

method, a teaching technique that does not simply supplement cases with explanatory problems, but one that uses problems as a central tool for learning the rules and principles. Problems become equal to cases and at times even supersede them in the teaching methodology hierarchy. Why use the problem approach? Many teachers use problems to supplement the primary learning methodology, case analysis. It is perhaps no coincidence, however, that property law is one of the courses that least utilises problems and is the most perplexing to students. A problem orientation would offer students formative feedback, allowing them to improve on their performance as the course progresses.

Property law is a rich and rewarding course to teach and ought to be the same for the students who study it. By using organisational schema and methodologies relevant to even the youngest group of students, connections can be made to enhance the educational value and enjoyment of the course. The experience of property law is tied both to the course content and its presentation. When instructors experiment with a problem-method and a reconceived synthesis of the course framework, the benefits are palpable.

Teaching important property concepts: teaching about inequality, race and property

FW Roisman

46 *St Louis L J*, 2002, pp 665–698

One of the most salient facts about property is the inequality that characterises its control. The US, like the rest of the world, is divided between haves and have-nots. This inequality is great, and has been increasing in recent years. We who teach about property ought to teach about this inequality, in both its international and domestic manifestations. This article addresses a particularly striking aspect of the inequality: that it is clearly colour-coded.

There is no question that in the United States there are large differences between whites and minorities, particularly African-Americans, with respect to control over property. These gaps characterise all measures of property control: income, wealth, and the particular form of wealth represented by home ownership. The incomes of blacks and Hispanics lag behind those of whites by wide margins. Moreover, the racial income gap, like inequality generally, has increased in recent years. The disparities are particularly striking with respect to characteristics of residence, whether one is a home-owner or a tenant, and the value of the home, in financial and other respects.

This racial disparity means that minorities are disadvantaged with respect to what is for most middle-class households in the US the greatest source of household wealth. Home ownership affects the ability to finance education, self-employment and other capital development. It is the principal source of family wealth that is transmitted from one generation to another, and family wealth, in turn, largely determines whether and to what extent home ownership is possible.

Racial property disparities are maintained by everything in our property regime that makes minorities disproportionately renters, rather than home-owners, or segregates them in neighbourhoods where property values appreciate relatively little, and schools, safety and employment opportunities are relatively poor. The causes of the racial disparities have been the subject of considerable analysis and discussion. Although some argue that they are due to choices or attributes for which minorities are responsible, substantial scholarship shows that concepts of white supremacy, racial dominance and similar racial attitudes, their implementation in racial discrimination and segregation, and their embodiment in social structures, all contribute to the racial disparities in control of property.

Many cases that appear in all parts of the property curriculum illuminate ways in which white supremacist ideology and action have been a substantial cause of racial disparities in control of property. These involve, among other things: conquest; slavery; disposition of public lands to predominantly white, male, Anglo beneficiaries; explicit racial zoning; racially restrictive covenants; ‘manifest destiny’; ‘Negro removal’ by the urban renewal and interstate highway programs; racially discriminatory donative transfers; the implementation of the public housing program; the treatment of farm workers; and the use of zoning to establish and maintain exclusively white, Anglo settlements.

In addition to these cases and related material, the author teaches a class that explicitly explores the forces driving the larger distribution of advantage and the structural underpinnings of inequality, seeking to focus attention on the ways in which the opportunity structure has disadvantaged blacks and other minorities and helped contribute to massive wealth inequalities between the races.

Great property cases: using property to teach students how to think like a lawyer — whetting their appetites and aptitudes

P Wendel

46 *St Louis L J*, 2002, pp 733–759

Like many law professors, particularly those who teach first-year courses, the author subscribes to the theory that it is not his job to teach students ‘Property’, but to teach them ‘to think like a lawyer’. So when he was invited to write an article about ‘teaching Property’, he began to construe the invitation in light of his teaching philosophy and style. To the extent that he claims to ‘teach students how to think like a lawyer’, could an essay be written about how the law of property can be used to achieve that goal?

Many learned law professors have acknowledged that the primary pur-