

Course Outline

COURSE: PERSONS & PROPERTY – LAWS 2201 D

TERM: Winter 2014

PREREQUISITES:

CLASS: Day & Time: Friday 8:35 am - 11:25 am
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Professor Alberto R. Salazar V., PhD

CONTACT: Office: C470 Loeb Building
Office Hrs: Friday 12-1:30 pm
Telephone: 613-520-2600 x. 3269
Email: alberto.salazar@carleton.ca

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://www2.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://www2.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 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://www2.carleton.ca/pmc/new-and-current-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://www2.carleton.ca/equity/>

COURSE DESCRIPTION

This course examines the origins, scope and the modern transformations of the concepts of legal personality and property from legal and interdisciplinary perspectives. It will discuss the notion of personhood and property and how these concepts are legally created, protected and changed. The course will also show the relevance of the role of the state in the development and modern application of the concepts of legal personality and property. An important emphasis will be placed on the modern transformation and challenges to the concept of legal personality and property as well as their current application and relevance in capitalist societies.

REQUIRED TEXT:

Neil Sargent and Logan Atkinson, eds., *Just Between the Law and Us, Volume I: Persons and Property* (Toronto: Captus Press, 2010) (Available from the Carleton University Bookstore)

SUPPLEMENTARY TEXT:

Logan Atkinson and Neil Sargent, *Private Law, Social Life* (Toronto: Lexis Nexis, Butterworths, 2d. Edition, 2007) (Available from the Carleton University Bookstore)

TEACHING METHOD

This course will combine formal lectures and in-class group discussions. A typical session will begin with a lecture. The second part of a session will be devoted to provide students with an opportunity to review the key concepts and ideas in small groups and discuss their applications in the context of case studies that will be provided. A session will usually end with the sharing of some of the ideas, findings and questions that students may have after the in-class group discussions. This method seeks not only to provide students with information about the topics but also to engage them in a discussion of the materials, understand the relevance of the class topics and help students develop their critical academic skills.

The first section of this course will focus on 'Persons' and 'legal personality' issues will be discussed in the context of the selected case study, namely, women's rights and the patenting of breast cancer genes by corporations. The second section of the course will examine the theme of 'Property' and will likely use case studies from the areas of housing, mining companies' investment and aboriginal communities' land rights, and patents.

EVALUATION

(All components must be completed in order to receive a passing grade)

- In-Class Test (February): 40% (a list of optional essay-type questions will be provided a week before the date of the test)
- Final Examination (April): 60%

SCHEDULE OF TOPICS**PERSONS****Jan. 10th Week 1: Private Law and Social World**

Just Between the Law and Us: P&P Chapter 1 (p. 1-13)

Jan. 17th Week 2: Legal Individualism

Just Between the Law and Us: P&P Chapter 2 (p.13-41)

Jan. 24th Week 3: The Public/Private Distinction

Just Between the Law and Us: P&P Chapter 3 (p.42-53)

Jan. 31st Week 4: Legal Personality

Just Between the Law and Us: P&P Chapter 4 (p.54-91)

Feb. 7th Week 5: Women and Personhood

Just Between the Law and Us: P&P Chapter 5 (p.92-110)

- a list of optional essay-type questions will be provided as study sheet for the In-Class Test

Feb. 14th Week 6: IN-CLASS TEST**Feb. 21st NO CLASSES - WINTER BREAK****Feb. 28th Week 7: The Legal Construction of Family and Parenting**

Just Between the Law and Us: P&P Chapter 8 and part of Chapter 9 (p.166-205)

PROPERTY**March 7th Week 8: The Legal Construction and Justification of Property**

Just Between the Law and Us: P&P Chapter 10 (p.233-261)

March 14th Week 9: Rights of Property and the Family

Just Between the Law and Us: P&P Chapter 12 (p.294-319)

March 21st Week 10: Rights of Property and Canada's Aboriginal Peoples

Just Between the Law and Us: P&P Chapter 13 (p.320-336)

March 28th Week 11: Changing Conceptions of Property (1): Corporate Property and Shareholding

Lynn A. Stout, "Bad and Not-So-Bad Arguments for Shareholder Primacy" (2002) 76 Southern California Law Review 1189 pp.1189-1209 (available directly from the journal or from Alberto R. Salazar V., editor, *Accountability of Corporate Management*, Carleton University 2013, which is also available in the library)

April 4th Week 12: Changing Conceptions of Property (2): Intellectual Property Rights

Just Between the Law and Us: P&P Chapter 14 (p.337-341; 349-355; 367-384)

FINAL EXAMINATION: April 2014