

## **Book Review**

### **Prof Dr. G. P. Tripathi, Indo-Western Jurisprudence (Allahabad Law Agency, Second Edition, 2018)**

Reviewed by Sidhartha Sekhar Dash\*

*The study from the preface of the first edition, the author of the book has claimed the book known as Indo-Western Jurisprudence. The body of the book contains three projects which he completed under the philosopher, philosophies and of transcendental jurisprudence. The work done under these three projects constitute the body of this book which was initially released under title Indian Jurisprudence re-christened now as Indo-Western jurisprudence at the advice of the critics throughout India. In my view book of jurisprudence should not only focus on western philosophers but also the oriental, when particularly the students are from Indian continents even though they share the common law backgrounds. In this regard the author of the book made an attempt to web the both philosophies in a single volume and further leave the scope open for the wedding of the philosophies for better assimilation and comprehension of the students. The author should be given credit for setting the lines of insightful amalgamation.*

Chapter 1 to 10 deals with topic of western jurisprudence from Immanuel Kant to the Realist including Holms, Devlin, Rawls, Dawkins and Posner.

Chapter 5 deals with Natural Law Jurisprudence and discussing Epistemology, concept of Thomas will be good reading for the young students.

The idea that runs through this book can be summed as, “philosophy can be learned through the life and experience of the philosophers”.

Chapter 11 to 15 of the book talks about transcendental jurisprudence, cosmic law or Sanatana Dharma. The author has picked where Kant left. The thesis of Veda-ism, juristic concepts of God, law of karmas and destiny, the concepts of Siva (energy) and Shakti (nature) have been discussed with a view to telling the audience that law does not start from Kant and Austin but its starts from Manu, Yajnavalkya, Narada, Brihaspati, Jaimini and Kautilya along with Muslim Jurists like Baghdad and Basra Schools, Islam philosophic of Abek, Ibn Tufayl, Averroess, Ibn Bajjah merging in Ibn Taymiyah new wisdom.

Chapter 13, God, a juristic concept, deals with Advait, non-dualism and Dvait, dualism. The author could have done more justice to the concepts of Advait philosophy if further explanations would have made to the concepts of *Tat Tvam Asi* occurring in Chandogya Upanishad and incorporating thoughts of VivekaChudamani, the crest-jewel-of-discrimination verse-composed by Adi Guru Sri Sri Sankara Acharaya. In the same chapter, it is notable the author has left a question to the mind of the readers while discussing the so-called obligatory command issued from Macca or pope of Vatican for their people across the world. In chapter 14, the author attempts to incorporate the recent scientific experiment in physics on elementary particles, Higgs-Boson. While the book claims to be on various philosophies western and eastern, when the concept of God and also of recent experiments on physics on it is discussed, the works of Richard Dawkins, the God Delusion, that take a hard

look on the very concept of faith and how it behaves like a kind of brain virus infecting generation of young minds, could have complemented the discussion.

The third thing that is notable in the book, studies of human laws in social contexts, the organisations of law, functions of legal system, law moral and societies, all the five generations of human rights, law making and society and social movement, social welfare, law and government. One thing that has been added to the earlier edition is the difference between eastern philosophy and western philosophy. The main contribution of the book lies in educating the theory of transcendental jurisprudence which comes nearer the revival of natural law theories. This effort relegates back the jurisprudence to a stage which Austin and Austin-ian, leave the law astray from the Law to a Law.

The book does not have merits alone. The author has pointed out that the further research is required in the areas as to how the legal system has failed to contain the radicalism that is on rise throughout the world.

This book, can be made use of as a raw material for developing the new approaches that may come out as a result of further researches that in indo-western world.

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