

TEACHING PROPERTY LAW IN THE 21ST CENTURY: WHAT WE DO NOW, WHAT SHOULD WE DO IN THE FUTURE?

The teaching of property law has a particularly important – perhaps even central – role in forming the mind-set not just of the law student, but also of the lawyer, and, in some degree, of the thoughtful and responsible citizen. The teaching of property law implants tremendously structural features in the mind of the student, and here can be included rigour of thought and analysis, the capacity for abstract manipulation of complex ideas, and some sense of the workability of entire bodies of statutory machinery. ... It is in Property Law that consciously or unconsciously the student learns a basic competence in a number of skills which are of immense importance in later life. Indeed, most of the classic dilemmas of private law are here – all human life is here, if we only choose to look.

Kevin Gray*

Penny Carruthers, Natalie Skead and Kate Galloway

Paper presented at 11th Australasian Property Law Teachers' Conference, Faculty of Law, National University of Singapore, 12-13 July 2012

Property law teachers around Australia have a great interest not only in what is currently being covered in property law units in Australian universities but also in how this content is being taught and assessed. Given the central role ascribed to the teaching of property law, as highlighted by Kevin Gray, it is entirely appropriate that property teachers are interested in, and from time to time reflect on, their teaching. However, it is not often that property law teachers, as a collective, have an opportunity to offer their views as to the present and future teaching of property law.

During 2011 a comprehensive questionnaire was sent to property law teachers in all Australian law schools. The questionnaire invited comment on a wide range of issues dealing with: the content and manner of teaching the unit; the extent to which skills are taught in the unit; the unit outcomes; the methods of assessment; the developing areas of property law; and the challenges faced by property law teachers in the 21st century. The survey findings will provide an in depth insight into the views of Australian property teachers on the current and future teaching of property law.

The purpose of this paper is to present the extensive and comprehensive findings of the survey, which will be analysed in light of the various theoretical approaches to the teaching of property law. With this analysis and these perspectives in mind, the paper aims to stimulate further discussion and to inspire property law teachers in Australasia to explore further the new approaches and challenges that will face us in teaching property law in the 21st century.

* Kevin Gray, 'The Teaching of Property Law', in PBirks (ed) *Examining the Law Syllabus: The Core*, Oxford University Press, 1992 p15.