

# Land, Law & Culture

CMP 4260

MLIB 1130 M/W/F 3:05 to 3:55 3 Credit Hours Fall 2022



Class Session Modes: in-person; live Zoom (<https://utah.zoom.us/j/91047109698>); recorded

Instructor: Keith Bartholomew [bartholomew@arch.utah.edu](mailto:bartholomew@arch.utah.edu) 801-585-8944 ARCH 241

Prof. B's Office/Mentoring Hours:

M, W, F – after class: in-person (masked) or on Zoom

T & Th – 1:00 to 3:00: Zoom only

Zoom link <https://utah.zoom.us/j/91047109698>

Sign-Up Google Sheet:

[https://drive.google.com/file/d/1ITf9SW62XgMKpCYaDSoHIJ\\_4RMowaw17/view?usp=sharing](https://drive.google.com/file/d/1ITf9SW62XgMKpCYaDSoHIJ_4RMowaw17/view?usp=sharing)

TA Office Hours: TBA

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**Public Health:** Given continuing high rates of COVID infections, class sessions will be in three modes: in-person in room MLIB 1130, live on Zoom (<https://utah.zoom.us/j/91047109698>), and recorded (posted on Canvas). Students can make their own choice for which mode they want to use and can freely change the mode when they want. They do not need instructor approval.

I will be wearing a mask in the classroom. Because I provide regular care for my 87-year-old father-in-law (I am his cook), I need to take extra precautions to guard against possible disease transmission. I encourage students joining me in the classroom to also mask, but of course that is an individual decision. If you choose not to mask, I ask you to put one on if you come up to the podium before/after class to chat. I will keep a box of masks in our classroom.

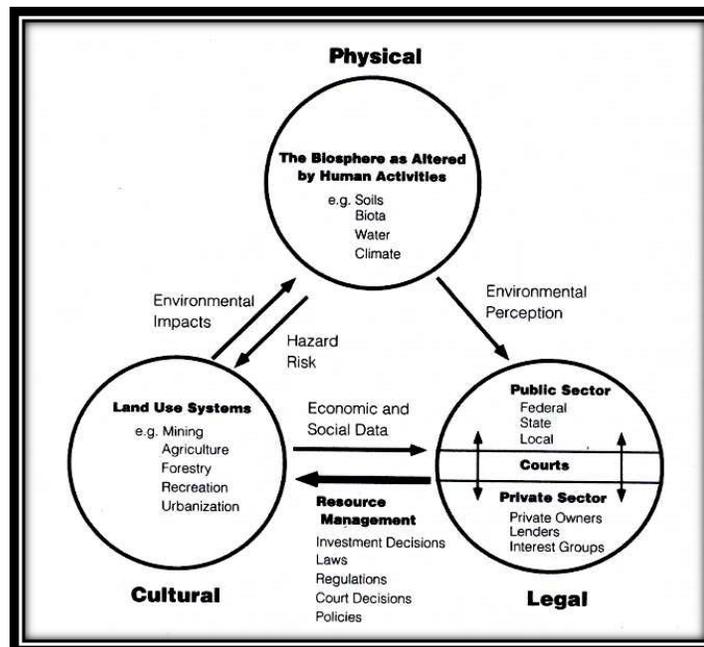
**Location:** Our classroom (MLIB 1130) is on land once inhabited by Shoshone, Paiute, Goshute, and Ute peoples. At the time of annexation to the United States in 1848, after the Mexican-American War, the land was claimed as the territory of the Northwestern Shoshone people. Though covered by an 1863 treaty between the Northwestern Shoshone and the United States, the United States treated the land as public domain, refusing to recognize claims that it was subject to aboriginal title. *Northwestern Bands of Shoshone Indians v. United States*, 324 U.S. 335 (1945).

**Instructor:** Keith Bartholomew, J.D. – Associate Dean of Academic Affairs, College of Architecture + Planning; Professor, Department of City & Metropolitan Planning; former Associate Director, Wallace Stegner Center for Land, Resources and the Environment, S.J. Quinney College of Law; former Staff Attorney, 1000 Friends of Oregon.

**Office Hours & Mentoring:** The course TAs—Alyssa and Leota—and I will meet with students individually at several times throughout the semester for review of students’ writing assignments and term-paper mentoring. My office hours and mentoring sessions will be after each class (in-person (masked) or on Zoom) and for a couple of hours on Tuesdays and Thursdays (on Zoom). Please use the Google Sheet link above (which is also on the Canvas front page) to sign-up for an appointment.

## Introduction

The laws that guide how individuals and societies use land are the result of both cultural and geophysical landscape influences. Similarly, cultures and lands are shaped by laws and policies developed by societies and implemented by individuals and institutions. This course uses an intersection of history, the fine arts, geography, policy, and public administration to gain a better understanding of how the physical landscape, economic activity, cultural representations, and public policy mutually influence each other. A recurring model that will be used throughout the course is Platt’s Land Use and Society Model (below). As an illustration of interactive forces, this model is an example of an ecological systems approach that facilitates better understanding of the connection *between* elements as much as the elements themselves. Under ecological systems thinking, comprehension of a topic can only be achieved when it is viewed in its totality, including connections to associated subjects that both influence and are influenced by that topic.



## Course Objectives

During the semester, students in this course will:

1. Obtain a comprehensive understanding of:
  - The physical, historical, economic, and cultural influences that shape modern land planning laws for both private and public lands;
  - The history and development of modern concepts of land ownership and control;
2. Use their knowledge and understanding about the above subjects to assess critically an emerging issue in landscape law or policy.
3. Further develop and refine their written communication skills, particularly those associated with policy assessment and analysis.

## Texts

There are three primary texts for this course. All three are in print and available at the places you buy books (including the University Store!):

*Wilderness & The American Mind* by Roderick Frazier Nash (4<sup>th</sup> ed., 2001 is the edition that I use, but any edition will work)

Note: this book is being provided for digital purchase automatically through the Bookshelf tab on the Canvas page. You can opt out of that option if you prefer; otherwise, its cost will be added to your tuition bill.

*Land Use and Society* by Rutherford Platt (any edition will do)

*The Land We Share: Private Property and the Common Good* by Eric Freyfogle (2003)

If you would rather not purchase these books, the Marriott Library has digital versions of the first two books that you can link to for free. Note that you have to log in on the library's site to have access:

Nash, *Wilderness and the American Mind*: [https://utah-primoprod.hosted.exlibrisgroup.com/permalink/f/1g0gstr/TN\\_cdi\\_askewsholts\\_vlebooks\\_9780300153507](https://utah-primoprod.hosted.exlibrisgroup.com/permalink/f/1g0gstr/TN_cdi_askewsholts_vlebooks_9780300153507)

Platt, *Land Use & Society*: [https://utah-primoprod.hosted.exlibrisgroup.com/permalink/f/1rn6k8i/UUU\\_ALMA21305104490002001](https://utah-primoprod.hosted.exlibrisgroup.com/permalink/f/1rn6k8i/UUU_ALMA21305104490002001)

There is no digital version of the third book available. However, I have purchased five hard copies of the book and put them at the Marriott's Reserve Desk. You can use these copies in the library but cannot check them out.

There are a number of other readings for the course, which are all available on the course website.

## Schedule

### Week of Aug 22

#### Module 1: Introduction to an Ecological Model of Land Law & Policy

Intro to the course & syllabus

What is policy?

Intro to the Ecological Model

Writing: Key to Career Success

History & Privilege: The Role of Perspective

Aug 26: Reflection paper on “Who Will Profit from Saving Scotland’s Bogs?” (2 pts)

### Week of Aug 29

#### Module 2: Old World Concepts of Undeveloped Lands

Aug 29: Wilderness as an idea (1 pt)

Nash, Prologue

Aug 31: Wild lands as evil & holy (1 pt)

Nash, Chapter 1

Sept 2: CULTURAL PIVOT 1: Landscape in Medieval & Renaissance Worlds (2 pts)

Paintings of Francesco Francia (1447-1517)

R.G. Collingwood, *The Idea of Nature* (1935)

Charles C. Mann, 1491. *The Atlantic* (March 2002).

Jean-Fery Rebel, *Les Elemens — Simphonie Nouvelle* (1737)

### Week of Sept 5

#### **September 5: Labor Day Holiday**

#### Module 3: Romanticism & Wilderness

Sept 7: Romantic Wildness (2 pts)

Nash, Chapters 2 & 3

Sept 9: CULTURAL PIVOT 2: Romantic Landscapes (2 pts)

Landscape paintings of Thomas Cole (1801-1848)

James Fenimore Cooper, *The Deerslayer*, Ch. 1 (1841)

William Wordsworth, *Guide to the English Lakes*, Windemere (1835)

Ludwig Van Beethoven, *Symphony #6 “Pastorale”* (1808)

### Week of Sept 12

#### Module 4: Wilderness & Nationalism

Sept 12: The American Wilderness (1 pt)

Nash, Chapter 4

Sept 14: Thoreau's Wilderness (1 pt)

Nash, Chapter 5

Thoreau, *Walden*, Where I Lived & What I Lived For (1854)

Sept 16: CULTURAL PIVOT 3: Transcendental Landscapes (2 pts)

Landscape paintings of George Innes (1829-1894)

Charles Ives, *Concord Sonata*, Thoreau and The Alcotts (1860)

## Week of Sept 19

### Writing Appointments

For the week of September 19, there will be no class sessions and no assignments. The week is, instead, dedicated to providing students with time to work on their mid-term papers and to attending individual writing appointments with Prof. B.

All students are encouraged to sign-up for a writing appointment. You may still be struggling to find a topic, may have a complete draft, or be somewhere in between. The objective of the appointment is to work through your paper, wherever you find yourself in the writing process. Please do not feel that you have to have made a certain level of progress to sign-up!

The paper requirements are outlined below on page 9. For additional information on paper writing, go to the paper section of the Assignments tab on the Canvas site. To sign-up for an appointment, go to the Google Sheet link at the top of this syllabus (and on the top of the front page of the Canvas site) and follow the directions.

## Week of Sept 26

### Module 5: Conservation & Preservation

Sept 26: Conservation vs. Preservation? (2 pts)

Nash, Chapters 6 & 7

Sept 28: John Muir: Mystic (2 pts)

Nash, Chapter 8

John Muir, *Our National Parks*, The Wild Parks and Forest Reserves (1901)

Sept 30: CULTURAL PIVOT 4: Progressivism (2 pts)

Theodore Roosevelt, Speech to the Conference of Governors (1908)

Landscapes by Frederick Church (1826-1900)

Antonin Dvorak, *Symphony #9 "From the New World"* (1893)

**Week of Oct 3****Module 6: Land Ethics**

- Oct 3: Defining Aldo Leopold's Ecology (1 pt)  
Nash, Chapter 11
- Oct 5: Applying Leopold's Land Ethic (1 pt)  
Aldo Leopold, *The Land Ethic* (1949)
- Oct 7: NO CLASS: **Mid-Term Paper Due by 11:59 pm**

**Week of Oct 10****Fall Break****Week of Oct 17****Module 7: Wilderness & Exclusion**

- Oct 17: Legislative Wilderness (1 pt)  
The Wilderness Act, 16 U.S.C. sec. 1131  
Stegner, *Wilderness Letter*
- Oct 19: The Pristine Myth & Dispossession (1 pt)  
Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks*, Chapter 4
- Oct 21: CULTURAL PIVOT 5: Grandeur & Connection (2 pts)  
Landscape paintings of Georgia O'Keefe (1887-1986)  
Landscape photographs of Ansel Adams (1902-1984)  
Aaron Copland, *Appalachian Spring* (1944)

**Week of Oct 24****Module 8: Land, Geography, and Law**

- Oct 24: What is "Land"? (1 pt)  
Platt, Chapter 1
- Oct 26: Why is Land Valuable? (1 pt)  
Platt, Chapter 2
- Oct 28: CULTURAL PIVOT 6: Grids & Canyons (2 pts)  
Willa Cather, *O Pioneers*, Chapter 2 (1913)  
Wallace Stegner, *Beyond the 100<sup>th</sup> Meridian*, Ch 1: The Threshold (1954)  
Landscape paintings of Thomas Moran (1837-1926)  
Roy Harris, *Symphony #3* (1938)

**Week of Oct 31****Module 9: History of Land Ownership**

- Oct 31: History of the Feudal Commons (1 pt)  
Platt, Chapter 3

Nov 2: The Paradox of Ownership (1 pt)  
Freyfogle, Chapters 1 & 2

Nov 4: CULTURAL PIVOT 7: Commons & Enclosures (2 pts)  
Landscape paintings of John Constable (1776-1837)  
Ralph Vaughn Williams, *Lark Ascending* (1914)  
Gustave Holst, *St. Paul Suite* (1912)

### Week of Nov 7

#### **Module 10: The Rise of Cities & Metros**

Nov 7: The Genesis of Planning (1 pt)  
Platt, Chapter 4

Nov 9: Metro America (1 pt)  
Platt, Chapter 6 (2004 ed.) or Chapter 5 (2014 ed.)

Nov 11: CULTURAL PIVOT 8: Tour of the Utah Museum of Fine Arts (2 pts)  
Featuring landscape paintings by Hudson River School artists Thomas Cole and Thomas Doughty and Western artists Thomas Moran and Albert Bierstadt

### Week of Nov 14

#### **Writing Appointments**

As we did in September, there will be no class sessions and no assignments the week of November 14. As before, the week is dedicated to allowing students time to work on their papers, this time to extend and polish their mid-term papers and turn them into final papers for the end of the semester. Also as before, the week provides time for students to attend individual writing appointments with Prof. B.

The paper requirements are outlined below on page 9. For additional information on paper writing, go to the paper section of the Assignments tab on the Canvas site.

To sign-up for an appointment, go to the Google Sheet link at the top of this syllabus (and on the top of the front page of the Canvas site) and follow the directions.

### Week of Nov 21

#### **Module 11: Land & Power**

Nov 21: Ownership in Context (1 pt)  
Freyfogle, Chapter 3

Nov 23: The Justifications for Ownership (1 pt)  
Freyfogle, Chapter 4

### Nov 24-25

#### **Thanksgiving Break**

## Week of Nov 28

### Module 12: Land Owners and Communities

Nov 28: What is Zoning? (1 pt)

Platt, Chapter 9 (2004 ed.) or Chapter 8 (2014 ed.)

Nov 30: Using the Market (1 pt)

Freyfogle, Chapter 7

Dec 2: CULTURAL PIVOT 9: Photography and Cultural Appropriation (2 pts)

Photographs by Edward Curtis (1868-1952)

Young, *Cultural Appropriation and the Arts*, Chapter 1.

## Week of Dec 6

### Module 13: The Public's Interest in Private Land

Dec 5: Private Property for an Ecological Age (1 pt)

Freyfogle, Chapter 8

Dec 7: The Public's Interest in Private Land (1 pt)

Freyfogle, Chapter 9

## Tuesday, Dec 13, 11:59 pm

### Final Paper Due

### Evaluation

As you can see from the above schedule, I have broken the course's content into 13 thematic modules, each containing assigned readings and links to multi-media sources for visual arts and music performances. The readings and multi-media sources provide the basis for the lectures and discussions we have each week during our in-person sessions. There are also one or more video-taped lectures for each module on the Canvas site.

Essay Quizzes (40%): Each module contains a short quiz about that module's content. The quiz questions are open-ended and require students to write one to two paragraph essay responses for each question and submit them at the **beginning of the week we will be discussing that material**. In other words, students need to be reading and writing about the subsequent week's materials so that they are ready for discussion and engagement on those materials when in class.

The point value for each quiz is low—only one to two points per quiz (the precise amount for each quiz is listed in the schedule). Cumulatively, however, these quizzes account for 40% of the student's grade. [If you count up the points for all of the essay quizzes, you will see that there are actually 47 total points possible. This means that students can either miss 7 pts of assignments and still get full points, or they can submit extra assignments beyond the 40 pts required and receive extra credit (up to a maximum of 47).]

Grading: The TAs for the class (Alyssa and Leota) will grade the essay responses for:

- comprehension of the substantive material,
- use of logic and reasoning, and
- command of proper grammar, syntax, and structure.

They will use a three-level grading system:

- full points for reasonable effort
- half points for minimal effort
- zero points for no demonstrated effort

Feedback: At two points during the semester, either I or one of the TAs will schedule an individual review session with each student to review their essay responses to date. The reviews will be structured to provide feedback to students on the quality and content of their writing and provide guidance on how they can improve.

Late policy: Starting with the essay quiz due on Wednesday, Sept 7, the TAs will grade late essay quizzes at 50% the normal rate. Students may submit late quizzes any time during the semester, through the last day of class (December 7).

In-Class Discussion (10%): I find that classes where there is robust discussion are always more interesting than those in which the instructor holds forth as the only voice on the topic. To ensure in-class discussion, I will create a schedule that assigns a group of students each week who are primarily responsible for engaging in classroom discussion. Other students may, of course, also engage in discussion, but those who are assigned for a particular week are required to participate. I will grade students' participation on a pass/no-pass basis. Participation in class discussion is worth 10% of a student's grade.

Papers: Twice during the semester—at the middle and end of the semester—each student will be required to submit an in-depth paper that applies concepts from the course to an issue of the student's choice. The issue may be drawn from current debates on local/Utah land policies or those occurring in other geo-political contexts outside of the state or the country. Alternatively, the issue may be drawn from the intersection between land policy and other academic disciplines outside the fields of urban ecology/planning.

The second paper—the one at the end of the semester—will build on the first paper, using the feedback I provide on that first paper, plus the new materials we cover during the second half of the semester. In this way, each student will be able to take their first paper and further develop and refine their arguments to create a product worthy of inclusion in a portfolio of their work.

The first paper should be approximately 10 double-spaced pages in length. The second should be approximately 15 pages.

Grading: The first paper is worth 20% of the student's final grade; the second is worth 30%. I will grade each paper for (1) the degree to which the paper **incorporates** concepts and materials from the course (33%), (2) the quality of **analysis** provided in the paper (33%), and (3) the degree to which the paper conforms to standard conventions for **grammar** and sentence, paragraph, and essay **structure** (33%).

For the first element (**incorporation**), I will evaluate the papers for comprehension of the themes and content of the course materials.

For the second element (**analysis**), I will evaluate the depth of the paper's analysis and the degree to which it articulates hypotheses, positions, and conclusions that are clear, well-supported, and presented in appropriate context.

For the last element (**grammar/structure**), I will evaluate the overall structure of the paper for its logical flow and progression (from introduction through the body to the conclusion); the degree to which paragraphs are structured around single, well-articulated ideas; the clarity with which ideas are presented; and the degree to which the paper conforms to the rules of modern English grammar.

**Go to the Assignments tab on the Canvas page for more information about the papers.**

Feedback: I will include with my grading of the first paper commentary on each of the three graded elements. I will craft this commentary so that students may improve and refine their skills in preparation of the second paper. This commentary will serve as the basis of discussion during the second set of individual Writing Appointments (during the week of Nov 14) that I will set up with each student.

Late policy: I will grade late mid-term and final papers with a 10% deduction for each day they are submitted after the deadline.

Grades: Letter grades for the semester will be earned using the following scale: A ≥ 93.3%; A- ≥ 90.0%; B+ ≥ 86.6%; B ≥ 83.3%; B- ≥ 80.0%; C+ ≥ 76.6%; C ≥ 73.3%; C- ≥ 70.0%; D+ ≥ 66.6%; D ≥ 63.3%; D- ≥ 60.0%.

There is a direct correlation between effort invested and grade received. Keeping up with the assignments, attending class, and actively participating in class discussions will significantly increase your odds of getting a good grade.

**Important Dates**: The last day to add or drop this class (without a "W") is Sept 2; the last day to withdraw is Oct 21.

**Access**: The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in the class, reasonable prior notice needs to be given to the Center for Disability Services, 162 Olpin Union Building, 581-5020 (V/TDD). CDS will work with you and the instructor to make arrangements for accommodations. All written information in this course can be made available in alternative format with prior notification to the Center for Disability Services.

**Campus Safety**: The University of Utah values the safety of all campus community members. To report suspicious activity or to request a courtesy escort, call campus police at 801-585-COPS (801-585-2677). You will receive important emergency alerts and safety messages regarding campus safety via text message. For more information regarding safety and to view available training resources, including helpful videos, visit [safeu.utah.edu](http://safeu.utah.edu).

**Academic Misconduct**: The course website includes a link to the university's Student Code, which contains the academic conduct standards expected of all University of Utah students.

**Plagiarism is not a victimless offense; it most hurts the person who commits it by**

**subverting their integrity and undermining their ability to learn. Both of these effects impede the offender's professional potential.** Students who engage in academic misconduct more than once are subject to the policy of the College of Architecture + Planning, which directs college and department administrators to seek the dismissal of the offending students from their academic program.

**Wellness:** Personal concerns such as stress, anxiety, relationship difficulties, depression, cross-cultural differences, etc., can interfere with a student's ability to succeed and thrive. For helpful resources contact the Center for Student Wellness at [www.wellness.utah.edu](http://www.wellness.utah.edu) or 801-581-7776. There are also helpful links on the Canvas website, on the Important Links page.

**Addressing Sexual Misconduct:** Title IX of the federal Education Amendments of 1972 states, in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Under this law, violence and harassment based on sex and gender (which includes sexual orientation and gender identity/expression) is a civil rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran's status or genetic information. If you or someone you know has been harassed or assaulted, you are encouraged to report it to the Title IX Coordinator in the Office of Equal Opportunity and Affirmative Action, 135 Park Building, 801-581-8365, or the Office of the Dean of Students, 270 Union Building, 801-581-7066. For support and confidential consultation, contact the Center for Student Wellness, 426 SSB, 801-581-7776. To report to the police, contact the Department of Public Safety, 801-585-2677(COPS).

**Preferred Names & Pronouns:** Class rosters are provided to the instructor with the student's legal name as well as "Preferred first name" (if previously entered by you in the Student Profile section of your CIS account). While CIS refers to this as merely a preference, I will honor you by referring to you with the name and pronoun that feels best for you. Please advise me of any name or pronoun changes (and update CIS) so I can help create a learning environment in which you, your name, and your pronoun will be respected. If you need assistance getting your preferred name on your UIDcard, please visit the LGBT Resource Center Room 409 in the Olpin Union Building, or email [lgbtrc@sa.utah.edu](mailto:lgbtrc@sa.utah.edu) or call 801-587-7973 to schedule a time to drop by. The LGBT Resource Center hours are M-F 8am-5pm. <https://lgbt.utah.edu/>

**English as a Second Language:** If you are an English language learner, please be aware of several resources on campus that will support you with your language and writing development. These resources include: the Writing Center (<http://writingcenter.utah.edu/>); the Writing Program (<http://writing.utah.edu/>); and the English Language Institute (<http://continue.utah.edu/eli/>). Please let me know if there is any additional support you would like to discuss for this class.

**Student Success:** The College of Architecture + Planning supports an active student success program, providing guidance and advice to all students on matters relating to academic progress, graduation, and career development. The program also maintains strong links across campus to a variety of student services designed to nurture holistic wellbeing. The

Student Success Advisors for students in this class are Siosifa Tonga and Emi Ata'ata. You can contact them at [stonga@arch.utah.edu](mailto:stonga@arch.utah.edu) and [eataata@arch.utah.edu](mailto:eataata@arch.utah.edu) or through <http://www.cap.utah.edu/student-success/>.

Add-ins:

Intro writing assignment: reflecting on the Scotland peat restoration article

Gardens, Parks, Power & Democracy

Monty Don, Gardens of Power and Passion:

<https://www.dailymotion.com/video/x2tm6zc>

NYT on FLO: <https://www.nytimes.com/2019/10/30/travel/footsteps-frederick-law-olmsted-parks.html?smid=url-share>

Paul Hofmann, Vienna Woods—imperial policy, cultural traditions, art & music—land preservation fight

Seneca Village: <https://www.nytimes.com/2022/06/19/nyregion/juneteenth-seneca-village.html?smid=url-share>

Mahler:

Keeping Score

<http://uutah.naxosvideolibrary.com.ezproxy.lib.utah.edu/title/SFS0041>

The hut

Mahler 3rd

UMFA Visit

Friday, November 18 – 2<sup>nd</sup> half of class

Friday, November 11 – 1<sup>st</sup> half of class

Hudson River School video?

Video on the surveys of the West (especially King, Lander, Haydn, Powell)?

Special collections visit

Curtis

Cultural Appropriation

Simon Schama

Landscape & Memory

“Civilizations” episode