

JURI 4826: JURISPRUDENCE AND PHILOSOPHY OF LAW (Mon/Wed. 1, CC203)

Activity for Oct. 16 and Oct. 18

The Speluncean Explorers

Oct 16

Read the case of the Speluncean Explorers widely available online, including from the following site: <http://www.nullapoena.de/stud/explorers.html>

Answer the following questions

- 1) What is the legal rule at issue?
- 2) How is it possible that the judges in this case came to different conclusions about what the legal result should be?
- 3) What were the facts or issues that preoccupied the judges in determining their decisions?
- 4) Which schools of jurisprudential thought did the different judges ascribe to?

October 18

Answer the following questions

- 5) Which judge's opinion did you find the most persuasive? Why?
- 6) What argument made by a judge whose opinion you ultimately disagree with did you find the most persuasive?
- 7) Suppose that you are a judge in this case. You are the swing vote. Write your judicial opinion based on the facts and law in the case (not on current Canadian Law). Address whether the defendants should be convicted of murder and, if so, if they should be executed. For your opinion, choose one of the theories analyzed in class and write your opinion from this legal theory's perspective.