

LLM Semester -1

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Relationship of Jurisprudence with other Social Sciences Jurisprudence is closely inter-related with other social sciences since all of them are concerned with human behavior in society. *G.M.Paton* “observed modern jurisprudence trenches on the field of social science and of philosophy; it digs into the historical past and attempts to create symmetry of a garden out of the luxuriant chaos of conflicting legal system.” Dean Roscoe Pound who propounded the theory of law as a ‘social engineering’ pointed out that jurisprudence is closely inter-linked with ethics, economics, politics, and sociology which though distinct enough as the core, are shade into each other. All other social sciences must co-ordinate with jurisprudence to make it a functional branch of knowledge. Sociology and Jurisprudence. This branch is based on social theories. It is essentially concerned with the influence of law on the society at large particularly when we talk about social welfare. G.W.Paton gave 3 obvious reasons as a relation between law and sociology:

- ♣ It enables a better understanding of the evolution and development of law;

- ♣ It provides great sub stream for an identity of law commensurate with human needs and social interests;

- ♣ And provides objectivity to legal interpretation which is need of the hour. Jurisprudence and Psychology. No human science can be described properly without a thorough knowledge of Human Mind. Hence, Psychology has a close connection with Jurisprudence. Relationship of Psychology and Law is established in the branch of Criminological Jurisprudence. Both psychology and jurisprudence are interested in solving questions such as motive behind a crime, criminal personality, reasons for crime etc. Ethics has been defined as the science of Human Conduct. It strives for ideal Human Behavior. This is how Ethics and Jurisprudence are interconnected:

a. Ideal Moral Code– This could be found in relation to Natural Law.

b. Positive Moral Code– This could be found in relation to Law as the Command of the Sovereign.

c. Ethics is concerned with good human conduct in the light of public opinion.

d. Jurisprudence is related with Positive Morality in so far as the law is the instrument to assert positive ethics.

e. Jurisprudence believes that Legislations must be based on ethical principles. It is not to be divorced from Human principles.

f. Ethics believes that No law is good unless it is based on sound principles of human value. A Jurist should be adept in this science because unless he studies ethics, he won't be able to criticize the law. However, Austin disagreed with this relationship. Jurisprudence and Economics Economics studies man's efforts in satisfying his wants and producing and distributing wealth. Both Jurisprudence and Economics are sciences and both aim to regulate the lives of the people. Both of them try to develop the society and improve the life of an individual. Karl Marx was a pioneer in this regard. Jurisprudence and History History studies past events. Development of Law for the administration of justice becomes sound if we know the history and background of legislation and the way law has evolved. The branch is known as Historical Jurisprudence. Jurisprudence and Politics In a politically organized society, there are regulations and laws which lay down authoritatively what a man may and may not do. Thus, there is a deep connection between politics and Jurisprudence.

Jurisprudence and its Relation to social sciences: Jurisprudence often draws upon insights from social sciences, such as sociology, psychology, anthropology, and economics, to understand the impact of law on society and human behavior. For example, legal scholars may use social science research to study how laws affect individuals and communities, how legal systems evolve over time, and how legal decisions are influenced by societal norms and values

Jurisprudence and sociology: A French philosopher, August Comte believed that jurisprudence is an integral part of sociology and that the law cannot be studied in isolation from other social institutions and must be viewed in its social context. He defined sociology as a positive science that deals with social facts. In his view, the study of law should be guided by the principles of social science, and legal systems should be analyzed in terms of their social functions and their impact on society. Comte emphasized the importance of understanding the relationship between

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law and society and believed that legal institutions and practices are shaped by social, economic, and political factors. As jurisprudence is concerned with the study of law, it must also take into account the impact of law on society, including the social, cultural, and economic factors that shape the development and application of legal systems. This is because the law is applied to people and adapts to their changing needs. Therefore, jurisprudence deals with the practical functioning of law in society. The application of law relies on the social interactions and behaviours of people within a society. Meaning that without the social interaction of people in society, the law would remain merely a theoretical concept, devoid of any practical use. For example, only when the people in the society socially interact with each other and commit offences or crimes, the law comes into place. Therefore, it is crucial to understand the changing needs and behaviour patterns of individuals in society in order to develop laws that effectively regulate and govern their conduct. This is where sociology comes into play, as it helps to provide insights into social interactions and behaviours that can help the development and application of the law. Criminology is an interdisciplinary field that draws from both sociology and law. It examines the motives, aims, and theories of punishment, as well as the types of punishment, with the help of sociological insights. In this way, criminology is an example of how sociology and jurisprudence intersect and inform each other.

Jurisprudence and economics: The relationship between economics and jurisprudence was unrecognized for a long time, but it became apparent to many jurists later. While economics deals with concepts such as money, wealth distribution, and satisfying people's needs, the law's purpose is to regulate people's lives through rules and regulations. A good example is the GST Act which regulates the taxation of various economic activities, such as the sale of goods and services, import and export of goods, and supply of goods and services by e-commerce operators. Money, or the desire for it, can be a motivating factor behind criminal behavior. For instance, someone may commit theft or fraud in order to obtain money or engage in cybercrime to steal personal or financial information for monetary gain. The relationship between economics and jurisprudence can help to understand the reasons behind such criminal activities and how to effectively regulate and punish them through the legal system. Economic theories such as the law of diminishing marginal utility can be applied in the legal field to help understand human behavior and decision-making. According to Alfred Marshall, the law of diminishing marginal utility is defined as "The additional benefit which a person derives from a given increase in the stock of a thing diminishes

with every increase in the stock that he already has". For example, this concept can be used to understand why someone's satisfaction might decrease as his wants or needs increase. Risk, which is another economic factor can be used to understand why someone might commit a crime for financial gain even if it means taking a significant risk. By understanding the underlying economic factors at play, legal professionals can make more informed decisions and create more effective policies and regulations.

Jurisprudence and political science: Friedman in his book Legal Theory emphasizes the interdisciplinary nature of jurisprudence. On one end, jurisprudence is connected to philosophy, as legal systems are built on fundamental principles and values. On the other end, jurisprudence is linked to political theory, as laws and legal systems are shaped by political institutions and government policies. Political science and jurisprudence have a close relationship since legislators, who are responsible for making and amending laws, are elected by the people for whom the law is intended to govern. For example, the two houses of parliament, comprising India's legislative body, are chosen by the people of India, implying that the laws they enact ultimately reflect the desire and requirements of the people.

Legal aid They often overlap as they both study the organization and functioning of society and the state. The state is a political entity responsible for creating and enforcing laws, maintaining order, protecting individual rights, and providing public goods and services. Jurisprudence concentrates on law and legal systems, while political science examines the political system and government. Overall, both fields work towards the betterment of society and the well-being of its people through governance and regulation. They often overlap as they both study the organization and functioning of society and the state. The state is a political entity responsible for creating and enforcing laws, maintaining order, protecting individual rights, and providing public goods and services. Jurisprudence concentrates on law and legal systems, while political science examines the political system and government. Overall, both fields work towards the betterment of society and the well-being of its people through governance and regulation.

- **Jurisprudence and ethics:** Roscoe Pound, a legal scholar and jurist, argued that ethics and law have different aims. Ethics is concerned with individual character development and promoting virtuous behavior, while law is concerned with regulating social behavior and maintaining social order. While the two are related, they are not the same. Pound believed that

developing a strong ethical foundation is important, but the law is necessary to ensure just and orderly society. Ethical standards are often subjective and may vary from person to person depending on their beliefs and values. However, laws provide clear guidelines on what actions are legal and illegal, regardless of individual opinions or arguments. Although many consider ethics and law to be separate concepts, they can also be interconnected. Ethics is a science of human conduct while law regulates human conduct. It can be used as a standard to ensure just and fair laws for the betterment of the people in the society. Ethical behavior is fundamental to the proper functioning of a legal system and the creation of just laws. When most people in a society behave ethically, instances of misconduct and disagreements are likely to decrease, creating a more stable and cohesive community. This ensures peace, harmony, and coordination among the people. For instance, in an ethical society, people know that stealing is wrong, so fewer regulations and laws are needed to prevent it. However, in a society where stealing is rampant, stricter laws and regulations are necessary to deter individuals from engaging in such behavior. This demonstrates how ethical values and principles can influence the creation and enforcement of laws, while the legal system can promote ethical behavior in society.

Jurisprudence and history

History plays a very important role in understanding the social and cultural factors in which laws were created and applied, and how they have been interpreted and enforced over time. It can provide insights into the values and beliefs that were prevalent at earlier times and how they have evolved over time, leading to changes in legal practices and regulations. It also helps in identifying patterns and trends in the legal system and how they have influenced the development of society as a whole. Since most misconducts are committed by people, a similarity in the acts or pattern of behaviour could be ascertained by observing history. To take an example, The Dowry Prohibition Act, 1961 in India was enacted to prevent the practice of dowry, which has been a cultural practice in India, prevalent for many centuries. The Act was a response to the historical and social context in which dowry was seen as a social evil and a major cause of violence against women.

- **Jurisprudence and history**

History is crucial in understanding the social and cultural aspects that influenced the creation

and application of laws, as well as how they have been understood and enforced over time. It can provide insights into past attitudes and beliefs and how they have evolved over time, resulting in changes in legal practices and rules. It also helps in detecting patterns and trends in the legal system, as well as how they have influenced the overall evolution of society. Because most misbehaviours are perpetrated by humans, observing history might reveal a commonality in the acts or patterns of behaviour. To take an example, The Dowry Prohibition Act, 1961 in India was enacted to prevent the practice of dowry, which has been a cultural practice in India, prevalent for many centuries. The Act was a response to the historical and social context in which dowry was seen as a social evil and a major cause of violence against women.

- **Jurisprudence and psychology** Psychology and law are two sciences that are inextricably linked, particularly in the realm of criminology. Criminology is the study of criminal behaviour and society's reaction to it. Understanding the criminal's mental condition is critical in determining the appropriate punishment. For example, psychological evaluations can evaluate whether or not a defendant is mentally fit to commit the offence. It can also be used to identify the potential risk posed by an offender and aid in the development of rehabilitation programs. In **Dr.Subramanian Swamy And Ors vs Raju** the Member Juvenile Justice case, the issue on the application of the Juvenile Justice (Care and Protection of Children) Act, 2015 to a serious crime committed by a juvenile offender was raised. It was held that Act was constitutional and it applied to all juvenile offenders under the age of 18 years, regardless of the gravity of their offence.
- However, the Act did not apply to intellectually, emotionally, and mentally mature juveniles who understood the consequences of their actions and committed serious offenses. These juveniles would be subject to the regular penal law of the country and dealt with by the regular courts under India's criminal justice system.

Conclusion- Jurisprudence is a broad and multifaceted field that has connections with numerous other sciences across various disciplines. A complete understanding of society and its members requires the study of various domains such as politics, economics, and social behavior in order to formulate laws suitable to that society. These different fields of study share a common objective of understanding society and human behaviour, and their interdependence is vital to gain a

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comprehensive understanding of the complexities of human behavior and societal structures. Thus, jurisprudence plays an essential role in the interdisciplinary study of social sciences, contributing to a deeper understanding of legal principles and their broader implications for society.