

Introduction to Jurisprudence

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Foundations, Major Schools, and Key Concepts

1. What Is Jurisprudence?

- **Definition** – The systematic study of law, its nature, purposes, and underlying principles.
 - **Purpose** – Explains *why* laws exist, how they function, and how they should be interpreted and applied.
 - **Scope** – Encompasses philosophy of law, legal theory, and the methodology of legal reasoning.
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2. Core Questions in Jurisprudence

Question	Typical Focus
What is law?	The essence of legal rules, their source, and their relationship to morality.
What is the purpose of law?	Social order, justice, protection of rights, economic efficiency, etc.
How should laws be interpreted?	Methods of statutory construction, role of precedent, legislative intent.
What makes a law legitimate?	Criteria for validity, authority, and moral justification.
What is the relationship between law and society?	Interaction with culture, politics, economics, and social change.

3. Major Schools of Thought

School	Key Thinkers	Central Tenets
Natural Law	Thomas Aquinas, John Locke, Lon L. Fuller	Law reflects universal moral principles; unjust laws are not true laws.
Legal Positivism	John Austin, H.L.A. Hart, Joseph Raz	Law is a set of social facts; validity is separate from morality.

Introduction to Jurisprudence

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Legal Realism	Oliver Wendell Holmes Jr., Karl Llewellyn, Jerome Frank	Law is shaped by judicial behavior, social forces, and practical outcomes.
Critical Legal Studies (CLS)	Roberto Unger, Duncan Kennedy	Law reinforces power structures; seeks to expose hidden biases.
Law and Economics	Richard Posner, Guido Calabresi	Legal rules are evaluated on efficiency and wealth maximization.
Feminist Jurisprudence	Catharine MacKinnon, Robin West	Examines gender bias in law and advocates for gender equitable reforms.
Sociological Jurisprudence	Roscoe Pound, Eugen Ehrlich	Law must adapt to social needs; emphasizes social purpose of legal rules.

4. Fundamental Concepts

4.1. Norms and Rules

- **Norm** – Expectation of behavior, can be moral, social, or legal.
- **Legal Rule** – A norm backed by state authority and enforceable sanctions.

4.2. Sources of Law

1. **Constitutions** – Fundamental legal framework.
2. **Legislation** – Statutes and regulations enacted by legislatures.
3. **Judicial Decisions** – Precedent (stare decisis) shaping common law.
4. **Customary Law** – Long-standing practices recognized as binding.
5. **International Law** – Treaties, conventions, and customary international norms.

4.3. Validity vs. Legitimacy

- **Validity** – Formal compliance with procedural requirements (e.g., proper enactment).
- **Legitimacy** – Moral or political acceptance by the community.

4.4. Interpretation Methods

- **Literal/Plain Meaning** – Focus on ordinary language.

Introduction to Jurisprudence

- **Purposive** – Look at the law's purpose and legislative intent.
- **Teleological** – Consider broader social goals.
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