

PAPER 3: LEGAL THEORY [Compulsory]

Objectives:

LL. M. students are expected to develop a philosophical and analytical mind by making a deep study of various theories of law. It is helpful in understanding the law in its social and temporal context. It will also help students to appreciate the limitations of law.

Course Outcomes:

On successful completion of the course the student will be able to –

1. to understand the various theories and concepts which deals with the sources of law
2. analyse the meaning of law, purposes of law and the relationship between law and justice

Course content:

Unit I

Natural Law Theories: Jewish, Roman, Greek, Middle Ages, Renaissance and Reformation Period, Modern period, Indian: ancient and modern.

Unit II

Positive Law Theories: Bentham, Austin, Kelson, Hart

Unit III

Historic Theories and Anthropological Theories: Hegel, von Savigny, Puchta, Henry Maine, Gierke, Hegel. Economic Theories: Marx and Engels, Lenin, Pushukanis, Stalin, Tito, Mao, Gorbachev

Unit IV

Sociological Theories: Bentham, Ihering, Earlich, Pound, Duiguit

Unit-V

Realism: American and Scandinavian

Select Bibliography:

1. Julius Stone, The Province and Function of Law, Part-II Chs.1,8 -16(2000), Universal, New Delhi.
2. W. Friedmann, Legal Theory (1960), Stevens, London.
3. Bodenheimer, Jurisprudence - the philosophy and Method of the Law (1997), Universal, Delhi.
4. R. W. M. Dias, Jurisprudence
5. John Salmon, Jurisprudence
6. H. L. A. Hart, The Concept of Law