

Course Outline

COURSE: LAWS 2201 C—Persons and Property

TERM: WINTER 2023

PREREQUISITES: LAWS 1001 and LAWS 1002

CLASS: **Day & Time:** Friday 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 plan to hold the first and the last lectures live via Zoom.

Please check Brightspace for the current Class Schedule.

I will hold a presentation session during the lecture period (Every Friday 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 TAs [Francois Lamoureux (FrancoisLamoureux@cmail.carleton.ca) and Waldo Ali (WaldoAli@cmail.carleton.ca)] will assist me with marking related activities and will be your first point of contact. There will be NO tutorial seminar for this course.

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 Tuesday between 2:45-3:30 pm EST at my office [Loeb 488 D), 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: 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 (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 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**. Carleton University Bookstore has reserved books for you to buy.

You can purchase the eBook via the following webpage

<https://info.captus.com/registration/Epub/school.aspx?INST=carleton>

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

LAWS2201 - Persons and Property in Private Law, 3e

Second-hand copies may be available at Haven Books or the University Bookstore. Make sure you buy THIRD Edition of the book.

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 and Written Summary: 10%**
- 2. Progress Report: 5%**
- 3. Reading and Lecture Quizzes (5 out of 6): 25% [6 weeks, except lectures 1, 2, 4, 7, 9, 11]**
- 4. Mid-term Exam: 25% [March 03]**
- 5. Final Take-home Exam: 35% [TBA. To be scheduled during the formal examination period.]**

Total: 100%

Presentation and Written Summary [10%]:

Every Wednesday 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. You 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 a group work. The presentation starts from the 2nd week. Please follow the presentation schedule and don't miss your assigned presentation.

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

1. Who is the author or if it is a case, cite the case name?
2. What is the reading about? Make a summary.
3. How the reading is relevant to Persons or Property?
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 written summary of your works or the presentation slide (in a single document) based on the questions posed above for your presentation. Your summary should be between 250 and 450 words. There will be a dropbox 'Written Summary Submission' created under 'Assignment' tool for you to submit your written summary. If you don't submit the written portion, 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 contents and assessments. This is an easy mark. To be assessed for full marks, you have to spend at least 15 hours on the course contents. The Brightspace provides us this statistics.

Reading and Lecture Quizzes [25%]:

For assessing a better understanding of the reading materials and lectures, 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) students should answer for each quiz. A total of 6 weekly quizzes will be available but only your best 5 quiz results will be counted towards your grade. Each of the five quizzes is worth 5%, for a total of 25% of the final grade. Each quiz question worths 0.5 point. To get the full 5%, you must have at least 10 correct answers. If you have 7 correct answers, you will receive 3.5 points, 6 correct answers for 3 points, 2 correct answer, you will receive 1 point. There is no deduction for wrong 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 Tuesday before 11:59 pm (except weeks 1, 2, 4, 7, 9, 12) starting from the second week and students can complete each quiz any time before 8 pm of the lecture week. For example, the first quiz, based on Chapter and Lecture 2 & 3, will be posted on Brightspace on Tuesday (January 17) and you must finish your first quiz before 11:55 pm of January 20. 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 25 minutes to complete the 8 quiz questions. They will be marked automatically, and students will receive their results through Brightspace.

Mid-term Exam: [25%]: (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 (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 and some short concepts for this mid-term exam during a 60-minute window.

The mid-term exam will be held on March 03 during the class time between 12:30 pm and 1:30 pm.

Final Take-home Exam [35%]: [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:

January 9, 2023	Winter Term Begins. Winter Classes Begin
February 20-24, 2023	Winter Term Reading Break, No Classes
April 12, 2023	Winter Term Ends
April 15-27, 2023	Formally Scheduled Final Exams may be held

Weekly Schedule

Week	Topic	Readings	Assessments	Online Presentation
Week 1 Jan. 13	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. Chapter 1		
Week 2 Jan. 20	The Legal Person Constructed Foundational Categories Legal Personification in Theory and Practice	Chapter 2		Group 1
Week 3 Jan. 27	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).	Chapter 3	Quiz 1 [Chapter 2 and 3]	Group 2
Week 4 Feb. 3	Legal Person/Human Body Possessing the self (body) in law Medical decision-making	Chapter 4		Group 3

Week 5 Feb. 10	Legal Personality and Decision-Making: Beginnings Children Medical decision-making	Chapter 5	Quiz 2 [Chapter 4 &5]	Group 4
Week 6 Feb. 17	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.	Chapter 6	Quiz 3 [Chapter 6]	Group 5
Feb. 20-24	<i>Fall Reading Break. NO CLASS</i>			
Week 7 March 3	The Idea of Property Concept, Rationales, Definitions Case Study: Property and Power	Chapter 7	Mid-term exam on March 3. (Chapters 1-6) [12:30 pm to 1:30 pm]	
Week 8 March 10	Private Property (Mainly) Origin Stories I: Private Property Case Study: Becoming Property (or Not)	Chapter 8	Quiz 4 [Chapter 7 & 8]	Group 6
Week 9 March 17	Troubling the Boundaries of Private Property The Commons Property and Conservation	Chapter 9		Group 7
Week 10 March 24	Public Property/Indigenous Land: Parks and Wilderness Origin Stories II: Public (Crown) land in Canada Case Study: Non-Ownership/Co-Governance	Chapter 10	Quiz 5 [Chapter 9 & 10]	Group 8

Week 11 March 31	Eco-Systems, Reconciliation, and Legal Categories Property or Person? Non-ownership?	Chapter 11		Group 9
Week 12 April 12	Conclusion: From Blackstone to Berry – Revising Categories (Taxonomies) of Person and Property Exam review video will be posted a week before	Chapter 12	Quiz 6 [Chapter 11 and 12]	

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

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

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/>.

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 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/>.