceeding it, will experience a growing number of conflicts of increasing severity. If the society is unable to reorganize itself it will find that either war or ecological disasters of the "tragedy of the commons" type will do it for them. The major problems for institutions controlling land use are thus twofold. They have to establish procedures and decision rules which can keep conflicts over access to particular areas from escalating to full scale war. And this must be done in a way which can give some protection against longterm deterioration of the land resources the society is tied to. The institution of property in land is one solution to this problem. And I will stress ONE. There may be other solutions (see Forde 1934), but they are not adapted to the technological level or integrated in the culture of our societies. Hence their interest is rather limited.

PROPERTY IN LAND AS LAND USE CONTROL: THE CASE OF NORWAY

Property rights may be given a variety of forms, and various classifications exist (Selfors 1983). An important distinction goes between private and public ownership. For private ownership it is important to distinguish between individual and corporate property rights (Denman 1978). For many purposes, however, corporately owned land can be treated as publicly owned. For the present discussion the important distinction is between individual and public/corporate property rights.

In a "commons" society, if property rights are recognized at all, they are corporate. The land belongs to the tribe or tribes. No single actor has the interest and/or the power to enforce any limit on the resource extraction of all the "owners" of the land. The industrialized countries today are far from being "commons" societies. What we in Norway call commons, are mostly publicly owned land (state commons) where legislation regulates use rights and resource extraction (e.g. hunting). However, the world still has one type of commons where we to some extent can see the tragedy of the commons repeated. The oceans of the world are still open hunting grounds for anyone who wants to harvest. But around the North-East Atlantic the countries have had to extend their area of control to avoid overfishing and destruction of the resource base of the fishing industries. This has in fact converted the previous "commons" into a state commons where the various sea states take responsibility for the management of the resources. Yet, the parallel is only close. The fish do not recognize the delimited territories. Overfishing may still be a possibility. But the negotiations necessary to protect it as a resource to all have become easier (Conybeare 1980, Underdal 1980, Hovi 1983).

This may seem to be a so called "natural" extension of the principle of property

rights in land which has been central to among others the Norwegian society. It may also be seen as an example of a rather inevitable outcome given the logic of land use and the cultural and institutional setting of the process. The importance of private property rights to land is similar in all the countries of Europe. If Norway is special in any way it must be in providing a particularly pure case of the connection between a rural culture and the institutional form of property rights to land.

In a rural society the critical problems of land use, seen from a conflict management perspective, are to keep track of the owner of the land and the boundaries of the property and to device rules for transfer of the property or part of it from one owner to another. From the resource management perspective the problem is to ensure that the long term conservation of the soil is encouraged. As far as this can be achieved it is ensured by self interest through the link between one generation and the next (rules of inheritance). One recognition of this link is manifest in the legal preference of near kin in any conflict of property claims (laws of "odelsrett" and "åsetesrett"). It is also interesting to note that during the long period where renting land was an important way of getting access to its use, there evolved a legally sanctioned norm that those renting land had a duty to maintain the quality of land and buildings "(åbudsplikta", Holmsen 1966, pp. 129). In this system of land use the question of who actually farmed the land and how the land was utilized had less public interest than who owned it and should be playing taxes from it. As long as the owner paid taxes and did not trespass the property rights of other owners he was free to utilize the land as he liked. The consequences of what was done or not done he had to suffer himself.

In Norway private property rights seem to have been the primary mode of ownership with corporate ownership playing an important role for marginal land like mountain land, wood land etc. The rules were similar for towns and rural districts. But the property rights which ownership conferred upon an individual have been slowly changing throughout our history. At first ownership must have been equivalent to the exclusive use of the land the exclusive use of the proceeds from farming the land. Among the forces working to complicate this picture, rules of inheritance and taxation were important. If a physical subdivision of the land was impossible, when several siblings were to inherit, they would inherit parts of the assessed land rent ("landsskyld") which also was the basis for levying taxes. Steered by the rules of inheritance and taxation there evolved an absentee ownership institution in the sense of having a right to a part of the land rent. The inheritance rules did not resolve who should actually farm the land. This was settled through the laws of "odelsrett" and "åsetesrett" by giving priority to closer kin before more distant, men before women and older before younger. But if none of the owners could or would farm the land, some had to decide on renting the land. The right to rent the land (the "bygsel") became a more and more important part of the property rights as duties on those renting the land were assessed separately from the land rent and were not taxed.

By the end of the 16th century we had a rather complicated web of owners and renters. In central districts one rarely found a farmer who also was the single owner

of his farm. The king and the Church were important institutional owners. Corporate ownership of land represented an additional complicating factor to the picture of ownership of land. Often various parts of use rights (rights to wood, to hunting, to fishing, to farm the land) were distributed to different parties. Also some of the land has moved back and forth between corporately owned and individually owned. To some extent this was a result of population pressure and new technology affecting the utility of previous marginal land. But the flow of generations and rules of inheritance also contributed. A subdivision of an estate often left some of the land undivided as corporately owned. A few generations later new subdivisions and complicated rules for sharing the common property rights made it necessary to redistribute the property rights to individuals (Sevatdal 1971, Holmsen 1966).

While the picture of actual property rights and their institutional management is rather complicated, the cultural priorities may have been simpler. The ideal was to be the single owner of at least the land upon which one worked and lived as usually was the case with the more well to do farmers/landlords whether in rural districts or in the city. In some marginal districts in the mountain areas the single owner/user of a farm was the modal form of land use (Agder in 1661 had 54.5% owner/user; for the country as a whole it was 20%, Dyrvik *et al.* 1979, table 8). In these districts the preoccupation with boundaries and the attachment to the particular land where ones ancestors lived, seems to have been particularly well developed (Holmsen 1966).

During the 17th and 18th century the opportunities for becoming the single owner/user in the culturally preferred way became better. At first because of sales due to the inflation reducing the value of land rent for absentee owners and a greater need for capital from both the state and merchants/industrialists. And by the end of the 19th century the single owner/user mode of land use was not only the modal form but also a political priority.

The increasing importance of the single owner/user during the 19th century may be seen as part of an individualization process of the rural population. This individualization process was furthered by the Land Consolidation Act of 1821. Particularly after the revision of 1859 the process of redistribution property rights and consolidating property boundaries gained speed. The application of the law was usually welcomed. And the opportunities to move houses out of the old clusters mostly utilized.

The achievement of the single owner/user farmer as a dominant form is thus rather recent. Formally one may say it was achieved in 1928 by enacting the Agricultural Land Act. This law put an end to the cottager-system of renting land. During the last 30 years, however, there seems to have been an increasing number of absentee owners again (Røsnes 1979, Selfors 1980). This a sign of the changing problems of land use control caused by changing technology, changes in industrial structure and cultural priorities. The heyday of rural society is over. New restrictions had to be put on the property rights of land owners. Some were enacted in order to protect the rural society dominated by the single owner/user. The revision of the Agricultural

Land Act of 1955 require land owners to keep agricultural land in good condition. In earlier times it was the person renting the land which had a duty to maintain its condition (åbudsplikta). The switch is illuminating for the changes in the power of the farmers and an indication of their ideological commitments. A revision of the Concession Act in 1974 require in principle (but with some exeptions) that the government decides who shall get permission to aquire land. In order to aquire agricultural land the prospective owner is required to settle on the property and run it himself (Stubkjaeer (ed.) 1981). But other acts, like the Building Law of 1965, were not designed to suite the agricultural sector. We shall return to this later.

LAND USE CONTROLS IN CITIES

In the city the rights of ownership seems to have functioned in much the same way as in rural districts. When King Christian IV of Denmark-Norway in 1624 after Oslo had burned, moved the city and renamed it Christiania, he delt out use rights to all burghers who wanted it and promised them ownership if they built their houses and used them "year and day" (Bull 1927, pp. 8). Ownership was acquired by use of the land. This seems very much to be the original form of acquiring ownership and has in several cases been confirmed by court rulings even in our own century. But now it is the rare exception.

However, even in 1624 this way of aquiring ownership of land was not usual. From Magnus Lagabøter's law[2] for the city of Bergen from 1276 (Robberstad 1923), it appears that some way of purchasing land was necessary in order to aquire the right to build on it. It specifically says that if anyone builds on land belonging to another man, it takes 20 winters with no legal action taken against it before ownership of the land is aquired.

But as interesting is the order of preferred buyers established for anyone wanting to sell his holdings. First the King, then the neighbours were to be offered it. Only after their refusal to buy were the owner free to sell to anyone of his own choice. The right of the community to control transfers of land was a fact in 1276 and it must have been so for some time. This right is still discussed. Today it may seem less selfevident than what appears from the law of 1276. The law also includes rules for absentee owners. One year after they stop fulfilling their duties as citizens their property is

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[2] During the years 1263-1280 the Norwegian King Magnus Lagabøter (literally: "Law mender", 1238-1280) codified and unified the legal foundations of the Norwegian empire. It amounted to 4 books of laws for the 4 rural Things, 4 books of laws for the 4 cities Bergen, Nidaros, Oslo and Tunsberg, one book of laws for Iceland, and one book of laws, the "Hirdskrå", for the servants of the King and state. As far as possible the 9 first books were made identical. The laws for the four cities, particularly the one for Bergen, contains interesting paragraphs pertaining to land use control not found in the rural laws. The 8 laws for Norway were the main legal foundation until replaced by Christian IV's book of laws from 1604 which was intended as a translation of Magnus Lagabøters law for the rural areas.

transferred to the King. The use of the land is necessary in order to maintain the property right if not to obtain it.

Nuder (1976) notes that the land of the Swedish towns used to be corporate property (also Améen 1964). Private ownership as basis for the right to build dates from the early 19th century. I am not sure how general this situation is, but Hofstee (1972) reports that even during the middle ages common property was very much in evidence and private property was surrounded by more restrictions than later during the 19th century.

We started out with a community controlled property right transfer requiring use of the land to maintain the property rights. We ended up with a pure business transaction between free agents involving all use rights including the right not to use the property. This shift is significant. It has to do with the cultural distinction between public and private (Sciama 1981). A rural culture tends to develop notions of what properly belongs to the private sphere and what belongs to the public sphere very much like the distinction between private and public/corporate property. What happens within the boundaries of ones property belongs to the private sphere. In his own house even the poorest man was king said "Haavamaal" (part of the older Edda, songs and sayings from before Christianity was introduced to Scandinavia).

This is an interesting contrast to what one would expect to develop in an urban culture. A number of small plots each owned by a citizen leads to a social situation which is very different from the rural society. The institution of property in land may be the same, but the social and cultural dynamic is different. Hence the consequences will be different. Because of the small size of the plots of land, neighbours may easily observe what is going on.Many of the products of an activity may affect the neighbours (e.g. noise, air pollution, sewage etc.). Hence, in a city it will be important to know and be able to influence what goes on within the boundaries of any particular property. In a city, what goes on within the boundaries of a property, would tend to belong to the public sphere. Hence, land use controls within an urban culture would be expected to regulate the activities as well as the boundaries of properties.

And inMagnus Lagabøter's law for the City of Bergen we do indeed find a detailed description of where the various occupations can be pursued. It is in fact a detailed zoning regulation. Also the use of fire in various ways is regulated in detail. In King Christian V's book of Laws for Norway from 1687 no trace of these paragraphs can be found (Mejlander 1872). Probably it is also absent in Christian IV's Book of Laws from 1604 which replaced Magnus Lagabøters Books of Laws from 1276 (see note 1).

If an urban land use control could be made into law in Bergen in 1276, why could it be abandoned in 1604? Two reasons may be suggested. After the downfall of the Norwegian empire and the Black Death 1349-50, the Norwegian cities became unimportant for a long period. Land use control within the cities could be left safely with the city administration and the traditional self rule accorded the burghers. Magnus Lagabøter's laws were sufficient, and probably used as guide even after 1604 if not replaced by city determined regulations. Later on during the 17th and 18th centuries

when the cities again started to increase both in number of people and in political significance, another force may have tended to delay the development of an urban land use control institution.

Larger cities have during most of their history only rarely and for brief periods been able to reproduce their own population. In order to maintain their size and even grow they needed a constant supply of new immigrants. These would be from rural areas and would be firm believers in the propriety of individually owned plots of land. This would ensure a constant demand for individually owned land also in the towns and cities. And even more important may be that they certainly brought along their cultural notions of what belonged to the private sphere.

It is interesting to note that the decline of community control of property rights come at the same time as both the industrialization process and city growth take off. This is particularly noticeable in Sweden where community control of city land seems to have had a stronger basis than in Norway. Here the decline can be dated to about 1800, but the big changes seem to be concurrent with the industrialization period 1860-1900 (Améen 1964) The early industrialists, both in Sweden and England, had close ties with the landed aristocracy (Moore 1966, Wallerstein 1980) which easily retained and strenghtened its cultural hegemony despite the increasing wealth and population of the cities.

We can only note how well suited to an urban industrialization the rural land use culture was. Acquiring a piece of land and minding his own business the rural/urban entrepreneur was free to pollute his surroundings with smoke, noise and other waste materials. His neighbours had no moral right to interfer. But such a situation could not possibly work for very long. And it did not. New control mechanisms, known in the 11th century, were again developed. It is no coincidence that the legal basis of our present city planning activities originated with the need to control fires and sewage (Hagerup 1981, Jensen 1981, 1982).

ON THE MOTIVATIONAL FORCE OF LAND CONSIDERED AS A COMMODITY

The above mentioned differences between urban and rural societies are important and originate from rather general social processes. I shall approach this problem by asking what makes a piece of land valuable for any particular actor. The value of land is thought of as a result of a subjective evaluation based on perceived qualities of the land. It is thus a more inclusive concept here than the classical problem of ground rent would suggest (Mills 1972; for a peceptive discussion of land rent see Lambooy in this volume). The concepts urban and rural are here used as ideal types. Rural are used to denote a society with agriculture as its primary industry organized as owner occupied farms of various sizes. Urban is used of societies where agriculture does not play any part and with a relatively dense settlement — at least compared to the surrounding country.

In general it is assumed that an actor will consider four different aspects of the land in determining the value of the land for him.

1) The land considered as locality for a particular activity the actor wants to pursure. In an agricultural society this means the actor mostly will consider the quality of the soil and the effort previously spent on its cultivation. In an urban society the type and quality of any buildings located on the land will hold most interest.

2) The land considered as strategic location in relation to other significant actors. In an agricultural society this means considering the location of the farmland in relation to the dwellings of kin and friends as well as to markets for surplus production. Transportation and communication channels are decisive for this quality of the land. In an urban society it primarily means location in relation to markets and other actors one has to cooperate with in a production process. Also here transportation and communication technology very much affects the strategic position of any particular piece of land.

3) The land considered as symbol of high status.

In an agricultural society both the size of the land and the size of the surplus production would contribute to high status for the owner. In an urban society the size of the holding and the surplus production would play a secondary role. For both legal reasons (taxation) and the properties of accumulated capital (the size of a bank account is rarely visible to the public), make it difficult to link the surplus production of any particular actor to his land holdings so as to use it as a symbol for high status. However, the combined wealth of, and average surplus earnings of the neighbours of an actor will affect his status through the status given their section of the city. And this will happen regardless of the earnings of any particular actor. The symbol quality of high status is thus a collectively created aspect of any particular piece of land in an urban society. And it holds true whether the activities pursued by the actor are production or housing.

4) The land considered as symbol of community membership.

In an agricultural society where the owner works on his own land and transfers it either to his direct descendants or to close kin, the land will serve excellently as symbol for the owners attachment to family and kin. The particular farm can not be substituted as such a symbol even with a neighbouring farm. This and the fact that Norwegian nature mostly has forced farms to lie scattered separately along the valleys, have made kinship more important than the local community and the rural people more attached to particular pieces of land than a village organization of the rural society might have done. Moving away from a farm in Norway will mean loosing its value as symbol of membership in a family. With a village organization the farm land is located away from the dwellings. The dwelling will be a symbol of membership in both a family and a local community. The farmland has no such symbolic qualities. The dwelling has all of it. But any dwelling in a village will suffice as symbol of membership in the local community. And being member of such a village will usually imply

membership in one of its families as well. Hence the symbolic value of a dwelling does not vary for the different dwellings within the village. But it will be a factor in the decision process if emigration to other villages is considered. In a larger city certain sections of the city may come to signify attachment to particular ethnic groups or religous communities. A dwelling within such an area may be used as symbol of membership in the associated group. But ordinarily an address within a city is sufficient to signify membership in the local community. Dwellings are therefore highly interchangeable. The unique values of a city considered as a local community are usually ascribed to public buildings and parks (Firey 1947), Thus the value of land as symbol of membership in a community does not vary among various parts of either villages or towns. Only for multi-ethnic multi-religious cities will this be the case. And then one usually finds coincidence between symbol of membership and symbol of status.

From this discussion it will be seen that in the agricultural society a significant part of the value of a piece of land is determined by qualities of that piece of land. The qualities of the surrounding area have only a minor impact through the strategic value. The activities of neighbours would rarely threaten the value of ones holdings. In the urban society it is the other way around. The greater part of the value of a piece of land is determined by qualities of the surrounding areas. Even the use value is affected by the strategic location. Every citizen therefore would be bound to be interested in what kind of activities are going on among his neighbours.

Institutional arrangements suitable for controlling land use in a rural society would not be particularly useful in a city and controls suitable to a city would be expected to create many resentful reactions if applied to a rural society. To some extent this is what happened in Norway with the introduction of the new Building Law in 1965. We shall return to this below.

CULTURAL AND INSTITUTIONAL IMPLICATIONS OF LAND USE

It has often been remarked that Norway does not have a genuine urban culture. I do not think this quite true, but much of what existed was swamped by the rural immigration during the industrialization process. The rural immigrants had no "cultural understanding" of the kind of controls necessary in a city.

This had two important consequences. First we note that the demand for individually owned land might have contributed to a change in ownership of land like the one observed in Sweden. With an increasing amount of individually owned land the foundation is laid for speculation. Since so much of the value of a plot of land in urban areas is determined collectively, inside information on public investments, for instance in transportation, would enable those holding the information to either buy or sell property to reap windfall profits. Also manipulation of the status value of various areas have been used in this fashion. The consequences of this uncontrolled redistribution of the wealth of a society are among other things misery for many, power for the specu-

lators and problems for the political system. It might be argued that management of a city would be less complicated if control of the distribution of such windfall profits were achieved. A second important consequence lies in the institutional structure evolved to protect the property rights of land owners in a rural society. As a city grows and technology changes there is need for changing the land use, like building new transportation networks. If the land is individually owned those having to abandon land to public use are few and will usually consider any compensation offered inadequate. And usually, according to our concept of value of land, it will be. But even if most people will feel entiteled to the full value of the land they "own", one might argue against it from the fact that much of its value is collectively created. In most cases the owners will fight against the city with all legal means. Often they win, but even if they loose, the process is expensive and time-consuming for the city. Meanwhile problems and resentment against the city administration accumulates as traffic congestion slows trade and work. As long as a city grows or technology changes the needs of the citizens, such right of veto from individual citizens will cause the transaction costs of city life to increase until so many find it more profitable to move their activities out of the city that it stops growing (Berge 1980).

If the property rights of land were the only institutional control of land use in our cities, it would seem very difficult to re-allocate city land to public use.

The problems of controlling land use in urban areas, however, have made it necessary to construct legal instruments suited to this task (NOU 1975 : 25, 1977 : 1, 1983 : 15). After Magnus Lagabøter's laws for the cities were replaced by Christian IV's law in 1604, the planning and building of cities was not regulated by law until Trondheim got special rules regulating buildings with regard to fire-hazards in 1689. Several such regulations were promulgated during the 18th century. In 1827 those applicable to Christiania (the name of Oslo from 1624 to 1924) were collected in a separate building law. Bergen got a similar law in 1830 and Trondheim in 1845. Also the rest of the cities got a building law in 1845. These four laws were revised several times during the next hundred years until they were replaced by a common law in 1924 (in effect from 1929). The law of 1924 also could be made to apply to any collection of houses outside the cities. (Justisdepartementet 1965). In 1965 when it was replaced by a major revision applicable to all the communes of Norway, there were 147 (out of 525) communes where no part had been subject to the controls of the building law. And only 130 communes (including 49 cities) were completely regulated by it. This meant that in 1965 an institution devised to control urban land use came to be applied to what remained of a rural society as well.

The consequences of this law is an instructive case study of the intimate connection between land use controls and culture. As the law took effect the rural land owners discovered a gap between their long established rights to utilize their properties and the requirement of the law to control where houses were built and farm roads put. But even if the necessity of such controls most of the time were questionable, the controls usually did no harm and if it was understood that such controls at times might be neces-

sary they would have no large impact. But such understanding was absent, Accusations of bureaucratic misuse of power appeared and a feeling of overbureaucratization may have contributed to what later have been observed as a move to the political right by the rural population.

One of the intentions of the law was to stop the haphazard building of houses all across the landscape. Requirements for the planning of housing areas, and of certain standards of roads, watersupply and sanitation helped ensure this (Langdalen 1966). What the designers of the law could not anticipate was the rapid development of standardized prefabricated houses and the changing economic base of the rural population. The new occupations were "urban" in design. The new housing areas were "urban" in design. Furthered by all media, but foremost the television, the lifestyle of the inhabitants became more urban every year. The haphazard destruction of the rural landscape slowed down. But many thought the newfangled rural town a stranger in the rural society and in the countryside. A cultural image of the new towns emerged, depicting them as composed of standarized prefabricated houses and populated by serviceworkers continuously at war with the "original" rural inhabitants (Hompland 1982, Hompland og Kjølsrød 1983). This is a contemporary example of cultural processes which have been going on in our cities all the time: the production of a cultural image, a mental map, of the land use (Downs 1982).

One implication of the land use controls of cities is that it creates a certain uniformity to streets and buildings for whole sections of the city. In its turn this affects the actors located in these sections giving them certain common characteristics. Within the on--going system of a city "everyone" knows where the shoemakers live or the car-sellers work or the banks are located. The mental map of a city acquired by living in the city simplifies life and reduces the cost of transactions. But such mental pictures of what the city looks like also gain their own life and will through their impact on choice of localization help recreate their own foundation.

CONCLUSION

Land is the primordial scarce commodity. How we distribute this commodity and how we control conflicts related to the distribution of this commodity have profound and longlasting effects on the culture and institutions of a population. Property in land is an old institution. Probably it is as old as the problems it helps societies overcome. That it helps societies to control conflicts and further ecologically sound resource management, may be true even if nobody recognizes it as a means to do this. The fact that few recognize the causal loop from the institutional structures built around the property rights to the conflict level over land distribution and its management, and back to the institutional structure, only makes the causal loop stronger and more durable. Only by recognizing that the functional link (Stinchcombe 1968) between institutional structure and land use controls are making them withstand the tensions brought to bear on them by the development of technology and social organization,

will societies be able to reshape the property rights to fit other social objectives and maybe also improve on their usefulness as a means to control resource management and conflicts over land distribution. With changes in technology and patterns of settlement, the controls of land use need revisions adaptating them to a new social order. But given the deep connection between a culture and its control of land use one must keep firmly in mind both the primary goals of land use controls and the longlasting effects any hastily and illconceived changes may have. In this respect our societies are conservative and should properly be so. However, in rethinking the presently used control structures we need a radical approach. Otherwise we shall never be able to do anything about the "death" of our big cities (Jacobs 1961, Mumford 1961). A first and perhaps the most radical step may be to recognize the necessity to distinguish between the property rights of different kinds of settlements and land use patterns (like Magnus Lagabøter did in the 13th century). The compulsion to make all equal before the law should not be thwarted to mean that the same law should be applicable to all properties. A private property is not equal to a private citizen. Recognizing this and keeping in mind the motivational force of land and its connection with settlement patterns and activities pursued on different plots of land, the rest may come more easily.

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