

Course Outline

COURSE: LAWS 2201B – Persons and Property

TERM: FALL 2019

PREREQUISITES: LAWS 1001 and LAWS 1002 (Formerly LAWS 1000 no longer offered)

CLASS: **Day & Time:** Fridays, 11:35am – 2:25pm
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: **Professor Neil Sargent**

CONTACT: **Office:** Room D594 Loeb Building
 Office Hrs: Thursdays 10:00am – 12:00pm and Fridays 10:00am – 11:30am
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CALENDAR 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.

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 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*. 2d. Edition. Toronto: Captus Press, 2016 (Available from Carleton University Bookstore)

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

EVALUATION**(All components must be completed in order to get a passing grade)**

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.

Mid Term Essay (October) 40%

Final Examination (December) 60%

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; Carter v. Canada; R v. Latimer. Private Law, Social Life, chapter 1

Part 11 Persons

3. The significance of legal personality
Persons as subjects of legal rights or objects of legal regulation
Readings: Chapter 4 ‘a’, ‘b’, ‘c’, ‘d’, ‘e’, ‘f’, ‘g’, and ‘h’
Private Law, Social Life, chapter 2
4. Disability and the legal status of children
Readings: Chapter 5, ‘a’, ‘b’, ‘c’, ‘d’, ‘e’, ‘f’, ‘g’, ‘h’ and ‘i’,
5. The Legal Construction of Family
Readings: Chapter 6, ‘a’, ‘b’, ‘d’, ‘e’, ‘f’, ‘g’, ‘h’, and ‘i’.
6. Aboriginal Peoples and legal dependency
The problematic history of assimilation policies in Canada
Readings: Chapter 7, ‘a’, ‘b’, ‘c’, ‘e’, ‘f’, ‘g’

7. The Outer Limits of Personhood:
Corporate legal personality and the environment as “person”
Readings: Chapter 3, ‘a’, ‘b’, ‘d’, ‘e’ and ‘f’; Chapter 8, readings ‘a’, ‘b’, ‘c’, ‘d’, ‘e’,

Part 111 Property

8. Legal Conceptions of Property
Private property; Collective property; and Common property
Readings: Chapter 9, ‘a’, ‘b’, ‘c’, and chapter 13, ‘a’
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 9, ‘d’, ‘e’, ‘f’, ‘g’, ‘h’;
10. Justifications for property continued
Readings: Chapter 13, ‘b’, ‘c’, ‘d’, ‘e’, ‘g’, ‘h’,
11. Property rights and the family
Examining shifts in family property systems from 1970-2008
Readings: Chapter 11, ‘a’, ‘b’, ‘c’, ‘d’, ‘e’, ‘f’, ‘g’, and ‘h’
12. Property rights and Aboriginal Peoples
The nature and development of common law aboriginal title claims
Readings: Chapter 12, ‘a’, ‘b’, ‘c’, ‘d’, ‘e’, and ‘f’.
13. Property rights and the public/ private distinction
Readings: Chapter 10, ‘a’, ‘b’, ‘c’, ‘d’, ‘e’, ‘f’ and ‘g’;

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: Please contact 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: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

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:
<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit:
<https://carleton.ca/equity/accommodation/academic/>

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/>