

SYLLABUS OF JURISPRUDENCE - I
FOR
B.A., LL.B. (Hons.) and B.B.A., LL.B. (Hons.)
(Session 2020-2021)

Course Instructor

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JURISPRUDENCE - I

Ever since the expression 'jurisprudence' has been used in its modern sense, its nature and scope has been sought to be determined and re-determined time and again. The word jurisprudence has been used in diverse senses ranging from a mere synonym of law to a particular method of study, not of the law of one country but of the general notions of law itself. The course is designed to cover all the important schools of jurisprudence and thereby acquaint the students with different approaches to study the law including Natural Law, Analytical Positivism, Historical Approach, Sociological Approach, American Realism, Scandinavian Realism, and Critical Legal Studies Movement. The object of the course is to develop the critical thinking in the students and sharpen their analytical skills.

Unit—I: Introduction (5 Lectures*)

- a. Meaning, Definitions and Use of the Word 'Jurisprudence'
- b. Nature and scope of jurisprudence
- c. Significance of study of jurisprudence

Unit—II: Analytical Positivism (20 Lectures*)

- a. Austin's Command and Sovereign Theory
- b. Hans Kelsen's Pure Theory of Law
- c. H.L.A. Hart's Concept of Law

Unit—III: Historical School of Law (6 Lectures*)

- a. Edmund Burke
- b. A.F.J. Thibaut
- c. F. K. Savigny
- d. Henry Sumner James Maine

Unit—IV: Sociological School of Law (7 Lectures*)

- a. Rudolf Von Ihering
- b. Eugen Ehrlich

c. Roscoe Pound

Unit—V: Legal Realism

(6 Lectures*)

a. American Realists

- Oliver Wendell Holmes, Jr.
- Jerome Frank
- John Chipman Gray
- Karl N. Llewellyn

b. Scandinavian Realists

- Hagerstrom
- Olivercrona
- Alf Ross

Unit—VI: Natural Law School and Its Revival

(8 Lectures*)

a. Ancient Greek Natural Law philosophy

- Plato's Approach to Law
- Aristotle's Contribution to Legal Theory

b. Natural Law Philosophy in the Middle Ages

- St. Augustine
- St. Thomas Aquinas' contribution to Natural Law Philosophy

c. Classical Era of Natural Law Philosophy and the Social Contract Thinkers

- Hugo Grotius
- Thomas Hobbes
- John Locke
- Rousseau

Unit—VII: Critical Legal Theory

(4 Lectures*)

a. The Critical Legal Studies Movement

b. CLS Movement as a Critique of Liberalism, Formalism and Objectivism

Unit— VIII: Feminist Legal Theory

(4 Lectures*)

Reading List*—

1. Austin, J., *The province of Jurisprudence Determined* (Universal Law Publishing, Delhi, 2012)
2. Bodenheimer, Edgar, *Jurisprudence: The Philosophy and Method of the Law* (Harvard University Press, Indian Edition 2018).
3. Dias, R.W.M., *Jurisprudence* (LexisNexis, 5th Edition).
4. Freeman, Michael, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 9th Edition)
5. Friedman, W., *Legal Theory* (Sweet & Maxwell, 5th Edition)
6. Hart, H.L.A., *The Concept of Law* (Oxford University Press, 3rd Edition)
7. Kelsen, Hans, *Pure Theory of Law* (The Lawbook Exchange, New Jersey, 2004)
8. Morrison, Wayne, *Jurisprudence: From the Greeks to Post-Modernism*
9. Paton, G.W., *A Textbook of Jurisprudence* (Oxford University Press, 4th Edition)
10. Penner, J.E. and Melissaris, E., *McCoubrey & White's Textbook on Jurisprudence* (Oxford University Press, 5th Edition).
11. Stone, Julius, *Social Dimensions of Law & Justice* (Universal, 2012).
12. Tebbit, Mark, *Philosophy of Law: An Introduction* (Routledge, 3rd Edition)
13. Wacks, Raymond, *Understanding Jurisprudence* (Oxford, 5th Edition).

*The abovementioned reading list is illustrative only and not exhaustive, as additional study materials shall be referred to from time to time. The total number of lectures indicated against each Unit is tentative as they are determined for the traditional teaching environment and therefore, depending upon whether blended teaching or purely online classes are to be conducted, the total number of lectures to be devoted on each topic may vary.