

Cambridge University Press
978-1-108-83553-4 — Feminist Judgments: Rewritten Property Opinions
Edited by Eloisa C. Rodriguez-Dod , Elena Maria Marty-Nelson
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FEMINIST JUDGMENTS: REWRITTEN PROPERTY OPINIONS

How would a feminist lens transform the development of property law? Using feminist legal theories and methods, the authors in this volume present rewritten opinions of fifteen foundational and other property law cases. By reimagining these cases with a feminist lens, while staying within the precedent of the time the cases were decided, the authors demonstrate that the use of feminist perspectives and methodologies could have made a significant difference in the development of property law.

Eloisa C. Rodriguez-Dod is Associate Dean for Academic Affairs and Professor of Law, Florida International University College of Law.

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To my mother and sister, whom I miss dearly, to all the strong and independent women in my family who have always given me so much love and support, to my beautiful sister-friends (you know who you are), and to my husband, Jose, for being my guiding light. —ERD

To my husband, David, and our sons, Scott and Matt, for their unflagging support and fabulous sense of humor, to Dr. Aileen Marty, my feminist star, and to my lifelong coauthor. —EMN

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Preface

Could feminist perspectives and methods change the shape of property law? To answer this question, we brought together a group of scholars and practitioners to rewrite significant property law cases from a feminist perspective.

This volume, like all of the books in Cambridge University Press's Feminist Judgments Series, demonstrates that judges with feminist viewpoints could have changed the law and the reasoning underlying the law, even though based only on the precedent and law in effect at the time of the original decision. It also demonstrates how rewritten opinions from a feminist perspective could have made property law more just and equitable for women and marginalized groups.

This book shows how property law is not neutral but rather shaped by the society that produces it and the judges who apply it. At the same time, this book offers the hope that property law can be transformed to be an instrument of greater justice and equality for all people.

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We wish to thank the members of the Advisory Panel who helped us select the cases and embraced this project with zeal. We are also so grateful to our editor, Matt Gallaway, for his patience, kindness, and insights. For research assistance, we thank Noah Leopold, Paula Melo, and Carolina Sanchez.

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About the Cover Art

On the cover, *Assembly* © Jose Rodriguez-Dod

Jose Rodriguez-Dod is a Cuban artist, poet, and attorney. He prefers watercolor as a medium because a painter can directly manipulate the pigment's unpredictability to configure an object. The process of painting, thus, acts as a natural force in the stream of life where chance and intention interact to create humanscapes.

Commentary on *Assembly*

Assembly is both a window and mirror to property law. The inspiration for *Assembly* comes from the method of combining lots for development. The multicolored panels offer a window to the varied perspectives on the development of property law and also reflect on both those who benefit from property rights and those who have not had the same access.

– Jose Rodriguez-Dod 2021

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