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EMPLOYMENT

- 1988– YALE LAW SCHOOL
Walter E. Meyer Professor Emeritus of Property and Urban Law and Professorial Lecturer in Law (since 2015); Walter E. Meyer Professor of Property and Urban Law, 1988–2015; Deputy Dean, 1991–92. Teaching subjects (since 1970): Property, Land Use, Land Transactions, Urban Legal History, Torts, Local Government Law, The Homeless and the Law, Oil & Gas, various seminars
- 1981–1988 STANFORD LAW SCHOOL
Robert E. Paradise Professor of Natural Resources Law, 1985–1988; Professor, 1981–1985
- 1970–1981 UNIVERSITY OF SOUTHERN CALIFORNIA LAW SCHOOL
Professor, 1975–1981; Associate Professor, 1972–1975; Assistant Professor, 1970–1972
- Visitorships* HARVARD LAW SCHOOL, Fall 2000; YALE LAW SCHOOL, 1984–1985; STANFORD LAW SCHOOL, 1977; UNIVERSITY OF CHICAGO LAW SCHOOL, 1974–1975
- 1968–1970 LEVITT & SONS, Lake Success, New York (homebuilding firm)
Coordinator, Operations Group, 1969–1970; Manager, Urban Affairs, 1968–1969
- 1967–1968 PRESIDENT'S COMMITTEE ON URBAN HOUSING (KAISER COMMITTEE),
Washington, D.C., Attorney-Advisor; wrote about one-half of final report

EDUCATION

- 1966–1967 MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Department of Urban and Regional Planning
- 1963–1966 YALE LAW SCHOOL, LL.B.
- 1959–1963 OBERLIN COLLEGE, A.B. *Magna cum laude* with high honors in Government.
Phi Beta Kappa (junior year).

PUBLICATIONS

- Books:** PERSPECTIVES ON PROPERTY LAW (4th ed.) (with Carol M. Rose and Henry E. Smith), Wolters Kluwer Law and Business (2014).
- LAND USE CONTROLS: CASES AND MATERIALS (4th ed.) (with Vicki Been, Roderick M. Hills, Jr. and Christopher Serkin), Wolters Kluwer Law & Business (2013).
- THE HOUSEHOLD: INFORMAL ORDER AROUND THE HEARTH, Princeton University Press (Hardcover 2008; Paperback 2010).
- LAND USE CONTROLS: CASES AND MATERIALS (3rd ed.) (with Vicki L. Been), Aspen Law and Business (2005).
- PERSPECTIVES ON PROPERTY LAW (3rd ed.) (with Carol M. Rose and Bruce A. Ackerman), Aspen Law and Business (2002).
- LAND USE CONTROLS: CASES AND MATERIALS (2d ed.) (with Vicki L. Been), Aspen Law and Business (2000).
- PERSPECTIVES ON PROPERTY LAW (2nd ed.) (with Carol M. Rose and Bruce A. Ackerman), Little, Brown & Company (1995).
- ORDER WITHOUT LAW: HOW NEIGHBORS SETTLE DISPUTES, Harvard University Press (Hardcover 1991; Paperback 1994).
- CASES AND MATERIALS ON LAND-USE CONTROLS (with A. Dan Tarlock), Little, Brown & Company (1981). Supplement (1984). Supplement (1988).
- A DECENT HOME: THE REPORT OF THE PRESIDENT’S COMMITTEE ON URBAN HOUSING (Parts 2, 4, 5, 7, 8, 10, 11, 12). Washington, D.C.: U.S. Govt. Printing Office (1969).
- Longer Articles:** *When Civil Society Uses an Iron Fist: The Roles of Private Associations in Rulemaking and Adjudication*, 18 AM. L. & ECON. REV. 237–73 (2016)
- The Affirmative Duties of Property Owners: An Essay for Tom Merrill*, 3 BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE JOURNAL 43-70 (2014)
- The Law and Economics of Street Layouts: How a Grid Pattern Benefits a Downtown*, 64 ALA. L. REV. 463-510 (2013) (a contribution to the 2011–2012 Meador Lecture Series on Boundaries).
- Stone-Age Property in Domestic Animals: An Essay for Jim Krier*, 2 BRIGHAM-KANNER PROPERTY RIGHTS CONF. J. 1-25 (2013).
- Legal Sources of Residential Lock-Ins: Why French Households Move Half as Often as U.S. Households*, 2012 U. ILL. L. REV. 373-404.

The Costs of Complex Land Titles: Two Examples from China, 6 TSINGHUA L.J. 1-20 (2012) (in Chinese).

The Inevitable Trend Toward Universally Recognizable Signals of Property Claims: An Essay for Carol Rose, 19 WM. & MARY BILL RTS. J. 1015-1032 (2011).

The False Promise of the Mixed-Income Housing Project, 57 UCLA L. REV. 983-1021 (2010).

Unpacking the Household: Informal Property Rights Around the Hearth, 116 YALE L.J. 226-328 (2006).

The Market for Social Norms, 3 AM. L. & ECON. REV. 1-49 (2001).

Taming Leviathan: Will the Centralizing Tide of the Twentieth Century Continue into the Twenty-First? 74 S. CAL. L. REV. 101-18 (2000).

Trends in Legal Scholarship: A Statistical Study, 29 J. LEGAL STUD. 517-43 (2000).

New Institutions for Old Neighborhoods, 48 DUKE L.J. 75-110 (1998).

Law and Economics Discovers Social Norms, 27 J. LEGAL STUD. 537-52 (1998).

Controlling Chronic Misconduct in City Spaces: Of Panhandlers, Skid Rows, and Public-Space Zoning, 105 YALE L.J. 1165-1248 (1996).

Ancient Land Law: Mesopotamia, Egypt, Israel, 71 CHI.-KENT L. REV. 321-411 (1995) (with Thorland), reprinted in *ECONOMICS OF ANCIENT LAW* (Geoffrey P. Miller ed., 2010).

Property in Land, 102 YALE L.J. 1315-1400 (1993).

The Untenable Case for an Unconditional Right to Shelter, 15 HARV. J.L. & PUB. POL'Y 17-34 (1992).

The Homelessness Muddle, PUBLIC INTEREST, No. 99, at 45-60 (Spring 1990).

Bringing Culture and Human Frailty to Rational Actors, 65 CHI.-KENT L. REV. 23-55 (1989).

The Case for Coase and Against "Coaseanism," 99 YALE L.J. 611-630 (1989).

A Hypothesis of Wealth-Maximizing Norms: Evidence from the Whaling Industry, 5 J.L. ECON. & ORG. 83-97 (1989).

A Critique of Economic and Sociological Theories of Social Control, 16 J. LEGAL STUD. 67-99 (1987).

Adverse Possession and Perpetuities Law: Two Dents in the Libertarian Model of Property Rights, 64 WASH. U. L.Q. 723-737 (1986).

Of Coase and Cattle: Dispute Resolution Among Neighbors in Shasta County, 38 STAN. L.

REV. 623-87 (1986), reprinted in 18 LAND USE & ENVIRONMENT L. REV. 79-143 (Stuart L. Deutsch ed., 1987).

Cities and Homeowners Associations, 130 U. PA. L. REV. 1519-80 (1982).

The Irony of AnInclusionary@ Zoning, 54 S. CAL. L. REV. 1167-1216 (1981), reprinted in 14 LAND USE & ENVIRONMENT L. REV. 197-246 (Stuart L. Deutsch ed., 1983).

Public Property Rights: A Government's Rights and Duties When Its Landowners Come Into Conflict with Outsiders, 52 S. CAL. L. REV. 1627-69 (1979), reprinted in 12 LAND USE & ENVIRONMENTAL L. REV. 129-174 (Donald Hagman ed., 1981).

Suburban Growth Controls: An Economic and Legal Analysis, 86 YALE L.J. 385-511 (1977).

Alternatives to Zoning: Covenants, Nuisance Rules, and Fines as Land Use Controls, 40 U. CHI. L. REV. 681-781 (1973) [reprinted in Ackerman, ECONOMIC FOUNDATIONS OF PROPERTY LAW (1975)].

**Chapters
in Books:**

The Mediocrity of Government Subsidies to Mixed-Income Housing Projects, in PROPERTY RIGHTS AND LAND POLICIES (Gregory K. Ingram & Yu-Hung Hong eds., 2009).

Comparative Institutional Competence, in LOSING GROUND: A NATION ON EDGE 271-78 (John R. Nolon & Daniel B. Rodriguez eds., 2007).

Norms of the Household, in NORMS AND THE LAW 59-88 (John N. Drobak ed., 2006).

The Puzzle of the Optimal Social Composition of Neighborhoods, in THE TIEBOUT MODEL AT FIFTY: ESSAYS IN PUBLIC ECONOMICS IN HONOR OF WALLACE OATES 199-209 (William A. Fischel ed., 2006).

The Evolution of Social Norms: A Perspective from the Legal Academy, in SOCIAL NORMS 35-75 (Michael Hechter & Karl-Dieter Opp eds., 2001).

The (Limited) Ability of Urban Neighbors to Contract for the Provision of Local Public Goods, in THE FALL AND RISE OF FREEDOM OF CONTRACT 192-200 (Frank H. Buckley ed., 1999).

Of Coase and Cattle, in THE NEW INSTITUTIONALISM IN SOCIOLOGY 46-76 (Mary C. Brinton & Victor Nee eds., 1998).

Preface: The Effect of Growth Controls on Housing Prices on the San Francisco Peninsula, in LAND USE AND HOUSING ON THE SAN FRANCISCO PENINSULA (Stanford Environmental Law Society, 1982 Annual, Thomas M. Hagler ed., 1983).

The Irony of AnInclusionary@ Zoning, in RESOLVING THE HOUSING CRISIS 135-187 (M. Bruce Johnson ed., 1982).

Public Property Rights: Vicarious Intergovernmental Rights and Liabilities as a Technique for Correcting Intergovernmental Spillovers in ESSAYS ON THE LAW AND ECONOMICS OF

LOCAL GOVERNMENTS 51-101 (Daniel Rubinfeld ed., 1979).

**Shorter
Works:**

Open Space in an Urban Area: Might There Be Too Much of a Good Thing? The Eighth in the Wolf Family Lecture Series on the American Law of Real Property, University of Florida Levin College of Law, published in POWELL ON REAL PROPERTY® WFL-1 to -15 (2015), published by Matthew Bender Elite Products.

Methodological Discussion Paper, commenting on François Bonnet et al., “Better Residential than Ethnic Discrimination!” Sciences Po, Laboratoire Interdisciplinaire d’Evaluation des Politiques Publiques (Sept. 2015, No. 5).

Q.Ed., in IN MEMORIAM, QUINTIN JOHNSTONE 1915–2014, Yale Law School Office of Public Affairs (Jan. 2015).

The Entitlements of Unallied Hunters After a Sequential Capture, 63 U. TORONTO L.J. 126-137 (2013).

How Norm Entrepreneurs and Membership Associations Contribute to Private Ordering: A Response to Fagundes, 90 TEX. L. REV. *SEE ALSO* 247–257 (2012).

Commentary on William Fischel’s *The Evolution of Zoning Since the 1980s: The Persistence of Localism*, in PROPERTY IN LAND AND OTHER RESOURCES 288 (Daniel H. Cole & Elinor Ostrom eds., Lincoln Institute of Land Policy, 2012).

Comment on Ribstein’s *Incorporating the Hendricksons*, 35 WASH. U. J.L.& POL’Y 301 (2011).

Two Cheers for the Bundle-of-Sticks Metaphor, Three Cheers for Merrill and Smith, in *Symposium: Property: A Bundle of Rights?* 8 ECON J. WATCH 215 (2011), available at <http://econjwatch.org/>.

Federalism and Kelo: A Question for Richard Epstein, 44 TULSA L. REV. 751-763 (2009).

Unpacking the Household: Informal Property Rights Around the Hearth, 116 YALE L.J. POCKET PART 336-340 (2007), <http://thepocketpart.org/2007/04/16/ellickson.html>.

City, Heal Thyself, 116 YALE L.J. POCKET PART 199-202 (2006), <http://thepocketpart.org/2006/12/11/ellickson.html>.

A Private Idaho in Greenwich Village?, 115 YALE L.J. POCKET PART 5-8 (2005), <http://www.thepocketpart.org/2005/10/ellickson.html>.

Response to “The Effects of Land Use Regulation on the Price of Housing: What Do We Know? What Can We Learn?” by John M. Quigley and Larry A. Rosenthal, 8 CITYSCAPE 261-64 (2005).

The Twilight of Critical Theory: A Reply to Litowitz, 15 YALE J.L. & HUMAN. 333-346 (2003).

The Dauntless Gary Schwartz, 50 UCLA L. Rev. 265-68 (2002).

Monitoring the Mayor: Will the New Information Technologies Make Local Officials More Responsible? 32 URB. LAW. 391-400 (2000).

The Market for "Law-and" Scholarship, 21 HARV. J.L. & PUB. POL=Y 157-70 (1997).

Comment on "Contracting, Enforcement, and Efficiency: Economics beyond the Law," by Avner Greif, ANNUAL WORLD BANK CONFERENCE ON DEVELOPMENT ECONOMICS 266-270 (M. Bruno & B. Pleskovic eds., 1997).

Takings Legislation: A Comment, 20 HARV. J.L. & PUB. POL'Y 75-84 (1996).

The Aim of Order Without Law, 150 J.I.T.E. 97-100 (1994).

A Right to Housing?, 4 RESPONSIVE COMMUNITY 43-48 (1994).

Rent Control: A Comment on Olsen, 67 CHI.-KENT L. REV. 947-54 (1992).

Three Systems of Land-Use Control, 13 HARV. J.L. & PUB. POL'Y 67-74 (1990).

The Legal Dimension of the Privatization Movement, 11 GEO. MASON U.L. REV. 157-164 (1988).

Inclusionary Zoning: Yet Another Misguided Urban Policy? PLANNING, Aug. 1985, at 18-20, reprinted in INCLUSIONARY ZONING MOVES DOWNTOWN (D. Merriam, D. Brower & P. Tegeler eds., 1985).

A Reply to Michelman and Frug, 130 U. PA. L. REV. 1602-08 (1982).

The Role of Economics in the Teaching of Land-Use Law, 1 J. ENVTL. L. & POL. 1-11 (1980).

Comments on Regulation of Mortgage Lending in the Inner City, in URBAN HOUSING 179-85 (Federal Home Loan Bank of San Francisco 1979).

Ticket to Thermidor: A Commentary on the Proposed California Coastal Plan, 49 S. CAL. L. REV. 715-736 (1976).

Book Review of POLITICS OF LAND (Ralph Nader's Study Group Report on Land Use in California), 47 S. CAL. L. REV. 641-672 (1973).

Note, *Government Housing Assistance to the Poor*, 76 YALE L.J. 508-544 (1967).

BAR ADMISSIONS California, 1971; District of Columbia, 1967

PROFESSIONAL ACTIVITIES Advisor, Restatement (Fourth) of Property, 2015-
Adviser, Restatement (Third) of Property: Servitudes, 1986-2000
American Law and Economics Association (Board of Directors, 1993-95;

Secretary-Treasurer, 1998-99; Vice President, 1999-2000, President, 2000-01)
Member, American Law Institute

HONORS

Fourth recipient of the Ronald H. Coase Medal, awarded bi-annually by the American Law and Economics Association in recognition of major contributions to the field of law and economics, 2016

William & Mary Law School, Brigham-Kanner Property Rights Prize for Property Scholarship, 2008

Order of the Coif Triennial Book Award, 1996 (for ORDER WITHOUT LAW)

Fellow, American Academy of Arts and Sciences (since 1995)

USC Associates Award for Teaching Excellence, 1977

University of Miami Law and Economics Center's Annual Prize for Distinguished Scholarship in Law and Economics, 1977