

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2021-22 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)¹

COURSE	Law 327 Jurisprudence
UNIT VALUE	1.5 Units (3 hours of instruction per week)
INSTRUCTOR	Colin Macleod
TERM OFFERED	Fall 2021
CLASS TIMES	See Schedule
PREREQUISITES/COREQUISITES	None

COURSE DESCRIPTION

This course provides a critical examination of some central problems in jurisprudence concerning the nature of law and the relevance of legal theory to legal practice. We will give special attention to the relation between law and political morality. Are there correct answers to legal controversies? If so, what role do value judgements about justice, rights, fairness, equality and liberty have in correctly resolving legal controversies? If not, how should the resolution of legal disputes be understood? What standards of political morality are relevant to the evaluation of laws and legal systems? Does law necessarily embody principles of justice? Do judges and lawyers ever confront a choice between fidelity to law and fidelity to justice? If so, how should they respond to such a dilemma? How should one's commitment to a particular conception of political philosophy (e.g., to a variety of feminism) affect the way one interprets and practices law? In pursuing these questions, we will study some influential conceptions of justice and general theories the nature of law including traditional and contemporary variants of natural law theory, legal positivism, American legal realism, feminist analyses of law and material from the Critical Legal Studies movement. We will explore this material both by exploring primary sources which are expressly theoretical and by considering specific jurisprudential issues concerning the interpretation of values that arise in legal cases.

Students who wish to write their Major Research Paper (for Law 399) in the course may discuss the matter with me. If the proposed topic is within my areas of expertise and if my schedule permits, I am willing to supervise Major Research Papers.

TEACHING METHODOLOGY

I will begin most classes with some brief remarks on themes arising from the assigned readings that are intended to set the stage for discussion and questions from the members of the class. Towards that end, I expect that students will have read the assigned material and are prepared to engage in discussion about it.

EXPECTED EVALUATION METHODOLOGY

Work for the course consists of 1 term paper, a brief critical analysis, and regular class participation. The term paper is worth 60% of the final grade. Students will have an opportunity to choose from a variety of term paper topics. The approximate length of the term paper is 3,000 words. The critical analysis is worth 25% of the course grade. 15% of the final grade will be based on participation in class discussion. The evaluation of the class participation grade will be based on the presentation and submission of up to 10 very brief written quote, comment and critique assignments (no more than 1 or 2 paragraphs) that take up an issue raised in one of the assigned readings.

May 2021

¹ The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).