Name: Abubakar Irfan

Roll number: S24-1100

Lahore leads university

Assignment: Jurisprudence

*Topic: **"Jurisprudence is a Social Science"***

1. Introduction

Jurisprudence is known as the "philosophy of law" or "science of law". The debate whether it is a social science arises because law does not exist in vacuum — it grows with society, shapes society, and is shaped by it.

2. Meaning of Jurisprudence

- *Etymology*: From Latin _juris_ = law + _prudentia_ = knowledge. Means "knowledge of law".

- *Salmond*: “Jurisprudence is the science of the first principles of civil law.”

- *Austin*: “Jurisprudence is the philosophy of positive law.”

- *Keeton*: “Jurisprudence is the study and systematic arrangement of the general principles of law.”

3. Meaning of Social Science

Social sciences are academic disciplines that study human society and social relationships. Examples: Sociology, Political Science, Economics, Psychology.

Key features:

1. Study human behavior in groups

2. Use empirical & analytical methods

3. Aim to understand and improve society

4. Arguments: Why Jurisprudence IS a Social Science

Feature of Social Science **How Jurisprudence Fits**

Studies Human Behavior Law regulates human conduct. Jurisprudence studies why people obey/disobey law.

Linked to Society Law changes with social needs. Ex: Cyber laws, women rights laws came due to social change.

Interdisciplinary Borrows from sociology, history, economics, ethics. Sociological School of Jurisprudence proves this.

Aims at Social Welfare Purpose of law is justice, order, social control. Jurisprudence asks “what law ought to be” for better society.

Empirical Study Possible Legal Realists like Holmes said “Law is what courts do” - study actual behavior of judges, not just rules.

5. Schools Supporting This View

1. *Sociological School - Roscoe Pound*: “Law is social engineering.” Law must balance competing social interests. This directly treats jurisprudence as social science.

2. *Historical School - Savigny*: Law is “Volksgeist” i.e. spirit of the people. So law comes from society, not from command.

3. *Realist School - Holmes & Llewellyn*: Focus on law in action, behavior of judges, impact on society. Very empirical like other social sciences.

6. Arguments: Why Some Say It Is NOT Pure Social Science

1. *Analytical School - Austin*: Called it “science of positive law” separate from morality and sociology. Law = command of sovereign. Pure legal analysis, not social.

2. *Normative Nature*: Jurisprudence also deals with “what law ought to be” - this is philosophy/ethics, not empirical science.

3. *Technical Aspect*: Interpretation of statutes, legal concepts, precedents — this is technical legal science, different from sociology.

7. Balanced Conclusion

Jurisprudence is *both a social science and a normative discipline*.

1. *As Social Science*: When we study origin, function, and impact of law on society — it behaves like sociology/political science.

2. *As Legal Science*: When we analyze legal concepts, rights, duties, ownership — it is a distinct technical discipline.

Final Statement: Modern view accepts jurisprudence as a social science because law cannot be separated from society. As Justice Holmes said: “The life of the law has not been logic; it has been experience.”

Assignment Structure:

1. *Intro*: Define Jurisprudence & Social Science

2. *Arguments For*: With schools & examples

3. *Arguments Against*: Analytical view

4. *Reconciliation*: Hybrid nature

5. *Conclusion*: Why modern jurists call it a social science