**Honoring Property Rights**

**Category**

[Fifth Amendment](http://constitutioncenter.org/education/educators/learning-resources/lesson-plans/honoring-property-rights)

**Grade Level**

[High School](http://constitutioncenter.org/education/educators/learning-resources/lesson-plans/honoring-property-rights), [Middle School](http://constitutioncenter.org/education/educators/learning-resources/lesson-plans/honoring-property-rights)

**SOURCE**

Lesson provided courtesy of [The Bill of Rights Institute](http://billofrightsinstitute.org/).

**STANDARDS**

II. WHAT ARE THE FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM? C. What is American political culture?

**RECOMMENDED TIME**

Two 45-minute class periods or one 90-minute block class, with additional time as needed for extensions or research.

**OVERVIEW**

In the course of this lesson, students will examine how the concepts of private property and honor are inter-connected—how expectation of honorable action protects the private property rights of individuals in a civil society. In Part I, students reflect on the concept of property, progressing from tangible property to intangible property, including the right of property in oneself. Using quotes from James Madison's Essay on Property (1792) as a starting point, students then will uncover the essential property protections embodied in the Bill of Rights. In Part II, students are asked to take a closer look at the concept of honor and make the connection between protection of private property rights and honorable action. The group activity in Part III has students grappling with a hypothetical plagiarism case before the honor court at a fictional university. The activity culminates in Part IV with a discussion, in which students determine why and how an individual acts to honor private property rights. -- Fifth Amendment application.

**OBJECTIVES**

Students will be able to: define property in their own terms;

* demonstrate an understanding of personal property rights as defined by John Locke and James Madison after analyzing the Bill of Rights and James Madison's Essay on Property;
* write a one-page response attempting to define "honor";
* participate in a group discussion about "honor";
* analyze a hypothetical case concerning property rights and honorable action;
* determine the individual and government roles in protecting property rights in a civil society.

**MATERIALS**

* Dictionary
* Handout A – List of Quotes
* Worksheet 1 – Honor Court Activity
* Worksheet 2 – Roles in Honoring Property

**PROCEDURE**

**I. Background/Homework** [15 minutes]

During the last 15 minutes of class the day before the lesson, have students think about the concept of property rights. The goal of the lesson is to have students make a connection between having a natural right to property--in themselves, in their ideas, in their physical property—and acting honorably to protect that right.

**A. First, help students define their own property rights.**

Suggested questions:

* 1. What do you think when you hear the word "property"? (Have students brainstorm a list, or create a class list on the board or overhead. Students may start out with concrete examples of property—books, cars, music, clothes—things that they own.)
* 2. Why do those physical pieces of property have value for you? (Students may say because it was a gift from someone special, or they raised the money for it. Confirm that these things have monetary or sentimental value.
* 3. Do you have a piece of property that has particular value? (You may want the students to pick something in particular and share.)
* 4. What would you do if someone attempted to take that property from you or damage it in some way? (Students may say they would fight back, sue, cry, etc.)
* 5. What does your reaction say about the value of the property?
* 6. What kinds of actions against property does society view as criminal? (e.g. stealing, vandalism, physical abuse, etc.) Why?
* 7. Can you think of any intangible things or things that you don't have to buy that could be considered property—i.e., they have that kind of value, and are worth fighting for? (Students may need some guidance to get them to think about ideas, concepts, people, themselves, etc.)
* 8. Why do some musicians get upset when someone downloads their music through Napster?
* 9. Why do teachers disapprove of downloading papers from the Internet and turning them in as your own? (Confirm that ideas have value all their own.)
* 10. Why does society, through government, have copyright and patent laws? Whose rights is society protecting? Why?
* 11. What if you came up with a cure for cancer, and generously donated it to the scientific community in turn for the recognition? If you were never given credit, would you be upset? Why?
* 12. Do you—your body, mind, ideas--have any property value?
* 13. If your parents tried to regulate what you thought, said, and did, would that upset you? Why?

**B. Homework:** Connect to Primary Documents

Relate (or contrast) the students' responses to the Founders' ideas about property, and their reliance on the natural rights philosophy of John Locke. Have students review the Bill of Rights, and read the following quotes from James Madison's essay on property from 1792, and answer the suggested questions below.

* 1. "A man has a property in his opinions and the free communication of them."
* 2. "[Property] embraces everything to which a man may attach value and have a right, and which leaves to everyone else the like advantage."
* 3. "As a man is said to have a right to his property, he may equally be said to have a property in his rights."
* 4. "Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions."
* 5. [From the Virginia Convention] : "The rights of persons, and the rights of property, are the objects, for the protection of which Government was instituted."

Suggested questions:

* 1. If Madison were asked the same question you were asked at the beginning of this lesson—"What is property?"—what do you imagine he would say?
* 2. Do you agree with Madison, that a man has "a property in his rights."? What do you think he means?
* 3. What do you think that Madison wanted the government to protect—rights or physical property or both?
* 4. Why would Madison say a guaranteed right to private property is a protection against tyranny or government oppression?
* 5. What kinds of property rights are enumerated and protected in the Bill of Rights? (List at least five.)

**C. Warm-Up** [15 - 20 minutes]

Review the students answers from the previous night's homework. Move the discussion toward an understanding that the idea of property encompasses more than just physical objects, but also natural rights in ourselves and our ideas.

First, ask students what they think the school does to protect their property. When a student hits on "honor code" or a similar rule, use it as a starting point for the lesson on honor.

Suggested questions:

* 1. Why does the school require that students and teachers use passwords to gain access to computer files? (e.g. to protect their thoughts, ideas and work from others)
* 2. What does the National Honor Society value?
* 3. How does valuing education protect your rights? (i.e. the diploma you receive has value because the education you receive is valuable)
* 4. Why does/would your school have an honor code?
* 5. Is an honor code part of a system of punishment or is it an attempt to protect rights?

For students, "honor" may bring to mind many different ideas. Merriam-Webster's Collegiate Dictionary defines "honor" in a number of ways:

* reputation – a good name or public esteem
* recognition – a showing of usually merited respect ("pay honor to our founder")
* privilege ("given the honor")
* title – a person of superior standing ("your Honor")
* badge or decoration – evidence or symbol of distinction
* academic distinction or superior course of study ("honor society" or "honor student")
* integrity – a keen sense of ethical conduct
* guarantee – one's word given as a guarantee of performance

Focus the students on the italicized definitions: recognition/respect; and integrity. Ask students to write a one-page response where they attempt to define what this type of honor means to them.

OR

Give students a list of quotes about honor. Ask them to choose one and write a response, focusing on their understanding of what it means to have honor. Begin a discussion about honor.

Suggested questions:

* 1. How do we show others that we honor their rights, tangible property or intangible property? (e.g. respect for the laws we have keeps us from stealing, hurting others, not cheating, not plagiarizing; belief that others have value when they speak in class – not being derogatory or insulting; abolishing slavery; instituting suffrage for women; the value we place on human life)
* 2. What honors are given out at school, community, state and national levels? What is being honored? (i.e. specific actions, products, behaviors; for example: the Congressional Medal of Honor, good sportsmanship awards, community service awards, etc.)
* 3. Why do we, as a society, honor those actions? How do those actions serve the greater community?
* 4. Where else have you heard the use of the word "honor"? How was it used in context? (e.g. "love, honor, obey", honor commitments or contracts, National Honor Society, Honorable Mention, dishonorable discharge, etc.)
* 5. How are "honor" and "honesty" related? Can you have honor and act dishonestly?
* 6. What happens when people act without honor for others? What effect is there on the victims, the perpetrator, and society at large?
* 7. How does an individual honor another's property?
* 8. How are honor and the Lockean/Madisonian idea of property in any way related?

**D. Group Activity:** Honor Court [30 minutes]

Have students read the following case, or read it to the class as a whole.

In May last year, 78 students were accused of copying term papers in Professor Rutherford Hummleby's chemistry class at Bill of Rights University. Prof. Hummleby had long suspected students of copying each other's work from year to year, passing down papers through friends, family, and fraternities, but until May had been unable to catch the offenders. A fellow professor recommended an online plagiarism service, www.dontcheat.com, and, unbeknownst to the students, he began submitting their papers for plagiarism analysis. The results were startling, and Prof. Hummleby responded quickly and confidentially. All of the students are being brought before the Student Honor Court for violations of the university's honor code, which, in relevant part, reads as follows:

With the interest of maintaining my personal integrity and the academic reputation of the Bill of Rights University as a leading educational institution...

I agree, on my honor, not to:

...give or receive any information that would be the basis for an instructor's evaluation of student performance…

* 1. Distribute Worksheet 1 – Honor Court Activity.
* 2. Divide the students into the following position groups. Give the groups 10-15 minutes to discuss how the actions by the accused students violate the honor code and have a harmful effect on their group's property rights. Have each group list 2-3 reasons on to discuss with the class.

(Teacher's Note: Helpful hints about possible arguments are given in brackets. Students may expand beyond this list.)

* 1. **Author** [Denied recognition; denied money; denied right of authorship]
* 2. **Accused Students** [Denied knowledge, skills; reinforces dishonest behavior – more prone to continue if not caught]
* 3. **Professor** [Misleads assessment of student performance; damages reputation; prevents him from completing his job]
* 4. **University** [Damages reputation; leads to inflated grades; unqualified graduates]
* 5. **Classmates** [Compared to an unfair standard; distorts curves; hurts GPA]
* 6. **Society** [Produces dishonest citizens, unqualified workers, and unprotected property]
* 7. Have students complete the remainder of the chart during class discussion.

**E. Wrap-Up Discussion** [30 minutes]

Once the chart is completed, bring the discussion to a conclusion, trying to connect the idea of property in oneself, one's ideas, one's physical property—with the expectation that those rights are honored.

Suggested questions:

* 1. How many people involved in this situation had property rights that were violated?
* 2. How many people were harmed by secondary consequences of the act of plagiarism?
* 3. Why does the university have the honor code?
* 4. Why should the students who violated the code care?
* 5. What kinds of property were de-valued and dishonored in this case?
* 6. Why does society expect individuals to honor each other's property rights?

**F. Homework:** Connect to Students

* 1. Distribute Worksheet 2 – Society and the Individual: Roles in Honoring Property.
* 2. Review questions 1-3 in class. Have students complete question 4 for homework and discuss their responses in the next class.

**Variation: Role Play**

Select 5-6 students to play the role of the Honor Court members. Have the groups present arguments to the court and let the court decide the outcome of the case. Have all students write the opinion of the Honor Court deciding what punishment (failure, community service, expulsion, etc.) the accused students should receive, if any.

**Extension: Research**

Have students research the history of the word "honor" and "honesty." How does the meaning of the word in Old English or Celtic history shed light on the concept of what it means to be honorable? Are the standards for honor set by the community or an individual?

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