

Huron Brief Course Outlines

Fall/Winter 2023-2024

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| Course Title: | Theories of Property | |
| Course Number and Section | PHILOSOPHY | 4820F - 550 |
| Instructor Name(s): | David Conter | |
| Instructor Email(s): | dconter@uwo.ca | |

Disclaimer: Information in the brief course outline is subject to change. The syllabus posted on OWL is the official and authoritative source of information for the course.

Course Description:

A course on a specialized topic in legal philosophy, divided into three parts:

In the first, introductory, part of the course students will be presented with a sketch of the main legal sources of, and influences upon contemporary property law: the common law and equity, legislation, domestic and international public law, and constitutional provisions. In addition, they'll be presented with an outline of the kinds of property that there are: e.g., land and buildings, living things, goods, intangible assets such as undertakings to pay money or deliver goods, investment securities, intellectual property such as patents and copyrights; money; funds such as pension funds, the capital of a company, trusts; capital and income.

In the second part of the course students will consider the history of a philosophical problem first set by Plato: whether some people (Plato seems to have had political office holders in mind), or perhaps all people, ought to be barred from privately owning property. This will be connected up with two other historical problems: (i) whether Christianity, as understood by medieval Catholic philosophers, is compatible with extensive private ownership of property; and (ii) whether in the 'state of nature' (before there were legal systems) people owned property privately, and, further, whether there is or was a natural right to own property privately.

The third and longest part of the course will deal with the major philosophical theories of property – utilitarian, Lockean and libertarian, Hegelian, Kantian, and Aristotelian.

Learning Outcomes:

Students will familiarize themselves with at least a few of the nuts and bolts of modern thinking about the property. They will learn to develop comparative evaluations of the plausibility of the fairly abstract philosophical views about law in the light of real-world legal problems and practices.

Students will familiarize themselves with the way that legislation and the common law work in the real world.

Students will learn to present in writing succinct statements of theoretical positions, and to apply these positions to concrete situations.

Textbooks and Course Materials:

Note: Although these texts may be available online, students will need paper copies of them

Peter Garnsey, *Thinking about Property: From Antiquity to the Age of Revolution* (Cambridge UK: Cambridge University Press, 2007)

Gregory S Alexander & Eduardo Peñalver (Cambridge UK: Cambridge University Press, 2012)

Methods of Evaluation:

| Assignment | Due Date mm/dd/yy | Weight - % |
|----------------------|-------------------|------------|
| First In-Class Test | 10/18/23 | 33% |
| Second In-Class Test | 11/15/23 | 33% |
| Final Exam | Dec. TBD | 34% |

In solidarity with the Anishinaabe, Haudenosaunee, Lūnaapéewak, and Chonnonton peoples on whose traditional treaty and unceded territories this course is shared.