

Course Outline

COURSE:	LAWS 2201D—Persons and Property
TERM:	Winter 2020
PREREQUISITES:	LAWS 1000 (or one of Laws 1001/1002)
CLASS:	Day & Time: Fridays 6:05 pm-8:55 pm EST. All Courses in the Winter 2021 term are offered online. Lectures in this course will be delivered using pre-recorded videos that will be made available through our course CULEARN page. Watch videos during the lecture period or any time of your convenience. I will be available during the lecture period (Every Friday between 6:30 and 8:00 pm) on Zoom. One group [I will assign groups in the first week]. Zoom link for this session will be provided on CULEARN.
INSTRUCTOR:	Dr. Mohammad Hasan
TEACHING ASSISTANTS:	Two TAs will assist me with marking related activities and will be your first point of contact . There are NO group tutorials. TAs have office hours and contact them through CULEARN email.
CONTACT:	Office Hrs: No Office hours. By appointment only by email. Email: MohammadHasan@cunet.carleton.ca

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 two broader concepts of private law such as Person and Property. It includes the discussion of the origins and scope of the concept of person and property and how concepts of legal personality and concepts of property change over time. The course emphasizes the idea of legal personhood as constituting the legal subject and the idea of property as the legal object. The personhood of women, slaves, children and corporations is studied along with origin stories, purposes and types of property in Canada.

Throughout the term, we will explore questions including: What is the 'legal person'? Why does this construct matter (and to whom)? Who has or has not been a legal person (over time), and thus seen as capable of autonomous legal action and ownership? What is property as a legal construct? What can be owned, by whom and on what terms? Who or what has been classified as (public or private) property and thus seen as giving rise to claims to exclude others and extract revenue from it? The course will also emphasize the role played by the state in the ordering of private law relations.

COURSE MODALITY & TECHNICAL REQUIREMENTS

This course is online course where the instructor and students share information, ideas, and learning experiences in a virtual course space. Asynchronous courses do not have live, scheduled meetings online. However, students are expected to remain up to date with the deadlines and due dates provided by the instructor. These courses require high-speed Internet access and a computer.

LEARNING OBJECTIVES

Upon successful completion of the course, students will be able to:

- Define the legal concepts of person and property;
- Explain how the concepts of person and property constitute a taxonomy/framework by which law approaches ownership and decision-making;
- Investigate theoretical concepts related to persons and property in private law and key legal materials such as cases and legislations/statutes;
- Analyze and assess different aspects of legal inclusion and exclusion through personhood, property and ownership using socio-legal concepts;
- Assess and critique the current categorization of persons and property in light of its adequacy to manage current challenges related to persons and property arising from corporate dominance, reconciliation with Indigenous peoples, ecosystem, and climate change.

REQUIRED TEXTS

T. Brettel Dawson, *Persons and Property in Private Law*, THIRD EDITION (North York, Captus Press, 2019).

This is the only textbook we will follow throughout semester. Make sure you have purchased the THIRD EDITION of the book. The Casebook book is available as an **e-book or in print**. Please order directly in the format you prefer from Captus Press (at a discounted price to cover some of the shipping cost). Please order using the following secure link to buy the in print book. <https://secure.captus.com/checkout/offer.aspx?OfferID=1365>

You can purchase the eBook via the following webpage

<http://www.captus.com/information/eBook.htm>

Select Carleton University, and you will find the following item:

LAWS2201 - Winter - Persons and Property in Private Law, 3e

(\$ 48.10; Term-based Subscription; Non-Printable)

Second-hand copies may be available at Haven Books or the University Bookstore but do not buy the second edition of the Casebook as it was significantly updated in its current third edition.

You are required to read about 30 pages every week. To complete course assignments, you will need to use the Casebook readings. Since reading is mandatory in this course, get the book as early as possible. You will not be granted any extension excusing that you have no book or the wrong edition.

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.

Every student in this class must complete the following assessment criteria for full evaluation:

1. Participation in discussion forum: 10%
2. Presentation: 5%
3. 5 Reading Quizzes: $5 \times 3 = 15\%$ [8 weeks, except lectures 1, 7, 10, 12]
4. Mid-term Exam: 20% [October 22]
5. Assignment: 20% [Due on Nov. 18]
6. Final Take-home Exam: 30% [TBA. To be scheduled during the formal examination period.]

Total: 100%

Participation [10%]:

Your participation matters. You have to be engaged fully through various means. In the beginning, I will invite you to post your short video introducing yourself. This is one time only and you will be graded for doing this. You need to participate in the syllabus quiz before starting the course. Over the period of the course, every week you are expected to identify at least three broad or narrow concepts discussed in the pre-recorded lecture or readings and define only one of the concepts from three concepts and post them on CULEARN discussion forum. I may post current topics related to Persons and Property and you are expected to share your views. The discussion concepts must be posted on CULEARN by 3pm every Friday. Throughout the semester, you are expected to submit at least 10 posts total including your introductory video and the syllabus quiz. Each post worth up to 1 point.

Presentation [5%]: Every Friday I will hold an hour session during our class time for meeting a group. I will make groups of 8 to 9 students each and a scheduled group will meet me during the session. You will be assigned a reading to present during this session. I will post the groups in the first week of our class. You will be required to present only once throughout the semester. To do this, you will read an assigned reading, make a summary of the reading and present during the live session.

5 Reading Quizzes [20%]:

For assessing better understanding of the reading materials, students will be required to complete online quizzes. The quizzes are comprised of true/false and multiple choice questions. There may be 4 quiz questions students should answer each week excluding the first week. In the first week, you will have a syllabus quiz (you will be worth 1 point for finishing the quiz as a participation grade). A total of 8 weekly quizzes will be available but only your best 5 results will be counted towards your grade. Each of the five quizzes is worth 4%, for a total of 20% of the final grade. To get full 4%, you must have at least 4 correct answers. If you have 3 correct answers, you will receive 3 points, and 2 correct answers for 2 points and 1 correct answer, you will receive 1 point. You can attempt a quiz once only. Missed quizzes cannot be made up. I encourage you to write all the weekly quizzes.

The quizzes will be posted on CULEARN on every Tuesday before 11:59 pm (except weeks 1, 7, 10, 12) starting from the second week and students can complete each quiz any time before the weekly lecture time (Friday 6:05 pm). For example, the first quiz will be posted on CULEARN on Tuesday (19th January) and you must finish your first quiz before the second week's lecture time (8:35 am, 22nd January). This example applies for every week's assigned quiz. More information is outlined in the weekly class schedule. Please ensure that you have a secure and reliable internet connection when completing the quizzes as they will be timed. Start your quiz after reading the weekly reading materials. Once the quiz is started online, students will have 20 minutes to complete the 4 quiz questions. They will be marked automatically, and students will receive their result through CULEARN.

Mid-term Exam: [20%]: (Week 1-6)

The mid-term exam will include multiple choice and true-false questions. Students will be responsible for all the required readings and cases, as well as the material covered by the lectures. However, greater emphasis will be placed on material covered in the first half (week 1 to 6) of the course. Further information will be provided later in the term. You are expected to answer 20 multiple-choice and true-false questions for this mid-term exam during a 30 minute window.

Assignment [15%]:

This assignment is designed to give students the chance to study a specific topic more deeply. Assignment topic will be posted on cuLearn.

Do NOT do additional research. Use ONLY course material to prepare your answers.

You must follow the University's policies on academic integrity. Answers must be your own original, individual work. Do not share or discuss answers with other students. Plagiarism is an academic offence. Please review the university policy regarding plagiarism (see link on page 5). To avoid plagiarism, use your own words (rather than quotations or lengthy paraphrasing) wherever possible. Doing so demonstrates that you understand the material and, also, tends to require fewer words. However, you must provide proper citations when relying on the ideas of others. Wherever you quote directly you must enclose the text in quotation marks (" "), and include a footnote with the author's last name (in

some cases, title of the readings accepted if you are unclear about the author) and page number of the text. You are request not to use more than three quotation in this paper. Papers with too many direct quotes will lose marks as direct quotes does not count as your own work, no matter how carefully you have chosen the quote. Use proper citation (footnotes) using the *Canadian Guide to Uniform Legal Citation*, 9th ed (Toronto: Thomson Reuters, 2018).. You can find a citation guide here (https://library.carleton.ca/sites/default/files/help/writing-citing/Using_uniform_legal_citation_2018.pdf).

The length of the assignment should be between 750 and 1000 words. The assignment is due on March 25 before 11:59pm. Additional instructions for the assignment may be posted on CULEARN.

Final Exam [30%]: [Week 7-12]

The final exam will be essay format. You will be asked to answer two long questions during the examination period. Please note that the Final Exam in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring/>.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late Penalty

Late submission will be penalized. Assignments submitted later than the due date will be penalized 5% per day of the total value of the assignment. For example, if an assignment worth 20% of the total course grade is a day late, 1 point out of 20 (or 5% per day) will be deducted.

Extension

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. So, write to me directly if you have any unavoidable circumstance such illness and other compassionate grounds for which you wish to apply for an extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date. <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> . **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Requests for a deferral of the final exam must be made to the Registrar's Office.

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/>*

SCHEDULE

There are three types of learning strategies will be followed for this course. First, students are responsible for all assigned readings. I suggest students to read the required reading material before each scheduled lecture. Secondly, students should carefully watch lecture videos and take notes. Thirdly, students should review lecture slides posted on CULEARN, although contents may focus on a limited number of these readings.

Important Dates:

January 11, 2021	Winter Term Begins. Winter Classes Begin
February 15-19, 2021	Winter Reading Break, No Classes
April 14, 2021	Winter Term Ends
April 16-27, 2021	Formally Scheduled Final Exams May Be Held

Weekly Schedule

Week	Topic	Readings	Assessments	Online Presentation
Week 1 Jan. 15	Overview of the course: Identify the concepts Introduction: Persons, Property and Legal Ordering	Discussion on syllabus, learning objectives and assessments. Ch 1A, 1B		
Week 2 Sept. 22	The Legal Person Constructed Foundational Categories Legal Personification in Theory and Practice	Ch 2A Ch 2B	Quiz 1	Group 1
Week 3 Jan. 29	Women: Property, Person and Place Women's historical exclusion from public and professional roles (not considered included in the term)	Ch 3A Ch 3B	Quiz 2	Group 2

	‘persons’) and Women’s historical exclusion from property ownership (if married).			
Week 4 Feb. 05	Legal Person/Human Body Possessing the self (body) in law Medical decision-making	Ch 4A Ch 4B	Quiz 3	Group 3
Week 5 Feb. 12	Legal Personality and Decision-Making: Beginnings Children Medical decision-making	Ch 5A Cha 5B	Quiz 4	Group 4
Fe. 15-19	No class. Reading Break			
Week 6 Feb. 26	Beyond the Human Being: Legal Personality and Non-Human Entities This lecture focuses on the legal status of the corporation (history, theory, critique). We also discuss (reprise) legal personhood and robots/AI.	Ch 6	Quiz 5	Group 5
Week 7 March 05	The Idea of Property Concept, Rationales, Definitions Case Study: Property and Power	Ch 7A Ch 7B	Mid-term exam [6:30 pm to 7 pm]	
Week 8 March 12	Private Property (Mainly) Origin Stories I: Private Property Case Study: Becoming Property (or Not)	Ch 8A Ch 8B	Quiz 6	Group 6
Week 9 March 19	Troubling the Boundaries of Private Property The Commons Property and Conservation	Ch 9A Ch 9B	Quiz 7	Group 7
Week 10 March 26	Public Property/Indigenous Land: Parks and Wilderness	Ch 10A Ch 10B	Assignment due on March	Group 8

	Origin Stories II: Public (Crown) land in Canada Case Study: Non-Ownership/Co-Governance		25 before 11:59 pm.	
Week 11 Apr. 02	Eco Systems, Reconciliation and Legal Categories Property or Person? Non-ownership?	Ch 11	Quiz 8	Group 9
Week 12 Apr. 09	Conclusion: From Blackstone to Berry – Revising Categories (Taxonomies) of Person and Property	Ch 12	Review classes and discussion on the take home exam.	Group 10

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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>

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://studentsupport/svpolicy>

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://students.carleton.ca/services/accommodation/>

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. <https://carleton.ca/law/current-students/>