

BOOK REVIEWS

STUDIES IN JURISPRUDENCE AND LEGAL THEORY (1994). By N. V. Paranjape. Central Law Agency, Allahabad. Pp. 245. Price Rs. 60.

“JURISPRUDENCE IS as big as law and bigger” says Karl Llewellyn.¹ If this statement has anything to convey, it is either the helplessness of the author to project the breadth and scope of the subject or to hint at the excessive learning and ‘verbal expenditure’ needed to explain this system of knowledge that is jurisprudence. In short - the subject of jurisprudence baffles everyone who attempts to delineate it and may continue to do so in the future as well. This is because jurisprudence ventures into the realms of conflicting legal systems and studies both tedious and intelligible laws thereof. At first blush, it looks wavering in its attempts at defining laws as obviously, ‘Law’ can never be defined. With equal obviousness, however, it should be said that adherents of legal institutions must never give up the struggle to define law, because it is an essential part of the ideal that it is rational and capable of definition Hence, the verbal expenditure necessary in the upkeep of the ideal of “law” is colossal and never ending. The legal scientist is compelled by the climate of opinion in which he finds himself to prove that an essentially irrational world is constantly approaching rationality....’² This apart, the prominent feature of jurisprudence is to supply an epistemology of law, and herein we can easily see links between jurisprudence and other fields of study, such as sociology, psychology and anthropology that help contribute substantially to the understanding of law. But even then the real concern of jurisprudence remain hazy; but, broadly, we shall see its province and function in rule-governed action, the activities of officials such as judges and their relationship with the population of a given society.

The book³ under review is, indeed an attempt in the aforesaid spirit and basically meant for law students who want to know the elements of the subject of jurisprudence. And the author makes no bones about it in the preface of the book plus he does not fight shy of the fact that he has drawn extensively from the works of Sir Salmond to Lord Lloyd. The author too claims that the subject matter has been treated in a lucid, precise and orderly manner. But this is partially correct, as chapter I of the book is too short and in no way precise at all. One would have appreciated a fullsome discussion on the schools of jurisprudence but only nine pages⁴ have been devoted to it. Many a time the author uses incomplete sentences,

1. Karl Llewellyn, *Jurisprudence* 372 (1962)

2. Thurman Arnold, *The Symbols of Government* 36-7 (1935).

3. N.V. Paranjape, *Studies in Jurisprudence and Legal Theory* (1994).

4. *Id.* at 4-12.

for instance in having a discussion on analytical school he says, "it deals with the present."⁵ This sentence does not convey the real meaning which he has in mind.

Also, while discussing the province of jurisprudence, the author too suffers from the same weakness which many Indian writers are susceptible to. This is shown in his randomly collecting and placing definitions of the subject, when it is undefinable and is an ongoing discussion and analysis of law and its development in various societies. Moreover, the author's temptation to hasten to pass judgments on the jurists is quite evident from the line: "In the ultimate analysis Holland's definition... seems to be quite sound".^{5a} One wonders as to what analysis he has made in the four pages treatment to the empire of jurisprudence.

The author has taken the lines of Laski that "Jurisprudence is the eye of law"^{5b} and failed to acknowledge this eminent scholar, though he had kept the line in italics.

But the strength of the book lies in its treatment to concepts like state, sovereignty, ownership, possession, *et.al.* The subject matter has been put in a nice order that is easily read and no short-cuts are made as we see in its treatment for schools of jurisprudence. It can be easily said that the author has wobbled only in chapter I while the rest of the book and its chapters are well set and full of clarity.

Chapter XXI is the highlight of the book as this traverses the recent trends in Indian jurisprudence. This chapter is particularly useful to students of LL.M. of Indian universities and researchers who want to study Indian jurisprudence. We cannot help quoting some lines of far reaching implications from the instant chapter:

In the Indian context, at present there is a wide gap between the poor and the rich, the socially neglected and socially dominating class which makes it imperative for the State to provide adequate protection to weaker sections of the society, prevent exploitation, corruption and malpractices and ensure equitable distribution of wealth and material resources to subserve the common good. These ideals of the Indian Constitution are likely to lose their edge if they are not backed by proper legislation. The new challenges before the nation because of the socio-economic and technological changes can be effectively met either by introducing new laws or amending the existing laws to meet the exigencies of time. Land-legislation, co-operative laws, licensing and tax laws, Debt Relief Act, labour welfare legislation etc. which provide protection and security to poor masses should always be subjected to periodical review by expert committees to suggest measures for making them more effective and welfare-oriented.⁶

5. *Id.* at 4.

5a. *Ibid.*

5b. *Id.* at 12.

6. *Id.* at 237.

Had an extensive and exhaustive treatment been given to the schools of jurisprudence, the book would have easily been rated number one amongst the books on the subject by other Indian writers.

To conclude, we can easily say that the book is within the reach of students as its price is reasonable. The printing and get-up of the book are excellent.

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