

**Course Outline**

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**Course:** LAWS 2201 B - Persons and Property

**Prerequisites:** LAWS 1000

**Term:** Fall 2015

**Class: Day & Time:** Wednesday 11.30 a.m. - 2.30 p.m.

**Location:** 304 Southam Hall

**Instructor:** Professor Neil Sargent

**Contact:** Office: D594 Loeb  
Office hours: Tuesday, 1.00 - 3.00 pm  
Friday 9.30 am - 11.00 am

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**COURSE DESCRIPTION**

Origins and scope of the concept of person in law and how concepts of legal personality change over time. Origins and scope of the concept of property and how concepts of property change over time.

This course examines some of the ways in which law regulates relationships among legal persons. We will look at the manner in which concepts of personhood and property are created and protected in law, and also how such concepts may be challenged and can change over time. 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 law relations. You should learn about how law works, the impact of law and why particular rules exist.

## Required texts:

Neil Sargent and Logan Atkinson, eds., *Just Between the Law and Us Volume 1: Persons and Property*. Toronto: Captus Press, 2010 (Available from Haven Books, on Sunnyside avenue at Seneca)

Logan Atkinson and Neil Sargent, *Private Law, Social Life*. Toronto: Lexis Nexis, Butterworths, 2d. Edition, 2007 (Available from Haven Books, on Sunnyside avenue at Seneca)

## Evaluation:

**Mid Term Essay** (October) 40%

**Final Examination** (December 9 - 21) 60%

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

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## Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

### ***Plagiarism***

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://carleton.ca/studentaffairs/academic-integrity/>

### ***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures.

Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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## COURSE SCHEDULE

(Note: Chapter references in the following course outline normally refer to “**Just Between the Law and Us, Volume 1, Persons and Property**”. The chapter references to **Private Law, Social Life** are specified separately).

### Part 1

1. Introduction to the course  
Categories of private law relationships and the limited nature of legal duties  
Readings: Just Between the Law and Us, Chap. 1; Private Law, Social Life, chapter 1
2. Legal Individualism and the Public/ Private Distinction  
Readings: Chapter 2, especially the articles by Henry Maine and Steven Lukes, Charles Taylor, Mallette v. Shulman; Rodriguez v. British Columbia; Morgentaler v. The Queen (chapter 5, reading f). Private Law, Social Life, chapter 1

### Part 11

3. The significance of legal personality  
Persons as subjects of legal rights or objects of legal regulation  
Readings: Chapter 4 'a' and 'b'; and chapter 5: 'a', 'b', 'c', 'd', 'e', 'f', and 'g'  
Private Law, Social Life, chapter 2
4. The family, patriarchy and the legal status of women, continued
5. Disability and the legal status of children  
Readings: Chapter 6, a, b, e, f, h, I; Chapter 9, readings a, b, c, d, e, j, l
6. Aboriginal Peoples and legal dependency  
The problematic history of assimilation policies in Canada  
Readings: Chapter 6, esp. a, b, c, and d
7. Corporate legal personality and the environment as "person"  
Readings: Chapter 3, b; Chapter 4, readings a, b, d, e, f, g, h, I, j

#### Part 111

8. Legal Conceptions of Property  
Private property; Collective property; and Common property  
Readings: Chapter 10, a, b, c  
Private Law, Social Life, chapter 5
9. Justifications for property  
(Occupancy theory, labour theory, economic theory and property and personality). Note: we will be examining these various justifications for property in relation to physical property (*Edwards v. Sims*), intellectual property, and biotechnology (*Moore v. Regents of the University of California*).  
Readings: Chapter 10, d, e, f, g, h;
10. Justifications for property continued  
Readings: Chapter 14, a, d, g, h, I, j
11. Property rights and the family  
Examining shifts in family property systems from 1970-2008  
Readings: Chapter 12, a to f
12. Property rights and Aboriginal Peoples  
The nature and development of common law aboriginal title claims  
Readings: Chapter 13, a to e
13. Property rights and the public/ private distinction  
Readings: Chapter 11, a, c, d, e, and f; also Chapter 10, reading i