

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2011-12 COURSE REGISTRATION – PRELIMINARY COURSE INFORMATION¹

COURSE	Law 361 Historical Foundations of the Common Law
UNIT VALUE	1.5 Units (3 hours of instruction per week)
INSTRUCTOR	Hamar Foster
TERM OFFERED	Spring 2012
CLASS TIMES	See Schedule
PREREQUISITES/CO-REQUISITES	None

OBJECTIVES

- A. To increase student understanding of the basic concepts and subject areas of the common law system inherited from England, with a view to understanding how procedural and jurisdictional issues determined substance. For this reason, the emphasis will be primarily doctrinal and institutional, with a view to filling in some of the “gaps” inevitably left by substantive courses in which there is simply not enough time to deal adequately with historical development.
- B. To relate these doctrinal and institutional developments to social and other contexts, *i.e.*, to encourage a historical understanding of the rules and principles of the common law as inseparable from the times in which they developed. The goal is to get an idea of how at least one legal system evolved and transformed itself over the centuries, and to use that to reflect on the nature of legal change in general. Although a premise of the course is that the doctrinal and other basics must come first, students are encouraged to explore wider issues in their term paper (see below).

METHODOLOGY

The reading materials for the course are set out in the syllabus, or Course Outline, which will be handed out at the beginning of the course. J. H. Baker, *An Introduction to English Legal History* (Butterworths, 4th edition, 2002), will be the reference text, supplemented with other readings.

The course will be taught primarily as a seminar in which we will all do the assigned readings and come to class prepared to discuss what we have read. *The instructor will assume that the materials have been read beforehand and will proceed on that basis.*

EXPECTED EVALUATION METHODOLOGY

- A. For **10%** of the course grade: Each student must submit, over the course of the term, five questions about and/or comments upon the material assigned to be covered in the next class. These questions/comments should be at least 100 words but no more than 150, and must be submitted no later than the evening before the class to which the question/comment relates.
- B. For **20%** of the course grade: During the first week of class, each student must select a topic/class in the Course Outline for which he or she will be responsible. This means being responsible for introducing the topic to the class and raising questions about it. It will involve meeting with the instructor well beforehand to discuss the topic and providing the class with a *brief* (one typewritten page) summary of the issues to be discussed and the questions about the readings that he or she wants discussed or answered during the class. This summary should be provided to the class at least one day beforehand.
- C. For **70%** of the course grade: Each student must write a term paper on a topic approved by the instructor. This paper should not cover the same ground as the reading done for requirement (B), above. With the permission of the instructor the paper may be on a topic that goes beyond the four corners of the course, so long as it is legal history. Some students, for example, may want to explore how an aspect of English law was transplanted to Canada. Unless the student wishes the paper to be considered a Major Research Paper, it should be no longer than 3000-4000 words, *i.e.*, 12-16 double-spaced pages (including footnotes but exclusive of the bibliography and any necessary appendices). The objective of the term paper is to enable students to go more deeply into one aspect of the subject matter of the course.

A major paper may be written in this course.

March 9, 2011

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@uiv.ca)