

## Preliminary Course Outline

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<b>COURSE:</b>	<b>PERSONS AND PROPERTY</b>
	<b>LAWS 2201 A CRN 33794</b>
	<i>Outline version Sept 6</i>
<b>TERM:</b>	<b>Fall 2022</b>
<b>PREREQUISITES:</b>	<b>LAWS 1001 &amp; Laws 1002</b>
<b>CLASS:</b>	<b>Day &amp; Time: A Fridays 8.35AM – 11.25AM (UC 180)</b>
	Course instruction begins September 9, <b>2022</b> ; Course instruction ends: December 2, 2022 Reading Week (no class): October 24-28, 2022.
	<b>Room/Modality:</b> <i>Please check Carleton Central TO CONFIRM current Class Schedule</i>
	In Person. Brightspace LMS Course Hub
<b>INSTRUCTOR:</b>	<b>Professor T Brettel Dawson</b>
<b>TEACHING ASSISTANT</b>	<b>Joshua Kell</b> <a href="mailto:joshuakell@cmail.carleton.ca">joshuakell@cmail.carleton.ca</a>
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	<b>Office Hrs:</b> <b>Weekly Office Hours</b> Appointments, as scheduled, on Zoom.
	<b>Fridays 12.00-1.30PM in my office</b>
	<b>Telephone:</b> Email is best!
	<b>Email:</b> <a href="mailto:Brettel.dawson@carleton.ca">Brettel.dawson@carleton.ca</a> Be sure to use only your carleton email address when you email me.

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### 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.

## 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.”<sup>1</sup>

In this course, we examine two of these ‘great foundational categories’: its legal subject, the **person**; and its legal object, **property**. *Obligations* – the subject of Laws 2022 - is another category within *things*. The third, “*actiones*” refers to the legal claims or actions that can be taken to protect one’s person or property or business affairs (contracts etc) whether in relation to everyone (*in rem*) or specific persons only (*in personam*).

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 concepts have driven inclusion and exclusion as legal persons? What contemporary developments complicate ideas of the legal person?
- What is **property** as a legal construct? What can be owned, by whom and on what terms? What has been classified as (public or private) property? How have colonial narratives (of discovery and resulting legal fictions) shaped property and Canada? How do Indigenous narratives of place complicate ideas of property in Canada?

We also consider the relationship between **persons** and **property** and the **planet**.

- How does (and how might) legal personhood and property law contribute to (or potentially address) the urgent questions of the ‘anthropocene’ as experienced in climate change, pollution, resource depletion and habitat destruction?

## REQUIRED TEXTS

Reading is **mandatory** in this course! Required readings are from the Course Text and from readings posted/linked in ARES/Brightspace. See the detailed Class Schedule and Table of Readings posted separately on Brightspace.

### **Course Text (Casebook)**

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

The text, which I will refer to as the Casebook, is a curated collection of edited readings, cases and legislation). Linked readings are similarly edited.

The Casebook is **available directly from the publisher, Captus Press**. You can purchase an e-book at <https://secure.captus.com/checkout/checkout.aspx> (PRINT) OR <https://info.captus.com/registration/Epub/school.aspx?INST=carleton> (e-book)

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<sup>1</sup> Geoffrey Samuel, “Can the Common Law be Mapped?” (2005) 55 University of Toronto Law Journal 271 at 276, 280 at *Casebook*, 25).

For Fall 2022, required readings are drawn from the current third edition of the text together with new or updated material. The full text of new readings is available through ARES and, as edited (shorter and focused), on Brightspace.

**You will need to use both the Casebook Text and the Updated and New Materials to complete course assignments and Weekly Reading quizzes on Brightspace.**

## **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.

All written components must be successfully completed in order to get a passing grade in the course.

Your work must be fully original (see note on **Academic Integrity** at the end of this section).

I plan to include four written evaluation components as follows (any changes will be announced in Class and on Brightspace by September 14, 2022):

1. Weekly Reading Quizzes. Best Scores on 7/10 Weeks. Complete before pertinent Class.
2. Mid-term Assignment 1. (Take Home). Classes 1-5: 25 marks
3. Assignment 2. (Take Home) Classes 6-10.
4. Final Examination. (Take Home. Scheduled). Classes 11 & 12.

In addition, you will receive TWO marks for posting (1) an Introduction to yourself on Brightspace before Class 3 and (2) answering a quiz related to the Course Outline. Both are due before Class 3. They help me to get to know you and (the real reason for the mark) gets you onto (and I hope looking around) Brightspace, as this is the essential course hub.

Only course materials can be used in the assigned work. No external research is required or permitted.

**Evaluation Schedule** (subject to change as announced in Class and on Brightspace). Available by 10.00 on stated date. All elements are **due** on Brightspace by 11.59PM of due date.

<b>Component</b>	<b>Dates</b>	<b>Value</b>
- Introduction on Brightspace Discussion Forum - Quiz on Outline	<b>Before Class 3</b>	2 marks of final mark
Weekly Reading Quizzes	Classes 2-11	28 marks of final mark. Each worth 4 marks. <sup>2</sup> Best 7 of 10 Quiz marks.
Mid-term 1	<b>Posted</b> October 11 <b>Due</b> October 21	25 marks of final mark

<sup>2</sup> Including 1 mark for on-time completion.

Mid-term 2	Posted November 16 Due November 26	25 marks of final mark
Examination (May be Scheduled Take Home, to be confirmed)	Posted (to be confirmed, but end of term). Due (to be confirmed on exam schedule).	20 marks of final mark

## **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

### **LATE WORK RECEIVES ZERO MARKS.**

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension.

Please be in touch with me to discuss any difficulties you are having with completing elements of course evaluation.

You will have three (3) “**grace days**” – only one of which can be used for the Take Home Examination - to use as needed if you cannot submit the written assignments right on time. You do not need to give reasons (automatic approval within the 3-day ‘bank’) but you do need to file an extension form available on Brightspace.

Otherwise, you must provide compelling reasons for any additional Extension.

Please complete the self-declaration form at the following link and submit it to me, **prior** to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Note: Medical notes are not normally required for extensions of less than one week. They do not in any case replace or supersede the requirement to complete and sign the Self-Declaration (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).

Be sure to regularly back up your work in progress to USB, cloud service (or even by emailing to yourself). A computer crash is stressful and time consuming. Extensions will not be granted for computer problems.

### **General Criteria for Grading**

I provide a detailed marking guide to my teaching assistants. I hold sample marking meetings with them ensure understanding of content and questions to enable them to mark your assignments fairly, consistently, and accurately.

In general terms. I will want you to thoroughly read the course material and show you understand concepts, issues, applications, strengths and weaknesses of arguments/evidence within it.

You will be required to use assigned course readings and material: we have a wide range of relevant

sources in the course materials with which you can engage. Additional 'outside' research will not be permitted. Work that appears to draw on outside sources will not be marked.

Work that exceeds length limits will not be marked.

You will be required to cite all your sources using the citation rules provided with the assignment. I use a modified (shortened) version of the Department of Law citation style. You will be marked down for poor citation.

I will expect you to use your own words rather than loads of direct quotation and paraphrasing. I have noticed that some students seem to create answers as they read – cobbling together answers using long quotes (or closely paraphrasing) from sources. This approach doesn't show your own understanding and may be marked down.

If you end up with a long string of footnotes in sequence (*Ibid infinitum*) from the same source, you are basically telling the marker that you are copying out the book but using slightly different wording! If you don't? Well, failure to attribute paraphrasing, in effect passing it off as your own ideas and work, is plagiarism and is an academic offence.

Instead, I suggest that you study (hunt around, read through) the various course sources with the question(s) as asked in mind and then 'close the book'. Draft the answer in your own words first. Refine it as needed – using (and citing) short quotations if they are particularly lucid and on point. Become the 'author' of your answers. You'll also learn the material better that way! Be sure to go back to indicate (attribute) the source(s) used to get to the answer even though it is now in your words.

Any source you paraphrase must be accurately cited with the pinpoint to part of the source used (page or paragraph number). Do not create fake citations – your footnotes are often checked for accuracy.

It is always good practice to state the points you think are being made in any direct quotations and how they contribute to or support your answer. They do not 'speak for themselves' (and should not speak for you!)

I want you to polish your work, recognizing that you have time limits and often multiple assignments due around the same time in different courses. At a minimum, I will want you to clean up spelling errors and sentence structure – e.g., avoiding run-on sentences. Aim for clarity and simplicity. You can write 'in your own voice' (as in "I think") but it is not enough to express an opinion standing alone – you need to provide support (and references).

This Outline has taken several drafts to finalize along with proof-reading. Even so, it is not perfect. But perfection isn't the standard. Excellence and clarity (in the circumstances and for the context) is a good working rule! At some point we all have to let go of work, even if we think it can still be improved upon!

In fact, I recommend that you set a date a day or two before the final due date to get a good draft done (or even any draft!) I try to do this for my own work (although I don't always succeed!) If I have most of it down, I find my mind keeps working away in the background and I get ideas about how to improve things. Sometimes I realize that I've taken a wrong turn and have time to correct it without a panic!

**ACADEMIC INTEGRITY: READ CAREFULLY  
INDIVIDUAL WORK ONLY!**

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 may not reproduce substantially the same work (over 60% parallel content) completed for any other courses. Do not plagiarize your work! (See further below).

**NO 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
- 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 quotations 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 and notation on your academic file.

(See further: Academic Integrity Policy online at: <https://carleton.ca/registrar/academic-integrity/>.)

**Statement on Student Mental Health**

I have tried to set out elements of grading and my policies with respect to late work clearly. I have provided advance dates. I recommend that you create a plan to complete your work on time. All that said, I hope you’re not overwhelmed! I’m committed to supporting your efforts to succeed in this course!

I also recognize that, 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. See the list of helpful resources included in the **Appendix** of this Outline.

**SUMMARY SCHEDULE**

This table provides an overview of the class flow. It is subject to change over the semester. Please see full weekly schedule and readings schedule posted separately on Brightspace<sup>3</sup>.

Class #	Section A Class Dates	Evaluation Note	Topic (Short Title)	Module
1	Sept 9		Introduction Starting Points	1
		15	Weekly Reading Quiz 1 due (day before class for all Quizzes)	
2		16		2.1
			Concept of the Legal Person	2.2
		22	Last day for intro post & outline quiz on Brightspace	
3		23		3
4		30		4
5	Oct 7		Persons with Disability, Personhood or Paternalism	5.1 5.2
		11	Assignment 1	
6		14		6
			Concepts of Property and Property Law	
7		21	Assignment 1 due by 11.59PM	7
		24-28	Reading Week	
8	Nov 4			8.1 8.2
			Race, Place, Space	
9		11		9
			Public Property	
		16	Assignment 2	
10		18		10
			Indigenous Narratives of Place	
11		25		11
			The Corporation	
		26	Assignment 2 due by 11.59PM	
12	Dec 2			12
			The Planet	
Exam Period December 10-22		Scheduled Take Home (5 days) See Examination Schedule		

<sup>3</sup> In case of divergence the full schedule is to be taken as correct.

## Appendix: University and Departmental Policies and Information

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## UNIVERSITY POLICIES

### Resources in Support of Student Mental Health

**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>

## Statement on Pandemic Measures

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you should follow Carleton's [symptom reporting protocols](#).

**Masks:** Masks are no longer mandatory in university buildings and facilities. However, we continue to recommend masking when indoors, particularly if physical distancing cannot be maintained. We are aware that personal preferences regarding optional mask use will vary greatly, and we ask that we all show consideration and care for each other during this transition.

**Vaccines:** While proof of vaccination is no longer required to access campus or participate in in-person Carleton activities, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).

## DEPARTMENT OF LAW AND LEGAL STUDIES 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/>.

## 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 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](mailto: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 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/>.