

## Law 315

### Topics in Legal History: Property in History and Law

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#### Course times and locations:

Wednesdays 1:30-4:30

Allard Hall 112

Course blog: <http://blogs.ubc.ca/legalhistory/>

### 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.

This seminar will provide students with an opportunity to engage with the idea of property, through the study of property law in its social context and legal setting, and as it changes over time. The seminar will explore historical methods in relation to legal methods of research and writing, and will equip students to undertake a significant legal/historical research project.

### Course Material

The readings for the course draw from two principal texts:

Stuart Banner, [\*American Property: A History of How, Why, and What We Own\*](#) (Cambridge, Mass.: Harvard University Press, 2011); and

James Muir, Eric Tucker and Bruce Ziff, editors, *Property on Trial: Cases in Context*, unpublished manuscript, 2011.

*American Property* is available for sale in the UBC Bookstore and is on Reserve in the Law Library. *Property on Trial* is a draft manuscript that is available in electronic form on the course blog. Other readings will be available electronically or will be placed on 2-hour reserve in the Law Library.

## 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, in its historical context. 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*, 7<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. The draft will be returned with comments by December 9<sup>th</sup>.

**Research Paper due dates:**

Optional draft	4:00pm, December 2 <sup>nd</sup>
Final Paper	<b>4:00pm, December 20<sup>th</sup></b>

**Research Paper presentation (10%)** – Students are also expected to present their research papers as works in progress to the class. Presentations will be approximately 10 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.

**Short assignment (20%)** - Students are required write a 1000-word (4-page) peer-review of one of the chapters in *Property on Trial: Cases in Context*.

Peer review is a process of reviewing academic work to ensure its suitability for publication, but also to improve work that has been submitted for publication. It is usually double-blind and anonymous, meaning that neither the reviewer nor the author knows the identity of the other when the work is submitted for review and the author is never told of the reviewer’s identity.

A good peer-review should be constructively critical. It should engage the author’s project and review the piece of writing within the scope as defined by the author. You may feel that the scope is unduly narrow, or that the focus is misplaced, and if so, then you should say so and why, but you should also evaluate whether the author has done what he or she set out to do. Peer-review that simply asks or expects the author to write a different piece than the one he or she has written is generally not helpful.

The chapters in *Property on Trial* are currently under peer-review. Your comments will also be forwarded to the author for their review. You may choose whether they are forwarded anonymously or not.

Students will also make an oral presentation of their peer reviews to the class. The presentation will 5-7 minutes long and will be followed by class discussion.

**Short assignment due date**

The short assignment will be due on the Friday following the presentation, no later than 4pm.

***Class participation and Presentation of Reading (20%)*** – 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 315 Syllabus.

Students will 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.

**Grading**

The Law Faculty's examination rules require that the average grade for all courses with fewer than 21 students will fall between 70-79%. Additional material on the grading of the research paper will be circulated to the class.

**Penalties for late assignments**

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

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% of the maximum possible value of the assignment for the first day or part of a day that the assignment is late and an additional 2% for each subsequent day or part of a day.

*Example:* A paper worth 100 possible marks that is handed in 1 day late would automatically lose 5 points. The same paper handed in 10 days late would lose an additional 18 marks for a total mark loss of 23 marks.

A student can apply for an exemption from this deduction for one or more of the days within the late period. Such application will be made to the Examinations Committee.

*Example:* if a student hands a paper in 5 days late, but one of those days is a religious celebration for the student, the student can apply for an

exemption from penalty for that day. If granted, the student's paper would then be considered to be 4 days 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 an 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*, 7<sup>th</sup> Edition.

### **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 be provided with the Class ID and Password which you will need to register yourself with Turnitin.