

## **SYNOPSIS: JURISPRUDENCE – II**

Concepts of law are tools of judicial reasoning, and the art of doing justice according to law depends in part on the apparatus of the law being so structured as to preserve certainty and also allow room for the play of value judgments. The efficiency with which the job is done depends on the efficiency of the tools and the requirements of the job shape and reshape the tools. The structure of the concepts has been moulded by the functions they perform, which may broadly be called the tasks of justice. (See, R W M Dias, *Jurisprudence*).

For this semester the readings suggested under each topic are only indicative and not exhaustive. Students are advised to make an analytical and comparative study.

### **UNIT – I: State, Sovereignty and Law**

#### Topic 1: Nature and Functions of a State and its Relationship with Law

Suggested reading:

1. G W Paton, *A Textbook of Jurisprudence*, Oxford University Press, 4<sup>th</sup> edn., chapter 14 (Law and the State).

#### Topic 2: Nature and Development of Sovereignty

Suggested reading:

1. Whitaker T. Deiningner, *Problems in Social and Political Thought: A Philosophical Introduction*, Macmillan:1965, chapter 7 (The Sovereign State).

#### Topic 3: Nature and Kinds of Law and Theories of Justice

Suggested reading:

1. Kelsen, *What is Justice?*, University of California Press:1960, chapter 1 (What is Justice?).

### **UNIT – II: Sources of Law**

#### Topic 1: Custom

Suggested readings:

1. Salmond, *Jurisprudence*, Sweet and Maxwell, chapter 6 (Custom).
2. G W Paton, *A Textbook of Jurisprudence*, Oxford University Press, 4<sup>th</sup> edn., chapter 7 (Custom).

#### Topic 2: Precedent

Suggested readings:

1. Salmond, *Jurisprudence*, Sweet and Maxwell, chapter 5 (Precedent).
2. G W Paton, *A Textbook of Jurisprudence*, Oxford University Press, 4<sup>th</sup> edn., chapter 8 (Precedent).

Topic 3: Legislation

## Suggested reading:

1. Salmond, *Jurisprudence*, Sweet and Maxwell, chapter 4 (Legislation).
2. G W Paton, *A Textbook of Jurisprudence*, Oxford University Press, 4<sup>th</sup> edn., chapter 9 (Legislation).

**UNIT – III: Concepts of Law**Topic 1: Rights and Duties

## Suggested readings:

1. Ronald Dworkin, *Taking Rights Seriously*, chapter 7 (Taking Rights Seriously).
2. Ronald Dworkin, *Taking Rights Seriously*, chapter 12 (What Rights Do We Have?).
3. Hohfeld, *Fundamental Legal Conceptions*, chapter 1.

Topic 2: Personality

## Suggested reading:

1. R W M Dias, *Jurisprudence*, Butterworths, 5<sup>th</sup> edn., chapter 12 (Persons).

Topic 3: Possession, Ownership and Property

## Suggested readings:

1. R W M Dias, *Jurisprudence*, Butterworths, 5<sup>th</sup> edn., chapter 13 (Possession).
2. R W M Dias, *Jurisprudence*, Butterworths, 5<sup>th</sup> edn., chapter 14 (Ownership).
3. G W Paton, *A Textbook of Jurisprudence*, Oxford University Press, 4<sup>th</sup> edn., chapter 21 (The Concept of Property).
4. Roscoe Pound, *An Introduction to The Philosophy of Law*, Yale University Press, chapter 5 (Property).

**UNIT – IV: Principles of Liability**Topic 1: Liability and NegligenceTopic 2: Absolute LiabilityTopic 3: Immunity

## Suggested readings:

1. Salmond, *Jurisprudence*, Sweet and Maxwell, chapter 12 (Liability).
2. Roscoe Pound, *An Introduction to The Philosophy of Law*, Yale University Press, chapter 4 (Liability).