

Course Outline

COURSE:	LAWS 2201D—Persons and Property
TERM:	FALL 2021
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Thursdays 11:35 am – 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 will hold the first and the last lectures live via Zoom. Please check Brightspace for the current Class Schedule. I will be available during the lecture period (Every Thursday between 11:35 am and 1:00 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.
INSTRUCTOR:	Dr. Mohammad Hasan
TEACHING ASSISTANTS:	Two to three 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 Brightspace email.
CONTACT:	Office Hrs: By appointment through Zoom. Check-in Brightspace for my Zoom link. I will hold office hours every Friday between 1-2 pm EST. 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: MohammadHasan@cunet.carleton.ca

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 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 an 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 legislation/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 the 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=1416>

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 - Fall - Persons and Property in Private Law, 3e

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 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 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: 10%
2. 5 Reading Quizzes: 20% [8 weeks, except lectures 1, 7, 10, 12]
3. Mid-term Exam: 20% [October 21]
4. Assignment: 20% [Due on November 18]
5. Final Take-home Exam: 30% [TBA. To be scheduled during the formal examination period.]

Total: 100%

Meet with the Professor and Presentation [10%]: Every Thursday I will hold an hour and a half 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 for 5-7 minutes 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 it during the live session. It is not group work.

5 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 4 quiz questions students should answer for each quiz. 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 the 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 Brightspace every Monday 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 (Thursday 11:35 am). For example, the first quiz will be posted on Brightspace on Monday (September 13) and you must finish your first quiz before the second week's lecture time (11:35 am, September 16). This example applies to 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 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 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.

The mid-term exam will be held on October 21 during the class time between 12:30 pm and 1 pm.

Assignment [20%]:

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

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 offense. Please review the university policy regarding plagiarism (see link on page 9). 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 requested not to use more than three quotations in this paper. Papers with too many direct quotes will lose marks as direct quotes do not count as your own work, no matter how carefully you have chosen the quote. Use any citation style of your choice but I prefer 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 1000-1200 words. The assignment is due on November 18 before 11:59 pm. Additional instructions for the assignment may be posted on Brightspace.

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

The final exam will be in 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 be scheduled by Examination Services at a later date.

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. If you miss the final exam due to unavoidable circumstances such as illness and other compassionate grounds, please inform your course instructor as soon as possible.

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 circumstances such as illness and other compassionate grounds. 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).

SCHEDULE

There are three types of learning strategies that 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 carefully watch lecture videos and take notes. Thirdly, students should review lecture slides posted on Brightspace, although contents may focus on a limited number of these readings.

Important Dates:

September 8, 2021
October 25-29, 2021

Fall Term Begins. Fall Classes Begin
Fall Term Reading Break, No Classes

December 10, 2021

Fall Term Ends

December 11-23, 2021

Formally Scheduled Final Exams May Be Held

Weekly Schedule

Week	Topic	Readings	Assessments	Online Presentation
Week 1 Sept. 9	Live session via Zoom [This session will be recorded and posted on Brightspace later] Overview of the course: Identify the concepts Introduction: Persons, Property and Legal Ordering	Discussion on the syllabus, learning objectives, and assessments. Ch 1A, 1B		
Week 2 Sept. 16	The Legal Person Constructed Foundational Categories Legal Personification in Theory and Practice	Ch 2A Ch 2B	Quiz 1	Group 1
Week 3 Sept. 23	Women: Property, Person, and Place Women's historical exclusion from public and professional roles (not considered included in the term 'persons') and Women's historical exclusion from property ownership (if married).	Ch 3A Ch 3B	Quiz 2	Group 2
Sept. 30	<i>Holiday- No Class [National Day for Truth and Reconciliation]</i>			
Week 4 Oct. 7	Legal Person/Human Body Possessing the self (body) in law Medical decision-making	Ch 4A Ch 4B	Quiz 3	Group 3
Week 5 Oct. 14	Legal Personality and Decision-Making: Beginnings Children	Ch 5A Cha 5B	Quiz 4	Group 4

	Medical decision-making			
Week 6 Oct. 21	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
Oct. 25-29	Fall Reading Break. NO CLASS			
Week 7 Nov. 4	The Idea of Property Concept, Rationales, Definitions Case Study: Property and Power	Ch 7A Ch 7B	Mid-term exam [12:30 pm to 1 pm]	
Week 8 Nov. 11	Private Property (Mainly) Origin Stories I: Private Property Case Study: Becoming Property (or Not)	Ch 8A Ch 8B	Quiz 6	Group 6
Week 9 Nov. 18	Troubling the Boundaries of Private Property The Commons Property and Conservation	Ch 9A Ch 9B	Quiz 7	Group 7
Week 10 Nov. 25	Public Property/Indigenous Land: Parks and Wilderness Origin Stories II: Public (Crown) land in Canada Case Study: Non-Ownership/Co-Governance	Ch 10A Ch 10B	Assignment due on Nov. 18 before 11:59 pm.	Group 8
Week 11 Dec. 02	Eco-Systems, Reconciliation, and Legal Categories Property or Person? Non-ownership?	Ch 11	Quiz 8	Group 9
Week 12 Dec. 09	Live session via Zoom [Will be recorded] Conclusion: From Blackstone to	Ch 12	Review classes and discussion on	Group 10

	Berry – Revising Categories (Taxonomies) of Person and Property Exam review class		the take-home exam.	
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COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs. For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

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). 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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, artworks, 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 offense. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

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/>.

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/student-experience-resources/>