

Course Outline

COURSE:	LAWS 2201 A – Persons and Property
TERM:	Fall 2026
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Wednesdays, 11:35 AM to 2:25 PM Room: Online Synchronous (Via Zoom)
INSTRUCTOR:	Andrew Costa
CONTACT:	Office Hrs By Appointment (Via Zoom) / Location: Telephone: NA Email: AndrewCosta@cunet.carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/450745

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.

COURSE DESCRIPTION

This course looks at how dominant conceptions of property, title, and sovereignty emerged throughout colonial settlement in settler nations like Canada, Australia, New Zealand, and the United States. This took place at the expense of Indigenous nations' distinct relationships with ancestral territories. This course also explores how these conceptions continue to inform the ways in which Canada situates Indigenous peoples relative to Federal as well as Provincial governments and their citizens therein. This is analyzed in relation to conflicts around events like blockades, private property ownership, and current American threats to Canadian sovereignty. Finally, this course also explores whether it could indeed be possible to jointly reconcile Canadian nationhood and self-determined Indigenous nationhood on the territories that make up the nation at large.

LEARNING OUTCOMES

- Identify how the religious and other conceptual foundations of property and title took shape during colonial settlement of the Americas.

- Specifically understand how Indigenous peoples' relations to ancestral land had been undermined through the development of dominant settler conceptions of property and title.
- Understand how Indigenous title is understood in both Canadian law and Supreme Court jurisprudence specifically and among various Indigenous nations as well.
- Assess conceptions of reconciliation between the Canadian nation and Indigenous peoples as well as whether they can recognize Indigenous nationhood and title.
- Critically analyze scholarly literature
- Synthesize conceptual and practical knowledge and apply it to contemporary events

REQUIRED TEXTS

All required and supplementary readings are available on Brightspace. Students are not required to purchase textbooks or other learning materials for this course

EVALUATION

Assignment	Description	Due Date	Weight
Quiz 1	5 Questions	September 30	5%
Short Paper 1	3 – 4 Pages	October 14	20%
Quiz 2	5 Questions	November 4	5%
Short Paper 2	3 – 4 Pages	November 18	20%
Quiz 3	5 Questions	December 2	5%
Major Paper	8 – 10 pages	December 23	40%
Critical Inquiry	Questions	Ongoing	5%

Course Components

Short Papers (40% in total)

Write a short critical review paper answering one of two questions that highlight some core themes and concepts in the course texts. You should only focus on the selected readings in these papers. You could also cite the lectures as well. Other unrelated course materials are not needed.

The Short Papers are due on **October 14** and **November 18**

Major Paper (40%)

Write a major paper (8 Pages Minimum - 10 Pages Maximum) that illustrates your own critical perspective on whether Indigenous conceptions of land and title exist either opposed to Crown title or whether all parties can exercise rights to title and governance on the same territories. You must use 3 to 5 academic sources outside the class that have not been taken up in the course to help you support your argument.

The major paper is due at the end of the Exam Period on **December 23**

Quizzes (15% in total)

You are required to complete 3 short quizzes that explore core concepts in course texts throughout the semester. The quizzes will consist of 5 multiple choice questions and true or false questions. You will have a day to complete each quiz.

The first quiz is due on **September 30**, the second quiz is due on **November 4**, the third quiz is due on **December 2**.

Critical Inquiry Assignment (5%)

You are required to look submit a critical question on 5 different course texts throughout the semester. We will then take up some questions during class to help all students get a better understanding of the materials. You must submit your questions to Brightspace. Each submission is worth 1 percent of your total grade.

This assignment is ongoing throughout the semester, but you must submit all 5 questions by our last class on **December 9** to receive the full 5 percent.

POLICY ON LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

All assignments must be submitted via Brightspace. It is your responsibility to upload assignments BEFORE the deadline and in readable formats that are compatible with the Brightspace system (e.g. PDF, .docx).

****NEW** POLICY ON GENERATIVE ARTIFICIAL INTELLIGENCE (AI)**

The use of AI tools, such as ChatGPT, to produce any part of an assignment or test is **strictly forbidden**. Any use of AI for content creation, even for small edits, will result in an automatic grade of 0, and the student will be referred to the academic integrity office for disciplinary action

****NEW** POLICY ON CLASSROOM RECORDING**

Unauthorized student recording of classroom or other academic activities (including advising sessions or office hours) is prohibited. Unauthorized recording is unethical and may also be a violation of university policy. Students requesting the use of assistive technology as an accommodation should contact the Paul Menton Centre. Unauthorized use of classroom recordings – including distributing or posting them – is also prohibited. Under the University's Copyright Policy, faculty own the copyright to instructional materials – including those resources created specifically for the purposes of instruction, such as lectures slides, lecture notes, and presentations. Students cannot copy, reproduce, display, or distribute these materials or otherwise circulate these materials without the instructor's written permission. Students who engage in unauthorized recording, unauthorized use of a recording, or unauthorized distribution of instructional materials will be referred to the appropriate University office for follow-up.

SCHEDULE**Introduction****September 9**

Syllabus Review

No Readings

SECTION 1: Property, Title, and Colonial Settlement**WEEK 1: Columbus, Land, and the Law****September 16**

Required Readings:

Robert Williams, "Columbus' Legacy: Law as an Instrument of Racial Discrimination against Indigenous Peoples' Rights of Self-Determination", *Arizona Journal of International and Comparative Law*. 8 (2), (1991): 51 – 75.

Judith S. Koffler, "Terror and Mutilation in the Golden Age," *Human Rights Quarterly*. 5 (2), (1983): 116 – 134.

Week 2: Christendom and Dominion**September 23**

Required Readings:

Vitoria, Francisco de. On the American Indians (De Indis). In *Vitoria: Political Writings*, edited by Anthony Pagden and Jeremy Lawrance. University of Warwick. PDF. 231 – 292. ONLY READ PAGES 277 to 292.

Antony Anghie, "Francisco De Vitoria and the Colonial Origins of International Law," *Social & Legal Studies*. 5 (3), (1996): 321 – 336.

Week 3: Lockean Social Contract Theory**September 30**

Required Readings:

John Locke, *Second Treatise of Government*. eCampusOntario Open Library. ONLY READ THE BOOK'S ON PROPERTY SECTION (PAGES 115 to 126).

James Tully, "Political Freedom", *The Journal of Philosophy*. 87 (10), (1991): 517 – 523.

Rennard Strickland, "Wolf Warriors and Turtle Kings: Native American Law Before the Blue Coats", *Washington Law Review*. 72, (1997): 1043 – 1062.

Week 4: The Many Lives of the Discovery Doctrine

October 7

Required Readings:

Blake A. Watson, "The Impact of the American Doctrine of Discovery on Native Land Rights in Australia, Canada, and New Zealand", *Seattle University Law Review*. 34, (2011): 507 – 551.

The Canadian Press. "'I Am Deeply Sorry': Full Text of Residential School Apology from Pope Francis." *CBC News*, July 25, 2022.

Week 5: Property, Title, and the Weight of the Past

October 14

Required Readings:

Beth McKenna and Ben Wardle, "Usurping Indigenous Sovereignty through Everchanging Legal Fictions", *Griffith Law Review*. 28 (1), 2019: 37 – 69.

Eva Mackey, "Unsettling Expectations: (Un)certainly, Settler States of Feeling, Law, and Decolonization", *Canadian Journal of Law and Society*. 29 (2), (2014): 235 – 252.

SECTION 2: CANADIAN SOVEREIGNTY, INDIGENOUS TITLE, AND RECONCILIATION

Week 6: Underlying Crown Title in Canada

October 21

Required Readings:

Douglas (Amo Binashii) Sanderson, "The Residue of *Imperium*: Property and Sovereignty on Indigenous Lands", *University of Toronto Law Journal*. 68 (3), (2018): 319 – 357.

Kent McNeil, "Sovereignty and Indigenous Peoples in North America", *University of California Davis Journal of International Law and Policy*. 22 (2), (2016): 82 – 104.

Reading Week

October 28

No Assigned Reading

Week 7: Indigenous Title in Canada

November 4

Required Readings:

Brenda L. Gunn, "Protecting Indigenous Peoples' Lands: Making Room for the Application of Indigenous Peoples' Laws Within the Canadian Legal System", *Indigenous Law Journal*. 6 (1), (2007): 31 – 69.

Michael McCrossan, "Advancing Dishonorable Relations: Legal Reasoning, Indigenous Rights, and Strategic Uses of Reconciliation", *Studies in Political Economy*. 100 (2), (2019): 93 – 110.

Week 8: Land, Law, and Traditional Ecological Knowledge**November 11**

Required Readings:

Winona LaDuke, "Traditional Ecological Knowledge and Environmental Futures", Colorado Journal of International Environmental Law and Policy. 5, (1994): 127 – 148.

CF Black, "On Lives Lived with Law: Land as Healer", Law/Text/Culture. 20, (2016): 164 – 188.

Week 9: Land and Resurgence**November 18**

Required Readings:

Audra Simpson, "The Ruse of Consent and the Anatomy of Refusal: Cases from Indigenous North America and Australia", Postcolonial Studies. 20 (1), (2017): 18 – 33.

Irene Watson, "Aboriginal Laws and Colonial Foundation", Griffith Law Review. 26 (4), (2017): 469 – 479.

Jorge Barrera. "Beyond the Barricades." CBC News, November 25, 2020.

<https://newsinteractives.cbc.ca/longform/1492-land-back-lane-caledonia-six-nations-protest/>.

Week 10: Land and Reconciliation**November 25**

Required Readings:

Amar Bhatia, "We are All Here to Stay: Indigeneity, Migration, and 'Decolonizing' the Treaty Right to Be Here", Windsor Yearbook of Access to Justice. 31 (1), (2013): 39 – 64.

Alan Hanna, "Reconciliation Through Relationality in Indigenous Legal Orders", Alberta Law Review", 56 (3), (2019): 817 – 840.

Week 11: Sovereign Co-Existence**December 2**

Required Reading:

James Tully, Reconciliation Here on Earth, in Reconciliation and Resurgence, ed. Michael Asch, John Borrows, and James Tully. PhilPapers, <https://philpapers.org/archive/TULRHO.pdf>. 1 – 50.

Major Paper Review**December 9**

No Assigned Reading

Fall 2026 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/	
September 9, 2026	Fall term begins.
September 22, 2026	Last day for registration and course changes (including auditing) for Fall courses.
September 30, 2026	Last day to withdraw from full fall courses and the fall portion of fall/winter courses with a full fee adjustment.
October 12, 2026	Statutory holiday. University closed.
October 26-30, 2026	Fall break. No classes.
November 15, 2026	Last day for academic withdrawal from full and late fall courses.
	Last day to request Formal Examination Accommodations for December full fall, late fall, and fall/winter midterm examinations from the Paul Menton Centre for Students with Disabilities. Note that it may not be possible to fulfil accommodation requests received after the specified deadlines.
November 27, 2026	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full fall term or fall/winter undergraduate courses, before the official December final examination period.
December 11, 2026	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for take home examinations to be assigned.
December 9-10, 2026	No classes or examinations take place.
December 12-23, 2026	Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held.
December 23, 2026	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

STATEMENTS ON ACADEMIC INTEGRITY

Effective adherence to academic integrity requires that students understand the meaning of academic misconduct. The following list describes conduct that violates standards of academic integrity, which may lead to the imposition of sanctions pursuant to the Policy. It is important to note that this is neither a comprehensive nor exhaustive list.

Submitting Substantially the Same Piece of Work

Although this is not a violation of the Academic Integrity Policy, students cannot reuse their own work from a different course/assignment. Students must reach out to me directly if they are making similar contentions and statements on multiple assignments and would like to know if they are indeed violating the academic integrity policy.

Group or Collaborative Work

Students are free to work collaboratively to move through the course more smoothly. This can involve sharing course ideas and giving each other suggestions on how to work through the assignments. Nonetheless, students are not permitted to help complete each other's assignments under any circumstances.

STATEMENT ON 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, including the unauthorized use of generative AI tools (e.g., ChatGPT)
- 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

- failing to acknowledge sources with 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 follows a rigorous [process for academic integrity allegations](#), including reviewing documents and interviewing the student, when an instructor suspects a violation has been committed. Penalties for violations may include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a 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. For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources ([on and off campus](#))

- Crisis/Urgent Counselling Support: 613-520-6674 (Mon-Fri, 8:30-4:30)
- Suicide Crisis Helpline: call or text 9-8-8, 24 hours a day, 7 days a week.
- For immediate danger or urgent medical support: call 9-1-1

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: call 613-238-3311, text 343-306-5550, or connect online at <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: call 613-722-6914 or toll-free 1-866-996-0991, or connect online at <http://www.crisisline.ca/>
- Good2Talk: call 1-866-925-5454 or connect online at <https://good2talk.ca/>
- The Walk-In Counselling Clinic: for online or on-site service <https://walkincounselling.com>

REQUESTS FOR ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the *Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances*, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).