

Preface to the Concise Second Edition

From the time of its first edition in 1981, *Property* was warmly embraced by law professors and students around the country. Compared with casebooks that had preceded it, Jesse Dukeminier and Jim Krier served up to casebook users a refreshing combination of intellectual rigor, wit, humor, history, and an interest in human behavior. Over 30 years later, the latest edition to this legendary casebook remains a favorite of professors across the country.

This Concise Edition of *Property* strives to retain all of the same characteristics of its parent volume while responding to changed needs of both instructors of the Property course and their students. Beginning with its first edition, *Property* has been noted for its eclectic combination of economic analysis, history, and philosophy, as well as rigorous doctrinal analysis. The Concise Edition retains that eclecticism even while reducing the length of the book. The reduced amount of space devoted to some of the interdisciplinary material has not sacrificed coverage of the core insights of the theories studied. Throughout, the aim is to retain the main book's intellectual integrity while making the material more accessible to students.

Why a Concise Edition?

The Property course has changed greatly over the years. In many, probably most, law schools it now carries only four or even three credits. With this contraction many teachers have come to realize that a concise teaching tool is not a mere luxury but a necessity. This Concise Edition is aimed at meeting the need for such a compact course.

Not only has the Property course changed, but law students have changed as well since the book's first appearance. Today's law students have needs that differ from their counterparts of three decades ago. They are accustomed to a wide variety of visual cues and have been exposed to diversified textual formats rather than a single undifferentiated presentation of pedagogical material. I have shaped the Concise Edition with this background in mind.

Features of the Concise Edition

Longtime users of the casebook will note that the Concise Edition is substantially shorter than its parent. I have achieved this by editing down topical coverage consistently throughout the book. The doctrinal coverage remains basically the same as in the parent book, but I have significantly reduced the number of pages devoted to some topics.

Keeping in mind the needs of contemporary law students, I have also done some significant editing in the casebook's Notes. My goal has been to make the Notes in the Concise Edition as brief as possible without sacrificing coverage of core topics. I have deleted all string case citations and omitted many references to law review articles and other legal literature. The citations that remain were selected for specific pedagogic reasons. The overall result is Notes that are quite concise. Many of the cases included in this Concise Edition will be familiar to users of past editions of the main book. I have striven for as much continuity as possible. To add freshness to the book, however, I have replaced several cases that have reappeared in multiple past editions of *Property* with new, more recent cases. The reason for these substitutions is not solely to introduce cases of more recent vintage (although that is part of it) but also because the new cases are, in my view, better vehicles for discussion of the doctrinal points covered in those cases. Users of past editions of the main book may disagree with me, of course, and choose to revert to some of the old cases in past editions of the main book.

As for excerpted material, many of the lengthy excerpts from law review articles and other literature that the parent book includes have been omitted in the Concise Edition. This material is unquestionably valuable, but, taking into account the goals of the Concise Edition, I decided to conserve time and space by summarizing for students the basic points that this material makes. In some instances students more easily grasp the points by reading such summaries rather than reading lengthy excerpts.

In response to changes in student pedagogical needs, I have introduced several new features in this Concise Edition. The book has a look and feel that distinguishes it not only from the parent book but from most casebooks as well. Its new layout includes several design features, which include:

- *two-color interior design*
- *boxed side material*, which enriches student understanding without interrupting the flow of the main text
- *graphic designs*, which clarify complex doctrinal topics
- *bulleted items*, to emphasize especially important points
- *highlighted introductory* and *follow-up material*, which lay doctrinal groundwork or follow to completion the human stories involved in cases.

In addition to these design innovations, the book includes many new maps, drawings, and photos to enhance student understanding of and interest in cases.

Changes in the Second Concise Edition

Users of the first Concise Edition will notice that the greatest changes in this second edition occur in Chapter 1. Lior Strahilevitz and I have made substantial changes in both the content and organization of that chapter, including a new part C (“Constituting Ownership”). We believe that the new organization brings greater clarity to students at the beginning of the course concerning some fundamental aspects of ownership. The chapter also changes some of the content of the intellectual property material in the belief that the new cases are better teaching vehicles. This new edition also clarifies some of the errors and misconceptions that inadvertently crept into the first Concise Edition. In other ways I have responded to many of the very helpful suggestions that users of the first Concise Edition were kind enough to offer me.

Throughout, I have been mindful of the great tradition of the parent book. My hope is that the Concise Edition will continue that tradition, extending it for a new generation of teachers and students. I invite your comments and suggestions. Many users of past editions of the parent book have been kind enough to offer suggestions, and these comments have greatly improved that book. I wish to continue that tradition.

Gregory S. Alexander

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