THE COURSE (AND LEARNING OUTCOMES)

This course concerns the basic legal structure of property relations and property rights in American law. Property is a central social and legal institution whose definition poses fundamental questions about efficiency, fairness, the distribution of wealth, and the tension between public and private rights and interests: What can be owned? 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, bodily tissues, and cyberspace. 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 (3d ed., 2017). A Supplement is posted on Classes/Course Materials. In the course outline, also posted on Classes (Course Information), you will see that assigned units are numbered chronologically in parentheses. (Page numbers are in Merrill & Smith; “S” refers to the Supplement.) We will normally cover roughly TWO FULL UNITS IN A SINGLE TWO-HOUR CLASS PERIOD. The readings for the first two classes are as follows:

I. What is Property? Dueling Conceptions of Private Property

(1) Jacque 1-16
(2) Hinman 16-30
(3) Hendricks & Coase 31-42

CLASS PARTICIPATION AND THE “NO LAPTOP” REGIME

I encourage participation and will also call on students. To the end of encouraging classroom engagement, NO LAPTOPS WILL BE ALLOWED in this class, without my express permission (based on some compelling need). You may take any notes you wish by hand.

EXAMS AND GRADES

There will be a 4-hour proctored exam, in which you will be permitted to bring 5 pieces of standard-sized paper with anything you want on both sides (i.e., 10 pp). Your grade will be based on the exam. In some cases – usually only when an exam score 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 VH 403B. My office hours will be Monday 2:00-4:00 or by appointment. I am reachable by e-mail: ce21@nyu.edu.