

PREFACE

This book is designed to introduce law students to the law of property. Property is a foundational part of the law school curriculum. Like other property textbooks, this book covers the basics of the law of ownership in the United States. A quick look at the table of contents of this book will reveal an outline of topics that is similar to that in other property textbooks, and that will be familiar to any experienced property professor.

This book, however, covers these topics in a fundamentally different way than the traditional law school casebook. The traditional approach starts from complexity and then attempts, often unsuccessfully, to move toward simplicity. We take the opposite approach, starting from simplicity and then moving toward complexity. The traditional approach begins each subject with a case and then expects students to derive legal principles from the case.

We clearly and concisely introduce the legal principles first, and then present cases as examples of application of those principles. We give the reader the basic concepts necessary to understand a case before we present the case itself. The traditional method of beginning with the case is intended in part to develop the student's case reading skills. These skills are vital to the practice of law, and we do not mean to minimize their importance. However, we have learned over the years that new law students do not have the background knowledge necessary to gain a full understanding of legal principles from cases alone. An entire industry of secondary sources has developed to help students understand the concepts that first-year casebooks unrealistically expect students to learn without introduction or explanation. We have written this book so that students should not need to use these secondary sources to fully understand the material.

Our ultimate goal is to give the reader a solid foundation in property law. Throughout the book, we use clear examples to illustrate the concepts that we are covering. We also use illustrations, charts, tables, and sidebars to present material clearly. We highlight recurring themes by noting them in the margin. Themes are indicated by markers like the one that accompanies this paragraph. In many places throughout the book, we include problems that allow students to apply the principles that we have covered. We include explanatory answers to these problems in the appendix at the end of the book.

We have not sacrificed sophistication in pursuit of clarity. We do not shy away from the hardest issue in property law, and we introduce issues of property theory at various points

throughout the book. Property law is complex in part because it is the product of centuries of legal evolution. In some chapters in the book, we will study legal rules that have their origin in feudal England. In others, we will study rules that are thoroughly modern. In the remainder, we will study rules that are a mix of the old and the new.

Regardless of their historical origin, the rules that we will study have tremendous impacts on our daily lives. If you are renting an apartment, landlord-tenant law governs your rights and responsibilities regarding the place where you live. Throughout your life, you are likely to buy and sell several homes. These transactions will be some of the largest and most important that you will encounter in your personal life, and they are governed by the law that we will study in this book. Land use law shapes the lived environment of our communities. Even the simple process of dropping off a suit at the dry cleaner or leaving your car with a valet will implicate the law of bailments.

We hope that you enjoy using this book as much as we enjoyed writing it, and that you will find property law to be as fascinating as we do. Even if property does not turn out to be your favorite law school topic (for some unfathomable reason), we hope that you will find this book to be a clear and easy-to-use introduction to this vitally important subject.

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