



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

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LECTURE: 3

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Lecture-22



Lecture –22:- Realist school of Jurisprudence

Realist School

Basically, the Realist school was evolved and given accreditation in the American Jurisprudence. Legal realism suggests that judicial decisions must comply with financial factors and inquiries of strategy and qualities. In America, we have the Realist School of jurisprudence. This school strengthens sociological jurisprudence and perceives law as the consequence of social impacts and conditions, and sees it as judicial decisions.

Oliver Holmes is, as it were, an example of the pragmatist school. “Law is the thing that the courts do; it isn’t simply what the courts state.” Emphasis is on activity. As Holmes would have it, “The life of the law has not been the rationale; it has been involvement.”

Karl Llewellyn, in his previous works, was a representative for customary pragmatist theory. He contended that the guidelines of substantive law are far less significance in the genuine routine with regards to the law that had up to this point been expected.

The theory rules that chosen “cases which appeared for a century have been tricked and dealt by **library-ridden hermits as judges.**” He suggested that the point of **convergence** of legal research ought to be moved from the investigation of standards to the recognition of the genuine conduct of the law authorities, especially the judges. “**What these authorities do about debates is, to my mind, the law itself.**”

Llewellyn, one of the examples of the pragmatist development, has put forward the accompanying focuses as the cardinal highlights of American realism;

1. **Realism** isn’t so much another school of jurisprudence as another **philosophy** in jurisprudence.
2. Realists see the law as **robust and not as static**. They view the law as serving specific social closures and concentrate any given cross-segment of it to discover to what degree these finishes are being served.
3. Realists, with the end goal of **perception of working** of any piece of the legal framework, acknowledge a “**separation of is from should**“. This implies the moral purposes which, as per the spectator, ought to underlie the law are overlooked and are not permitted to obscure the vision of the eyewitness.
4. Realism accentuates the **social impacts of laws** and legal decisions.