

# **Law 311**

## **Property Law & Theory**

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Course times and locations:

Monday 1:30-4:30

UCLL 173

Course web page: <http://faculty.law.ubc.ca/harris/propertytheory.htm>

### **Course Description**

Property law is that body of law which defines the relationships between people with respect to things. These varied relationships are constrained and constructed by the rules of property. To claim property in something is to claim control of a set of human relationships with respect to the material world, or, increasingly, to immaterial things. Once preoccupied with land and physical objects, the concepts of property and hence of ownership are now commonly extended to many intangible entities, including cultures, ideas and inventions, and are being applied in novel contexts, such as cyberspace and environmental protection.

This seminar in property law and theory provides students with an opportunity to explore some of the important work considering the idea of property, its origins, its justifications, its uses, its effects, and the rules that surround and create it. The readings explore doctrinal approaches to property law, but also draw from a wide array of theoretical perspectives including: colonial/postcolonial studies, environmental ethics, feminism, law and history, law and economics, and political economy. This seminar is intended to complement the studies of law students interested in Aboriginal law, environmental law, intellectual property, legal history, land use planning, legal theory, municipal law, and natural resource law, as well as students working in economics, environmental studies, geography, history, political science, and sociology.

### **Course Material**

The readings for the course are set out in the Law 311 Syllabus. Most of the readings are available electronically and hyperlinks are provided in the syllabus. If you find electronic sources for other material in the syllabus, please let the instructor know. Material that is not available electronically is on 2-hour reserve in the Law Library or in Koerner Library. A list of texts on reserve in the library is available [here](#).

Although there is no single text, we will return repeatedly to C.B. Macpherson, *Property: Mainstream and Critical Positions* (Toronto, 1978). It is out of print, but it is on reserve in Koerner Library and available from second hand booksellers for less than \$20 (including shipping). Similarly, we will also read two chapters of Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York: Basic Books, 2000). Second hand copies are also widely and inexpensively available.

## **Assignments**

**Research Paper (50%)** – A research seminar provides students with the opportunity to write a longer paper on a subject of particular interest to them. It also provides an opportunity to enhance legal research and writing skills, with a particular focus on academic research and writing.

Students are expected to write a 6250 - 7500 word research paper (approximately 25 - 30 pages) on a topic chosen by the student in consultation with the instructor. The topic must engage property law, understood broadly, and should include or incorporate some aspects of a theoretical engagement with property. The research paper may incorporate and build upon the short assignment. The word count includes the references (footnotes or endnotes), but not the bibliography.

The research paper must include proper citations (legal sources according to the *Canadian Guide to Uniform Legal Citation, 6<sup>th</sup> Edition*, “*The McGill Guide*” and other sources according to *The Chicago Manual of Style*). It must also include a bibliography.

The assignments will be graded on the substantive content, the originality of ideas, the organization and structure, and the clarity of the writing. Students may submit a draft of their research paper on or before the date listed below.

**Short assignment (20%)** - Students are expected to write a short assignment (1250 words or 5 pages). The short assignment may take the form of a case or statutory comment, a book review, or some other focussed piece of writing that explores aspects of property law or, more generally, the legal regulation of space. This assignment may be connected to or become a part of the research paper.

### **Short Assignment and Research Paper due dates:**

**Short Assignment – 4:30pm, February 12th**

Research Paper draft – 4:30pm, April 12<sup>th</sup> (optional)

**Research Paper – 4:30pm, April 26<sup>th</sup> (final day of exams)**

Please submit papers to my assistant, Megan Coyle, on the 5<sup>th</sup> Floor of the Swing Space building.

**Class participation (10%)** – This seminar is built around a continuing discussion of a shared set of readings. As a result, students are expected to attend class, to have read the assigned material, and to be prepared to talk about that material in class. The readings for each class are set out in the Law 311 Syllabus.

**Reading introduction (10%)** – Students are expected to provide a short introduction to one of the assigned readings. This introduction is intended to distil the central argument in the reading and then launch the class discussion. The presentation itself will be no more than 10-12 minutes long. Each student will provide the instructor with a one-page summary of the reading, including some of the questions that it provokes, by 12(noon) on the Friday before they introduce the reading. This summary will be posted on the course web page.

**Research Paper presentation (10%)** – Students are also expected to present their research papers as works in progress to the class. Each student will provide the instructor with a 1-2 page outline of their paper by 12(noon) on the Friday before they present their papers, to be posted on the course web page. Presentations will be approximately 12-15 minutes long followed by class discussion. Students will be evaluated on the content, organization, and structure of their presentation, and on its delivery to the class.

### **Penalties for late assignments**

The standard policy in the Law Faculty for late assignments is as follows:

For late assignments worth 20 marks or more, for each or any part of a day that the assignment is late, including weekends and statutory holidays and other days when the law school is closed, the student will lose 5 per cent of the maximum possible value of the assignment.

For an assignment worth less than 20 possible marks, one point will be deducted for each day or part of a day that the assignment is late.

Instructors have no capacity to grant extensions. Students must apply to the Examinations Committee for exemptions from this deduction.

### **A note on plagiarism**

Plagiarism is a serious academic offence that the Law Faculty and the University take very seriously. Be scrupulous to avoid presenting the work of others as your own. If you have any doubts about what constitutes plagiarism, please review the University regulations (<http://students.ubc.ca/calendar/index.cfm?tree=3,54,111,0>) and talk with the instructor.

*The Chicago Manual of Style*, chapter 15, provides advice on how to reference sources appropriately. For legal sources, see *The McGill Guide*.

## **Turnitin**

Turnitin is a vehicle to help students prevent plagiarism. It allows students to submit papers electronically and to view an “originality report.” This report will help students to identify possible problems with plagiarism. It might also help students identify relevant sources for their papers.

Students are required to submit their short assignments and their research papers to Turnitin before the due dates. Students may submit their papers as many times as they wish up to the due dates. The instructor will only review the final submission. The Turnitin website address is found here: (<http://turnitin.com/static/home.html>)

You will need to register yourself with Turnitin. Here is the relevant information for Law 311:

Class ID – 2973057

Password – to be provided in class