

COURSE:	LAWS 2201B - Persons and Property
TERM:	Fall Term – 2017-18
PREREQUISITES:	Laws 1000
CLASS:	Day & Time: Tuesday 2.35pm – 5.25 pm Room: Please check Carleton Central for current room location
INSTRUCTOR:	Neil Sargent
CONTACT:	Office: Loeb D594 Office Hrs: Tuesday 10am-12pm Telephone: 613-520-2600 x. 8853 Email: neil.sargent@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/>

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*). **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

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More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

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

Persons and Property. 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.

REQUIRED TEXTS

1. Neil Sargent and Logan Atkinson, *Just Between the Law and Us. Persons and Property*, second edition. Toronto: Captus Press, 2016 (Available from Carleton University bookstore)
2. Logan Atkinson and Neil Sargent, *Private Law Social Life. An Introduction*. Second edition, Toronto: Lexis Nexis, 2007 (Available from Carleton University bookstore).

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.

Midterm research essay (due November) 40%

Final Examination (December) 60%

SCHEDEULE

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

Part 1 INTRODUCTION

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 and R. v. Latimer

PART II PERSONS

3. The significance of legal personality
Persons as subjects of legal rights or objects of legal regulation
(readings chapter 3, a, b; chapter 4, a to i; Private Law Social life, chapter 2)
4. The Family, Patriarchy and the legal status of women as “persons” (continued)
5. Disability and the legal status of children as dependents(Readings chapter 5, readings a to i, and chapter 6,a to f).
6. Collective identity and aboriginal rights: personhood and dependency(readings, chapter 7, a-g)
7. The outer limits of personhood: natural rights for animals and the environment, and ‘natural’ rights for corporations as persons. (readings: chapter 8, a- e, plus chapter 3, readings c-f).

STUDY BREAK***PART III PROPERTY***

8. Legal Conceptions of property: private property, collective property and common property (readings: Chapter 9, a, b, c. Private Law Social Life, chapter 5).

9. Justifications for property (Occupancy theory, labour theory, economic theory and property and personality) Readings chapter 9, readings d-h, and chapter 13, readings b, c, d, e, f)
10. Property rights and the family, examining shifts in family property systems. (readings, chapter 11, readings a-h)
11. Property Rights and Aboriginal Peoples (readings chapter 12, a-f).
12. Property rights and the public/private distinction (readings chapter 10, a-g, and chapter 13, readings a, g and h).