



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

Course : LL.B. Ist Semester

SUBJECT: Jurisprudence

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LECTURE: 1

NAME OF FACULTY: Ms. Anjali Dixit

Assistant Professor

Lecture-1



Jurisprudence - Its meaning, nature and scope

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Introduction to Jurisprudence

The history of the concept of law reveals that jurisprudence had its evolutionary beginning from the classical Greek period to 21st-century modern jurisprudence with numerous changes in its nature in various stages of its evolution. Jurisprudence is a concept to bring theory and life into focus. It deals with the fundamental principles on which rests the superstructure of law. The concept of jurisprudence basically helps in cultivating one's own ideas in relation to a particular theory. In abstract jurisprudence is a subject whose knowledge is the basis and the foundation of the whole legal studies. Jurisprudence is a name given to a certain type of investigation into law, where we are concerned to reflect on the nature of legal rules and on the underlying meaning of legal concepts and on the essential features of the legal system.

Jurisprudence is both an intellectual and idealistic abstraction as well as a behavioural study of man in society. In jurisprudence, we ask what it is for a rule to be a legal rule and what distinguishes law from morality, etiquette and other related phenomena.

Meaning

The term jurisprudence has been derived from the Latin word 'jurisprudentia' which means 'skill or knowledge of law'.

In the early decades of the 19th century with the theories propounded by Bentham and Austin, the term 'jurisprudence' acquired a definite meaning. Bentham is known as Father of Jurisprudence was the first one to analyze what is law. He divided his study into two parts:

1. Examination of Law 'as it is' i.e. Expository Approach– Command of Sovereign.
2. Examination of Law 'as it ought to be' i.e. Censorial Approach– Morality of Law.

However, Austin concerned himself mainly with the formal analysis of the English law and its related concept, which still continues to be the basic concept. Austin's ideology that 'law is the command of the sovereign' became the structure of English Legal System, which remained with the formal analysis of law as 'it is' (Expositorial) and never became 'as it ought to be' (Censorial).

SELF-TEST QUESTIONS

S.N O	Question	Option (a)	Option (b)	Option (c)	Option (d)
1	Word 'Juris ' means	Law	Knowled ge	command	order
2	Word 'Prudentia 'means	Law	Knowled ge	command	order
3	Who said that 'jurisprudence' as the lawyer's extraversion	Prof. HLA Hart	John Austin	Roscoe Pound	Prof. Julius Stone

Answers: 1-(a), 2-(b), 3-(d)