
COURSE OUTLINE (September 2018)

COURSE: LAWS 2201A/T – Persons and Property

TERM: Fall (September to December 2018)

PREREQUISITES: LAWS 1000

CLASS: Day & Time: Tuesday 2.35-5.25PM
Room: SA 614 (TBC – Check on Carleton Central)

FIRST CLASS: September 11, 2018

INSTRUCTOR: Professor Brettel Dawson

CONTACT: Office: Loeb D497
Office Hrs: Fridays: 10.00-11.30AM or by appointment
Telephone: 613-520-2600 ext 3670*
Email: brettel.dawson@carleton.ca

*Email is the best way to contact me, or our TA(s). Turnaround time is normally within 24 hours but do not expect a reply on weekends or overnight

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/>

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: 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: students.carleton.ca/course-outline

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.¹

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/>

1. 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 'reusing and re-cycling' which is strictly prohibited.

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.

Prerequisite(s): [LAWS 1001](#) and [LAWS 1002](#).

We examine the origins and scope of the concept of person in law and how concepts of legal personality change over time and the origins and scope of the concept of property and how concepts of property change over time. We will explore how law has responded to social and economic change and the role of legal concepts (and taxonomies) in shaping how we think about and respond to changes and challenges. Two key concepts are the legal person (centering the individual) and property (centered on ownership by persons and exchange between them). These reflect 'liberal legalism'; we probe their potential and their limitations.

LEARNING OBJECTIVES

By the end of this course you should be able to:

- explain how the legal concepts of legal personhood and property law constitute a framework by which law approaches ownership and decision-making related to resources and our own bodies.
- critically assess the concepts of the legal person and property (e.g., how they mobilize legal ideologies; how they have historically and currently advanced certain interests and excluded others); and
- apply the concepts to explaining and resolving past and contemporary social and economic developments.

This course is designed to contribute towards your intellectual development within the law program by assisting you to become better able to:

- read and analyze case law (ancient and modern);
- understand the role of judicial decisions in shaping common law rules;
- move from describing cases to placing them within the context of theoretical concepts and policy ideas; apply (and extend) legal concepts (and precedents) to contemporary social and legal debates.

More detailed learning objectives for each section of the course are stated in the relevant Part Introductions in the Course Text.

CULEARN:

cuLearn, is an essential part of this course. Lecture slides, course information, lecture slides, assignments, discussion boards are available only through this modality.

POST AN INTRODUCTION ON CULEARN BEFORE LECTURE 3 TO GET A BONUS MARK!

LECTURES²

In Person: Welcome! Please come to class even if you are able to view lectures online! I thrive on the company.

- Note: You can rent individual lectures online if you miss a class:
<https://carleton.ca/cuol/access-courses/pay-lecture/>

Web-streamed: Live: Check it out at <https://vod.cuol.ca/stream>

Online Access: You may access the course lectures on-line by one of the following ways.

- Subscribe to the optional Video-on-Demand (VOD) service for this course by registering in section TOD (CRN 33404) \$40 fee applies.
- Pay per view is also available for individual lectures. You can [rent individual lectures online](#) if you miss a class.
- Watch the VOD lectures on campus at the CUOL Student Centre in room D299 Loeb Building 24/7 at no charge.

KEY DATES:

- **First Lecture:** September 11, 2018.
- **Last Lecture:** December 4, 2018
- **Fall Break:** Week of Oct 22-26, 2018
- **Mid-term Examination:** Date Saturday November 10, 2018. Time: 10AM-NOON.
- **Take Home Examination (Essay):** Assigned: Dec 7th; Due Dec 21 (through cuLearn)
- **Final Marks:** Available early January 2019 (University closed over the holiday break).

REQUIRED TEXT

Text: The following course book has been prepared for this section of the course and is required reading. Please read the assigned material before each lecture and review after each lecture.

T. Brettel Dawson, *Persons and Property in Private Law*, SECOND EDITION (North York, Captus Press, 2013). Available for purchase in the University Bookstore.

[NOTE: Do NOT acquire the book *Just Between the Law and Us* as it is not used in this course.]

OTHER REQUIRED READINGS

2 PowerPoint slides will normally be posted on cuLearn a day before each lecture.

Additional readings will be posted on cuLearn. See the Course Schedule and Readings posted on cuLearn.

EVALUATION

1. Mid-Term Multiple-Choice Examination: Worth 60% of course grade. Scheduled. Closed Book. Scantron answer sheet. November 10th: 10AM-NOON. Covering Lectures 1-8). Location tba.

- Information on attending examinations for local and distant students can be found at this link: <https://carleton.ca/cuol/examination-services/>

2. Take Home Examination (Essay). Worth: 40%. Essay (with choice of topics). Word limit of 2500. No additional research required (use course materials). Posted on December 7th. Due: last day of Examination Period (December 21st, 2018 by NOON).

- The Take Home Examination is treated as a scheduled examination. If you cannot submit on time you **MUST** seek a DEFERRAL from the Registrar's Office. Short-term extensions only and only in extenuating circumstances. LATE submissions without extension will NOT be marked.
- You receive the instructions through cuLearn and you 'hand-in' the assignment by attaching/posting to cuLearn Assignments section for Laws 2201A/T.3
- You can post questions and seek clarifications through the FAQ Assignment board for the Essay on the cuLearn page. Check if your question has been asked and answered before you post.
- You will receive your mark(s) and short feedback (on the Essay only) through cuLearn. Your mark will also be loaded to Gradebook.

Extensions, Deferrals and Late Work:

- You may request a **Deferral** on the mid-term examination or a very short **extension** from me for the Essay (at most 1 day) as it is due Dec 21.
- Deferred mid-terms will be scheduled through the Law/Legal Studies office only in the week following the original date for students writing in Ottawa. For out of Ottawa students CUOL examinations will handle all details.
- **Students seeking a deferral or an extension must complete, sign and email to me an Extension Application Form (blank form is posted on cuLearn). You MUST sign a declaration that the reason you provide is truthful.** Contact me (by email and as early as possible and always before the due date).
- I grant deferrals **only** for documented, serious health conditions and emergency situations affecting immediate family members. Not for minor illnesses such as a cold etc. Not for computer crashes, schedule conflicts with paid or volunteer work or sports commitments.

NOTE: BONUS/CLASS PARTICIPATION MARKS

3 You can confirm how the submission process works by completing the Test Assignment (which requires you to attach a document and use the 'assignment dropbox'. Nothing you post will be read and there is no grade value – simply a chance to know how things work before the crunch time of the real assignment.

I will give ONE bonus mark (allocated after the course has concluded) for each of the following (maximum 2 marks):

- For posting an introduction in cuLearn before Lecture 4. I want you to go to the site and look around and become comfortable with it EARLY in the term.
- For a pattern of quality discussion submissions on cuLearn or in class.

The cuLearn site will have discussion forums where you can post ideas or observations or ask questions. I hope you will feel part of a learning community by using the cuLearn space.

COURSE STANDING

Standing in the 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.

You must complete both formal evaluation components to obtain a passing mark in the course. Work handed in late counts to course completion but receives ZERO.

INDIVIDUAL WORK ONLY

You must follow the University's policies on academic integrity. You must complete all work individually and it must be fully original. Do not share draft (or final) work 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 not rely excessively on quotations as this will not count as being your own work. You must show your understanding of questions or issues independently of giving quotations.

LAWS 2201A/T FALL 2018 TOPICS AND SCHEDULE ⁴		
Topic/Week		Themes/Questions
1 & 2 Sept 11 Sept 18	INTRODUCTION	<ul style="list-style-type: none"> • Ways to see the world; legal categories and conceptual maps. • Private Law/Public Interest • Race and Ownership <p>What does the terrain look like and how did we get (t)here?</p> <ul style="list-style-type: none"> • Categories, Taxonomies • Private law <p>Core course concepts:</p> <ul style="list-style-type: none"> • Possessing (governing) the self • Possessing (controlling) property
	WORLDS OF PERSON AND PROPERTY IN PRIVATE LAW	
3 Sept 25	THE LEGAL PERSON:	<ul style="list-style-type: none"> • Who (or What) is a Legal Person (When) and Why Does it Matter? • Slavery, Persons, Property • P1, P2, P3 • Discussion examples
4 Oct 02	WHICH SELF – WHOSE PROPERTY?	<p>Women</p> <ul style="list-style-type: none"> • Possessing the Self? • Possessing Property? • Within ‘the polis’?
5 Oct 09	WHICH SELF – WHOSE BODY?	<p>Capacity and (Medical decision-making)</p> <ul style="list-style-type: none"> • Children (Consent and maturity) • Developmentally disabled persons (in/violate bodies?) • Colonized bodies
6 Oct 16	BEYOND THE HUMAN SELF	<ul style="list-style-type: none"> • Inanimate entities • Corporations • Reprise
OCT 23 READING WEEK: NO CLASS		
7 & 8 Oct 30 Nov 6	PROPERTY AND PRIVATE PROPERTY	<ul style="list-style-type: none"> • Origins • Concept of a Property System; when and why was (private) property invented? Types of property; • Natural boundaries and allocation: spaces, access and allocation claims • Defining/Hallmarks of Private property and its Attributes • Justifications for private property

⁴ Subject to modification as we go along.

MID-TERM EXAM: NOVEMBER 10 (SATURDAY): 10AM-12 NOON		
9 & 10 Nov 13 Nov 20	BIO-MEDICINE: PERSON AND PROPERTY	<ul style="list-style-type: none"> • Body and law – traditional legal position • Death and its impact on legal personality and property • Property rights in the human body and tissue? • Extending bodily possession and decision-making? • Reframing the options
11 & 12 Nov 27 Dec 04	ECOLOGY, LAW AND THE WILD: PROPERTY AND PERSON	<ul style="list-style-type: none"> • Property law now and conservation (Ziff) • Private property and stewardship? (Harding and Karp) • Commons Regulation? (Ostrom) • Legal Person? (Stone)