
Article:
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Introduction

Why The Special Issue?

This Special Issue of the *Property Law Review* is devoted to an exploration of different ways of thinking about law and property, and their relationship with the wider world. As well as introducing new researchers to a variety of research approaches, we hope that it will enable those of us who are familiar only with one or two ways of doing things to discover fresh ways of looking at and exploring property related issues. In this Introduction we set the context for the later contributions with the results of a survey of property law researchers that we conducted in 2013.

The idea for the survey and for this Special Issue stems largely from Sue's own experience of an increasing awareness that her understanding of 'the law' felt incomplete or partial when it was based purely on primary materials – case law and statutes. Most of her early scholarship in property law was in the 'doctrinal mould' but over time she became increasingly interested in explaining how property law is situated and used in the world. Her research has evolved to look at law from different angles – sometimes being, perhaps, best described as 'law in context', and at other times involving a socio-legal perspective. Most recently, she has stepped much more definitely outside her familiar comfort zone. Research into the improvement of the environmental performance of tenanted commercial property has been truly interdisciplinary work – working with engineers, mathematicians, surveyors, computing experts and socio-technical building scholars. This has required her to develop an understanding of the research styles and languages of other disciplines. Her empirical work with Lisa Whitehouse, investigating the repossession of homes from owners and tenants, has involved learning new skills such as how to conduct, transcribe and analyse interviews, as well as designing and interpreting surveys. Moving beyond the 'doctrinal' box introduced her to a variety of debates about research methods and methodologies that hitherto she had not come across. At the same time, increasing exposure to international property law scholarship, including through the Association of Law, Property and Society (ALPS) conferences, made it clear that property law scholarship is often shaped differently in different jurisdictions, and not simply because the questions about substantive law vary. Sarah's research experience was very different. Her starting point was involvement in an inter-disciplinary research team undertaking empirical and evaluative projects relating to housing law, policy and practice. She developed an interest in property law and theory more generally, leading her to apply socio-legal research skills to questions about property in practice.

Thus began a series of conversations between Sue and Sarah in which we hatched the plan of running a session at ALPS 2013 that would provide a forum for conversations about approaches to property law scholarship. In order to provide a focus for this panel, we decided to conduct a survey to discover which methods of research are most common, and to explore whether dominant approaches vary between jurisdictions. The survey was planned and carried out during the run-up to the Research Excellence Framework 2014 in the UK, so we were also interested in whether this had influenced property law scholars in their choice of research approach. Preliminary findings from this Survey were presented at ALPS, and the next section of this Introduction provides a more detailed analysis.

The discussions during and after the panel session at ALPS were lively and, at times, uncomfortable. This led us to think that there could be value in providing a collection of papers written by established property law scholars that would explain alternative ways of going about research into property law. All of the speakers from the ALPS panel have contributed to this Special Issue, and we have also invited papers from other leading property scholars. Each contributor was asked to write about a particular 'method', with the goal that property law scholars who look to this collection will learn about different approaches to property law scholarship, and be referred to more detailed 'methods' writings. They are appetisers, and anyone wishing to explore, and potentially adopt, a particular 'method' will need to follow up the footnote references.

Each contributor was asked to address three issues:

Why? What unique perspective/insight does this approach provide? (What is the value of this approach?)

How? What would you say are the key features of this approach to property law?

Challenges: What are the key challenges facing a researcher adopting this approach?

Of course, the lines are fuzzy – one approach may be closely associated with another. We have decided not to provide a detailed overview of the various contributions in this Introduction, as the titles of the papers are self-explanatory and the contents speak for themselves. However, we have flagged up within the articles where we think that the reader might like to refer to one of the other contributions to see the relationship between methods. We do, inevitably, owe thanks to many people: the contributors to this Special Issue, the survey respondents, the editors and publishers of the Property Law Review for agreeing to produce this Special Issue. Thanks are also due to Loredana Grimes who worked with us on analysing the results and to Ian Loasby who helped with the survey, both at the University of Sheffield; and especially to the property law research community: those whose work we have read, talked with, conducted research alongside, and listened to over the years.

The Survey

The survey, conducted in March and April 2013, was designed to provide information about the ways that property law research is conducted today, and how researchers would classify their own approach to research.

We invited responses from anyone who considered that their research fell within property law as they understand it. Although the survey was administered from the UK, it was distributed internationally by email with a link to a Survey Monkey questionnaire. We distributed this link widely, making use of a distribution list that we composed (based on contacts and some internet research), as well as asking a number of academic networks to send the link via their own mail-lists. We are very grateful to those networks and to all who took the time and effort to respond. In total there were 195 respondents.

Practical and analytical issues

For the purposes of the survey we asked respondents to place their research approach into a

particular category, and also into substantive areas. Selecting categories is problematic and we debated which categories to provide as options, and whether to offer any definitions of them. In asking about approaches to property law scholarship, we offered the following categories: property theory; doctrine/black-letter for academic audience; doctrine/black-letter for practitioner audience; socio-legal; empirical; comparative property law; critical legal studies; and other. The substantive areas we set out were Land Law (including equitable aspects); Equity and Trusts; Personal property; Property theory; Housing Law; and Environmental Law. Property theory was included as a category in the range of both research approaches and substantive areas of property law, as this seemed to best reflect what we knew about the work of our fellow property law scholars. We did not offer any definition of the categories used. To some extent, the selection made reflected our UK-centric experiences, and with the benefit of hindsight we would have packaged things somewhat differently.

At the outset our survey acknowledged that categorisation is very difficult and that respondents' approaches to property scholarship may not match the categories we used, but we asked them to select what they considered the closest match and to use the 'other' text box to offer a different category or to comment in any way on categorisation. The responses in the 'other' text box were sometimes numerically significant, and if so we have added in these new categories to the charts which display the survey results. A number of respondents commented on the difficulty of categorizing their research approach in this way. One US scholar said "*Hard to fit things in these categories -where do regulatory takings fall? How about commons property?*", which may be an indication of our own jurisdictional bias. However, a researcher from England who identified their work as socio-legal went on to comment: "*But it depends on how socio-legal is understood. My work is not theoretically driven and is very focused around how law works in context*"; and a US academic said they were "*assuming that by 'socio-legal' you mean policy-related research: arguing about what the law should be as well as what it is*". It quickly became apparent that labels we thought of as self-evident others found difficult to apply.

When we started analyzing the survey results, we realized that academics (or perhaps it is just property law researchers?) make very ill-disciplined respondents. For example, when asked "*Which of the following categories would you say most closely reflects the majority (by number) of your publication output in relation to property law? Please tick only one box*", 12 respondents ticked more than one box; 4 did not tick any box; and the box ticked by 2 respondents in answer to this question did not match any of the categories they had chosen in answer to the previous question. This problem applied to several of the survey questions, which forced us to discount some answers in our analysis and has skewed the numbers. Some respondents had to be discounted completely, as it was impossible to make sense of their answers. The total number of survey respondents is therefore 186.

We had hoped to be able to make meaningful comparisons between jurisdictions. Our categories were the UK (made up of England, Northern Ireland, Scotland and Wales); Ireland; Other European countries (which we asked respondents to specify); USA; Canada; Australia and Other countries outside Europe (which we asked respondents to specify). Eighty-two respondents worked in the UK, and 70 in the USA. Eight respondents worked in other European countries: two in the Netherlands and two in Spain, and one in each of Austria, Belgium, Germany and Hungary. As the survey was in

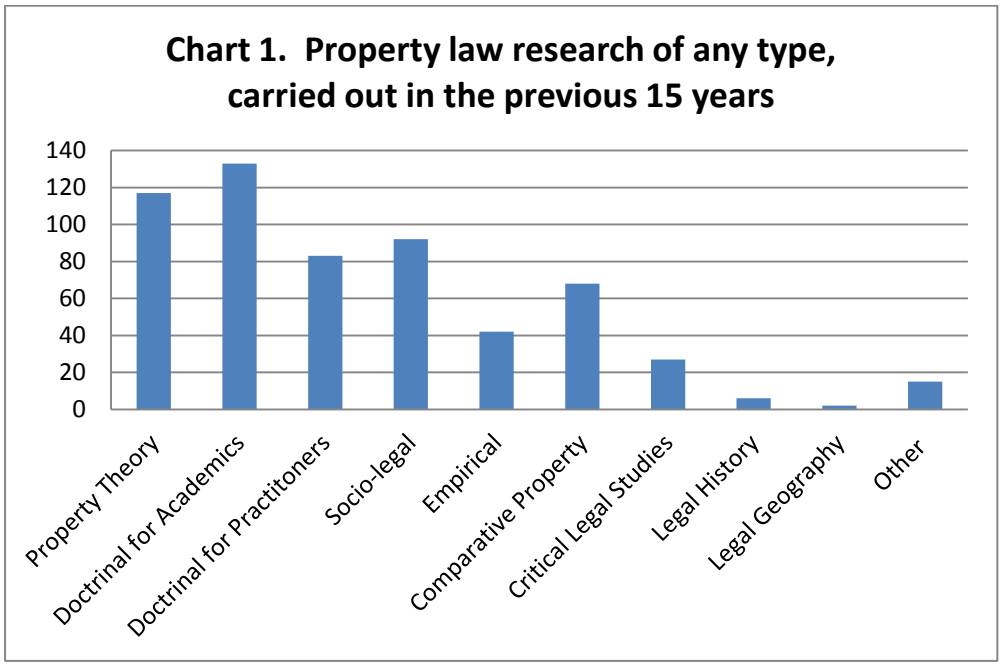
English, there are unlikely to have been many non-native English speakers who responded from Europe. Three respondents worked in Australia and three in Canada, while 23 respondents worked in other non-European countries: one in each of Asia, Brazil and Singapore, two in New Zealand, three in each of Hong Kong and Israel, and six in South Africa. We decided to include Canada and Australia with the other non-European countries rather than as separate jurisdictions, given the small number of respondents from each of those countries, making a total of 29 from 'Other non-European countries'. We initially report comparative results for each of these jurisdictional categories, but the later survey results on research funding are presented only for the UK and the USA as the data for the other composite jurisdictional categories would be misleading. Further, given the small respondent groups from all jurisdictions apart from the UK and the USA, caution must be taken in reading too much into the data as it is unlikely to be representative.

Notwithstanding these various qualifications and reservations, the results draw attention to interesting commonalties and divergences in property law research between jurisdictions.

The Survey Results

Research Approaches Used

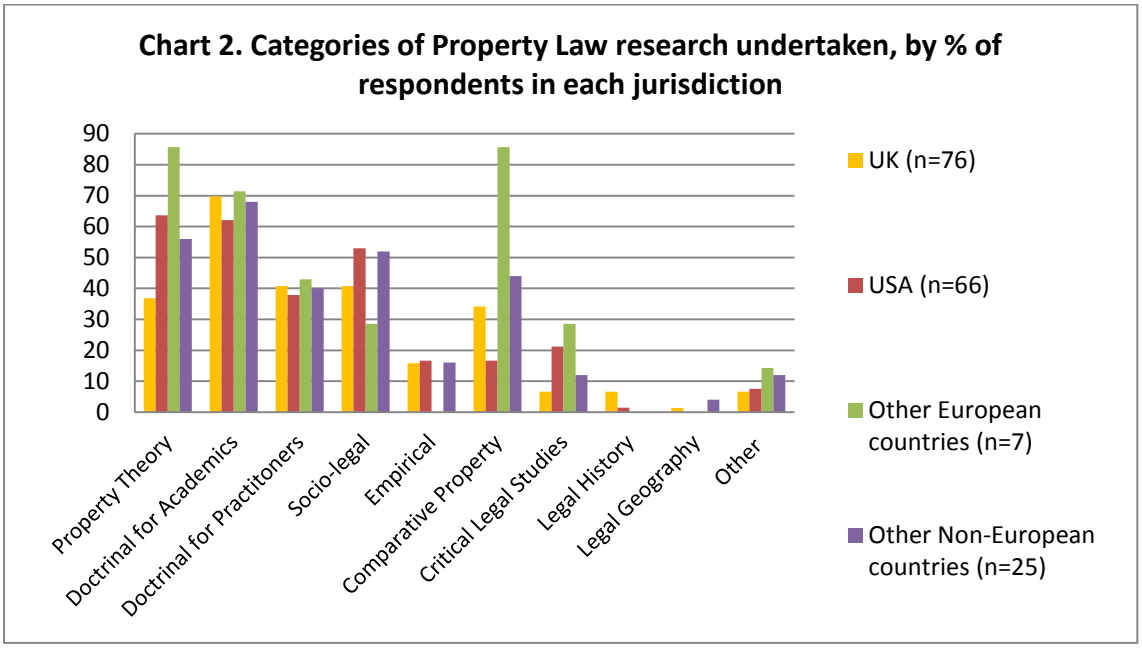
Chart 1 shows which research approaches have been used during the last 15 years, using data from all of the responses (n = 185; one respondent omitted this question). Respondents were able to tick multiple answers. For example, someone who has conducted research that is doctrinal, and also research that is empirical, could select both categories. The results show that, numerically, the most common research approaches are doctrinal (for an academic audience) followed by theoretical, and then socio-legal research.



A variety of 'other' approaches were mentioned, the most frequent being legal history, but also mentioned were: law and geography, law and development, and critical race studies. Some of the other responses to this survey question are, we think, more appropriately regarded as substantive

areas of law rather than approaches, for example Intellectual Property, and European Property Law. There was no mention of law and economics, although we note that this is a strong tradition, particularly in the USA. With the exception of law and development, all of these approaches are addressed in contributions to this Special Issue, although the distinction between doctrinal law written for academics and that written for practitioners has not been separately treated. It will become apparent that, as respondents worked their way through the survey questions, the category of doctrinal writing for practitioners faded away.

Chart 2 indicates that there are significant differences in favoured research approach between jurisdictions. Here, again, the survey allowed respondents to choose more than one category. Property theory comes out very strongly in the USA, while the academic doctrinal approach is more common in the UK than in other jurisdictions, and doctrinal research aimed at practitioners is more common in non-European countries outside the USA. It would seem that few US scholars undertake comparative research, while for respondents from Europe outside the UK this approach is just as prevalent as the theoretical approach. However, there were very few respondents from this latter jurisdictional category; and see comments above on the issue of language which may mean that comparative lawyers were over-represented.



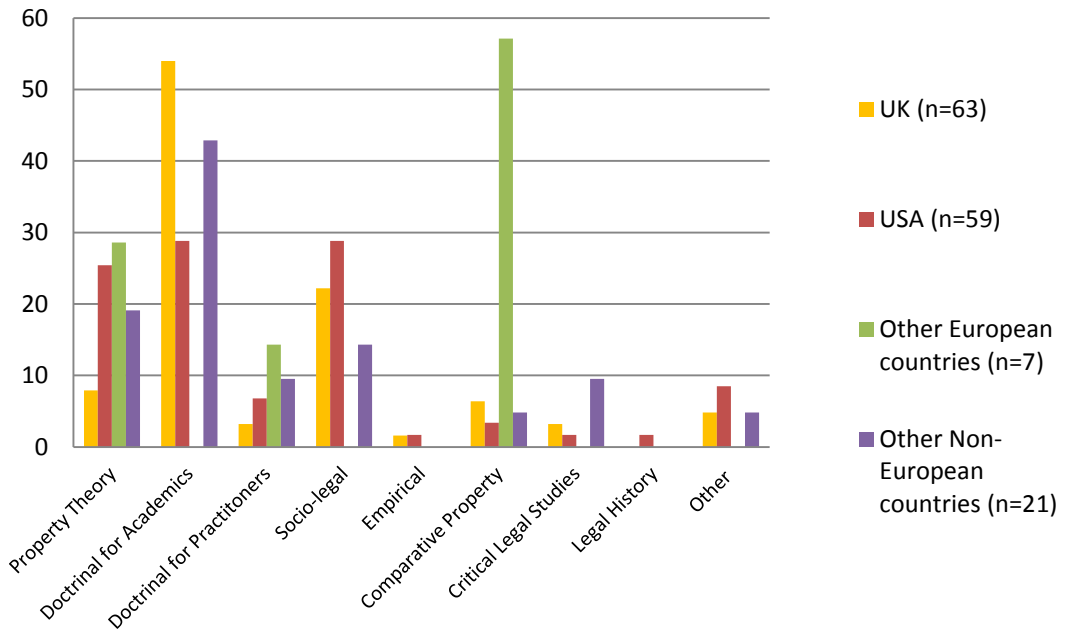
It is interesting to compare these results with Cownie's empirical findings from her interviews with 53 UK academics ten years previously.[1] She identified four major approaches: doctrinal, socio-legal, critical legal studies and feminist legal theory, although she found that none of her respondents took a purely feminist approach. Ten per cent of Cownies' respondents considered themselves to be 'hybrid socio-legal and critical legal scholars'; 40% purely socio-legal, and the remaining 50% defined themselves as doctrinal scholars. The major difference between the categories was that "doctrinal" was understood to exclude empirical research. Cownie concludes that the meaning of doctrinal

[1] Cownie F, Legal Academics: Culture and Academics (Hart, Oxford, 2004) pp 54-58. In personal correspondence with Sarah Blandy, Fiona Cownie explained that she did not provide a definition of these categories for her interview respondents.

research has changed considerably over the past thirty years or so, to include the consideration of contextual issues.

A different picture emerged when our respondents were asked about their publications since 2008. The previous question (results shown in Chart 2) asked about research approaches over the past 15 years, and allowed respondents to select several different approaches. The question reflected in Chart 3 asked specifically about publications since 2008 and required respondents to choose one, their dominant, approach, only. This question also addressed a more recent and shorter period than the previous one, and required respondents to choose the category which "most closely reflects the majority (by number) of your publication output in relation to property law. Please tick only one box". Thirty-six respondents omitted this question about publications (thus, n= 150), possibly because they were not active in writing for publication. The results shown in Chart 3 indicate that the doctrinal academic approach is clearly the majority category of publications for UK and for non-European scholars outside the USA, while in other jurisdictions publications are more evenly spread over the different categories. The exception is that comparative property law is the main category of publication for 57% of Other European researchers (although this was a small group of respondents, and it may be that comparative scholars working in the English language were more likely than others to come across the survey). Notably, very few respondents in any jurisdiction stated that their main output was doctrinal research for a practitioner audience, even though around 40% of researchers in each jurisdiction had indicated that they carried out research of this type over the past 15 years (see Chart 2).

Chart 3. Main research approaches in post-2008 publications, by % of respondents in each jurisdiction



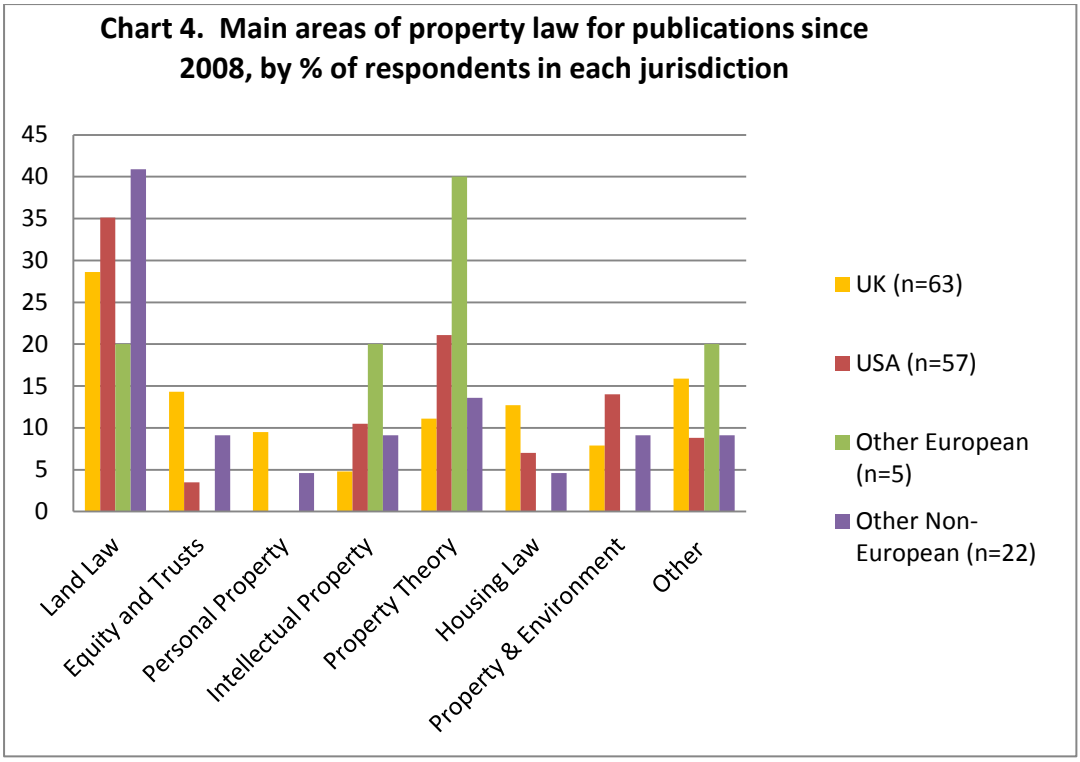
In the overall responses to this question, ignoring jurisdictions, publications reflecting the doctrinal approach for an academic audience form the majority category (39% of all respondents), while property theory (17%) falls into third place behind socio-legal publications (23% of all respondents).

Substantive Areas of Research

We now turn to the main *substantive areas* of property law in relation to publications since 2008. Respondents (n = 147; 39 respondents omitted this question) were here asked to select the main area on which they had published, choosing between Land Law (including equitable aspects), Equity and Trusts, Personal Property, Intellectual Property, Property Theory, Housing Law, Property and Environment, with the option of selecting 'other'. It became apparent when analysing the responses that there are differences in the way that subject areas are thought about between different jurisdictions. One comment was made, for example, that leases are regarded as contracts (and thus, according to the respondent, as personal property) in continental Europe. Another more detailed comment was made about the way things are packaged together in the USA:

> Actually in the U.S. a more appropriate subject title would be Real Estate Transactions. This is a mix of real, personal, and finance law focused on private market development activities. Related to it would be land use and zoning law as the public regulation of real estate transactions. From my experience academics in the UK do not really think of or cover this aspect of property in the way we do in the States. This is interdisciplinary and transactional thinking about a mix of property topics all in one subject area. For example we don't really teach what you call land law as that is just a slice of other course topics.

It is immediately apparent from Chart 4 that Land Law is the dominant area of property law (averaging 35% for all respondents) in terms of publications, followed by Property Theory, which is the major category for scholars in Other European jurisdictions and for 18% of respondents across all jurisdictions. While the publications of UK researchers are relatively evenly spread across the different categories, there are interesting comparisons to be made between US and UK property law scholars. Although roughly equal percentages of property law researchers in the UK and in the USA work in Land Law and in Housing Law, there is a divergence in other areas. Significantly more UK scholars research and publish on Equity and Trusts, and Personal Property, and a significantly higher proportion of US scholars work in the areas of Property Theory, the Environment, and Intellectual Property.



Influence of Institutions and Funding Bodies

We were interested in exploring whether employers and/or the opportunities for funding in any way direct or shape the research that is done. We asked whether respondents had experienced any influence or pressure from their own institution to change research approach, and also whether their approach had changed as a result of their understanding of the current priorities of funding bodies. All respondents save two, so 184 in total, answered these questions. Although the majority had not experienced any influence or pressure from their institutions to change their research approach, a sizeable minority (14%) said that they had. This became more interesting when the results were broken down between jurisdictions. Twenty-three per cent, nearly 1 in 4, of UK respondents had experienced some form of pressure or influence. This may be compared with 4% of respondents in the USA, none in other European countries and 12% in non-European countries outside the USA. In addition, twelve per cent of all respondents, of whom more than half were from the UK, said that they had changed their research approach in response to funding bodies' priorities. Only 2 respondents from the USA said that they had adapted in this way.

A large number of comments were made in the open text box accompanying these questions. The two issues, influence from employing institutions and funding bodies' perceived priorities, are clearly interlinked. For example, the Australian Department of Education emphasises empirical research in their assessment of university research ratings,

at the expense of doctrinal research,[2] and one Australian respondent commented that "*We are judged by how much funding we pull in. Doctrinal research is not particularly well-regarded in my institution*". Several UK survey respondents referred to the Research Excellence Framework (REF) that is used for assessing the quality of research in UK higher education institutions, including the need for publications to demonstrate "impact". Although not all in the same vein a good number of these respondents suggested that in particular a doctrinal approach to Land Law was not favoured in their institutions; comments included that it was not seen as "*the way forward*", "*not perceived in a favourable light*", "*not of international quality*", "*inferior, not even genuinely academic*"; although in contrast one respondent felt that their research "*ought to be more doctrinal and black letter*". Several UK respondents said that the views of their institutions were made clear, although falling short of direct pressure. One respondent from the UK felt "*under pressure to attract funding*"; another felt their research output had to be made "*more REF-able*". The general impression given by the comments made by UK researchers is that institutional expectations had changed. For example, universities are no longer "*happy that academic staff wrote for professional journals*"; another respondent commented on the "*constant awareness of the need to ensure that research and future research plans will meet targets measured against external criteria*".

The responses to the survey indicate that some scholars in other jurisdictions, although this was far less marked than in the UK, were also made aware by their institutions that certain research approaches are more acceptable than others. A respondent from the USA commented that while practitioner and broadly socio-legal pieces were not approved of, "*on the other hand, my empirical work is being favorably received*". An Australian property law scholar had received "*a sense that my research is not sufficiently 'black letter' and does not conform to the image/expectations of the institution*".

Respondents also commented on the need to align their research proposals with funding priorities; for example, in South Africa, "*funding authorities are currently especially interested in transformation of the law and in training of a new cohort of young academics*". An English respondent reported that they had made a move "*to include empirical research to satisfy funding bodies*"; another from the UK said they had adapted a particular "*proposal so that it incorporates a socio-legal dimension*". A property law researcher from another European country commented that it was now "*clear that comparative property law has become of major importance in order to gain external funding*", which may explain the emphasis given to this research approach in these jurisdictions (see Chart 3).

The steer from funding bodies can, however, be experienced in a positive way. A respondent from the UK commented that

[2] Pendleton M, "Non-empirical Discovery in Legal Scholarship – Choosing, Researching and Writing a Traditional Scholarly Article" in McConville M and Hong Chui W (eds), *Research Methods for Law* (Edinburgh University Press, Edinburgh, 2007) p 159.

> Research funding has enabled me to think about what property law is, and how it reacts with other disciplines, including geography, history, storytelling and community engagement. It's taken me out into the field, using interviews and site visits and has greatly enriched my academic work and the amount of enjoyment I get from it.

Another European researcher took the pragmatic view that "*Of course, the need for funding is essential, especially for younger researchers. Adapting your methodology as well as the type of research you do to make you more eligible for research grants, is crucial*". Similarly, a UK scholar said of their research that "*it might tick the right boxes - but it has not changed what I want to do, just made it look more possible*".

Some respondents took an admirably independent and principled stance towards funding. One UK researcher, who has been successful in obtaining research grants, commented that "*I want to carry out this research, whether I receive funding from the research bodies or not. I consider it worthwhile*". Similar views were expressed by a US scholar: "*I don't see any point in pursuing research about which I feel no passion*", and by another UK respondent: "*I do not feel it's worth being an academic if my research is driven by funding priorities that are clearly market (impact) driven*".

Grant Applications and Success Rates

We asked the survey respondents for details of their research funding applications, allowing each respondent to enter information about five separate applications. The numbers from Other non-European jurisdictions and from Other European jurisdictions were too small to allow for any meaningful interpretation. Thirty-six scholars from the UK and 26 from the USA reported that they had applied for grants from funders. Of those, 13 and 8 (from the UK and the USA, respectively) went on to make another application; 6 and 1 made a third application; 3 and 1 made a fourth application, and 2 UK researchers (but none from the USA) reported making a fifth funding application. In other words, the thirty-six researchers from the UK made sixty applications for funding between them; and the twenty-six researchers from the USA made thirty-six applications between them.

The survey data show that 50% of the 60 funding applications made by UK researchers (n=30, with two applications pending) were successful, compared with 58% of the 36 US applications (n=24, with six applications pending). This seems a high success rate compared, for example, to some of the UK Research Councils: responsive mode applications for the ESRC in the UK in 2012-13 had only a 27% success rate (but it should be noted that the success rate for socio-legal applications was 38%); whereas the AHRC success rate of 47% is closer to what we found.[3] Of course, the survey results depend on self-reporting by respondents, who perhaps were not keen to divulge lack of success in grant applications, or maybe were less likely to recall them. Further, a number of survey respondents who said

[3] http://www.esrc.ac.uk/_images/ESRC_2012_13_Vital_Statistics_tcm8-29040.pdf, p 17. http://www.ahrc.ac.uk/Funded-Research/Statistics/Pages/Competition-statistics.aspx.

that they had applied for funding and supplied some information about the application did not then answer whether the application was successful; these responses have been discounted from our figures on success rates. Numbers in the other jurisdictions, aside from the UK and the USA, are too small to be meaningful and so are not reported here.

Charts 5 and 6 make clear that different research approaches, and different areas of property law, are funded in the UK and in the USA, respectively. As we saw in Chart 2, doctrinal scholarship is a major research category in both jurisdictions. However, Chart 5 demonstrates that in the UK more than 50% of successful grant applications are concerned with socio-legal research, whereas in the USA the most successful research approach in terms of funding (at 33% of the total in that jurisdiction) is doctrinal scholarship. Chart 2 demonstrates that marginally more US researchers adopt a theoretical research approach than doctrinal, yet the theoretical approach results in a lower proportion of successful funding applications. Chart 5 therefore indicates that scholars are not necessarily receiving funding for projects that reflect their favoured research approach (nor does funding reflect the majority of their publications; see Chart 3). The high proportion of UK grants awarded for socio-legal research has an obvious connection with the pressure felt by property law researchers in this jurisdiction to move away from doctrinal research, as discussed in the previous section.[4]

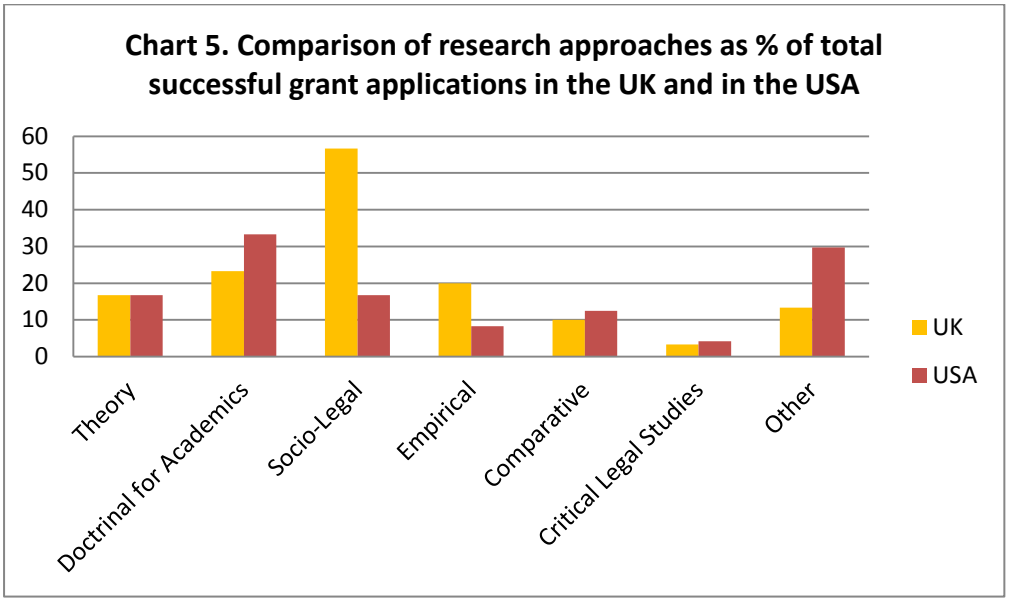
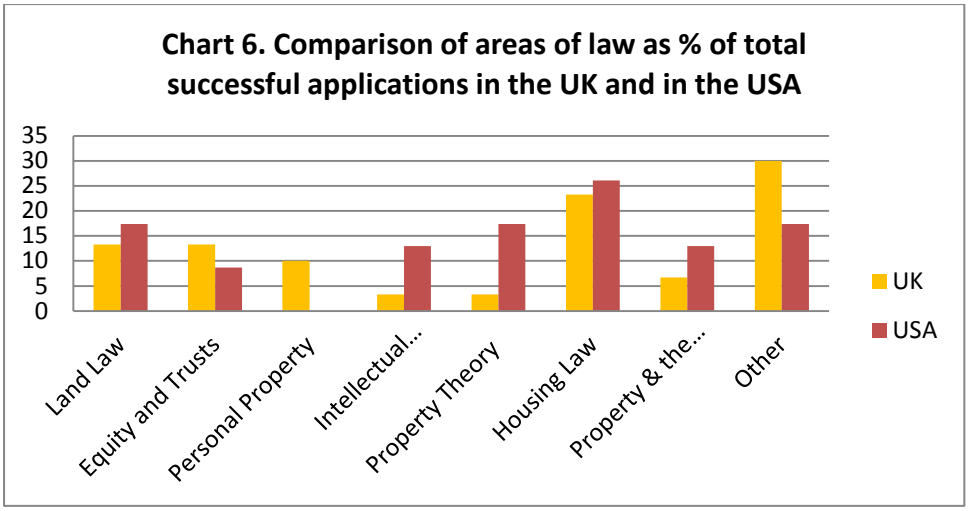


Chart 6 displays the results for substantive areas of law rather than research approaches. It shows that Property Theory and Intellectual Property as areas of law are markedly more likely to be funded in the USA than in the UK.[5]

[4] Note that although the 'Other' column in Chart 5 appears to be a significant category, in fact it records only ten successful applications in the UK and four in the USA, ranging from Water Law to Constitutional Theory.

[5] Again, the 'Other' column relates to a very small number of researchers, and the areas of law listed by respondents vary widely; Taxation is the only area of property law to appear twice in the 'Other' text box.



Whereas it appears from Chart 4 that Land Law is the major area of law for publications since 2008 in both jurisdictions, this is not reflected in its share of successful funding applications as shown in Chart 6. Conversely, even though a relatively small number of scholars list Housing Law as their main research area (see Chart 4), research into Housing Law is the most successful in terms of funding in both the UK and in the USA, perhaps reflecting the impact of this aspect of property law in the real world. We initially thought that the explanation might be that those scholars interested in Housing Law are also those whose approach is empirical and/or socio-legal and, if so, these approaches are more likely to require direct funding (for example, expenses, hire of research associate to help with interviews and analysis). However, rather to our surprise, the survey data showed that a number of US researchers had been successful in obtaining funding to research Housing Law using a doctrinal approach; it could be, of course, that our understanding of Housing Law is jurisdiction-specific rather than shared

Apart from the difference in rates of success, there is also a significant difference in the *sources* of funding between the two jurisdictions. We categorised these sources into:

1. funds open to all academic researchers which are which are predominantly publicly funded, for example the UK Research Councils or the US National Science Foundation;

2. funds open to all academic researchers which are privately funded, such as trusts and publishers offering grants;

3. funds restricted to particular groups, for example internal college or university funds available to employees only;

4. funds provided by government bodies.

The survey data relating to types of funding for successful research grants in the UK and in the USA are set out in Charts 7 and 8.

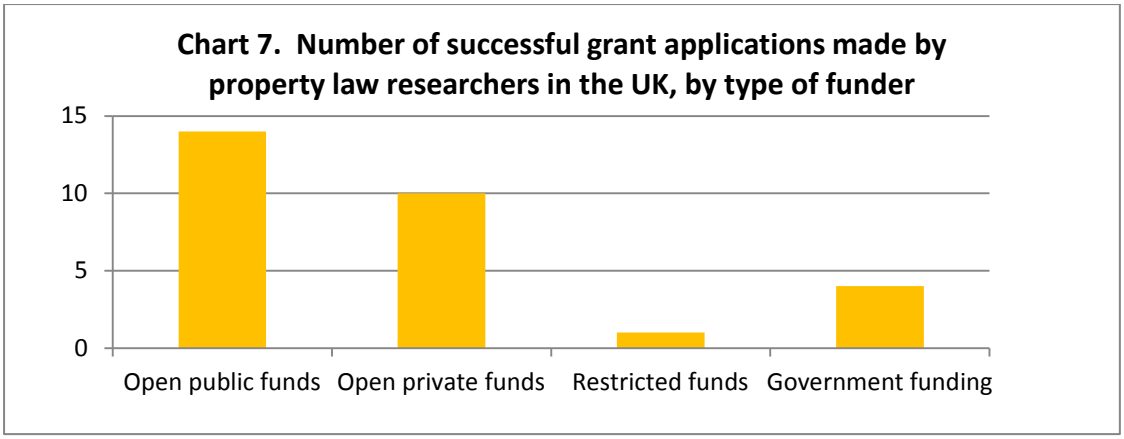
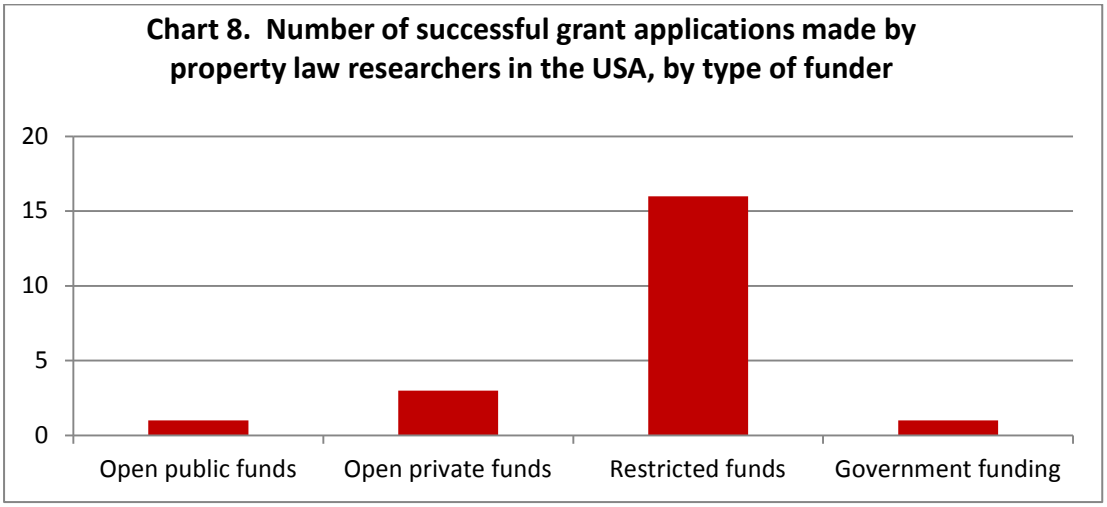


Chart 7 indicates that nearly half of the successful applications by UK researchers were made to public funds open to all academic researchers; one-third to the second type of funder; 14% to government bodies, and only 3% to funders internal to their institutions.



The position is quite reversed in the USA, as shown in Chart 8. Here, over three-quarters of successful applications for funds were made to the third type of funding source; as one respondent commented: "*I receive grants from my law school for some of my scholarship, they are responsive to what I want to write about*". Fourteen per cent of successful US applications were funded by the second type, private funds open to all academic researchers, and 5% each by the first type of funder and by government bodies.

These startlingly different pictures in the two jurisdictions do not, of course, tell us anything about the *amount* of funding obtained by successful applicants; we did not ask for those details in the survey. It may be, however, that the largest research grants would be available from the first type of funder. Funding from government bodies is usually for projects such as evaluation of a particular law or policy, which require collection and assessment of research evidence for a particular purpose. The survey data indicate that very few such applications were made by our respondents, in either jurisdiction. It is striking that most universities in the USA offer research funding to their employees (the

third type of funding), while few in the UK seem to do so. It may be that this type of funding is for lower amounts, so would be unsuitable for large socio-legal projects, but the chances of success are extremely good. With the caveat that unsuccessful applications are probably under-reported in the survey, it is nonetheless noteworthy that no US scholar who applied to their own institution for funding reported being turned down.

Conclusions

As noted above, the range of approaches discussed in this volume is much wider than the categories we included in the survey. It was evident from the survey that asking people to 'pigeon-hole' their research approach and substantive topics was constraining and not easily done. Research methods shade into one other without clear boundaries: that is clear from many of the articles within this issue. What is also evident, however, from reading the articles in this collection, is that different methods enable distinctive insights to be gleaned about the nature of property and its relationship with society and law. As a community of scholars and teachers, it is important that a rich variety of methods of conducting property law research is encouraged and supported so as to provide a more complete picture of the rules and operation of property within society.

This creates a number of problems for the research community. Each article mentions challenges within that particular approach, but there are a number of over-arching issues that law schools will have to address in the coming years. If, as the survey suggests, some research approaches have become less favoured what does this mean for the future? If, for example, doctrinal law in the UK is not 'the way forward' (to quote one respondent's account of institutional pressure), does this mean that the really deep understanding and analysis of the rules of property law, that is surely foundational both to teaching and all property research, will no longer be conducted by top scholars? And if scholars are being steered towards particular research approaches, what should this mean in terms of how law students are prepared for possible research careers? Similarly, what will it mean for teaching 'core' property law rules for law students; will academic lawyers still be prepared to teach the hard black-letter law, if this research approach does not attract funding? These questions shade into the much broader discussion to be had about the 'mission' of teaching in law schools: is it primarily to provide a liberal education or is it essentially concerned with training future members of the legal profession?

It is also clear from the survey that the challenges facing the academic community differ between jurisdictions. Further, the focus of both dominant research methods and substantive areas appears to differ between jurisdictions. This is intriguing; what might the explanation for this be? Is it, perhaps, because law is a graduate subject that builds on a liberal arts foundation in some countries, including the USA, whereas in others, including the UK, it is mainly taught as a single honours undergraduate programme? Although our survey did not investigate the form that publications take, it may be that this will also be an

area of shifting sands. Within the UK, will the 'impact agenda' of the Research Assessment Exercise lead to a renewed emphasis on writing for public and practitioner audiences, rather than the peer-reviewed journals or scholarly texts favoured in the past?

The questions that we pose here are drawn primarily from our experience within the UK, but no doubt parallel - if different issues - occur in other jurisdictions. What the survey reveals is that property law and property law research come in many shapes and forms, and this diversity is crucially important for understanding the role of property in society. Our aim is that this collection will excite scholars and provide a guide for investigating new questions within their own scholarship. We hope you enjoy it.