

Chanakya National Law University, Patna
B.A., LL.B. (Hons.) and B.B.A., LL.B. (Hons.) 2022-23; SEMESTER - V

Course Title: Jurisprudence - I

Course Overview

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 many 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.

Module one deals with the introductory aspects such as Meaning, Definitions, Nature and Scope of Jurisprudence.

Module two of the curriculum focuses on the approach in jurisprudence that is known as Analytical Positivism.

Module three deals with the Historical approach in jurisprudence.

Module four covers Sociological School of law.

Module five deals with the two movements namely American Legal Realism and Scandinavian realism.

Module six deals with Natural Law School

Module seven provides an overview of Critical Legal Studies movement

Module eight briefly deals with the Feminist Legal Theory.

Learning Outcomes

After completing the course, the students will be able to:

1. Comprehend the meaning, nature and scope of jurisprudence
2. Understand the meaning, characteristics, functions and objectives of law;
3. Describe the various approaches to law that has evolved and developed over the past few centuries
4. Apply and analyse the materials more intelligently and efficiently, that they have to deal with as a law student and as a lawyer in future;
5. Identify the pressing and conflicting claims and demands in the contemporary society and provide a workable solution as a social engineer; and
6. Analyse the judicial decisions in terms of various schools or approaches of law.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none">• Meaning, Definitions and Use of the Word ‘Jurisprudence’• Nature and scope of jurisprudence• Significance of study of jurisprudence	1-6
Module II: Analytical Positivism	<ul style="list-style-type: none">• Austin’s Command and Sovereign Theory• Hans Kelsen’s Pure Theory of Law• H.L.A. Hart’s Concept of Law	7-20
Module III: Historical School of Law	<ul style="list-style-type: none">• Edmund Burke• A.F.J. Thibaut• F. K. Savigny	21-27

	<ul style="list-style-type: none"> Henry Sumner James Maine 	
Module IV: Sociological School of Law	<ul style="list-style-type: none"> Rudolf Von Ihering Eugen Ehrlich Roscoe Pound 	28-34
Module V: Legal Realism	<ul style="list-style-type: none"> American Realists Scandinavian Realists 	35-41
Module VI: Natural Law School	<ul style="list-style-type: none"> Natural Law philosophy of the Ancient Age and Middle Ages Natural Law Philosophy of the Social Contractarians Modern Natural Law Philosophy 	42-50
Module VII: Critical Legal Theory	<ul style="list-style-type: none"> The Critical Legal Studies Movement Critique of Liberalism, Formalism and Objectivism 	50-54
Module VIII: Feminist Legal Theory	<ul style="list-style-type: none"> Feminist Legal Theory as an Offshoot of CLS Movement Feminist Legal Theory 	55-60

Recommended/Reference Text Books and Resources:

Text Books

- Dias, R.W.M., *Jurisprudence* (LexisNexis, 5th Edition).

References

- Austin, J., *The province of Jurisprudence Determined* (Universal Law Publishing, Delhi, 2012)
- Bodenheimer, Edgar, *Jurisprudence: The Philosophy and Method of the Law* (Harvard University Press, Indian Edition 2018).
- Freeman, Michael, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 9th Edition)
- Friedman, W., *Legal Theory* (Sweet & Maxwell, 5th Edition)
- Hart, H.L.A., *The Concept of Law* (Oxford University Press, 3rd Edition)

- Kelsen, Hans, *Pure Theory of Law* (The Lawbook Exchange, New Jersey, 2004)
- Morrison, Wayne, *Jurisprudence: From the Greeks to Post-Modernism*
- Paton, G.W., *A Textbook of Jurisprudence* (Oxford University Press, 4th Edition)
- Penner, J.E. and Melissaris, E., *McCoubrey & White's Textbook on Jurisprudence* (Oxford University Press, 5th Edition).
- Stone, Julius, *Social Dimensions of Law & Justice* (Universal, 2012).
- Tebbit, Mark, *Philosophy of Law: An Introduction* (Routledge, 3rd Edition)
- Wacks, Raymond, *Understanding Jurisprudence* (Oxford, 5th Edition).

Instructor Details

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