THE COURSE

This course concerns the basic legal structure of property relations and property rights in American law. Property is a central social institution whose legal definition poses fundamental questions about efficiency, fairness, the distribution of wealth, and the tension between public and private rights and interests. What can we own? What does it mean to own something? How can ownership be shared or divided? To what extent can government regulate or take away what we own? Anglo-American property law's answers to these questions developed mainly in the context of land. These same questions are posed today in the context of ownership of artistic and digital creations, of body parts, of cyberspace, and of one's earning capacity. An important recurring issue is the interests and rights of the public with respect to private property. We will examine these issues in both old and new settings.

TEXT AND ASSIGNMENTS

The main text is Merrill & Smith, PROPERTY: PRINCIPLES & POLICIES (Draft, 2006), which has not yet been published. Photocopies of the relevant chapters will be sold in three volumes at the NYU Professional Bookstore. A Supplement is posted on Blackboard.

In the course outline, also posted on Blackboard, you will see that assignments are numbered chronologically in parentheses. (“Ch#” indicates pages within a chapter of Merrill & Smith; “Supp.” refers to cases posted on the webpage by name.) We will normally cover TWO FULL UNITS in a single two-hour class period. (Breaking down the assignments that way allows for a more useful outline of the course in the list of assignments.) So if we end class in the middle of one unit, you should be prepared for the next two full units for the following class unless I say otherwise. In other words, if we begin covering unit 5 on Wednesday, you should read through unit 7 for Friday.

For the first class, please be prepared to cover the first two assignments, i.e.: (1) Jacque; Hinman; and some theory (Ch1:1-22); & (2) Hendricks & Coase (Ch1:22-39).

CLASS PARTICIPATION AND THE “NO LAPTOP” EXPERIMENT

I encourage participation and will also call on students. To the end of encouraging classroom engagement, NO LAPTOPS WILL BE ALLOWED in this class, at least for the first three weeks, without my express permission (based on some compelling need). To offset the burden this might seem to impose, I will seek volunteers from the class to take detailed notes (for no more than one week per volunteer), which I will review and post on Blackboard. You may also take any notes you wish by hand. After three weeks you will have the opportunity (anonymously) to express your views on the policy. I will explain all of this on the first day of class.

BLACKBOARD

In addition to the syllabus (this document), the course outline and list of assignments, and the Supplement, I will be posting occasional handouts, problems, and materials for class discussion.

EXAMS AND GRADES

The semester will end with a 4-hour proctored exam, in which you will be permitted to bring the casebook and supplement, notes, and any other materials distributed to the class or prepared for the class with the student's participation. Your grade will be based on the exam. In some cases, usually
only when the exam performance is at the high end of a grade range, I may reward especially valuable classroom contributions by raising a grade by one notch (e.g., from B+ to A-).

**Office Hours & E-mail**

My office is 314G. My office hours will be 11 to 12 on Wednesday and Friday (after class). I am usually willing to see students outside of those hours. I am also reachable by e-mail: ce76@columbia.edu.