

Course Outline

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| COURSE: | LAWS 2201D/V Persons and Property |
| TERM: | Winter 2017 |
| PREREQUISITE S: | LAWS 1000 |
| CLASS: | Day & Time: Tuesday 2:35-5:25PM (V section consult with CUOL) Room: Please check with Carleton Central for current room location |
| INSTRUCTOR: (CONTRACT) | Craig McFarlane |
| CONTACT: | Office: B442 Loeb Office Hrs: Tuesday or Friday by appointment Telephone: Not applicable Email: craig_mcfarlane@carleton.ca |

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/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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/>

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 the historical and sociological development of the concepts of persons and property. The approach in the class is broadly theoretical and philosophical rather than a study of legal doctrine. Hence, this is a course in "legal studies" and not a course in "the law." We will study a variety of concepts of property including slavery, debt, gifts, chattel, commodity, private, and common, and a variety of different aspects of the concept of personhood including corporate, natural, and animal. Property is connected to persons via the concept of contract. Accordingly, we will also spend some time studying the idea of contract, especially in its idealized form as the social contract. While it is impossible to completely separate the legal, political, and cultural, concepts of property (and, similarly, persons), property is considered to be a part of "private law." Hence, we will look at the distinction between public and private. Finally, we will also consider the racialized and gendered aspects of these concepts.

REQUIRED TEXTS

The following book is required and available for purchase at Octopus Books. Your preferred online

retailer may also have copies.

Columbia, David. *The Politics of Bitcoin: Software as Right-Wing Extremism*. University of Minnesota Press, 2016.

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Short Essays 75% (3 x 25%)

Reading Responses 25% (10 x 2.5%)

Short Essays (3 x 25%)

Students are required to complete three short essays (minimum of 1250 words and a maximum of 1500 words). These short assignments are intended to be exercises wherein the student enquires into the logic of a particular concept, argument, or passage, discussing its strengths and weaknesses, its meaning, its implications, and potential applications. It is expected that papers will extend beyond mere summaries of the readings and will attempt to critically engage with the concepts. Students must focus on the assigned texts—i.e., those which are discussed in class—rather than relying upon secondary sources. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable. The text should be set in a standard font (e.g., Times New Roman, Helvetica, Palatino) with 1” margins on all four sides. A title page is not necessary, but your name, student number, and the course code should appear in the header of all the pages. The word count for the assignment must be included. Assignments must be submitted via cuLearn in PDF format. Late assignments are penalized one grade per day (or about 0.75 marks per day late). Topics will be discussed in class closer to the due-date.

First essay on weeks two to five (inclusive) due February 17.

Second essay on weeks six to ten (inclusive) due March 31.

Third essay on weeks eleven to twelve (inclusive) due April 25.

Response Papers (10 x 2.5%)

Students are required to write ten short response papers. There are eleven classes with readings, thus students can miss one week. However, because students can miss a week, this means that late response papers will not be accepted nor will extensions be granted. Response papers are to be submitted on cuLearn *before 2:35PM* the day they are discussed in class in the D section. (This deadline applies to the V section as well). Response papers address the readings for that week: e.g., the response paper due on January 17 discusses Aristotle and Locke. Responses should not be more than 500 words long. While it is understandable that some summary will be required in these assignments, the expectation is that students will use response papers as an opportunity to reflect upon the readings. For instance, students might relate one set of readings to a prior set, or they might relate the concepts developed in the readings to a current event, or students might demonstrate how the readings relate to their own life experiences. Responses are marked on a pass/fail basis. If the response is submitted on time and properly completed,

then the student “passes” and receives 2.5 marks. If the response paper is not submitted on time or improperly completed, then the student “fails” and receives 0 marks.

SCHEDULE

January 10, 2017 — Introduction

No assigned readings.

January 17, 2017 — Theorizing Slavery

Aristotle. *The Politics*. Hackett, 1998. (Book 1)

Locke, John. “Second Treatise of Government.” In *Two Treatises of Government*, edited by Peter Laslett. Cambridge UP, 1988. (Chapter IV)

January 24, 2017 — Practicing Slavery

Baptist, Edward. *The Half Has Never Been Told*. Basic Books, 2014. (Selections)

Patterson, Orlando. *Slavery and Social Death: A Comparative Study*. Harvard UP, 1982. (Selections)

January 31, 2017 — The Social Contract

Hobbes, Thomas. *The Leviathan*. Hackett, 1994. (Chapters XIII, XIV, and XVII)

Locke, John. “Second Treatise of Government.” In *Two Treatises of Government*, edited by Peter Laslett. Cambridge UP, 1988. (Chapters I and V)

Rousseau, Jean-Jacques. “Discourse on the Origin and Foundations of Inequality Among Men.” In *The Discourses and Other Early Political Writings*, edited by Victor Gourevitch, 111–222. Cambridge UP, 1997. (Selections)

February 7, 2017 — The Sexual Contract

Federici, Sylvia. *Caliban and the Witch*. Autonomedia, 2004. (Chapter 2)

Pateman, Carole. *The Sexual Contract*. Stanford UP, 1988. (Chapters 1 and 2)

February 14, 2017 — The Gift

Bataille, Georges. *The Accursed Share: An Essay on General Economy*. Zone Books, 1988. (Part 1)

Mauss, Marcel. *The Gift: The Form and Reason for Exchange in Archaic Societies*. Routledge 2002.

February 21, 2017 — No class

February 28, 2017 — The Commodity

Marx, Karl. *Capital*, Vol. 1. Penguin, 1990. (Selections)

March 7, 2017 — Debt

Graeber, David. *Debt: The First 5000 Years*. Melville House, 2011. (Selections)

March 14, 2017 — Possessive Individualism and the Protestant Ethic

Macpherson, C.B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford UP, 1962. (Selections)

Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. Routledge, 1992. (Part 1 I–III, Part 2 V)

March 21, 2017 — The Social

Arendt, Hannah. *The Human Condition*. Chicago UP, 1998. (Part 2)

March 28, 2017 — Bitcoin and Crypto-Currencies

Columbia, David. *The Politics of Bitcoin: Software as Right-Wing Extremism*. University of Minnesota Press, 2016.

April 4, 2017 — Animals

Francione, Gary. “Animals—Property or Persons?” In *Animals as Persons: Essays on the Abolition of Animal Exploitation*, 25–66. Columbia UP, 2008.

Kymlicka, Will and Sue Donaldson. “Animals and the Frontier of Citizenship.” *Oxford Journal of Legal Studies* No. 34 (2014): 201–19.