

**COURSE OUTLINE**

AUGUST 30, 2021

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<b>COURSE:</b>	<b>LAWS 2201A</b>
	CRN 33761
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>LAWS 1001 and LAWS 1002.</b>
<b>CLASS:</b>	<b>Day &amp; Time:</b> ONLINE (BLENDED) <b>Room:</b> Formal time slot: Monday 11.35AM - 2.25PM but you may 'attend' the video lectures at any time.
	Instruction is comprised of <ul style="list-style-type: none"><li>• Asynchronous, pre-recorded lecture modules (Fall 2019), edited and with newly recorded (2021) content. Lecture Modules released during the semester</li><li>• In-person Zoom sessions, as scheduled, during last hour of class time slot.</li></ul>
	First "Class": September 13, 2021. Last Class: December 6, 2021
	Note: All students registered in the course have access video lecture content without fee via the Brightspace Course Page
<b>INSTRUCTOR:</b>	<b>Professor T Brettel Dawson</b>
<b>TEACHING ASSISTANTS</b>	I will be assisted by TAs for marking and student engagement activities. These TAs will be your first point of contact on assignments and course activities. I will post contact details early in the term, on Brightspace.
<b>CONTACT:</b>	<b>Office Hrs</b> 1. I will be in my ZOOM office" each week – Wednesdays 9.30AM - 11.00AM; or <b>Online</b> 2. By appointment.
	<b>Telephone:</b> n/a
	<b>Email:</b> <a href="mailto:Brettel.dawson@carleton.ca">Brettel.dawson@carleton.ca</a> (by far the best method to reach me). I will reply within 24 hours on weekdays.

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**IMPORTANT POINTS**

Welcome to the course!

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!**

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

**\*\*Please consider being a volunteer note-taker to assist PMC students in this course! You can contact PMC directly to learn more at: at [Volunteer Notetaker FAQ's - Paul Menton Centre \(carleton.ca\)](https://carleton.ca/pmc/opportunities-at-pmc/volunteer-notetaker-fags/): <https://carleton.ca/pmc/opportunities-at-pmc/volunteer-notetaker-fags/>**

**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**. 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? What has been classified as (public or private) property? What of the Commons?

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."<sup>2</sup>

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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).

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

**CASEBOOK – REQUIRED TEXT**

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

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**. You can purchase an e-book 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 Fall 2021.

Second-hand copies (printed book) may be available at Haven Books or the University Bookstore.

NOTE: 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.**

**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) 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:

- a) Set out and explain the conceptual structure of the law of persons and property
- b) Explain how the categories of legal person and property operate as legal fictions
- c) Identify the values and legal ideologies operationalized in the law of persons and property.
- d) Contrast Indigenous and non-Indigenous understandings of property (and its acquisition).
- e) 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:

- a) Enhanced skills to read and evaluate primary and secondary legal material
- b) A useful framework to identify and analyze new ‘problems’ engaging questions of legal personhood or property.
- c) Deepened personal connections to issues of person and property in public discourse.

**EVALUATION**

There are no scheduled Examinations in this course.

Full Instructions will be posted on Brightspace. You submit your completed work through Brightspace. Your grade will be available through the Course Grade book on Brightspace.

There are two Assignments each of which is completed on an open book, 'take home' basis. Each consists of short essay questions. The Assignments assess your content and conceptual mastery.

You are required to post on at least FIVE of the anticipated TEN discussion topics posted in the Graded Discussion Topic section of Brightspace. This process is worth a maximum of 15 marks/15% of your final grade in the course.

The purpose is to foster (weekly) 'class discussion' of issues arising in course topics. Each discussion post is worth a maximum of ONE POINT FIVE MARKS (1.5).

**Each topic will be 'live' (for posting) for two weeks- so you must post throughout the semester to get full marks.** You must complete TEN substantive posts/replies of at least 250 words on the five topics you select. It is anticipated that you will post and reply on each of five topics. However, you may earn credit for up to THREE posts (4.5 marks) on any topic. Your posts must raise/engage with issues related to the Topic rather than providing simple descriptions of the subject.

Please post an INTRODUCTION about yourself on Brightspace. If you do so by October 04, you will receive ONE MARK.

Please attend our live Zoom sessions: You will receive ONE MARK for each session you attend up to a maximum of FOUR MARKS. If you are unable to attend, you can earn the mark by reviewing the recording and sending a short summary of key points by email to the Professor.

Component	Value of Final Mark	Released Brightspace (2021) on or before end of:	Due Brightspace (2021) On or before 11.59PM
Assignment 1	36%	October 30	November 9
Assignment 2	44%	November 30	December 10
Discussion Topics	15%	Ongoing through semester Last post date: December 7	Open for two weeks each
Introduction to yourself	1%	September 13	October 04
Attend Zooms	4%		As scheduled.
<b>Total</b>	<b>100%</b>		

### COURSE SCHEDULE

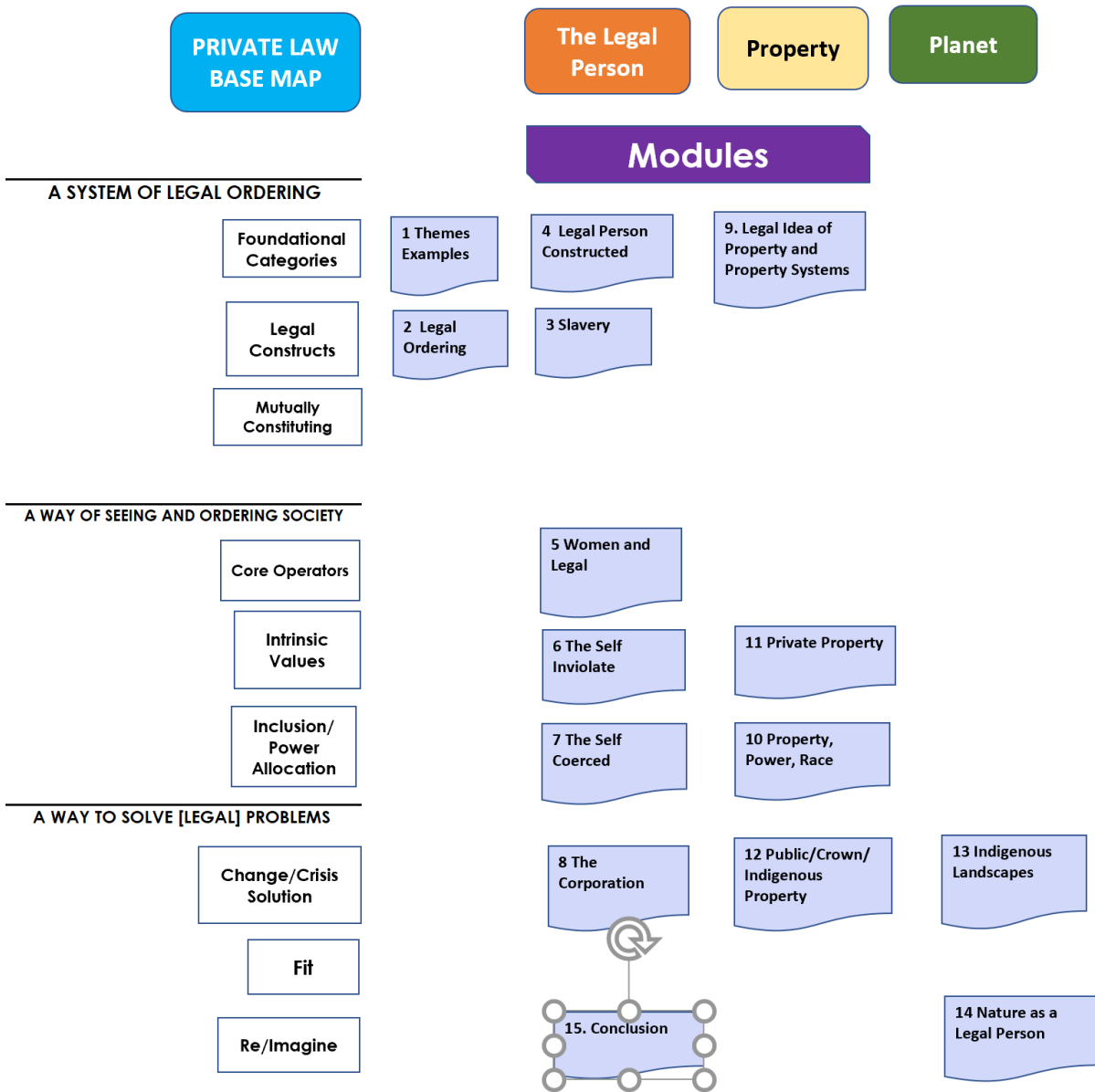
- Each **Module** has an accompanying **Video Lecture** (often as taped in a live classroom setting) and an (updated) **PowerPoint** deck, posted on Brightspace.
- Lecture modules are **pre-loaded** to weeks so you can ‘attend’ on your own timetable and pace. **DO NOT LEAVE THEM TO WHEN AN ASSIGNMENT IS COMING DUE!** Try to keep up on a weekly schedule.
  - Recommendation: Pause the video lectures every 15 minutes and write down what you remember. Then, write down questions you may have – and look to see what readings might provide answers! Consider watching them with a friend – and having a mini-discussion between you every 15 minutes (or at the end)!
  - Take notes as you would for an in-person lecture (don’t generate a transcript!!!)
  - Plan to post on the weekly graded discussion topic once you’ve done the readings/attended the lecture module.
- **Reading Week** – time to refresh, catch-up, and unwind! You will get Assignment 1 at the end of it.
- We will have (at least) four **Zoom Sessions** (of about an hour each) – scheduled during the second half of our ‘official class time’ to allow you to watch the preceding lecture first.
- **Readings** are from the text – the Casebook (abbreviated as CB), or via links/online.
  - Allocate a minimum of 5 hours per week for course content (lecture, readings, thinking/reflection/note-taking time).
- **Assignments** take time (that’s predictable in advance!). Block off additional time to work on Assignments. **DO THIS NOW** so that you can stay on track without any surprises! They are all ‘take home’ so you work on your own pace during the allotted period for completion.
  - Allocate 8 hours for each assignment as a starting point – they may take you longer. Leave time for editing (I find stepping back/sleeping on a piece of work invariably helps – the time to process bubbles up insights (feedback) and allows one to come back to it fresh for final editing and content check.

Session Week	Module #	Topic/Module	Readings
00/01	00	Preview: Welcome, Logistics	Course Outline!
1	01  (01A)	Introduction: Themes & Opening Examples  Optional Reprise	CB: Ch1A
<b>Wed Sept 15</b>	<b>Zoom</b>	<b>“Open Mike Office Hour” Q and A</b> Not graded for attendance	<b>1.30PM – 2.30PM</b> <b>Login info Brightspace</b>
2	02  03	Persons, Property & Legal Ordering  Slavery and the Law of Persons and Property	Casebook: Ch 1A CB: Ch 12(b) Horwitz & (c) Zbyszewska

Session Week	Module #	Topic/Module	Readings
3	02A	Organizing Concepts in Persons and Property/Conceptual Framework (Map)	CB: Ch 2B
	04	The Legal Person Constructed	CB: Ch 2A
	<b>Zoom 1 Sept 27</b>	Integration Session: What Persons and Property is About and Why it Matters	1.30-2.30PM PM Login info Brightspace
4	05	Women as Legal Persons	CB: Ch 3A & 3B (excl 49-59)
5	06	The Self Inviolable: Possessed	CB: Ch 4A & 4B(g)-(j)
6	07	The Self Coerced: Dispossessed	CB: Ch 4B (k)-(m)
	<b>Zoom 2 Oct 18</b>	Fitting/Not Fitting the Legal Subject	1.30-2.30PM Login info Brightspace
Oct 25-29	No class	<b>Reading Week: Fall Break</b>	
<b>Assignment 1 Released on Brightspace October 30, 2021</b>			
7	08	The Corporation as Legal Person	CB: Ch 6
8	09	The Legal Idea of Property	CB: Ch 7A & 7B (k)
	11	Private Property: Origin Story 1	CB: Ch 8A & B (e)-(g)
<b>Assignment 1 Due, November 9, 2021 11.59PM on Brightspace</b>			
9	10	Property Power, Race*	CB: Ch 7B Badger (2017) Redlining <i>Beals v Nova Scotia</i> (2020) <i>Downey v Nova Scotia</i> (2020)
	<b>Zoom 3 Nov 15</b>	Legal Concepts of Property	1.30-2.30PM Login info Brightspace

Session Week	Module #	Topic/Module	Readings
10	12	Public (Crown) Property & Indigenous Spaces	CB: Ch 10A Davies on Locke (culearn)
11	13	Property and Indigenous Landscapes, Reconciled	CB: Ch 10B Edehzhie: Agreement R. Kimmerer, The Serviceberry: n Economy of Abundance online at <a href="https://emergencemagazine.org/essay/the-serviceberry/">https://emergencemagazine.org/essay/the-serviceberry/</a>
<b>Assignment 2 Released on Brightspace November 30</b>			
12	14	Nature as Legal Person*	CB: Ch 11 Dawson,(2021), New Zealand/Aoteroa on Brightspace
	15	Conclusion: Persons, Property and a Legal Education	CB: Ch 12(a),(c),(d), (e),(f)
	<b>Zoom 4 Dec 6</b>	Fitting/Not Fitting the Legal Object	1.30-2.30PM Login info Brightspace
<b>Assignment 2 Due December 10, 2021 at 11.59PM on Brightspace</b>			

Graphic Syllabus Laws 2201





## **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](mailto: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](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 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, 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/>.

### **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/>.