

COURSE OUTLINE

LAWS 2201 T - PERSONS AND PROPERTY
(Broadcast CUOL)

Term:	Early Summer 2011
Prerequisites:	Laws 1000
Broadcast	(Rogers, Channel 243) <u>Wednesdays</u> 4.30-7.30pm and <u>Sundays</u> 4.30-7.30 pm Note: Lectures are also viewable via: CUTV Webcast ; Video-On-Demand (VOD) online streaming - (fee applies) and at the CUTV Student Centre . See the CUTV website for more information.
WebCT	WEBCT is essential for this course. Readings, email to Professor, lectures slides, and assignments are available <u>only</u> through this modality.
Instructor: Contact:	Professor T. Brettel Dawson Office: Loeb D497 Email: Please email me only through WebCT Laws 2201 Page
Office Hours:	Students will be assigned to a Teaching Assistant/Discussion Group early in term on WebCT. The TA will be your first point of contact. Email is also a good way to be in touch – generally, the Professor will aim to respond within 48 hours (2 days) – <u>don't</u> expect instant replies; <u>do</u> think through your inquiry before you email!
TAs	Contact information will be provided early in the term.

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by June 10, 2011 for Spring term exams and July 29, 2011 for Summer term exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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 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. We will examine interactions between state and market, public and private and individual and collective rights. Topics examining legal personhood include women and corporations as 'legal persons', legal capacity of 'partial persons (children and people with developmental disabilities) to refuse medical treatment and the status of the body. Topics examining property include the concept and role of a property law system, interactions between private property, public property and common property, and the scope of property rights. Our work will cumulate in case studies examining the interaction of private law concepts of personhood and property: relation to the environment (land and water).

See detailed overview and topic schedule which follows.

REQUIRED READING

I have prepared an electronic "Casebook" for this course which links to material I have used in preparing the lectures. It is available for your own private study. The eCasebook link is posted on the WebCT home page.

The Table of Contents gives the complete citation for material that is included. You are able to read online, save to your computer and/or print for your own use. Programs like Foxit or Adobe Standard allow you to annotate and highlight PDF files which is an interesting alternative to printing. Note: Some of the PDF files are very much 'cut and paste' as I become more adept at this editing process.

The class schedule (attached) indicates the flow of topics and readings. Class lectures will further pinpoint the most relevant sections of the extracts.

CLASS SLIDES

I post slides related to each lecture. They are named by class number and general topic.

Note: The course rebroadcasts the classes from the Fall Semester. Some comments in the lectures will seem 'out of context' but roll with it! The introduction to the class is taped for the summer. I am retaping one class to tidy up some changes made in the fall offering. Some of the slides will vary from the material shown in the lectures. I adjusted in light of discussion. When they are out of sync, don't worry – listen the lecture on its own terms and then review the slides on their own terms. The slides will be uploaded ahead of time so you will have the current deck available. The message is the same; only some details differ.

EVALUATION

Components

1. Research Essay:

- 40% of your final grade.
- You will be assigned two (possibly three) topics with an initial set of sources and some specific questions to address. You will be required to find additional sources and to cite them correctly. You will have access to the relevant slides and VOD lectures that relate to the essays.
- Available May 15; Due: June 5.

2. Take Home Examination:

- 60% of your final grade.
- Contains short answer questions covering the semester and a problem question.
- Available on June 20 and due Final Day of Early Summer Examination Period, anticipated as June 29 (subject to confirmation)

Online Modality

Assignments are handled electronically rather than in hard copy. Assignments and Take Homes sheets will be posted on WebCT and MUST be submitted via WebCT (under the Assignments tab). You will attach a file to your submission containing your answers. You can submit ONLY ONCE (that is, you can't take back and edit later). You MUST remember to hit submit after you upload or your paper will not be received in the system.

The “Rules”

- All components of evaluation must be completed to receive a passing grade in the course.
- Keep a copy of all assignments and examinations until your final grade is confirmed.
- All work must be completed individually and must be fully original. Draft (or final) work may not be shared with others in the class. Do not share your electronic files with other students as they may copy your work and you will be equally subject to academic investigation. You must follow the University's policies on academic integrity available at <http://www2.carleton.ca/studentaffairs/academic-integrity/>.
- I reserve the right to compare all files with other submissions in this course and other offerings of the course. I rigorously pursue suspicion of plagiarism and, without exception, refer to the Office of the Dean. Further if 'off topic' work is submitted, I reserve the right to consult with your other instructors to confirm that you are not 're-using and re-cycling' which is strictly prohibited.

On Time Expectation and (Draconian) Late Penalties

I have every commitment to your success in the course and I know that 'life' can intervene. I also realise that 'student last minute deadline driven' mode is a common path. However, late assignments create a significant administrative burden across the team of people who work with me on the course. There is a significantly higher risk of assignments going astray as well. This is accentuated in the compressed time frame of summer courses. Accordingly, I expect you to get your essay ON TIME and, subject to a very modest grace period for unforeseen, very short term situations, I am draconian and impose heavy penalties for work which is submitted late and without an extension.

Late Penalties for the Essay

Late assignments will be penalized as follows: You will lose 5% marks if you hand the paper in on the due date after the deadline but before midnight. If you hand in the 'next day' before 4.00pm you will lose a further 5% marks. If you hand your paper 'next day' between 4.01pm and midnight you will lose a further 5%. Thereafter, 10% per day (counted by turn of midnight) including weekend days. If you hand in your assignment more than seven days late, your work will be accepted towards course completion but will receive zero marks.

Extensions

You can request an extension for serious illness or family and personal emergencies with supporting documentation. A cold or the flu is not enough for an extension. You cannot request extensions for computer problems and work/family schedule conflicts.

The final paper is a take home examination. As such there are NO extensions apart from very short term, same day grace period (1-2 hours max) which I must approve by email on or before the final day for submission. If you require an extension by reason of serious illness or matters within accepted Registrarial criteria, you must request a formal deferral from the Registrar with documentation.

SYLLABUS: CLASS SCHEDULE AND READINGS

Readings are from the WebCT Casebook. Names may vary a little.

Class	Topic Schedule	Readings	PPT Deck (WebCT)
1	Introduction to Course a. Persons, Property, Private Law b. Case Study: Persons and Markets	Chapter 1A Chapter 1B	1_Introduction Case Study
2	Of Persons and Property a. Persons and Property b. Private Law and Power: Case Study	Chapter 2A Chapter 2B	2_Of Persons, Property and Power
3	Women as Legal Persons a. Public Persons b. Private Law Capacities	Chapter 3A Chapter 3B	3_A_Women Public 3_B_Women Property and Private law capacity
4	Corporations as Legal Persons a. Antecedents (joint stock) b. Corporate Personality	Chapter 4A Chapter 4B	4_Corporations
5	The Body and Personhood I a. Children b. Developmental Disabilities	Chapter 5A Chapter 5B	5_Body and Personhood 1 Children
6	The Body and Personhood II a. Pregnancy and Autonomy (Abortion and Fetal Protection) b.	Chapter 6A	6_Pregnant Bodies a
7	The Body: Personhood and Property a. The Corpse b. Body Parts c. Pregnancy and Exchange (Surrogacy)	Chapter 7 Chapter 6B	7_Bodies Dead and Body Parts
8	Property: a. Concept and Role of a Property Law System b. Private Property	Chapter 8	8_Property 1_Concepts and Private Property
9	Property Systems and Rights a. Public Property b. Common Property	Chapter 9A	9_Property 2_Public Common Property
10	Private Property and the Market System	Chapter 10	10_Property 3_Markets
11	Common Property and the Eco-System	Chapter 9B	11_Common Property Water
12	Property and/or the Environment	Chapter 11	12_Persons Property Environment