Q # 01: Define jurisprudence? Explain practical value of Jurisprudence.

1) Introduction

- The study of Jurisprudence started from Roman’s age and the Definition given by Roman jurists not quite clear. Even every jurist has his own opinion about definition of jurisprudence and limits of jurisprudence because Limits of jurisprudence relies upon nature of society of current age. In French jurisprudence refers “Case Law” but today jurisprudence has broader sense as it had understood in Austanian age. Jurisprudence is basically the legal study of nature, study of law, legal analysis of law and explanation of existing laws as well as analysis of moral, historical and cultural values prevailed all over the world.

2) Meaning of Jurisprudence

- The word jurisprudence is derived from Latin Word “Jurisprudentia” which means “knowledge of law” or “skills in Law”

  ➢ Meaning in Black’s Law dictionary
  - The meaning of jurisprudence under black law dictionary is “Philosophy of Law”

3) Definition of Jurisprudence

- Jurisprudence is a study of law and legal questions in which different laws are being analyzed and explained.

  i. Austin’s Definition:

    - Austin defines jurisprudence as “the philosophy of positive law” positive law is such law which has been laid down by a political superior for controlling the administrative affairs.

A. Criticism on Austin’s Definition

  ➢ Salmond’s criticism

    - The error in Austin’s definition is that he believes that a legal principle of a specific time is only common in a single system of law and it cannot be dealt in general jurisprudence.

B. Definition of jurisprudence at Present

- Modern jurisprudence began in the 18th century and it is focusing on the study of law and legal questions of the present age furthermore, jurisprudence analyzing other disciplines such as philosophy, psychology, economics etc. It believes that laws are a product of the values of society.
4) Divisions of Jurisprudence

Following are the division of jurisprudence. Details are as under:

1. General Jurisprudence
   - General jurisprudence is study and analysis of two or more laws which are common in all systems of law in all over the world

2. Particular Jurisprudence
   - Particular jurisprudence is narrower than general jurisprudence and it is study of one particular system of law of any country as well as area too

5) Periods of Jurisprudence

There is no unanimous (Mutfiqa) opinion regarding the different periods of jurisprudence. It is being discussed under the following three heads.

1. Early period
   - In early period jurisprudence was based on moral and religious affairs which has created confusion

2. Austinian period
   - Austin separated law from morality and defined both of two separately, that jurisprudence is body of rules which had been enforced by the rulers of the state. At that time, scope of jurisprudence was limited to the study of the concept of positive law

3. Modern period
   - At present, there is a tendency to widen the scope of jurisprudence, present view is that scope of jurisprudence can’t be limited
   - Jurisprudence analyzing other disciplines such as philosophy, psychology, economics etc. It believes that laws are a product of the values of society

➢ Modern view of P.B Mukherjee
   - Jurisprudence is analyzing political, social, economic and cultural ideas. It describes the relation of a man with state and society

➢ Modern view of Lord Radcliffe
   - Jurisprudence is a part of history, a part of economic and sociology, a part of ethics and philosophy of life
6) Importance of Jurisprudence

Jurisprudence is basically a theoretical subject but it has a practical and educational value. The purposes of jurisprudence have been narrated as under:

1. Remove the complexities of Law
   - Jurisprudence removes the complexities from the laws and it makes the laws more understandable and effective. A lot of easements has been provided by jurisprudence.

2. Solutions of the new problems
   - Jurisprudence is enabling the people to find out the solutions of their legal problems and now people are coordinating with legal system instead of the wisdom of the past.

3. Interpretation of Law
   - Jurisprudence is interpreting the laws which is helping the judges and lawyers to find out the true meanings of the laws which has been passed by the different legislatures, by providing the rules of interpretation.

4. Training of Mind
   - Jurisprudence is conducting an indirect training of the minds of people to solve the difficult legal provisions in legal way.

5. Grip on legal language and grammar
   - Jurisprudence is helping in knowing the difficult language, grammar and difficult terms which are used in field of law. It was not possible without the help of jurisprudence.

6. Legal terminology
   - Jurisprudence is helping the legislatures and the lawyers to use the specific legal terminology which is relieving them from mentioning a certain thing again and again such as right, duty etc.

7. To study foreign Law
   - Jurisprudence is enabling a lawyer to study foreign law because fundamental principles are generally common in all systems of Law.

8. Importance of jurisprudence
   - Jurisprudence is basically a theoretical subject but it also has a practical and educational value. The practical value or purposes of jurisprudence is to remove problem from society.
7) Conclusion

- Jurisprudence is the study of law as well as study of science and philosophy of law. There are different methods to approach it. The true purpose of the study of jurisprudence should not be confined to the study of law alone, it includes the study of social, economic, political and philosophy of life. Modern jurisprudence began in the 18th century and it is focusing on the study of law and legal questions of the present age.