

Index

- Aaronson, Daniel, 196
 Adam, Alison, 113, 141
 Adams, Abigail, 115
 adverse possession, 6, 9, 28, 57, 62, 199–214, 218–223
 color of title, 62, 212
 American Civil Liberties Union, 121, 124, 128
 American Revolution, 36–37, 40, 48–49, 54
 Anti-Drug Abuse Act of 1988, 346
Association for Molecular Pathology v. Myriad Genetics, Inc.
 commentary, 121
 rewritten feminist judgment, 132
 Astell, Mary, 115
 Atchley, Robert C., 330
- Ball, Carlos A., 376
 Barbeyrac, 99–102, 109
 Barnes, Kristen, 6
 Bartlett, Katherine, 348
Bartley v. Sweetser
 commentary, 399
 rewritten feminist judgment, 406
 Bartow, Ann, 154
 Basch, Norma, 385
 Blackstone, William, 94, 102, 108–109, 189, 254, 272–274, 290, 385
Blake v. Stradford
 commentary, 371
 rewritten feminist judgment, 378
 bona fide purchaser, 288
 Booth, Katherine, 139
Botiller v. Dominguez
 commentary, 61
 introduction to, 4, 8–9
 rewritten feminist judgment, 73
- Brandeis, Louis, 162–163
 Brenner Johnson, Hannah, 7, 19
 British Proclamation of 1763, 36, 38–39, 55
 Buckner Inniss, Lolita, 7, 10
 Burk, Dan L., 121, 147
- Calhoun, Arthur W., 329
 capture, 6, 28, 94–95, 98, 109, 112, 117–118, 160
 Carroll, Andrea B., 371
caveat emptor, 12, 288, 400, 405
 Chapman, Jane R., 388
 Chused, Richard, 227
 civil law, 66, 75–76, 265
 Civil Rights Movement, 345
Coggan v. Coggan
 commentary, 293
 rewritten feminist judgment, 298
 colonial, 9, 36, 44, 50, 54–59, 92–94
 community property, 62, 66, 76, 273
 concurrent ownership
 joint tenancy, 6, 9, 28, 198, 209, 265, 272–275, 280, 283–291, 293
 tenancy by the entirety, 6, 9, 28, 253–264, 270–281, 285–292, 294
 tenancy in common, 6, 9, 28, 265, 272, 283, 288–290, 301–302, 304
 condemnation, 9, 179–195, 199, 209, 211, 217
 Coombe, Rosemary, 154
 copyright, 125–139, 153–174
 Cord, William H., 386
 coverture, 254–255, 267–268, 286, 298, 371, 374, 385–388, 390
 Coyne, Randall T.E., 161
 Craig-Taylor, Phylliss, 293
 Critical Race Theory, 61

- Dakota Access Pipeline, 9
 Dean, William Tucker, 381
 Declaration of Independence, 38, 54
 deed, 59, 199, 205, 211–218, 220, 262, 267, 296,
 301, 303, 372
 legal description, 83
 quitclaim, 290–291
 warranty, 209, 290
 defeasible fee, 40, 62
 delivery, 39, 232–245, 249
 devolution, 11–18
 discovery, doctrine of, 9, 39–41, 45, 51–54, 62,
 92
 domestic violence, 3, 16, 27–28, 197, 294, 298,
 349, 361, 364–366, 370, 395
 dower, 62, 200–220
 Duhart, Olympia, 182–184
 Dyal-Chand, Rashmi, 6
- easements, 62
 East India Company, 52, 57
 ecosystems, 94, 97
 ejectment, 45, 62, 73
 eminent domain, 5–6, 28, 42, 180–197, 222, 339
 Engels, Friedrich, 387
 Epstein, Richard, 188
 evictions, 9, 15–16, 345–347, 372–384, 390–396
 constructive eviction, 295, 298
- Fair Housing Act, 396
 Family & Medical Leave Act of 1993, 362
 fee simple, 59, 66, 69, 76, 85, 89, 203, 205, 210,
 281, 290
 feminism
 anti-stereotyping, 7, 258
 anti-subordination, 7, 152, 258, 311, 316, 319,
 350, 395
 autonomy and agency, 7, 183, 287
 critical race, 70
 cultural, 7, 124, 234, 395
 difference, 152, 234, 287
 dominance, 7, 152, 297
 eco-feminist, 131
 equality, 116, 152, 234, 253, 257, 260, 289, 297,
 327, 336, 377, 404
 feminist lens, 7, 11, 17, 20, 28, 42, 71, 228, 311,
 314, 320
 formal equality, 7, 205, 255, 257–260,
 286–287, 389
 intersectionality, 7, 17, 70, 152, 352
 narrative, 5, 7, 92, 196
 practical reasoning, 7, 348, 403
 rhetorical conventions, 203
 storytelling, 7, 227
 widening the lens, 7, 204, 207
 Feminist Judgments Series, 3–5, 19–20, 23, 26,
 28–30
Feminist Judgments: From Theory to Practice, 4
 Fennell, Lee, 6
ferae naturae. *See* wild animals
 Fernandez, Angela, 29, 98
 Fineman, Martha, 287
 first in time, first in right, 39, 288
 Flynn, Alexandra, 42, 45, 50
 Fraley, Jill, 29, 90
 fraudulent conveyance, 280–282
 Freidan, Betty, 307
 Frye, Brian L., 149
 future interests, 6, 9, 232–233, 236
- Garon, Jon M., 149–156
 Gates, Margaret, 388
 George, Erika, 124–129, 132
 gifts, 6, 9, 227–249, 277, 281
 donee, 227, 232–249, 288
 donor, 227, 232–249
 Gilden, Andrew, 153
 Gilligan, Carol, 234–235, 243
 Gilmore, Angela, 6
 Ginsburg, Ruth Bader, 24–25
 Glancy, Dorothy, 162
 González, Marc-Tizoc, 4, 30, 61
 Goring, Darlene C., 384
Gruen v. Gruen
 commentary, 227
 rewritten feminist judgment, 236
 Gustafson, Lindsey P., 399
- Hagan, Carrie A., 285–289
 Haksgaard, Hannah, 198
 Hamilton, Alexander, 189, 191
 Hand, Learned, 134, 160
 Haraway, Donna, 130
 Henderson, Taja-Nia, 402–406
 Hernández-Trujol, Berta Esperanza, 17, 311
 Hill, Robert B., 334
 Holmes, Oliver Wendell, 292
 homestead, 62, 66, 68, 77, 201–202, 204, 208,
 210–214, 218–219, 263, 340
 Homestead Act of 1862, 71, 73
 hot pursuit, 95, 98, 102, 118
 Hottel-Cox, Meghan, 203–208

- Housing Opportunity Program Extension (HOPE) Act of 1996, 346
- Hudson's Bay Company Charter of 1670, 53
- implied warranty of habitability, 12, 402–406, 408–409
- Indian Removal Act, 41
- Indigenous, 6, 8–9, 28, 35–44, 92–93, 110–111
 Cherokee Nation, 42–43
 Indian Nations, 54
 Indian title, 40, 42, 54
 laws of, 43
 Piankeshaw Nation, 39, 42, 44, 48–49, 55, 59
- inheritance, 62, 200, 205, 207, 216, 219, 238, 246, 273
- intellectual property, 5–8, 28, 31, 151–152. *See also* copyright; patents; publicity rights; trademarks
- intestacy, 199–200, 205, 209, 211
- Johnson v. M'Intosh*
 commentary, 35
 introduction to, 8–9
 rewritten feminist judgment, 45
- judicial notice, 75, 83, 383
- Justinian, 99–100
- Kagan, Elena, 26
- Kaplan, Marion A., 388
- Keller, Susan E., 253
- Kelo v. City of New London*
 commentary, 179
 rewritten feminist judgment, 184
- Klein, Diane, 283
- Klimt, Gustav, 227–228, 237–238
- Kosa, John, 330
- Ladner, Joyce A., 335
- Land Claim Act of 1851, 62–67, 73, 87–88
- land survey, 62, 80
- land use. *See* zoning
- landlord-tenant, 3, 6–7, 9, 11, 28, 31, 345–346, 354, 379, 401, 405–412
- Lanham Act, 151–152, 157, 167–172, 174
- Law of Nations, 35–36, 39, 44
- Leahy, Stevie, 297–298
- Leeds, Stacy L., 6, 35
- license, 6, 28, 372–373, 379–380
- life estate, 199–205, 211–220, 228, 232, 236–237, 241, 246–249, 263, 387
- Litman, Donna, 257–260
- Littleton, Christine, 349
- Locke, John, 100–101, 109–113
- Luna, Guadalupe T., 4, 30, 66–71, 73
- Macaulay, Catharine, 116
- MacKinnon, Catharine A., 195, 389
- Madison, James, 189, 191
- Mahoney, Julia D., 179
- Married Women's Property Acts, 254, 258, 294, 390
- Marshall, John, 35, 39–43, 66–68, 71, 81, 83, 86–87, 319, 329
- Martinez, George A., 71
- Marty-Nelson, Elena Maria, 3
- Massachusetts Bay Company, 56
- matrilineal, 43–44
- McDonald, Barry P., 143
- Mexican American War, 30, 61
- México, 61–68, 72
- Minow, Martha, 350
- Montague, Lady Mary Wortley, 115
- Moore v. City of East Cleveland*
 commentary, 311
 introduction to, 16–17
 rewritten feminist judgment, 321
- Moynihan, Daniel Patrick, 316
- Murray, Judith Sargent, 116
- Murray, Kali, 124–129, 132–133
- National Association for Women's Bill of Rights, 307
- Native American. *See* Indigenous
- natural law, 103
- Nelson, Amy J., 6
- notice, 39, 287, 290, 358
- Novak, Michael, 330
- nuisance, 183
- ouster, 5, 195, 294–299, 301, 305
- Ovid, 117
- Parinet, Wendy, 144
- parody defense, 152, 173–175
- partition, 272, 275, 296, 301, 303
- Pateman, Carole, 385
- Patent Act, 121–122, 133–140
- patents, 6, 9, 28, 121–148
 DNA sequences, 121, 123, 127
 nucleotide sequences, 122–123
 product of nature exclusion, 122
- paternalism, 42–43, 205, 216, 286

- patriarchy, 14, 17, 44, 196, 227, 331, 374, 385–394
- Peñalver, Eduardo, 6
- Phillips Neighborhood Housing Trust v. Brown*
commentary, 345
introduction to, 4, 14–16
rewritten feminist judgment, 354
- Phipps, Oval A., 254, 265, 271, 273, 279
- Pierson v. Post*
commentary, 90
introduction to, 8
rewritten feminist judgment, 98
- Pope, James Gray, 145
- possession, 29, 38–41, 46–54, 73, 77–78, 90–96, 98–100, 103, 105, 110–111, 117, 217–218, 294, 296, 300–307, 354, 357, 373, 379, 383, 392
- Pothier, Robert-Joseph, 100–103, 109
- Pregnancy Discrimination Act of 1978, 234
- premises liability, 6, 9, 410–412
- profits à prendre*, 62
- Prosser, William L., 159, 165
- protective trust, 42
- public housing, 346–348, 350–354, 366–368
- public trust, 62
- publicity rights, 6, 9, 28, 149–174
- Puffendorf, 99, 108–109
- Rachiele, Leo D., 330
- Ramsey, Lisa, 155
- recording acts, 62, 288
- remainder, 227, 229, 232–233, 236–237, 243–249, 263
- Render, Meredith, 373–378
- revolution, 11–18, 307, 345, 354
- Robbins, Kalyani, 6
- Rodriguez-Dod, Eloisa C., 3
- Rose, Carol, 93–95, 236
- Rosser, Ezra, 6
- Rowe, Audrey, 362
- same-sex marriage, 286, 371, 394
- Sawada v. Endo*
commentary, 253
rewritten feminist judgment, 260
- Sax, Joseph L., 190
- Scanzoni, John H., 330
- Schommer, Cyril O., 330
- severance, 283, 285, 290–291
- Siegel, Reva B., 387
- Singer, Joseph William, 146
- Smith, Jason, 144
- Sprankling, John, 93
- Statute of Frauds, 62
- statute of limitations, 62, 66, 210, 217, 221–222
- Steinem, Gloria, 307
- Stern, Stephanie M., 227–236
- strawman, 283–285, 289
- strict scrutiny, 130, 194
- takings, 62, 181–182, 187–196, 208, 223, 313, 323, 339. *See also* United States (U.S.)
Constitution Takings Clause
inverse condemnation, 201–203, 206, 211, 220–224
just compensation, 187–188, 200–212, 220–224, 313, 325, 339, 341
public use, 180–195, 208, 220–221, 325, 339
- Tate v. Water Works & Sewer Bd. of City of Oxford*
commentary, 198
rewritten feminist judgment, 208
- Taylor v. Canterbury*
commentary, 283
rewritten feminist judgment, 289
- terra nullius*, 110–111
- title
by conquest, 40–41, 61–62
by patent, 45–46, 52, 62, 73, 80
chain of, 62
communal, 44, 58, 60
equitable, 62
imperfect, 62
inchoate, 62
perfect, 62–75, 85–89
quiet title, 199, 210–211
relativity, 39
unities, 272, 284, 288–290
- Title IX, 3
- Title VII, 3, 234
- Trade and Intercourse Act, 37, 56
- trademarks, 6, 9, 28, 149, 151, 156–157, 171
- tragedy of the commons, 97
- Treaty of Guadalupe Hidalgo, 61–70, 86–87
- trespass, 66, 71, 78, 106, 128
- Turnipseed, Terry L., 216
- Tushnet, Rebecca, 6
- United States (U.S.) Constitution
Article I, 37, 121, 136
Article VI, 86
Commerce Clause, 58

- Due Process Clause, 192, 311, 313, 320, 323, 325, 330, 332
- Equal Protection Clause, 192, 323, 333, 335–338
- Fifth Amendment, 180–181, 185–187, 193
- First Amendment, 128–130, 133, 140–143, 152–153, 155, 170–173
- Fourteenth Amendment, 129, 145, 187, 194, 311, 313, 320, 323–328, 335–337, 339
- Takings Clause, 63, 65, 180, 185–193, 202, 206, 221, 339. *See also* takings
- Thirteenth Amendment, 126–128, 133, 145–147
- United States Patent Office, 121, 123, 126–127, 147
- unjust enrichment, 200–211
- Varyani, Natasha N., 297–298
- Veney, Bethany, 384
- Violence against Women Act, 361
- Virginia Charter of 1609, 53
- Warren, Samuel D., 162–163
- wasteland, 90–92, 94
- West India Company, 52
- White v. Samsung*
commentary, 149
rewritten feminist judgment, 156
- White, Vanna, 149–157, 164, 167
- wild animals, 90, 93, 98–100, 109, 111
- Wilkins, Pamela A., 3, 14–16, 348–354
- Williams, Susan H., iv, 141, 324
- Wilson, Darryl C., 6
- Wollstonecraft, Mary, 115
- Women's Court of Canada, 4
- Wright, Danaya C., 16, 316, 320–321
- Yorburg, Betty, 330
- Yuille, Lua Kamál, 3, 15, 345
- zoning, 6, 8–9, 11, 16–17, 28, 31, 316–342
occupancy limit, 311, 316, 321, 341