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0.1 Possession

By the usual principles of claim-staking, casually viewed, the person who describes a new form of i/p seems to possess it. This may be one explanation for the property lure.

Defects in the analogy include: no definite boundaries (esp use), etc.

0.2 Value

We tend to protect things of value-- to avoid uncertainty. Tort of interf w contract, interf w advantageous relations; compensation principle. Some things we protect without worry about optimal use cuz they're exchangeable. Some we protect without worry about optimal use cuz they're suitably inalienable. But often we worry about whether they're best used.

0.3 Duty to aid- and the slippery slope

Re the slippery slope danger, to assess it Schauer suggests we need to look at behavioral tendencies. We have two dangerous slopes: toward erosion of freedom of action re property, and toward

I'd like to argue the most dangerous (slipperiest) side is the slide toward too much property. I'm not sure that's true.

There's a strong behavioral tendency to use the law to punish morally bad behavior (the savior who won't save), to force some to use their resources to benefit the many. Perhaps out of a fear of slippery slopes here (Epstein) there's a overstrong rule- no duty to aid. Similarly there's another overstrong rule: the "right to exclude" Both seem to indicate fear of erosion. However: There's also a strong behavioral tendency to identify with the property owner. Unclear where

the danger is strongest.

0.4 right to exclude

The so-called "right to exclude" may have been the bulwark, the toehold against erosion, in stating property boundaries. It's both greater than and less than "the right to be free from damage." Some damaging things don't enter (e.g., the tort problems re concussion danger). Some entrances don't damage (the coal case.)

0.5 Compensation principle