

Jurisprudence – II

◆ UNIT I – State, Sovereignty and Law

1. Nature and Function of a State and its relationship with Law

Introduction

The word 'state' has been derived from the Latin word 'status', which means 'standing' i.e., position of a person or a body of person. The state is the highest form of human association. It is necessary because it comes in to existence out of the basic needs of life. The most important purpose of state is to make life possible and to protect the life.

It is difficult to give a precise definition of state because different political thinkers and jurists have defined it in different ways.

Salmond- "State as an association, of human beings established for the attainment of certain ends by certain means".

Goodhart- "The purpose of State is to maintain peace and order within a particular society. Therefore, the most essential purpose of state is to make life possible."

Aristotle - "State is a union of families and villages having for its end, a perfect and self-sufficing life, by which we mean happy and honourable life".

Woodrow Wilson- "State denotes a set of people organized for law within a definite territory".

Oppenheim- "a State comes into existence when people are settled in a country under its own sovereign government".

Dallas- "a State is a body of free persons, united together for the common benefit to enjoy peaceably what is their own, and to do justice to others".

Origin & Evolution of the State

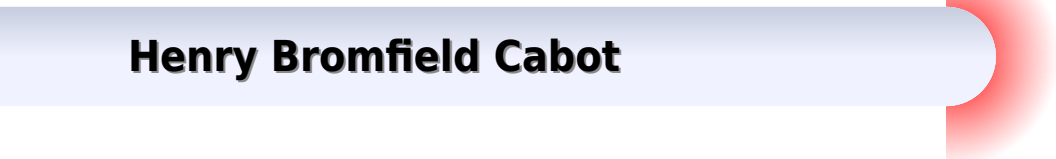
Political thinkers have propounded various theories regarding the origin and evolution of the state. There are four main theories which explain the origin of the state. They are -

- **The Divine Theory**

Acc. To this theory, the state is the creation of God. This theory was developed in the middle age in Europe because of the influence of

Jurisprudence Lecture Notes

Henry Bromfield Cabot



Jurisprudence Lecture Notes:

Jurisprudence Lecture Notes Peter Curzon, 1998-12 First published in 1999 Routledge is an imprint of Taylor Francis an informa company **Jurisprudence** Leslie Basil Curzon, 1993 Jurisprudence is a vast open ended and often daunting subject particularly because of its links with a variety of other disciplines such as philosophy sociology and political science The answers given in the text explain the nature and significance of these links and seek to unravel their complexity

Jurisprudence Lecture Notes Henry Bromfield Cabot, 1931 *Jurisprudence* Charles Shirley Potts, 1925 **Lecture notes on jurisprudence** Frederic William Maitland, 1966 **Summary Lecture Notes on Jurisprudence, Etc** BHAGAVANT RAGHUNĀTHA AGASKAR and VIṬHALA NĀRĀYAṆA VEDAK., 1917 *Samuel Pufendorf and the Emergence of Economics as a Social Science* Jürgen G. Backhaus, Günther Chaloupek, Hans A. Frambach, 2020-11-21 This book discusses Samuel Pufendorf and his contributions to the development of the European Enlightenment and the emergence of economics as a social science Born in 1632 in Saxony Pufendorf wrote widely on natural law ethics jurisprudence and political economy and was one of the most important figures in early modern political thought Although his work fits within the intellectual framework of natural jurisprudence there is an argument to be made that his ideas promoted the development of economics as a distinct discipline within the social sciences Written by participants in the 34th Heilbronn Symposium in Economics and the Social Sciences the contributions to this volume give an overview of Pufendorf's influence on other authors of the Enlightenment such as Locke Montesquieu and Rousseau as well as addressing the theoretical implications of his extensive writings Further chapters place a special focus on Pufendorf's discussion of economic matters such as property rights theory price theory taxation and preferences and decision making The book concludes with analyzing Pufendorf's influence on Adam Smith his anticipations of elements of modern economic theory and his impact on the history of economic thought Providing a fresh look at one of the foundational scholars of social science this volume will be of interest to researchers and students of the history of economic thought political economy economic history and political philosophy *The Weekly notes*, 1891

The Weekly Notes Frederick Pollock, 1875 **Legal Medicine in History** Michael Clark, Catherine Crawford, 1994-06-09 A collection of essays on the social history of legal medicine including case studies on infanticide abortion coroners inquests and criminal insanity *A Critical Bibliography of Adam Smith* Hiroshi Mizuta, 2016-07-01 This critical bibliography of Adam Smith takes as its starting point the Kress Library of Business and Economics 1939 catalogue of its Vanderblue Collection of Smithiana Since the bicentenary of *The Wealth of Nations* in 1976 the rate of international publication markedly accelerated significantly extending the scope of this bibliography beyond 1939 Its scope has been further enlarged via the inclusion of essays on the diffusion process while the inclusion of all works in the chronological main bibliography gives an overview of the scope of this process The notes appended to the entries provide a running commentary to the gathering pace of publication and the entries are organised chronologically with systematic annotation throughout

Natural Law and the Origin of Political Economy Arild Saether, 2017-06-26 Samuel Pufendorf's work on natural law and political economy was extensive and has been cited by several important figures in the history of economic thought. Yet his name is rarely mentioned in textbooks on the history of economic thought, the history of political science, or the history of philosophy. In this unprecedented study, Arild Saether sheds new light both on Pufendorf's own life and work as well as his influence on his contemporaries and on later scholars. This book explores Pufendorf's doctrines of political economy and his work on natural law, which was translated into several major European languages. *Natural Law and the Origin of Political Economy* considers the influence he had on the writings on political economy of John Locke, Charles Montesquieu, Jean Jacques Rousseau, Francis Hutcheson, and Adam Smith, amongst others. If Smith can be called the father of modern economics, this book claims that Pufendorf can be called the grandfather. This volume is of great importance to those who study Pufendorf's extensive works as well as those interested in the history of economic thought, political economy, and political philosophy.

Adam Smith Samuel Fleischacker, 2021-07-13 Adam Smith (1723-1790) is widely regarded as one of the great thinkers of the Enlightenment period. Best known for his founding work of economics, *The Wealth of Nations*, Smith engaged equally with the nature of morality in his *Theory of Moral Sentiments*. He also gave lectures on literature and jurisprudence and wrote papers on art and science. In this outstanding philosophical introduction, Samuel Fleischacker argues that Smith is a superb example of the broadly curious thinkers who flourished in the Enlightenment, for whom morality, politics, law, and economics were just a few of the many fascinating subjects that could be illuminated by naturalistic modes of investigation. After a helpful overview of his life and work, Fleischacker examines the full range of Smith's thought on such subjects as epistemology, philosophy of science, and aesthetics; the nature of sympathy, moral approval, and moral judgement; virtue, religion, justice, and jurisprudence; governmental policy; economic principles; liberalism. Including chapter summaries, suggestions for further reading, and a glossary, *Adam Smith* is essential reading for those studying ethics, political philosophy, the history of philosophy, and the Enlightenment, as well as those reading Smith in related disciplines such as economics, law, and religion.

Special collections Princeton University. Library, 1920 *The Ethical and Economic Theories of Adam Smith* Glenn Raymond Morrow, 1923 **Main Trends in Cultural History**, 2023-07-10 **Government Gazette**, 1890

[The Civil Code of the State of California](#) California, 1924 **The History of Legal Education in the United States** Steve Sheppard, 2007 An invaluable and fascinating resource, this carefully edited anthology presents recent writings by leading legal historians, many commissioned for this book, along with a wealth of related primary sources by John Adams, James Barr Ames, Thomas Jefferson, Christopher C. Langdell, Karl N. Llewellyn, Roscoe Pound, Tapping Reeve, Theodore Roosevelt, Joseph Story, John Henry Wigmore, and other distinguished contributors to American law. It is divided into nine sections: Teaching Books and Methods in the Lecture Hall; Examinations and Evaluations; Skills Courses; Students; Faculty; Scholarship; Deans and Administration; Accreditation and Association; and Technology and the Future. Contributors to this

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