LA251-15 Contemporary Perspectives on Property

23/24

Department
> School of Law

Level
> Undergraduate Level 2

Module leader
> Rachael Blakey

Credit value
> 15

Module duration
> 10 weeks

Assessment
> 100% coursework

Study location
> University of Warwick main campus, Coventry

Description

Introductory description

This module explores select aspects of the current discussions and issues relating to Property Law. Students will study beyond the courtroom and consider how various elements of property law play out in today's society, such as tenants' rights and protests around property.

Module aims

The aim of the module is to explore topical developments around property law. It provides an opportunity to understand how the legal system, as well as society at large, deals with developments such as the privatisation of land, the rising use of technology to deal with property and the tension between individual rights and a cost-saving government agenda.

The module is designed to explore three themes: environment, home and critical theories. Topics studied under each theme will change each year in response to current events. Students will then have the opportunity to consider the different themes in detail through summative assignments that combine both academic commentary and theoretical perspectives.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The module is designed to respond to recent developments in relation to property. Thus, the syllabus given is only a sample of the topics/issues that may be discussed.

Students will study three broad themes: environment, home and critical theories of property. They will make connections across the themes, and revisit various ideas throughout the module.

It is expected that the first week of the module would be introductory, considering the landscape of property and overlapping issues across the themes. The final week of the module would consolidate the course and be largely dedicated to the upcoming essay summative.

Each theme will be studied for at least 2 weeks.

Theme 1: Environment
Topics may include:

- The urban social environment
- Historic environment
- Environmental regulation and property rights
- Protests around property
- Technology and property

Theme 2: Home
Topics may include:

- Housing
- Applied aspects
- Trusts in the family home
- Mortgages in practice
- Leases

Theme 3: Critical theories of property
Topics may include:

- Colonisation and terra nullius
- Commodification and wealth
- Issues with ownership
- Property for personhood versus fungible property

Learning outcomes

By the end of the module, students should be able to:

- Continue to develop their understanding of the basic concepts and structure of English/Welsh land law
- Effectively use primary legal material and academic sources
- Understand how property law operates in practice
- Critique the operation of property law in practice, considering various topics in light of recent

developments
- Analyse, evaluate and develop critical views on both case law and real-life scenarios
- Articulate their views on a developing area of property law through verbal communication
- Present their views on a developing area of property law through written communication

Indicative reading list

The reading list will change depending on the topics studied under each theme. Students will be referred to articles, papers and other sources. The following sources are examples of some texts that may be studied.

Textbooks (to supplement students' reading):

- Ben McFarlane, Nicholas Hopkins and Sarah Nield, Law Law: Text, Cases & Materials (5th end, Oxford University Press 2021)
- Chris Bevan, Land Law (3rd edn, Oxford University Press 2022)

Theme 1: Environment

- Danielle C Ompad, Sandro Galea and David Vlahov, 'Urbanity, Urbanisation and the Urban Environment' in Sandro Galea (ed), Macrosocial Determinants of Population Health (Springer 2007) pp. 53-69
- Ulrike Hamann & Ceren Türkmen, 'Communities of struggle: the making of a protest movement around housing, migration and racism beyond identity politics in Berlin' (2020) 8(4) Territory, Politics, Governance 515
- Maria Kaczorowska, 'Blockchain-based Land Registration: Possibilities and Challenges' (2019) 13 Masaryk University Journal of Law and Technology 339
- Lucy Finche-Maddock, Protest, Property and the Commons (Routledge 2016)
- Eduardo M Penalver, and Sonia Katyal, Property Outlaws: How Squatters, Pirates, and Protesters Improve the Law of Ownership (Yale University Press 2010)

Theme 2: Home

- Lisa Whitehouse, 'Housing Possession in the Time of Pandemic' [2021] Conveyancer and Property Lawyer 197
- Lisa Whitehouse, 'Longitudinal Analysis of the Mortgage Repossession Process 1995–2010: Stability, Regulation and Reform' in Susan Bright (ed), Modern Studies in Property Law, Vol. 6 (Hart Publishing 2011)
- Jennifer Russell, 'Putting the Person Back Into Property: An Assessment of the Place of Human Vulnerability Within Mortgagee Possession Claims Against Homes' (2021, University of Cambridge PhD Thesis)
- Andy Hayward, 'Family Property and the Process of Familialisation of Property Law' (2012) 24(3) Child and Family Law Quarterly 284
- Rebecca Probert, 'Equality in the family home?' (2017) 15 Feminist Legal Studies 341
- Brenna Bhandar, 'Title by Registration: Instituting Modern Property Law and Creating Racial Value in the Settler Colony' (2015) 42 Journal of Law and Society 253

Theme 3: Critical theories of property

- John Locke, Two Treatises of Government (Cambridge University Press 1988)
- Brenna Bhandar, Colonial lives of property: law, land, and racial regimes of ownership (Duke University Press 2018)
- Karl Polanyi, The Great transformation: the political and economic origins of our time (2nd edn, Beacon Press 2001)
- Shaunnagh Dorsett, 'Civilisation and Cultivation: Colonial Policy and Indigenous Peoples in Canada and Australia' (1995) 4(2) Griffith Law Review 214
- Sarah Keenan, 'Smoke, Curtains and Mirrors: The Production of Race Through Time and Title Registration' (2017) 28 Law Critique 87
- Margaret Jane Radin, 'Property and Personhood' (1981) 34 Stanford Law Review 957
- Kristen A Carpenter, 'Real Property and Peoplehood' (2008) 27 Stanford Environmental Law Journal 313

Research element

Students will conduct research into legal cases, academic literature and other source material required for analysis of the topics covered within the module.

Students may also be asked to investigate the ownership of a selected property.

Subject specific skills

- Understanding property law
- Understanding the historical and social context of property law
- Understanding the common problems and similarities across various elements of property law
- Legal and policy research
- Legal writing
- Case analysis
- "Reading" property law
- Critiquing and proposing policy/law reform

Transferable skills

- Critical analysis
- Developing arguments in a sophisticated manner
- Written and oral presentation
- Collaborative working and group work
- Understand and summarise material, including academic commentary and research
- Time management.

Study

Study time

Type	Required
Lectures	18 sessions of 1 hour (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	90 hours (60%)
Assessment	35 hours (23%)
Total	150 hours

Private study description

Reading and research on topics studied within the module, particularly in preparation for the summative assessment.

Costs

No further costs have been identified for this module.

Assessment

You do not need to pass all assessment components to pass the module.

Assessment group A

	Weighting	Study time
15 Minute Presentation	40%	14 hours

Students are to present a 15 minute presentation on a set question. The question will explore one of the themes from the module. Presentations will be recorded and submitted by students. The presentation can take a range of formats, such as spoken presentation, video or animation.

	Weighting	Study time
2,000 word essay	60%	21 hours

Students will write a 2,000 word essay on one of several given titles. These questions would reflect the three themes covered in the course.

Feedback on assessment

For the formative assessment, students will submit an essay. This question will not be the same as the summative assessment, but still be based on one of the three themes. Students will receive written feedback on their essay. General feedback will also be released, and students will have the opportunity to clarify any questions or concerns.

Students will also conduct a group presentation for one seminar. Feedback will be given to students during the seminar, and some brief written feedback published afterwards.

For summative assessment, students will receive individualised written feedback. Generic feedback will be published, with the opportunity for students to request a meeting to raise any

questions.

Availability

Courses

This module is Optional for:

- Year 2 of ULAA-M130 Undergraduate Law
- Year 2 of ULAA-M131 Undergraduate Law (4 Year)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M134 Undergraduate Law with German Law
- Year 2 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
    - Year 2 of V7MW Politics, Philosophy and Law
    - Year 2 of V7MW Politics, Philosophy and Law
    - Year 3 of V7MW Politics, Philosophy and Law
    - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Unusual option for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
    - Year 2 of V7MW Politics, Philosophy and Law
    - Year 2 of V7MW Politics, Philosophy and Law
    - Year 3 of V7MW Politics, Philosophy and Law
    - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Option list E for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
    - Year 2 of V7MW Politics, Philosophy and Law
    - Year 2 of V7MW Politics, Philosophy and Law