LAHORE LEADS UNIVERSITY

Assignment

Subject: Jurisprudence

Submitted By: Ghulam Qadir

Roll No: F23-1134

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Topic: Jurisprudence is a Social Science

Heading:

Jurisprudence as a Social Science

Meaning:

Social sciences are academic disciplines that study human society and social relationships. Jurisprudence is considered a social science because it deals with the study of law as a social institution that regulates human conduct, maintains order, and reflects the values of society. It does not study law in isolation, but in relation to people, customs, and social change.

Definition:

According to Roscoe Pound, “Jurisprudence is the science of social engineering.” This means it studies law as a tool to balance competing interests in society.

Holland states that jurisprudence is “the formal science of positive law,” but modern jurists extend it beyond form to include its social purpose and impact.

Explanation:

1. *Law and Society are Interconnected:*

Law does not exist in a vacuum. It emerges from society, governs society, and changes with society. Jurisprudence studies this relationship. For example, family laws change as social views on marriage and divorce evolve.

2. *Studies Human Behavior:*

Like other social sciences such as sociology, political science, and economics, jurisprudence examines human actions, conflicts, rights, and duties. It analyzes how legal rules influence behavior and how behavior demands new rules.

3. *Concerned with Social Purpose of Law:*

Jurisprudence asks “why” law exists. The answer is always social: to maintain peace, deliver justice, protect rights, and promote welfare. The Sociological School of Jurisprudence, led by Roscoe Pound and Duguit, treats law as a means of social control and social progress.

4. *Uses Methods of Social Science:*

Jurisprudence relies on observation, historical analysis, and study of customs and public opinion. It does not use laboratory experiments like natural sciences, but empirical and analytical methods common to social sciences.

5. *Dynamic Nature:*

Law is not static. As society develops, law must adapt. Jurisprudence studies this dynamic process. Issues like cyber law, environmental law, and human rights emerged because social conditions created new needs.

Arguments Against Jurisprudence as Pure Social Science:

Some analytical jurists like Austin argue that jurisprudence is a formal science concerned only with analyzing legal concepts like right, duty, and possession, not with social effects. They say it is closer to logic than sociology. However, modern view rejects this narrow approach.

Conclusion:

Jurisprudence is rightly called a social science because its subject matter is man in society, its purpose is social order and justice, and its methods are analytical and observational. While it has a technical side dealing with legal concepts, its ultimate aim is to understand and improve the relationship between law and society. Without society, there is no law, and without law, society cannot function — this makes jurisprudence an essential social science.