

CONCEPT NOTE

“Legal philosophy, like law itself, reveals its full significance only when considered in social and political context.”¹ Contextualisation clearly manifests the persistent relevance of legal philosophy in thinking about and addressing contemporary issues. Legal philosophy, involving the study of essentially contested ideas that inform the determination of nature of law, legal institutions as well as moral justifications underpinning specific laws, concepts or institutions holds immense importance in legal studies. It opens new vistas for deeper understanding, expansive engagement and varied critique of the approach adopted by law while mediating issues prevalent in any society. Unlike other concrete, substantive, procedural and clinical courses taught in law schools, Jurisprudence, the course dealing with legal philosophy, thus emerges as a perspective building course.

Jurisprudence, being the only and exclusively perspective building course included in the list of compulsory courses approved by the Bar Council of India² and also being a course which is vastly informed and enriched by the explorations in other disciplines, necessitates specialised training programme aimed at building capacity for facilitating learning in such a course. The National Academy of Law Teachers, NLU Delhi is pleased to take the initiative of organising the same.

A week long training course envisages an engagement with certain identified areas of legal philosophy focussing on questions like the nature of law, its relationship with morality, moral justifications/concerns with respect to legal approach towards various issues, South Asian contribution to legal theory as well as critical perspectives to law. These varied arenas of engagement are sought to be woven into a common thread by considering the manifestations of different theoretical positions in the approaches and processes adopted by the state, market, courts, legal education and civil society. These will be collectively used to reflect on the political, economic and social implications of different positions on issues of inclusion, identity and marginalisation in the globalised world. With this perspective in mind the training programme is planned envisioning the following objectives:

- To introduce and dwell upon classical as well as critical and contemporary perspectives pertaining to law
- To explore, understand and critically evaluate South Asian contribution to legal philosophy
- To better contextualise abstract philosophical inquiries about law and general or specific areas or issues therein
- To discern the manifestation of different perspectives and reasoning in the practices of law makers, adjudicators, legal educators, corporate sector as well as civil society
- To provide a platform for discussion on how to make teaching a course like jurisprudence more engaging and enriching experience both for the facilitators and students
- To come up with Law Teachers' Declaration on Jurisprudence curriculum

¹ Roger Cotterrell, *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy*, ix (LexisNexis, 2003).

² Concerns persist with regard to the scope of the course as identified in the BCI list.

Varied Aspects of the Programme:

- The teachers' training programme on Jurisprudence is a five day programme divided into 4 sessions each day. Every session will be of one and a half hour duration. This will provide adequate time for engaging with not only basic but also advanced questions on the themes of discussion. It will also offer adequate time for discussions and deliberations by the participants.
- The sessions are arranged thematically moving from classical to contemporary approaches in legal philosophy
- Each day devotes itself to exploring issues within one or two approaches
- Introductory readings shall be provided to the participants, setting a background for all the sessions. Additional readings, if any, suggested by the resource persons facilitating the training programme shall be circulated electronically.
- Participants are expected to be thorough with the introductory readings so as to enable them to participate in deliberations during each of the sessions.
- Apart from engaging with the different philosophical approaches pertaining to law, this programme is also envisioned as an exercise in 'learning by doing.' Accordingly, exercise/reflection sessions have been included wherein the participants would be expected to engage in interactive teaching exercises as a group. The exercises would be provided during the course of the programme.