

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

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Table of Contents Jurisprudence Lecture Notes

1. Understanding the eBook Jurisprudence Lecture Notes
 - The Rise of Digital Reading Jurisprudence Lecture Notes
 - Advantages of eBooks Over Traditional Books
2. Identifying Jurisprudence Lecture Notes
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Jurisprudence Lecture Notes
 - User-Friendly Interface
4. Exploring eBook Recommendations from Jurisprudence Lecture Notes
 - Personalized Recommendations
 - Jurisprudence Lecture Notes User Reviews and Ratings
 - Jurisprudence Lecture Notes and Bestseller Lists
5. Accessing Jurisprudence Lecture Notes Free and Paid eBooks
 - Jurisprudence Lecture Notes Public Domain eBooks
 - Jurisprudence Lecture Notes eBook Subscription Services
 - Jurisprudence Lecture Notes Budget-Friendly Options
6. Navigating Jurisprudence Lecture Notes eBook Formats

- ePub, PDF, MOBI, and More
 - Jurisprudence Lecture Notes Compatibility with Devices
 - Jurisprudence Lecture Notes Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Jurisprudence Lecture Notes
 - Highlighting and Note-Taking Jurisprudence Lecture Notes
 - Interactive Elements Jurisprudence Lecture Notes
 8. Staying Engaged with Jurisprudence Lecture Notes
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Jurisprudence Lecture Notes
 9. Balancing eBooks and Physical Books Jurisprudence Lecture Notes
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Jurisprudence Lecture Notes
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Jurisprudence Lecture Notes
 - Setting Reading Goals Jurisprudence Lecture Notes
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Jurisprudence Lecture Notes
 - Fact-Checking eBook Content of Jurisprudence Lecture Notes
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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