

FOREWORD

The population explosion, the rapidly altering structure of economic activity, the steadily increasing standard of living, the unrelenting ravages of obsolescence, and the incessant evolution of political and social goals within our society are creating and will continue to create an almost limitless number of problems for metropolitan areas in the United States. These problems are as complex as American society itself, and general agreement prevails that their resolution presents a challenge of almost infinite magnitude to American institutions in the last half of the Twentieth Century. Identification of the problems and priorities and methods of assault upon them necessarily vary depending upon the orientation of the investigator who may be a government official, sociologist, economist, financial expert, political scientist, planner, engineer, public health physician, or conservation expert. The nature of the problems facing metropolitan areas, as viewed by representatives of these several professions, need not be recapitulated here, but it is noteworthy that most persons holding responsible leadership positions in the United States have predicted that metropolitan area problems can be expected to place rigorous strains upon society, thereby demanding imaginative and courageous action in formulating satisfactory solutions. Because of the burgeoning nature of the problems, some commentators have even concluded that, unless reasonable efforts are undertaken to alleviate undesirable conditions within the immediate future, serious disruptions of the principles currently underlying American political and social institutions are inevitable.

Since our society is based upon a rule of law rather than upon rule by man, the legal structure within which solutions to metropolitan area problems must be devised warrants continuous re-examination and re-evaluation in order to ascertain whether or not essential progress is being impeded. It is for this purpose that the Legislative Research Center of The University of Michigan Law School is currently preparing a limited number of comprehensive studies of the legal problems of metropolitan areas. As a result of my examination and investigation of recent state legislative enactments and contemporary legal literature, I have reluctantly concluded that the legal profession generally has not exploited its inherent wealth of legal knowledge, tools, and skills potentially available for resolution of the existing and emerging, almost baffling, problems of our urban communities. Fortunately, recent developments indicate that this deficiency will soon be overcome so that the lawyer will be able to assume his proper role

in assisting other disciplines in achieving the legitimate goals of society within an ordered body of practicable law. We are hopeful that the research efforts of the Legislative Research Center will assist in closing the current gap.

This study, by Beverley J. Pooley, is the first in a series of monographs which will be published by the Center. It deals with the problems which have confronted British legislators and with the resultant Parliamentary enactments-- particularly in the post World War II era. This topic is necessarily broad, and therefore this monograph contains little detailed legal analysis of the various acts. Rather, the writer has presented a descriptive review for American readers, in which attention is focused upon the general nature of the problems and the theory of the legislation.

It might well be asked why this paper has been included in a research project whose main concern is the peculiar nature of the American metropolitan problem. We believe that, if our problems are to be solved within the framework of our democratic system, the efforts of another similar democracy to grapple with essentially similar difficulties merit our consideration. Naturally, the differences between British and American governmental organization, constitutional requirements, judicial power, and experience of governmental control of land use should be constantly borne in mind. These differences do not, however, make an understanding of the British experience valueless. On the contrary we are afforded an opportunity to test the values of our own institutions by observing the recent history of a society which shares our fundamental democratic ideals but differs in some respects as to their optimum effectuation. If a thoughtful perusal of this paper either strengthens or weakens some of our beliefs, either change of attitude may help us to an acceptable solution of our own problems. Britain has produced a startlingly novel and ruthless solution to some of the problems of metropolitan living; we may resolve to follow the example, to utilize some of its features, or to reject it entirely; but it would be shortsighted indeed to ignore it.

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