

**COURSE OUTLINE**

PRELIMINARY (December 8, 2021  
(Subject to Correction and Change until January 15, 2022))

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<b>COURSE:</b>	<b>LAWS 2201D</b>
	<b>CRN 13507</b>
<b>TERM:</b>	<b>Winter 2022</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 (scheduled) time slot: <b>Thursday 2.35PM-5.25PM</b> but <b>you may 'attend' the video lectures modules at any time.</b>
	Instruction is comprised of <ul style="list-style-type: none"><li>• Asynchronous, edited pre-recorded lecture modules. content.</li><li>• In-person, LIVE Zoom sessions (four), as scheduled (See Course Schedule, appended). <b>One hour</b> in <u>first</u> part of reserved class time slot. <u>Thursday</u> 11.35AM-12.30PM. Will be recorded and posted on Brightspace.</li></ul>
	Course instruction begins <b>January 13, 2022</b> ; Course instruction ends: <b>April 7, 2022</b> . Reading Week (no class): Feb 22-25, 2022.
	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>	To be confirmed.
<b>CONTACT:</b>	<b>Office Hrs</b> Time and day to be confirmed. Likely Friday morning. See <b>Online</b> Brightspace to confirm and to obtain Zoom ID/Password.
	<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 normally reply within 24 hours on weekdays.

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## **IMPORTANT POINTS**

Welcome to the course! Please watch the **Welcome and Course Logistics module** recorded for this offering of the Course before lectures begin. Posted on Brightspace.

You will need a **strong internet connection to attend (view) lecture modules and participate in 'live' Zoom class** time.

**Brightspace is your hub for all things Person and Property! Check it often!**

**Use this Outline throughout the course.** Carefully read all instructions for all activities in the Course. If you aren't sure of something – check these sources first and if you don't get the answer, post on the Q & A Discussion Forum on Brightspace

I will send out a request for a Volunteer Notetaker early in the term – it's rewarding to do and very helpful for your classmates with PMC accommodation.

## **SOME BASICS:**

### **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.

### **CASEBOOK – REQUIRED TEXT**

Reading is **mandatory** in this course! You will need the text indicated (which I refer to as 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 Winter 2202.

## **EVALUATION**

There are no scheduled Examinations in this course, You will complete take home assignments and Brightspace activities. Full Instructions for all graded items will be posted on Brightspace. You will submit your completed work on Brightspace. Your grade will be available through the Grade Book on Brightspace

## **LEARNING OUTCOMES**

This course is designed to address three main learning outcomes: **1) Content Mastery; 2) Concept Mastery; and 3) Personal Growth**. The specific learning objectives are set out in later in the Outline following the Course Schedule

**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>

**EVALUATION**

**Please carefully read information that follows addressing Extensions and Academic Integrity.**

PLANNED COMPONENTS (SUBJECT TO CHANGE UNTIL JANUARY 15, 2022.)			
Component	Value of Final Mark	Released Brightspace on or before end of day:	Due Brightspace, on or before 11.59PM
Introduce yourself at the beginning of term	1 mark for completion.	Introduction on Brightspace by January 22, 2022	
Attend FOUR Live (or watch recorded Zooms & send an email to Prof on Key Learning Points to get the mark).	4 marks (1 mark each)	See Course Schedule. The zoom sessions will review ideas in the lecture and allow us to touch base around assignments etc.	
Complete FIVE Discussion Topics by posting on a topic and replying to another	15 marks	Each Topic is worth 3 marks (total of 15 marks for this component). You will have 7 or 8 topics to choose from. See section Graded Discussion Topics on Brightspace.	

<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.

student's post on the topic.			
Assignment 1	40 marks	To be confirmed: Likely March 3.	You will get about 10 days to complete your Assignments. It will take about 10 days to mark each Assignment. A2 will be returned only until after FGR is approved by the Dean's Office.
Assignment 2	40 marks	To be confirmed: Likely April 8.	
<b>Total</b>	100 marks		

## EXTENSIONS

Please be in touch to discuss any difficulties you are having with completing elements of course evaluation. This may include accommodations arising from the (likely ongoing) COVID-19 situation.

### LATE WORK RECEIVES ZERO MARKS.

You will have three (3) “**grace days**” to use as needed if you cannot submit the written assignments right on time (only one can be used for Assignment 2). You do not need to give reasons but you do need to file an extension form available on Brightspace. If you want to request an Extension (or use Grace Days) **you must complete, sign and email the extension form available on the Brightspace page to Professor Dawson before the due date of the assigned work.**

If you are using Grace Days, just fill in “grace day(s)” and your request will be automatically approved. Otherwise, you must provide compelling reasons for any additional Extension.

Note: 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).

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 normally be granted for computer problems.

You may, if you wish, complete the [self-declaration form](#) available on the Registrar's Office website to request academic accommodation for missed course work including exams and assignments. Students will also be encouraged to connect directly with their instructors to discuss required accommodations arising from the COVID-19 situation.

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

Your work must be fully original to this course and prepared by you alone. You may not reproduce work completed for any other courses. You may not copy/collaborate/share files with anyone else in the

course or other offerings of it. You must cite all your sources using the citation rules provided. Where material is quoted or closely paraphrased, you must provide the pinpoint in the source used. Do not create fake citations – your footnotes are often checked for accuracy. Do not cobble your answers using quotes from sources but use your own words to demonstrate your understanding and analysis.

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. Do not even think of using Wikipedia entries or online dictionaries or sample papers. I can find them just like you can!

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

### COURSE SCHEDULE

- This course is delivered online blended consisting of: asynchronous, edited pre-recorded lecture modules and In-person, LIVE Zoom sessions (four), as scheduled. Zooms are held in first hour of reserved class time slot. Thursday 11.35AM-12.30PM. They will be recorded and posted on Brightspace.
- Each **Topic** has an accompanying **Video Lecture Module** (often as taped in a live classroom setting from CUOL offering in Fall 2019 and edited for this academic year, or recorded in studio by me); an (updated) **PowerPoint** deck, and associated **Readings**.
- You are in control of when you 'attend' class (watch video modules, follow PowerPoints and make notes) and of when you do the associated readings.
- I have placed the Topics into 'Weeks' of the Semester for convenience and to provide the logic pathway for course content.
- See also the **Graphic Syllabus** (appended) which locates each Module in relation to the conceptual framework of our area of study: the law of persons and property.
- To do well in the Assignments it is essential that you complete related video lectures and readings.

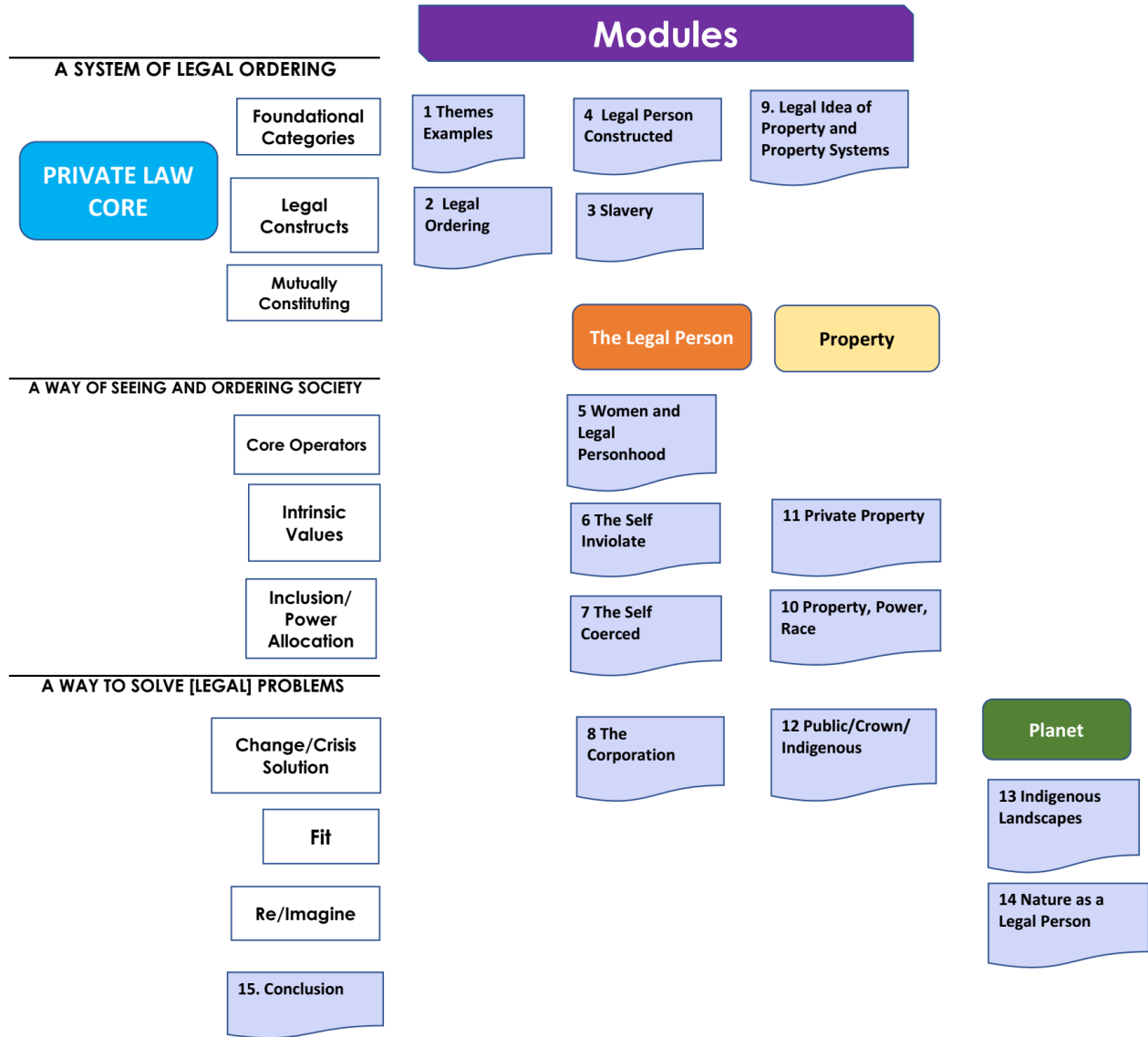
### DATES WINTER 2022

Session Week	Module #	Topic/Module	Readings are from the text – the Casebook - (abbreviated as CASEBOOK); or via links/online
00/01	00	Preview: Welcome, Logistics Complete at the beginning of term.	Course Outline!
1 January 13	01  (01A)	Introduction: Themes & Opening Examples  Optional Reprise	CASEBOOK: Ch1A

<b>Session Week</b>	<b>Module #</b>	<b>Topic/Module</b>	<b>Readings</b> are from the text – the Casebook - (abbreviated as CASEBOOK); or via links/online
<b>2</b> January 20	02	Persons, Property & Legal Ordering	Casebook: <b>Ch 1B; Ch 2B;</b> Ch 12: (b) Horwitz & (c) Zbyszewska
	03	Slavery and the Law of Persons and Property	
<b>3</b> January 27	02A	Organizing Concepts in Persons and Property  Conceptual Framework (Map)	Casebook: <b>Ch 2A</b>  <b>Concept Map, Fall 2021</b> (as posted on Brightspace. This Map is an important part of the course.
	04	The Legal Person Constructed	Casebook: Ch 2A
	<b>ZOOM</b>	<b>Z1</b>	TOPIC TO FOLLOW
<b>4</b> February 03	05	Women as Legal Persons	Casebook: Ch 3A & 3B
<b>5</b> February 10	06	The Self Inviolable: Possessed	Casebook: Ch 4A & 4B(g)-(j)
<b>6</b> February 17	07	The Self Coerced: Dispossessed	Casebook: Ch 4B (k)-(m)
	<b>Zoom</b>	<b>Z2</b>	TOPIC TO FOLLOW
February 22-25	<b>No class Reading Week: Winter Break</b> Time to refresh, catch-up, and unwind!		
<b>7</b> March 3	08	The Corporation as Legal Person	Casebook: Ch 6
<b>8</b> March 10	09	The Legal Idea of Property	Casebook: Ch 7A & 7B (k)
	11	Private Property: Origin Story 1	Casebook: Ch 8A & B (e)-(g)
<b>9</b>	10	Property Power, Race*	Casebook: Ch 7B

<b>Session Week</b>	<b>Module #</b>	<b>Topic/Module</b>	<b>Readings</b> are from the text – the Casebook - (abbreviated as CASEBOOK); or via links/online
March 17			Badger (2017) Redlining <i>Beals v Nova Scotia</i> (2020) <i>Downey v Nova Scotia</i> (2020)
<b>Zoom</b>	<b>Z3</b>	TOPIC TO FOLLOW	Login via Brightspace
<b>10</b> March 24	12  13	Public (Crown) Property  Property and Indigenous Landscapes, Reconciled (Origin Story 2)	Casebook Ch 10A Note on Adoption of UNDRIP (Brightspace)  Casebook: Ch 10B Edehzhie: Agreement R. Kimmerer, The Serviceberry: In Economy of Abundance online at <a href="https://emergencemagazine.org/essay/the-serviceberry/">https://emergencemagazine.org/essay/the-serviceberry/</a>
<b>11</b> March 31	14	Nature as a Legal Person	Casebook: Ch 11 Dawson (2021), New Zealand/Aoteroa on Brightspace
<b>Zoom</b>	<b>Z4</b>	TOPIC TO FOLLOW	Login via Brightspace
<b>12</b> April 7	+	TOPIC TO BE CONFIRMED	
	15	Conclusion: Persons, Property and a Legal Education	Casebook: Ch 12(a),(c),(d), (e),(f)

**Graphic Syllabus Laws Winter 2202**







## LEARNING OUTCOMES

As noted in the Course Outline, this course is designed to address three main learning outcomes: **1) Content Mastery; 2) Concept Mastery; and 3) Personal Growth.**

The following are the specific learning objectives to this end:

### **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/concepts
- b) Distinguish between legal understandings and those of laypersons.
- c) Explain the purpose of the legal categories of person and property and their interconnections.
- 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 experiences of legal personhood and property
- 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.

## **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/>.