

## Course Outline

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<b>COURSE:</b>	<b>LAWS 2003 E / V - Private Law Relationships</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000</b>
<b>TERM:</b>	<b>Fall/Winter 2007-08</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday, 14:35-17:25</b> <b>Room: 624 SA (Southam Hall)</b>
<b>Broadcast:</b>	<b>Day &amp; Time: Wednesday 9:00 am - 11:30 am</b>
<b>INSTRUCTOR:</b>	<b>Professor Neil Sargent</b>
<b>CONTACT:</b>	<b>Office: D594 LA (Loeb)</b> <b>Office Hrs: Tuesday, 10:00 am - 12:00 pm</b> <b>Friday, 10:00 am - 11:30 am</b> <b>Telephone: 613-520-2600 x. 8853</b> <b>Email: <a href="mailto:nsargent@ccs.carleton.ca">nsargent@ccs.carleton.ca</a></b>

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Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008 for April examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

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**COURSE DESCRIPTION**

This course examines some of the ways in which law regulates relationships among legal persons. We will look at the manner in which rights are created and enforced through such mechanisms as property rules, contractual agreement and liability rules. The manner in which legal categories and concepts embody particular visions of social life will be emphasized. The course will also emphasize the role played by the state in the ordering of private relations. You should learn about how law works, the impact of law and why particular rules exist.

**REQUIRED TEXT**

**Just Between the Law and Us.** (Sargent & Atkinson, eds.) (Toronto: Captus Press, 2005)

**Private Law, Social Life: An Introduction.** (L. Atkinson & N. Sargent) (LexisNexis Canada Inc., 2003)

Both books available from the Carleton University Bookstore.

**EVALUATION:**

<b>1. First Term Exam:</b>	<b>35%</b>
<b>2. Final Exam:</b>	<b>35%</b>
<b>3. One essay assignment in Feb. or March:</b>	<b>30%</b>
<b>Total</b>	<b>100%</b>

All components must be completed in order to get a final grade.

**PRELIMINARY OUTLINE (FALL TERM)** (Chapter references in the following course outline normally refer to "Just Between the Law and Us")

**PART I**

1. **Introduction to the course**  
Categories of private law relationships and limited nature of legal duties.  
Readings: Just Between the Law and Us", Chap. 1
2. **Legal Individualism and the Public/ Private Distinction**  
Readings: Chapter 2: especially the articles by Henry Maine and Stephen Lukes, *Mallette v. Shulman* and *Rodriguez v. British Columbia*  
Private Law, Social Life, Chap. 1

**PART II**

3. **The significance of legal personality**  
Persons as subjects of legal rights or objects of legal regulation.  
Readings: Chapter 4: 'a' & 'b'; and Chapter 5: 'a', 'b', 'c', 'd'  
Private Law, Social Life, Chap. 2
4. **The family, patriarchy and the legal status of women.**, continued.
5. **Disability and the legal status of children**  
Readings: Chapter 5
6. **Aboriginal Peoples and legal dependency**  
The problematic history of assimilation policies in Canada.  
Readings: Chapter 6
7. **Corporate Legal Personality and the Environment as "Person"**  
Readings: Chapter 3: 'd' to 'j'

**PART III**

8. **Legal Conceptions of Property**  
Private Property, Collective Property, and Community Property; the relative nature of property interests in Canadian law.  
Readings: Chapter 10, 'a' to 'c'.  
Private Law, Social Life, Chap. 5
9. **Justifications for Property**  
The occupancy theory, the labour theory, the economic theory, and the theory of property and personality. (Note: we will be examining these different justifications for property claims in relation to physical property [*Edwards v. Sims*], intellectual property, and biotechnology [*Moore v. The Regents of the University of California*]).  
Readings: Chapter 10, readings 'd' to 'j'
10. **Property rights and the family**  
Examining shifts in family property systems from 1970-1998.  
Readings: Chapter 12
11. **Absolute or qualified nature of private property rights?**  
Private property and the environment.  
Readings: Chapter 11.
12. **Property rights and Aboriginal Peoples**  
The nature and development of common law aboriginal title.  
Readings: Chapter 13

**Christmas Examination**