
**GENERAL JURISPRUDENCE
(Fall)**

**(Course 2086.02:/2087.03)
Class Syllabus (2009-2010)**

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COURSE DESCRIPTION:

It is not easy to answer “What is jurisprudence?” the question of most students considering enrolment in this elective class. It is probably simpler to ask “What is jurisprudence about?”, for there are few parameters on its field of inquiry. Questions as diverse as “What is the basic nature of law?”, “What can law achieve?”, “What is the relationship between law, morality and politics?”, “Should we obey the law?”, and “Whom does it serve?” are appropriate subjects for the jurisprudence student. In trying to answer these questions, an effort is made to ensure that the class maintains some balance between conceptualism, the students’ perceptions and experience, and contemporary Canadian legal dilemmas (Law School Calendar).

Students will be introduced to the major schools of jurisprudence, ranging from natural Law, legal positivism and liberalism to feminism, critical legal studies, critical race theory, Indigenous theory, lesbian and gay theory and law and economics. Each theoretical school will be analyzed carefully and students will be expected to contribute their own critical insights on the questions and purported answers of the day. A high level of participation is therefore essential. In addition to regular contributions to discussions, all students will be required to make presentations on major themes presented in the Course.

READING MATERIALS:

Two case books entitled *General Jurisprudence: Cases and Materials* Volumes 1 and II will form the basis of the class materials (available from the Dalhousie bookstore).

HANDOUTS:

Handouts may be provided at various stages of the course.

ON RESERVE (Weldon Library)

Canadian Critical Race Theory: Racism and the Law, Aylward, Prof. Carol A.

The Perils of Post modernity for Gay Rights, R. Mohr, 8 Can. J. of L. and Jur. (1995)

Intersectionality: Crossing the Theoretical and Praxis Divide, Aylward, Prof. Carol A. Aylward

Jurisprudence: Theory and Context, Bix, Brian, 2nd ed., (1999) London. Sweet & Maxwell

EVALUATION:

This seminar is a major paper course (3 credit hours). Credit is given for class participation including a class presentation. Each student will be required to give a class presentation on a major theme in the course.

MAJOR PAPER:

Evaluation will be **70%** for the paper, **30%** of the mark will reflect class participation including **10%** for your day-to-day preparation for and participation in class discussion and other class

activities and **20%** for your class presentation which must be presented on a major theme in the course and not on your paper topic.

APPROVAL OF PAPER TOPICS AND ADVICE ON PAPER PREPARATION:

We will discuss potential paper topics informally during the first two classes. All students should meet with me to identify a suitable topic. You must provide me with a **brief written outline** of your paper topic by no later than October 1.

DEADLINE AND PROCEDURE FOR SUBMISSION OF MAJOR PAPERS:

The deadline for submission of papers is: **12:00 noon on Monday December 7, 2009 (The date classes end for 2nd & 3rd years)**. The paper should be handed in to the **receptionist on the first floor of the Weldon Law Building** with a request that she place it in my first floor mailbox. You must have the **receptionist note the time that you handed in the paper and initial it** to document that the paper was handed in before the deadline.

FORMAT, LENGTH AND CONTENT OF MAJOR PAPERS:

All papers must be in typescript (typewriter or computer), double spaced, on one side only, on letter sized paper. The length of your paper (excluding appendices and bibliographies, if any) should not be less than 25 pages.

PLAGIARISM

All students in this course must read

- the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- the Law School policy on plagiarism, as set out in the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/current_students/course_selectin_materials/regulations_handbook/ or
 - **The Orientation Handbook (provided to all first year students and available online at http://law.dal.ca/files/first_year_handbook_2005-06_%28PDF%29.pdf.**

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies

DEADLINE EXTENSIONS/ACCOMMODATION

Individual students who experience personal problems (e.g. illness, a death in the family) must obtain the approval of the Law School Studies Committee for any deadline extension. See the "Guidelines Re Deadlines for Submission of Papers/Assignments". You are strongly encouraged to complete the paper in advance of the deadline, to avoid conflicts with the examination schedule and unexpected problems that are not acceptable to the Studies Committee as a valid excuse.

ACCOMMODATION

Professor Pothier is the faculty advisor to students with disabilities. Students with disabilities wishing to discuss in-class accommodation or study assistance needs should see Professor Pothier. Students wishing to request accommodation regarding exam writing or other aspects of evaluation must make the request in writing to the Studies Committee and should see Associate Dean Deturbide or Assistant Dean Hughes for more information. Material for the Studies Committee should be given to Tiffany Coolen-Jewers, administrative assistant to the Associate Dean.

