



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

Course : B.A LL.B/BB.A LL.B

Semester :IInd

SUBJECT: Jurisprudence

SUBJECT CODE: BAL206/BBL 206

LECTURE: 3

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Assistant Professor

Lecture-23



Lecture –23:- Realist school of Jurisprudence

In reality, there is no such thing as a realistic school. ‘Realism’ is a term for a movement in law that includes both thinking and action, relating to the world as it actually operates. In the Realist school of jurisprudence, the law is studied in its real workings, rejecting the usual concept that it is a collection of rules or principles. Rather than being defined by a set of rules, the law is defined by the judge’s decision.

Realists, sarcastically define law as a good reason for a bad man. Simply stated, the bad guy cares nothing about legal theory and is solely concerned with the practical implications of his actions. Analytical and social jurisprudence together up the realism school of jurisprudence.

Realist school of jurisprudence are classified into two types:

- **American Realist** – Scholars not only learned from their own experiences, but they also watched and absorbed lessons from the judgments of their peers.
- **Scandinavian Realists** – Scholars relied only on their own personal experiences in this area.
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American Realism

Analytical and sociological schools are combined in the realist school of jurisprudence, analytical which is the judgment delivered by judges in the court, and sociological because of the influence of judges-made legislation on society.

John Chipman Gray (1839-1915)

John Chipman Gray is regarded as one of the “founding fathers of the realist movement” and is credited with inventing the term “realist.”

According to Gray, the court, rather than the legislature, is the most significant source of the law. According to him, a judge’s mentality and bias play a significant impact in his decision-making. He laid the groundwork for a more critical approach that continued to emphasize the role of non-logical variables in making judgments.

According to Gray, the courts are the ones who give life to the statute’s words.