**Meaning, Definition, Utility and Scope of Jurisprudence**

         The study of jurisprudence started with the Romans. The term Jurisprudence is derived from Latin word 'Jurisprudentia' which means either "Knowledge of Law" or "Skill of law". The word "juris" means law and prudentia mean knowledge, science or skill.  Thus Jurisprudence signifies knowledge or science of law and its application. In this sense, Jurisprudence covers the whole body of general legal principles in the world upon which the actual rules of law are based. Therefore, it does not mean study of statutes or branches of law like consumer, crime, tort, property, etc., but the basic principles behind the development of these statutes and branches of law.

**1) Jurisprudence: Meaning:**

                     Jurisprudence in its widest sense means. "knowledge of the law" but in its limited sense evolution and explanation of general principles upon which actual rules of law are based. It is mainly concerned with the rules of external conduct which people are compelled to obey. Therefore sometimes it is said that jurisprudence is that Jurisprudence is that science which gives us knowledge about "law" but the term law we always use in its abstract sense i.e. not in the sense of concrete statutes but in the sense of principles underlying law. Thus, for example, there are various branches of law existing in the modern legal system such as contract, crime, trust, properties, companies, labour etc. In jurisprudence, we have to study the basic principles of each of these branches and we are not concerned with the detailed rules of these laws. We definitely study these laws in detail when we study those branches of law separately. Jurisprudence examines the general principles of law, therefore, Jurisprudence may be considered to be the study and systematic arrangements of the general principles of law or that science which imparts to us knowledge about ‘law’.

**2) Definition of Jurisprudence:**

         It is very difficult to define term 'jurisprudence', However, several attempts have been made in this context to define the term.  Some of the definitions of the term "jurisprudence" given by various eminent jurists as under -

**I) Ulpian:**

Ulpian a Roman Jurist defines jurisprudence as " the observation of things divine and human, the science of just and unjust."  Same connotation as DHARMA. Right and wrong

**II) Dr M. J. Sethna:**

Jurisprudence is a study of fundamental legal principles including their philosophical, Historical and sociological bases and analysis of legal concepts.

**III) Austin:**

                     Austin was the first jurist to make jurisprudence as a science. He defines 'jurisprudence' as "the philosophy of positive law." He opines that the appropriate subject to jurisprudence is a positive law (jus positivum) i.e. law as it is (existing law, written). In other words, jurisprudence is not a moral philosophy but it is a scientific and systematic study of the existing, actual and positive law has distinguished from natural, ideal or moral law.

              Austin divides jurisprudence into two classes. Viz 'general Jurisprudence and Particular Jurisprudence. According to him 'General Jurisprudence is the philosophy of positive law. On the other hand 'particular jurisprudence is the science of any such system of positive law as now actually obtains or once actually obtained in a specifically determined nation or specifically determined nations.

**Criticism:**

Austin's definition criticised by Salmond and Holland and other Jurists on the ground that it is not proper and appropriate to classify as the general Jurisprudence and Particular Jurisprudence.

**IV) Holland:**

An English Jurist Sir Thomas Erskine Holland defines, Jurisprudence as, " Jurisprudence is the formal science of positive law'"  According to him jurisprudence should only concern itself with the basic principles of concepts underlying in any natural system of law. Formal science = Rules of External human conduct enforced and controlled by a sovereign political authority.

**Criticism:**

           Many eminent jurists have criticised the definition of Holland that jurisprudence is the formal science of positive law. It is not free from defects. The question arises what is a formal science?   Holland himself explains that by the term 'formal' he means that jurisprudence concerns itself with human relations which are governed by the rules of law rather than the material rules themselves, for the latter are the subject of legal exposition, criticism or compilation rather than jurisprudence.

**V) Gray :**

      According to John Chipman Gray " jurisprudence is the science of law, the statement and systematic arrangement of the rules followed by the Court and the principles involved in those rules", meaning that jurisprudence deals with only that kind of law which consists of rules enforced by courts while administering justice.

**Criticism:**

               Stone has Criticised Gray's Definition and said that Gray has failed to determine any province of jurisprudence rather he has reduced jurisprudence to merely a matter of arrangement of rules.

**VI) Salmond:**

         Salmond defines Jurisprudence as, " the science of the first principles of the civil law." Civil law = rules enforced by courts while administering justice.

        According to Salmond Jurisprudence can be defined in two senses (1) in the 'Generic Sense' jurisprudence can be defined as Science of Civil Law' and (2) in the 'Specific sense' Jurisprudence can be defined 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 and with Gray upholding that Jurisprudence only deals with jurist’s law.

**Criticism :**

          Salmond's Definition has been criticised on the ground that he has narrowed down the field of jurisprudence by saying that it is a science of civil law and hence covers only particular legal system.

**VII) Keeton:**

            Keeton Defines jurisprudence as "the study and systematic arrangement of the general principles of law”.

**VIII) H.L.A Hart:**

                 A legal system consists of primary and secondary rules. These rules explain the nature of law and provides key to the science of jurisprudence. By primary rules he meant rules which impose duty while secondary rules confer powers which provide for creation or variation of duties by removing defect of primary rules.

His view was a reaction against rigid positivism. He viewed Jurisprudence as a science of law in a broader perspective by co-relating law and morality.

**IX) Roscoe Pound:**

               Dean Roscoe Pound defines jurisprudence as "the science of law, using the term law in the juridical sense, as denoting the body of principles recognised or enforced by public and regular tribunals in the administration of justice". He believed that behind every issue, there is something social; therefore, in the study of jurisprudence, the emphasis should be on the relationship between law and the society.

**X) Dr K. C. Allen:**

                Jurisprudence is the scientific synthesis of all the essential principles of law.

**XI) G.W. Paton:**

                              Jurisprudence is a particular method of study, not the law of one country, but of the general notion of law itself.

**XII) Julius Stone:**

                 "Jurisprudence is the lawyer's extraversion.” It is the lawyer's examination of the precepts, ideals and techniques of the law in the light derived from present knowledge in disciplines other than the law.

                  From the above definitions of Jurisprudence, it could be seen that there is no commonly agreed definition of Jurisprudence. Each Jurist guided by his own consciences but since the conception of the term law till the beginning of the 20th century, a new approach to the study of law in relation to society is given. Some jurist, therefore, treats law as "social engineering" an instrument to bring social change or support social change. Thus the function of law is the supplement to social sciences.

**Scope of Jurisprudence**

                   There is no unanimity of opinion regarding the scope of jurisprudence. Different authorities attribute different meanings and varying premises to law and that causes difference opinions with regard to the exact limit of the field covered by jurisprudence. Jurisprudence has been so defined as to cover moral and religious precepts also and that has created confusion. It goes to the credit to Austin that he distinguished law from morality and theology and restricted the term to the body of the rules set and enforced by the sovereign or supreme law making authority within the realm. Thus the scope of jurisprudence was limited to the study of the concepts of positive law and ethics and theology fall outside the province of jurisprudence.

        There is tendency to widen the scope of jurisprudence and at the present we include what was previously considered to be beyond the provinces of jurisprudence.  The present view is that scope of jurisprudence can not be circumcised or regimented. It includes all concepts of human order and human conduct in state and society. Anything that concerns order in the state and society falls under the domain jurisprudence. P.B. Mukharji writes that new jurisprudence is " both intellectual and idealistic abstraction as well as behavioristic study of man in society. It includes political, social, economic and cultural ideas. It covers the study of man in relation to the state and society."

               Thurman W. Arnold defines jurisprudence "as the shining but unfulfilled dream of a world governed by reason. For some, it lies buried in a system , the details of which they do not know. for some, familiar with the details of the system, it lies in the depth of an unreal literature . for others , familiar with its literature , it lies in the hope of a future enlightenment. for all , it is just around the corner "

  The view of lord Radcliffe is that jurisprudence is a part of history, a part of economics and sociology, a part of ethics and a philosophy of life.

Karl Llewellyn observes - " Jurisprudence as big as law-and bigger".

**Utility of Jurisprudence**

Julius Stone perfectly defines Jurisprudence. According to him "jurisprudence is lawyers extraversion". The knowledge of Jurisprudence sharpens the lawyers own technique of the logical analysis of legal Concepts. It helps lawyers to set the law in it's proper contours by considering the needs of the society and by taking note of the advances made in related and relevant disciplines.

Holland observed that jurisprudence throw light on the basic ideas and the fundamental principles of law in a given society. Therefore some of the jurists call it "eye of law". Jurisprudence helps the judges and lawyers in ascertaining true meaning of laws passed by the legislature by providing the rules of interpretation. To become successful lawyer or judge jurisprudential background is necessary.

Jurisprudence is also helpful to legislators who play a vital role in the process of law making. Study of jurisprudence helps them to understand the technicalities of the law and legal precept. It makes their job easy and interesting.  
 **Relations of Jurisprudence with other Social Sciences-**

**1) Jurisprudence & Sociology**

**2) Jurisprudence & Psychology**

**3) Jurisprudence & Ethics**  
 **4) Jurisprudence & Economics**  
 **5) Jurisprudence & History**

**6) Jurisprudence & Politics**