

Course Outline

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| COURSE: | LAWS 2201 C—Persons and Property |
| TERM: | WINTER 2024 |
| PREREQUISITES: | LAWS 1001 and LAWS 1002 |
| CLASS: | Day & Time: Monday 11:35 pm – 2:25 pm EST |
| | Room: Lectures in this course will be delivered using pre-recorded videos that will be made available through our course Brightspace page. Watch videos during the lecture period or any time of your convenience. I plan to hold the first and the last lectures live via Zoom. Please check Brightspace for the current Class Schedule. <u>I will hold a presentation session during the lecture period (Every Monday between 2:35 am and 4:00 pm) on Zoom. During this time, an assigned group [I will assign groups in the first week] will meet me. Zoom link for this session will be provided on Brightspace.</u> |
| INSTRUCTOR: | Dr. Mohammad Hasan |
| TEACHING ASSISTANTS: | Two TAs [Heather Gill-Frerking (HeatherGillFrerking@cmail.carleton.ca) and Hooria Katal (hooriakatal@cmail.carleton.ca)] will assist me with marking-related activities and will be your first point of contact. We may have an Engagement TA to assist with technical issues or accommodation. There will be NO tutorial seminar for this course. TAs may have office hours and contact them through Brightspace email. |
| CONTACT: | Office Hrs: By appointment through Zoom. Check-in Brightspace for my Zoom link. I will hold office hours every Thursday between 12:30-1:30 pm EST at my office, just in case if you want to meet me in-person. Let me know by email if you would like to talk with me. Allow 36 hours for a reply. No replies on weekends or evenings. |
| | Email: <u>MohammadHasan@cunet.carleton.ca</u> |

CALENDAR COURSE DESCRIPTION

Origins and scope of the concept of the 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 a 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. Some more important issues such as planetary systems, roles of personhood and property law in climate change, pollution, biodiversity conservation, and the destruction of habitat.

COURSE MODALITY & TECHNICAL REQUIREMENTS

This course is an online (mostly asynchronous and synchronous presentation sessions) 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, as this is a combined method course, a student must meet the instructor in a live synchronous session ONCE throughout the semester. 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 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 legislation/statutes;
- Analyze and assess different aspects of legal inclusion and exclusion through personhood, property, and ownership using socio-legal concepts;
- Assess scholarly literature on this subject matter 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, addressing race and ethnicity, reconciliation with Indigenous peoples, planetary systems, ecosystem, and climate change.

REQUIRED TEXTS

T. Brettel Dawson, *Persons and Property in Private Law*, **FOURTH EDITION** (North York, Captus Press, 2023). [List price for print is \$67.50]

This text (Casebook) is a curated collection of edited readings, cases and legislation).

This is the only textbook we will follow throughout the semester. Make sure you have purchased the **FOURTH EDITION** of the book. The Casebook book is available as an **e-book or in print**. Carleton University Bookstore has reserved books for you to buy.

You can purchase the eBook via the following webpage

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

You are required to read about 30-40 pages every week. To complete course assignments, you will need to have 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 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. Presentation and Critical Reflection: 10%**
- 2. Progress Report (participation): 5%**
- 3. Reading and Lecture Quizzes (4 out of 5): 20%**
- 4. Mid-term Exam: 20% [February 26]**
- 5. Course Reflection Paper: 15% [March 18]**
- 6. Final Exam: 30% [TBA. To be scheduled during the formal examination period. This would be an online timed exam proctored by the exam service.]**

Total: 100%

Presentation and Critical Reflection [10%]:

Every Monday I will hold an hour and a half session during our class time for meeting a group. I will make some groups and a scheduled group will meet me during the session. Each student will be assigned a reading to present for 7-10 minutes during this session. I will post the groups in the first week of our class. If you see you are not on the list yet (due to late registration), let me know ASAP so that I can

assign you to a group and you will be able to present. 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 it during the live session. It is not group work rather you have to work on your own to present your assigned reading. The presentation starts in the 2nd week. Please follow the presentation schedule and don't miss your assigned presentation.

During your presentation, you need to tell the audience (me and other students):

1. *Who is the author or if it is a case, cite the case name?*
2. *What is your assigned reading about? Make a summary.*
3. *What are the main claims and arguments of the reading? [If it is a case, discuss the reasoning and arguments of the judgment]*
4. *How do the assumptions and framing of your assigned reading compare and contrast with those in the other readings for that week?*
4. *Why do you think the reading you are presenting is relevant to our course?*

In addition to the presentation, you are expected to submit a critical reflection and the presentation slide (if you have, in a single document). Your reflection should critically analyze (your own opinion) the author's main claim and argument. If it is a case, discuss the reasoning and arguments of the judgment and if the decision of the case has a larger impact on persons and property. Your analysis should be between 250 and 350 words. There will be a Dropbox 'Presentation and Critical Reflection Submission' created under the 'Assignment' tool for you to submit your critical reflection. If you don't submit the written portion, the presentation will not be graded.

Progress Report: 5%

Brightspace has a great option to see how many contents and percentages each student has reviewed and completed. You will be assessed out of 5% based on your activities (lecture materials and other components) of this course on Brightspace. Since you are registered for this course, you are required to complete course content and assessments. This is an easy mark. To be assessed for full marks, you have to spend at least 13 hours on the course contents. Brightspace provides us with these statistics.

Reading Quizzes [20%]:

For assessing a 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 10 quiz questions (questions from course readings and lectures) that students should answer for each quiz. A total of 5 weekly quizzes will be available but only your best 4 quiz results will be counted towards your final grades. Each of the three quizzes is worth 5%, for a total of 20% of the final grade. Each quiz question is worth 0.5 points. To get the full 5%, you must have at least 10 correct answers. 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 Brightspace every quiz week Friday before 11:59 pm (except weeks 1, 2, 4, 5, 7, 8, 10, and 11) and students can complete each quiz any time before 2 pm of the lecture day (see dates in the weekly schedule below). For example, the first quiz, based on Chapters 2 to 5, will be posted on Brightspace on Friday (January 19) and you must finish your first quiz before 2 pm on January 22

(Monday). This example applies to every 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 30 minutes to complete the 10 quiz questions. They will be marked automatically, and students will receive their results through Brightspace.

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 materials covered in the first half (weeks 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 and some short concepts for this mid-term exam during a 90-minute window.

The mid-term exam will be held on February 26 during the class time between 3:00 pm and 4:30 pm.

Course Reflection Paper: [15%]

Students need to write a reflection paper based on the readings and lectures completed. For this paper students should mainly outline some key issues they have learned so far and make a comparative study. More information will be provided on Brightspace.

The paper is due on March 18.

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

You will be asked to answer two to three long questions and some short conceptual questions during the examination period. Please note that the Final Exam on this course will be scheduled by Examination Services at a later date.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late Penalty

Late submissions 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. For requests for short-term extensions, 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>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or

extraordinary circumstances beyond a student's control), please visit the following link:

<https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE

Three types of learning strategies will be followed for this course. First, students are responsible for all assigned readings. I suggest students read the required reading material before each scheduled lecture. Secondly, students should review lecture videos and slides posted on Brightspace. Thirdly, students will participate in all assessments and evaluations.

Weekly Schedule:

| Week | Topic | Readings/Chapters | Assessments due | Online or synchronous Presentation |
|-------------------|--|--|---|---|
| Week 1 Jan. 08 | Live session via Zoom Overview of the course: Identify the concepts Introduction and Overview Starting Points: Legal Subjects and Legal Objects | Discussion on the syllabus, learning objectives, and assessments. xiii Chapter 1 | | |
| Week 2 Jan. 15 | Conceptual Framework The Legal Person Constructed | Chapters 2 & 3 2 (f) | | Group 1 |
| Week 3 Jan. 22 | Transatlantic Slavery The Corporation | Chapters 4 & 5 | Quiz 1 [Chapters 2-5] | Group 2 |
| Week 4 Jan. 29 | Women: Personhood and Legal Inclusion | Chapter 6 | | Group 3 |
| Week 5 Feb. 5 | Medical Decision-Making and Legal Person (Indigenous Women and Persons with Disability) | Chapter 7 | | Group 4 |
| Week 6 Feb. 12 | Persons, Property, and Legal Ordering (Endings and Extensions) | Chapter 8 | Quiz 2 [Chapters 6, 7 & 8] | Group 5 |
| Feb. 19-23 | <i>Fall Reading Break. NO CLASS</i> | | | |
| Week 7 | Western Concepts of Property | Chapter 9 | | |

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| Feb. 26 | and Property Law | | Mid-term exam on February. 26 (Chapters 1-6) [12:00 pm to 1:30 pm] | |
| Week 8 March 4 | Private Property Conceptual Framework (revisited) | Chapter 10 2 (g) | | Group 6 |
| Week 9 March 11 | Private Property: Race and Space | Chapter 11 8 (g) | Quiz 4 [Chapters 9, 10 & 11] | Group 7 |
| Week 10 March 18 | Public Property: Colonial Narratives and Legal Fictions | Chapter 12 | Reflection Paper due | Group 8 |
| Week 11 March 25 | Narratives of Indigenous Place and Space | Chapter 13 | | Group 9 |
| Week 12 April 01 | Nature as a Legal Person The exam review video will be posted a week before | Chapter 14 | Quiz 5 [Chapters 12,13 & 14] | Group 10 |
| Week 13 April 8 | Drop-in Session | | | |

| Winter 2024 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i> | |
| January 8, 2024 | Winter term begins. |
| January 19, 2024 | Last day for registration and course changes (including auditing) in full winter and late winter courses. |
| January 31, 2024 | Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment. |
| February 19, 2024 | Statutory holiday. University closed. |
| February 19-23, 2024 | Winter break. No classes. |
| March 15, 2024 | Last day for academic withdrawal from full winter, late winter, and fall/winter courses. |
| March 27, 2024 | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar). |
| March 29, 2024 | Statutory holiday. University closed. |
| April 10, 2024 | Winter term ends. |
| | Last day of full winter, late winter and fall/winter term classes. |
| | Classes follow a Friday schedule (full winter and later winter courses). |
| | Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses. |
| | Last day for take home examinations to be assigned. |
| April 13-25, 2024 | Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week. |
| April 25, 2024 | All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. |

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements:
<https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement.
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotation marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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://carleton.ca/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

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