

COURSE OUTLINE
Version: July 7, 2021
(CORRECTED)

COURSE:	LAWS 2201V
TERM:	Late Summer 2021
PREREQUISITES:	LAWS 1000 (or one of Laws 1001/1002)
CLASS:	Day & Time: ONLINE (BLENDED)
	Room: Tuesdays and Thursdays beginning July 6 2021 and concluding August 12, 2021.
	<p>Instruction is comprised of</p> <ul style="list-style-type: none"> • CUOL edited and newly recorded, Lecture Modules: opened for the coming week on Sundays at 2.30PM. • In-person Zoom session July 8, July 15 & July 22; August 5 & August 12 (about 60 minutes during 'class time slot': Thursday 4.30-5.30PM). These will be recorded. Login provided on Brightspace. <p>Note: All students registered in the course have access video lecture content without fee from the Brightspace Course Page</p>
INSTRUCTOR:	Professor T Brettel Dawson
TEACHING ASSISTANTS	I will be assisted by TAs for marking and student engagement activities (on the new LMS Brightspace). These TAs will be your first point of contact on assignments and course activities.
CONTACT:	<p>Office Hrs 1. I will be in my ZOOM office" 3.00-4.15PM THURSDAYS. Logon information to be provided in Brightspace. You'll be placed into a 'waiting room' until I'm free to talk with you.</p> <p>2. By appointment.</p> <p>Telephone: n/a</p> <p>Email: Brettel.dawson@carleton.ca (by far the best method to reach me). I will reply within 24 hours on weekdays.</p>

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.

IMPORTANT POINTS

Welcome to the course!

Note: Summer courses are very intensive and demanding as they compress 12 weeks of class into 6 weeks! Set aside 8 hours per week to review the lecture modules and do the readings.

You will need a strong internet connection to view lecture modules and participate in 'live' Zoom class time. **The LMS, Brightspace, will be your hub for the course. Check it often!**

The **text** (Casebook) is T. Brettel Dawson, *Persons and Property in Private Law*, THIRD EDITION, 2019. Details are given below about how to obtain your copy.

Please watch the **Welcome and Course Logistics module** recorded for this offering of the Course before lectures begin on July 6. It will be posted on Brightspace.

Methods of Instruction

Video Modules: Much of the video content in the course was originally delivered in-person to a live class in Fall 2019. For Summer 2021, I have reviewed and edited each lecture and broken it into modules of varying length. I have also recorded new modules in areas where there have been important developments.

PowerPoints: I have tidied also up/updated the Slide Decks that go with each module as revised.

Zoom Sessions: You will also be expected to participate in weekly, live Zoom discussions with me and other students about course material and course concepts.

DETAILED COURSE DESCRIPTION

"Take the great foundational categories, identified by Gaius in his *Institutes*, of 'persons' (*personae*), 'things' (*res*), and 'actions' (*actiones*). The ontological importance of them must never be underestimated: the Gaian scheme represents the institutional structure of all Western legal systems inasmuch as all [private law] rules must attach to a person, a thing or a [legal claim] or remedy."¹

In this course, we examine two of these 'great foundational categories' in private law: its legal subject, the **person**; and its legal object, **property**. The third, "actiones" (the way in which one's person or property can be protected and exchanged), is the subject of Laws 2202 Obligations.

We examine questions about persons and property including:

- What is the '**legal person**'? Why does this legal construct matter (and to whom)? Who/What has (or has not) been a legal person (over time)?
- What is **property** as a legal construct? What can be owned, by whom and on what terms? Who

¹ Geoffrey Samuel, "Can the Common Law be Mapped?" (2005) 55 University of Toronto Law Journal 271 at 276, 280 at *Casebook*, 25).

or what has been classified as (public or private) property and thus seen as giving rise to claims to in relation to other persons?

We also consider the relationship between persons and property and the **planet**. Noted private law scholar, Ugo Mattei has argued that “[i]t has become especially important to inject ecological awareness into our system: “private law could steer human behaviour in the right direction...[because] It signals to people what is right and what is wrong in their daily encounters.”²

CASEBOOK - REQUIRED

Reading is mandatory in this course! You will need to use the Casebook readings to complete course assignments. Please obtain a copy before the course and no later than the end of the first week of the course.

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

The Casebook is **available directly from the publisher, Captus Press** at <http://www.captus.com/information/eBook.htm>. Under “Carleton University”, you will find the term-based, online, streaming eBook for the course LAWS 2201 in Summer 2021.

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. **DO NOT ACQUIRE OR USE SARGENT, ATKINSON, JUST BETWEEN THE LAW AND US IN ANY EDITION.**

LEARNING OUTCOMES

This course is designed to address three main learning outcomes : **1) Content Mastery; 2) Concept Mastery; and 3) Personal Growth**. I have broken each of these areas into more specific learning objectives below. I draw on these outcomes to design evaluation in this course.

Content mastery is the focus on the short answer questions. Concept mastery is the focus of the discussion topics and the final take home essay. Personal growth elements express my hope that you will be able to bring the learning from this course into any context or new issue engaging questions of persons and property.

1 Content Mastery

By engaging with material in this course, you will be better able to:

- a) Define the legal categories of person and property, and subsidiary legal doctrines or concepts
- b) Distinguish between legal and non-legal (lay) views of persons and property
- c) Explain the purpose of the legal categories of person and property and the connections between them.
- d) Recall and explain primary legal material (cases and legislation), as they contribute to our study of principles and values integral to the law of persons and property.
- e) Set out and apply theories advanced in secondary literature (academic writing) to account for developments in the law of persons and property.

² See Ugo Mattei, *The Turning Point in Private Law: Ecology, Technology and the Commons* (Cheltenham: Edward Elgin, 2018) at 9.

- f) Critically analyze the dynamics of inclusion and exclusion within the legal categories of person and property as related to race, gender, and indigeneity.

2 Concept Mastery

By engaging with material in this course, you will be better able to:

- Set out and explain the conceptual structure of the law of persons and property
- Explain the idea that the categories of legal person and property are legal fictions
- Identify premises and values operationalized in the law of persons and property
- Contrast Indigenous and non-Indigenous understandings of property (and its acquisition) and evaluate initiatives to bridge these differences in approach.
- Critically assess how private law solutions to 'problems' arising from social, economic, political, and environmental changes fit (or do not fit) the conceptual structure of the law of persons and property.

3 Personal Growth

By engaging with material in this course, you will develop:

- Enhanced skills to read and evaluate primary and secondary legal material
- Increased awareness of the connection between ways of seeing the world and legal ordering (and that there are different ways to see and order the world).
- A useful framework to identify and analyze new 'problems' engaging questions of legal personhood or property.
- Deepened personal connections to issues of person and property in public discourse.

EVALUATION

Full Instructions and questions will be posted on Brightspace. Completed work is submitted on Brightspace. Your grade will be available through the Course Grade book on Brightspace.

EVALUATION COMPONENTS

All evaluation components (other than Zoom participation) need to be completed to obtain a passing grade in the course. Your work must be fully original to this course and prepared by you alone. You may not copy/collaborate/share files with anyone else in the course or other offerings of it. You must cite all sources used and, where quoted or closely paraphrased, you must provide the pinpoint in the source used (See Academic Integrity Policy). Do not cobble your essay together using quotes from sources!

Component	Due Date(s)	Value of Final Mark
Assignment 1: <ul style="list-style-type: none"> Short answer questions Assigned on or before July 23 	July 31, 2021 Post to Brightspace by 11.59PM	30% Focus on Weeks 1-3
Assignment 2 <ul style="list-style-type: none"> Short answer questions 	August 14, 2021 Post to Brightspace by 11.59PM	30% Focus on Weeks 4-5

- Assigned on or before **August 6**

Final Take Home Exam	August 25, 2021	25 %
<ul style="list-style-type: none"> Essay Assigned on or before August 16 	Post to Brightspace by 11.59PM	Focus on Week 6 and Concept Map
[UPDATED JULY 7]	Introduction posted by July 12 , 11.59PM	Introduction: 1% (1 mark)
Brightspace activities:		Discussion Topics: 10% (10 marks: 5 marks for each of two Topics as follows:
<ul style="list-style-type: none"> Introduce yourself Post on TWO Discussion Topics 	Topics 1 & 2: close July 27 at 11.59PM Topics 3 & 4 close August 16 at 11.59PM	- Initiating post: 3 marks (completion = 1; engage with issue using course material = 1; and connect to course concepts = 1) - Reply posts: 1 mark for each: completion = 0.5; content = 0.5)
I will post four Discussion Topics. Choose 2 of these Topics. For each topic chosen, post (initiate) once; and reply twice (to other posts which may include replies to your own post)		
Zoom Attendance/Participation: (4 of 5 sessions)	As scheduled: Thursdays: 4.30-5.30PM: July 8, 15 & 22; August 5 & 12	4% 1 mark for attending. ³

LATE WORK RECEIVES ZERO MARKS.

EXTENSIONS

Can be approved only by me, Professor Dawson. You must complete, sign and email to me, the Extension Request Form (Self-Declaration) posted on Brightspace before the due date of the assigned work. You have three 'grace days' spread over the semester – where I will automatically approve an extension request. Just fill in "grace day(s)." However, once these are used up, you must provide compelling reasons for any additional Extension request. Back up your work to a USB or cloud service (even by emailing to yourself).

Medical notes are not normally required for extensions of less than one week. They do not in any case replace or supersede completion of the Extension Request Form. Extensions for longer than 7 days will normally not be granted. In extraordinary cases where extensions lasting longer than 7 days are requested, you will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

³ If you are unable to attend, you can view the recording of the zoom (to be posted on Brightspace) and send me a brief email with key learning points to earn the mark.

Note: I rigorously (and proactively) pursue suspicion of plagiarism and, without exception, refer to the Office of the Dean. I reserve the right to compare all files with other submissions in this course and other offerings of the course. 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' your work, which is strictly prohibited.

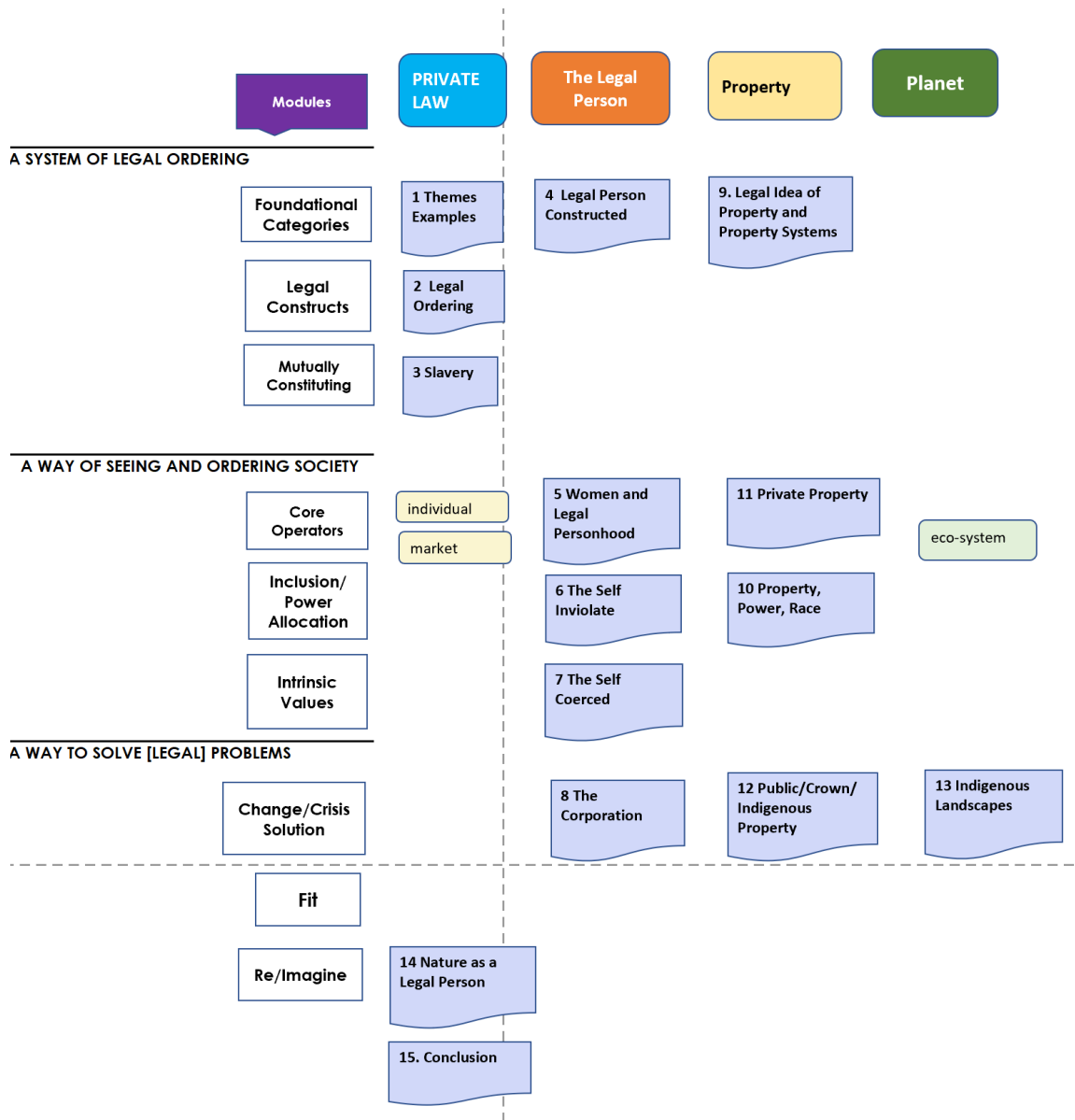
COURSE SCHEDULE

Each Week consists of two “sessions” (the equivalent of classes) with instructional activities scheduled over approximately 5 hours including time for the Zoom meetings. Each Module has an accompanying PowerPoint deck, posted on Brightspace. Readings are from the Casebook (CB), Brightspace/online if not in CB or online.

Week	Session	Module #	Topic/Module	Readings
0		00	Preview: Welcome, Logistics	Course Outline!
1	1A July 6	01 (01A)	Introduction: Themes & Opening Examples	CB: Ch1A
	1B July 8	02	Persons, Property & Legal Ordering	CB: Ch 1A CB: Ch 12(b) Horwitz & (c) Zbyszewska
		02A	Organizing Concepts in Persons and Property/Concept Map	
		03	Slavery and the Law of Persons and Property	CB: Ch 2B
		ZOOM 1 Live	Concept Mapping Persons and Property	Samuel, CB at 25
2	2A July 13	04	The Legal Person Constructed	CB: Ch 2B
		05	Women as Legal Persons	CB: Ch 3A & 3B (excl 49-59)
	2B July 15	06	The Self Inviolable: Possessed	CB: Ch 4A & 4B(g)-(j)
		ZOOM 2 Live	Concepts of the Legal Person	
3	3A July 20	07	The Self Coerced: Dispossessed	CB: Ch 4B (k)-(m)
	3B July 22	08	The Corporation as Legal Person	CB: Ch 6
		ZOOM 3 Live	Fitting/Not Fitting the Legal Subject	
4	4A July 27	09	The Legal Idea of Property	CB: Ch 7A & 7B (k)
	4B July 29	10	Property Power, Race*	CB: Ch 7B Badger (2017) Redlining <i>Beals v Nova Scotia</i> (2020) <i>Downey v Nova Scotia</i> (2020)
		11	Private Property: Origin Story 1	CB: Ch 8A & B (e)-(g)
	NO ZOOM Week 4 EXTENDED OFFICE HOURS			

Week	Session	Module #	Topic/Module	Readings
!	July 31	Assignment 1 Due 11.59PM		
5	5A Aug 03	12	Public (Crown) Property & Indigenous Spaces	CB: Ch 10A Davies on Locke (culearn)
	5B Aug 05	ZOOM 4 Live	Legal Concepts of Property Ref Week 4B	
		13	Property and Indigenous Landscapes, Reconciled	CB: Ch 10B Edehzhie: Agreement R. Kimmerer, The Serviceberry: n Economy of Abundance online at https://emergencemagazine.org/essay/the-serviceberry/
6	6A Aug 10	14	Nature as Legal Person*	CB: Ch 11 Dawson,(2021), New Zealand/Aoteroa
	6B Aug 12	ZOOM 5 Live	Fitting/Not Fitting the Legal Object Ref Week 4B) Cotterrell, Property (culearn)	WORKSHEET
		15	Conclusion: Persons, Property and a Legal Education	CB: Ch 12(a),(c),(e),(f)
"7"	NO ZOOM: EXTENDED OFFICE HOURS			
!	Aug 14	Assignment 2 Due 11.59PM		
!	Aug 25	TAKE HOME FINAL ESSAY DUE: 11.59PM		

Graphic Syllabus Laws 2201⁴



⁴ The dotted lines are an Excel 'artefact' – imagine they aren't there!

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>.

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/>. For more information on academic accommodation, please contact the Departmental Administrator or visit: <https://students.carleton.ca/services/accommodation/>

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 Equity Services website: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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) www.carleton.ca/pmc

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:* <http://carleton.ca/studentaffairs/academic-integrity/>

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>