

Total number of printed pages-4

23 (Sem-2) LWJS 2-2

2010

LAW AND JUSTICE

Paper : 2-2

Full Marks : 80

Pass Marks : 32

Time : Three hours

*The figures in the margin indicate full marks
for the questions.*

1. Examine how Hohfeld set out his table of jural correlatives and jural opposites. Explain with illustration what do you mean by jural contradictories? 8+8=16

Or

What are the different conditions of power? Explain what are the cardinal principles which may be helpful as a guiding framework in working out an objective and acceptable moral code?

6+10=16

Contd.

5

2. "The interpretation of law as part of an economic interpretation of social evolution is a by-product of the social and political theories of Marx and Engels" – Dias.

Explain the above in context to the development in contemporary science having influence in social phenomena of the universal economic principle. How can the modern capitalist state be distinguished from primitive tribal society? — Discuss. $8+8=16$

Or

Discuss how Richard A. Posner justifies the cognitive psychology in the modern era of legal theory. What is "behavioral economy"? What are its *three* important essentials? $8+8=16$

3. What according to Savigny are the *two* powerful forces of the time against which the Historical School represents a determined reaction? What are the *three* principal doctrines of the Historical School as expounded by Savigny?

$8+8=16$

Or

How will you justify that American Legal Realism is the contribution of the Analytical Positivists and Sociological approach? Explain.

What are the *three* essentials of Legal Realism based on which bringing a dynamic social change is possible? $8+8=16$

4. "Justice is never given, it is always a task to be achieved". – Friedrich.

Explain the above in context to distributive justice. Do you agree that distributive justice means just allocation of advantages and disadvantages? Discuss with logic.

How the concept of justice is interpreted in India in twentieth century? $8+8=16$

Or

"Justice is the first virtue of social institutions, as truth is of system of thought". – John Rawls.

Explain the above in relation to primary subject of justice and the basic structure of society. What according to Rawls are the formal constraints of the concept of right? What do you mean by the term "Original Position"? Discuss. $8+8=16$

5. Write in detail on Lon Fuller's approach to law. How Fuller characterises law as an enterprise of subjecting human conduct to the governance of rule ?

∴∴ What is the importance of moral evaluation in Fuller's approach to law ? $8+8=16$

Or

What is the impact of American Legal Realism on Critical Legal Studies Movement ? Discuss with reasons. What are the most common theory in CLS writing ?

How Patricia Smith advanced the Feminist Legal Theory ? Do you agree with Mac-Kinnon-Dworkin Proposal on Feminist Jurisprudence ? Is there any impact of it on Indian Society ?

$8+8=16$