



**DADABHOY INSTITUTE**  
**OF HIGHER EDUCATION**

Main Campus, Karachi

Faculty of Law B.A-LLB  
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**TITLE PAGE**

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## **QUESTION:**

**Why we study Jurisprudence, its meaning nature and relation with other social sciences also discussed Jurisprudence is in fact, General in as much as there are many Principles and Conceptions which are the foundation of all law and Jurisprudence: and are universally true. They are as follows:**

## **ANSWER:**

### **WHY WE STUDY JURISPRUDENCE**

The word jurisprudence used in different languages in different senses. However, it derived from the Latin word "Jurisprudentia" which means either "knowledge of law" or "skill in Law"

It is basically a theoretical subject but also has a practical and educational value.

- 1.**It removes the complexities of law. It constructs concepts and make law more manageable and rational.
- 2.**It answers the new problems. It helps people to look around them and realize that answers to new legal problems must be found by a consideration of the present social needs and not in the wisdom of the past.
- 3.**It is the grammar of law and throws light on the basic ideas and the fundamental principles of law.
- 4.**It trains the mind to solve the difficult legal provisions in legal way.
- 5.**It helps the jurists and advocates in ascertaining the true meanings of the law passed by the legislatures by providing the rules of interpretation.
- 6.**This adds to your understanding of the of the theories behind lawmaking like the study of the rights and duties of a citizen, the philosophy behind laws. What are the purposes of punishment in the criminal law. I would say that unless you study this subject you will not become a fully rounded lawyer but just a legal technician.

### **MEANING AND NATURE**

As we discussed above (Jurisprudence) juris and prudentia which means the "study, knowledge or science of law". It can be best described as the study of the philosophy of law in order to analyze its history, evolution, nature and the ends law seeks to achieve. Studying jurisprudence enables us in answering questions like:

- What is law?
- How did law originate?
- How has law evolved over the years?
- What purpose does law serve?
- What is a good law?

The meaning will be clearer when we'll discussed the definition of Salmond

### **Salmond:**

Salmond defines Jurisprudence as, "Jurisprudence is the science of the first principle of the civil law."

According to Salmond Jurisprudence can be defined in two senses (1) in the 'Generic Sense': as Science of Civil Law' and (2) in the 'Specific sense' : as the science of the First principle of Civil Law.

The Civil law consists of rules applied by Courts in the administration of Justice. Salmond agrees with both Austin and Holland only to the extent that jurisprudence is 'a science, a systematic study of basic principles of legal systems

## **RELATIONSHIP WITH OTHER SOCIAL SCIENCES**

Jurisprudence is studying law, law is regulating the conduct of individuals and individuals are living and forming societies. Therefore, law is an important social phenomenon which is making jurisprudence as a Social Science.

However, there are several other Social Science, like Ethics, Political Science, Sociology, Psychology etc. Now, it is logical that this social science should be interlinked with each other at some point.

### **Jurisprudence and Sociology**

- Jurisprudence is the study of law and sociology is the study of society and it is also discussing law but from a different stand-point. Therefore, there is a link between jurisprudence and sociology.
- Jurisprudence is concerned with legal rules that actually exists; however, sociology is studying the effectiveness of those legal rules and their impacts on society.

### **Jurisprudence and Politics**

- Politics studies the principles responsible for the governmental organization. Whereas, jurisprudence is analyzing those principles.
- Moreover, in a political society there exist rules for the regulation of human being conduct which are the subject-matter of jurisprudence. Hence, there is a close connection between the two.

### **Jurisprudence and Ethics**

- Ethics is the science of human conduct. It projects an ideal human behavior, in the light of which it suggests a course of conduct for individuals living in societies.
- Whereas, jurisprudence is discussing the imperative rules, actually existing in the societies. However, those rules are also connected with the behavior of human beings in societies.

### **Jurisprudence and Psychology**

- Psychology is the ‘science of mind and behavior’, whereas, jurisprudence is discussing law.
- Law is aimed to be followed by individuals, and individuals can only follow law if they intend to follow.

- Therefore, intention is the very basic element behind every law, and particularly in criminal law the concept of mens rea is having immense importance. Therefore, jurisprudence and psychology both are closely inter-related human sciences.

### **Jurisprudence and Economics**

- Economics is the science of wealth and jurisprudence is the science of law.
- Economics studies the production and distribution of wealth and law is responsible for establishing a fair distribution of wealth through rules.
- Moreover, studies show that economic factors are responsible for the increasing rate of criminal activities, which again brings the two in close relation with each other.
- Economics aims at improvement of the standards of human lives whereas, this could not possible if a peaceful environment is not available which is possible through the application of laws.
- Therefore, there is a close relationship between the two.

### **Jurisprudence and History**

- History is the scientific narration of the past events, whereas, jurisprudence is the science of law.
- Law has not come into existence overnight, as a matter of fact, it has developed through ages.
- History helps jurisprudence in digging out the origin and evolution of different legal rules.

- Owing to its importance, there developed a separate branch of jurisprudence, known as Historical Jurisprudence.
- Therefore, it may concluded that there is a close relation between jurisprudence and history.

## **IS JURISPRUDENCE FOUNDATION OF ALL LAW?**

### **GENERAL LAWS**

The whole body of law can be dividing into two parts: general law and special law. General Law consists of the general or the ordinary law of the land. Special law consists of the general or the ordinary of the land. Special law consists of certain other bodies of legal rules which are so special and exceptional in their nature, source or application that it is inconvenient to treated them as standing outside the general and ordinary law. General Law consists of those legal rules which are taken judicial notice of by the courts whenever there is any occasion for their application.

“General jurisprudence” Similar considerations apply to the term "general jurisprudence" as to the overuse of "global". "General" in this context has at least four different meanings:

- abstract, as in general theory of law
- universal, at all times in all places;
- widespread, geographically or over time;
- more than one, up to infinity.

General jurisprudence” was empirical, concerned with analysing actual legal systems at a relatively high level of generality. “General” in this context refers to level of abstraction rather than to geographical reach and “general jurisprudence” is interpreted as a kind of middle order theory. In the English analytical tradition, on the other hand, “general” referred to extension in point of space: Bentham, for example, distinguished between universal and local jurisprudence; Austin between the general theory of law common to maturer systems and the theory of law underlying a particular legal system.

### **SPECIAL LAWS**

Salmond refers to six kinds of special laws and those are Local Law, Foreign Law, Conventional Law, Autonomic law and International Law as administered in Prize Courts.

### **Local Law**

- It means law which applies to a particular locality. It may be local customary law having its origin in immemorial customs prevailing in that locality or local enacted law, proceeding from local legislative authorities such as country Councils, Borough Councils, Municipalities etc.
- In addition to local customary law, there may be local enacted law which consists of enactment emanating from subordinate local legislating authority. They are recognized as having full force in the locality for which they have been formulated.

### **Foreign Law**

- It is essential in many cases to take account of a system of foreign law and to determine the rights and liabilities of the parties on that basis. Ignorance of law is no excuse and everyone is supposed to know the law of the land.

### **Conventional Law**

- Conventional Law has its source in the agreement of those who are subject to it. Agreement is law for those who make it. Examples of conventional law are the rules of a club or cooperative society. Some other examples of conventional law are the articles of association of a company, articles of partnership etc.

### **Autonomic Law**

- By autonomic law is meant that species of law which has its source in various forms of subordinate legislative authority possessed by private person and bodies of persons. A railway company make bye laws for regulating its traffic.

### **International Law**

- International Law is a kind of conventional law. As a special law, it refers to that portion of the law which regulates the practice of the capture of ships and cargoes at sea in times of war. International law requires that all states desiring to exercise the right of capture must establish and maintain within their territories what are known as Prize Courts.