

Carleton University Department of Law and Legal Studies
COURSE OUTLINE

**Laws 2201A/T Fall 2017
PERSONS AND PROPERTY**

Term:	Fall 2017
Prerequisites:	Laws 1000
Instructor	Professor T. Brettel Dawson
Office:	Loeb D497
Office Hours:	Thursdays 10.30-noon or, by appointment (can also meet by phone or Skype).
Email:	brettel.dawson@carleton.ca Email is an excellent way to contact me (or our TAs). Turnaround normally within 24 hours. (Note: do not expect a reply on weekends or evenings – or to wee hours of the morning!)
TAs:	Names and contact info will be posted on cuLearn. Note: TAs are your first point of contact and will also mark your work using the professor's marking rubric. The class list will be sorted into 3 or 4 groups with a TA assigned to each group.
cuLearn:	cuLearn , is an <u>essential</u> part of this course. Lecture slides, course information, lecture slides, assignments, discussion boards are available <u>only</u> through this modality.
Lectures:	Tuesdays, 2.25-5.25PM SA 624 (Check Carleton Central to confirm location)

First Lecture: September 12, 2017

Last Lecture: December 5, 2017

Students in the broadcast section are welcome to attend class.

Students may access the course lectures on-line by one of the following ways.

- Watch the lectures as they are streamed on the CUOL Web Channel:
<https://vod.cuol.ca/stream/web-channel>.
- Subscribe to the optional Video-on-Demand (VOD) service for this course. Fee applies.
- Watch the VOD lectures on campus at the CUOL Student Centre in room D299 Loeb Building 24/7 at no charge.

More information is available from the CUOL website.

<http://carleton.ca/cuol/access-courses/>.

IMPORTANT POLICY INFORMATION APPLICABLE TO THIS COURSE

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>. 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 visit the Equity Services website: <http://carleton.ca/equity/>

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 Equity Services website: <http://carleton.ca/equity/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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.¹ More information on the University's Academic Integrity Policy can be found at: <http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Department Policy: <http://carleton.ca/law/current-students/>

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.

¹ I reserve the right to compare all files with other submissions in this course and other offerings of the course. I rigorously pursue suspicion of plagiarism and, without exception, refer to the Office of the Dean. Further 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' which is strictly prohibited.

COURSE DESCRIPTION

We examine the origins and scope of the concept of person in law and how concepts of legal personality change over time and the origins and scope of the concept of property and how concepts of property change over time. I explore how law has responded to social and economic change and the role of legal concepts (and taxonomies) in shaping how we think about and respond to changes and challenges. Two key concepts are the legal person (centering the individual) and property (centered on ownership by persons and exchange between them). These reflect 'liberal legalism'; we probe their potential and their limitations.

LEARNING OBJECTIVES

At the conclusion of this course, students should be able to

- explain how the legal concepts of property and legal personhood constitute a framework by which law approaches disputes over ownership and decision-making.
- critically assess the concepts of the legal person and property (e.g., how they mobilize legal ideologies; how they (historically and currently) advance certain interests and exclude others?); and
- apply the concepts to explaining and resolving past and contemporary case studies.

This course is designed to contribute towards your intellectual development within the law program by assisting you to become better able to:

- read and analyze case law (ancient and modern);
- understand the role of judicial decisions in shaping common law rules;
- move from describing cases to placing them within the context of theoretical concepts and policy ideas and contemporary social and legal debates.

More detailed learning objectives for each section of the course are stated in the relevant Part Introductions in the Course Text.

SLIDES AND REQUIRED READINGS

Class Slides: PowerPoint slides will be posted on cuLearn and available one day before each lecture.

Text: The following course book has been prepared for this section of the course and is required reading. Please read the assigned material before each lecture and review after each lecture.

T. Brettel Dawson, *Persons and Property in Private Law*, SECOND EDITION (North York, Captus Press, 2013). Available for purchase in the University Bookstore.

[NOTE: Do NOT acquire the book *Just Between the Law and Us* as it is not used in this course.]

The Course Schedule – to be posted on cuLearn – indicates additional (sometimes required) readings – some are links to relevant websites and others are to articles or cases posted on cuLearn. This list may expand as I prepare and update material for each lecture. These links, if any, will be contained in the PowerPoint for the lecture. **For Lecture 1, read Chapter 1.**

EVALUATION

- 1) Class Participation (through cuLearn postings, throughout the term). See [Appendix 1](#) for Details.
- 2) Two Short Answer Assignments during term; and
- 3) A Final Take Home Essay (during the Scheduled Examination Period).

You do not have to do additional research for the assignments but, instead, use course readings and lecture material. Information (FAQ) is included in [Appendix 2](#) about the Take Home Format used.

You will be able to post questions and seek clarifications through the FAQ Assignment boards for each assignment on the cuLearn page. Check if your question has been asked and answered before you post.

- You must complete all assignments – including class participation -- to obtain a passing mark in the course.
- All assignments must be done as individual work. See Policy statement on Plagiarism.

2017 Fall	Style	Available	Due:
ASSIGNMENT 1 Value: 20% of your final mark in the course; marked out of 20 points.	Short Essays (5 questions; 1250 words)	October 04	October 16 by 11.55PM on cuLearn
Assignment 2 30% of your final mark. Marked out of 35 points	Short Essays (8 questions; 1750 words)	November 22	December 05 by 11.55PM on cuLearn
Assignment 3 40%. Marked out of 40 points	Take Home Examination (Structured essay on course themes; 2250 words)	December 08	December 22 by NOON on cuLearn
Class Participation 10%. Marked out of 10 points.	Short postings on cuLearn (minimum 10) ²	Posting from first lecture	No postings counted after 11.55PM, December 05

Online Modality

- We do everything to do with assignments on cuLearn. You receive the instructions and assignment through cuLearn and you 'hand-in' assignment by attaching/ posting to cuLearn Assignments section for Laws 2201A/T. We return a marking sheet and your grade through cuLearn.

² including Introduction, Discussion Forums and Readings Questions. Excluding administrative postings or FAQ postings on Assignment Boards.

- You can confirm how the submission process works by completing the Test Assignment (which requires you to attach a document and use the ‘assignment dropbox’. Nothing you post will be read and there is no grade value – simply a chance to know how things work before the crunch time of a real assignment.
- The TAs and I will be hovering during assignment crunch times and try to problem solve quickly – but we aren’t on the boards in the middle of the night (really!)

Extensions and Late Work

- You will receive a bonus mark if you submit Assignment 1 or 2, on or before the day BEFORE due date.
- **But you will lose marks – at a high tariff if you submit your work late.** You will lose 10% per day (starting 12.01AM on day after Due Date). Work handed in more than 10 days late counts to course completion but receives ZERO.
- You may request an extension from me for Assignment 1 and 2 only. You may not request an extension for Assignment 3 because it is classified as an Examination. Late work cannot and will not be accepted for grading. If you cannot complete and submit on time, you MUST seek formal deferral through the Office of the Registrar.
- **Students seeking an extension must complete and email to me an Extension Application form (posted on cuLearn) which includes a signed declaration by the student.** Contact me (by email and as early as possible).
- I grant extensions only for documented, serious health conditions and emergency situations affecting immediate family members. I do not grant extensions for computer crashes, schedule conflicts with paid or volunteer work or minor illnesses such as a cold etc. Start your work early; plan to finish it early; back up your work frequently!

Grades and Grading

- We will endeavour to turn around marking and return your grade within two weeks of submission, especially for Assignment 1 (to provide early feedback).
- Your grades will be posted on the ‘My Grades’ link on cuLearn. Wait 24 hours before emailing the TA if you want more information on your mark. Please provide detailed points about where you would like a reconsideration. If the matter is not resolved with your TA, the matter can be taken up with me.
- Standing in a course is determined by me, as the course instructor but is subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by me may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

INDIVIDUAL WORK ONLY: You must follow the University’s policies on academic integrity. You must complete all work individually and it must be fully original. Do not share draft (or final) work with others in the class. Do not share your electronic files with other students as they may copy your work and you will be equally subject to academic investigation. You must not rely excessively on quotations as this will not count as being your own work. You must show your understanding of questions or issues independently of giving quotations.

APPENDIX 1: CLASS PARTICIPATION Fall 2017

10 marks (10% of your final grade)

The purpose of including a Class Participation component in the course evaluation is to encourage you to get actively engaged in the course – to supplement reading and attending lectures in person or online. By asking questions, commenting on readings, finding new examples (or extensions) of course topics and debating challenging issues with your peers in the class (with me or the TA piping in from time to time), the course should come alive for you as a learner – and as a community of learners. This format allows both off campus and on campus students to earn class participation points.

What counts?

Post an entry (on a topic you create or by replying to an existing posting on any of the following Discussion Forums³

General (top level) Boards

- Introductions (tell us about yourself and your interests – including in your studies.)
- Hands-Up: Ask your lecture questions here!
- Discussion and Debate (Talk about issues related to class material)
- This seems Pertinent (Post about news items, cases in the news, social or scientific information to update or extend lecture material – how is this course relevant to the issues of the day?)

Weekly (Boards within the Schedule/Readings by Week)

- Comment on Readings

When do I have to post?

All students should seek to post something in the Class Participation Boards every week – make this part of checking in to the course as you go along. In any case, the last day for earning/posting class participation contributions is December 5, 2017 by midnight.

How are grades assigned?

Grades are assigned for each post and are totaled as part of the final grade process using cuLearn class logs. You do not get evaluated on the content of the post but if I determine that the post is simply a ‘filler’ of no real substantive merit, I may not count it towards your final participation grade.

What if I don’t want to participate online?

A ‘set-off’ from online requirements can be given to students who come to class and make constructive contributions. Talk to me about this if you are interested. Conversations in Office Hours (in person, online or by email) are also noted and encouraged.

Final Note: These are both good marks to get and easy marks to get. DON’T OVERLOOK POSTING FOR CLASS PARTICIPATION MARKS – it can make a difference to your final mark in the course... so: Just Do It.

³ Postings on Assignment FAQ Boards or questions about administrative or technical (cuOL, cuLearn etc) don’t count towards Class Participation.

APPENDIX 2: FAQ Laws 2201 (Dawson)

What are 'Take Homes'?

The Take Home Assignments during the term and the 'final', in this course probe your understanding of course material and concepts. Unlike a test or exam, you are given about a week to answer and they are open book – you can refer to all course material in completing your answers. You can prepare your work /study in an informed and focused manner – with the questions in front of you. I want them to be less stressful for you! But, I do not want you to give me descriptive answers and I am not looking for regurgitation of slides or quotes from course readings, but rather, analysis and assessment. You must use your own words to show that you have understood the material. I don't require extra research but I do require you to thoroughly read the assigned material and use it in shaping your answers.

Why do I Assign Take Homes?

As this is a foundational second year course and the course materials include a rich tapestry of case studies and scholarly literature, I have adopted a comprehensive system of assessment through the Take Homes. I want you to be able to showcase how well you have understood and engaged with course material and course themes. I think this makes the assignments more relevant and interesting. Another practical reason is that many of you take this class as a distance course (even in other countries) and the take home format avoids having to get everyone into an examination room on an assigned day

Why isn't there a research essay option?

In my view, the range of material that you need to cover before undertaking a research essay – along with the short time frame -- precludes assigning a research essay option within my assessment objectives. We cover a lot of material and concepts that will be new to most of you. I want you to show mastery – or at least, grasp - of that material as your 'research resource' for completing the Assignments. I hope you will be able to pursue research in areas of particular interest stimulated by this course in your in related 3000 and 4000 level courses.

There is a practical reason too: because the class is large and supported by TA(s), it is difficult to assign research essay questions. I am very committed to ensuring consistent, high quality marking in the course and provide a detailed marking rubric for the TAs to follow. This level of TQM would not be possible with research essays.

How should you manage Take Homes?

**The required the level of self-direction and self-motivation may be a change for you.
Don't procrastinate!**

Download the assignment as soon as it is posted and read it over. Then create a plan so that you can do a good job on the assignment. Set aside blocks of time to review your notes, the slides and readings related to the questions (think of this as focused study time when you know what's 'on the exam'); then draft your answers. Be sure to read them over (and revise) before submitting to make sure you have said what you think you've said and that you've answered the questions asked and referred to course material specifically.

I give you the dates for posting and submission of each Assignment in this Outline at the outset of term. I expect you to organize your time. I know that other instructors will probably be picking similar dates (given the common flow of the semester). I can't do anything about that except to suggest that you sort out how YOU will manage that situation. Please don't defer work on an assignment in this class (and end up submitting late) because an assignment in another course is worth more. Block off the chunks of time and allocate to various assignments. You know from this assignment that I will be giving you 10 days to work on Assignments 1 and 2 so block it in!

To promote good practice – being early, allowing time for proof-reading and editing - I give a bonus mark for early work on Assignments 1 and 2.

Doing so will also enable you to adjust to an unanticipated work deadline or shift change, a child's illness (or your own) on 'the day' (or the day or two before) because you are already working on the assignment. I also know (from watching cuLearn) that everyone plans to work until the last minute and submit right on the button. OK BUT.... Do NOT plan to start and complete the assignment on the day of submission!

Why am I so tough on lateness?

I organize the marking schedule around these deadlines. You want to get your work marked and returned as quickly as possible so getting it in on time is part of the bargain. Late assignments can get missed or create other administrative headaches – which has an impact on you (and us!). This can be avoided by 'on time delivery'.