**REALIST SCHOOL**

Realist School is a type of school which focuses on decisions. Llewellyn has said that realism or realist school is not a school of jurisprudence. Instead it may be called as a Sociological Jurisprudence It is a branch of sociological approach therefore it is also being called as ‘left wing of sociological or functional school.’ But it differs from the sociological points in following matters:

1. The realistic school did not study the social effect of law.
2. It does not start with any ‘***a priori’*** notion like balance of interest or social engineering.

The schools basically concentrate in the ‘***scientific observation of law making and working***’ and are little ‘***concerned with the ends of law’.***

This school is known as ‘realist’ because it focuses on approach that studies law as it is in the actual working and its effects ahead and rejects traditional definition of law and also avoids any dogmatic formulation and fully concentrates on decisions given by the courts.

This school believes that law is only on official action. Roscoe Pound has defined Realist School as:

“Fidelity to nature, accurate reordering of things as they are, as contrasted with things as they are imagined to be, or wished to be or as one feels they ought to be.”

**FACTORS RESPONSIBLE FOR ESTABLISHMENT OF REALISTIC SCHOOL**

1. **Reaction against sociological jurists who were emphasizing on the social effect of law.**
2. **To ignore the theory of interest as given by Ihering and theory of social engineering by Pound.**
3. **To point importance of court and judges.**

This system ideologically reflects on the influence of pragmatic philosophy that has originated in America. Basically, this school was given accreditation and its evolution is through American School of Jurisprudence.

The most important aspect which seems to its formation is relating to the organization of judiciary in the country. It is stated that the American Supreme Court is the supreme authority where the final judgments are taken and abided too. In the lower courts, the judges are appointed and they are influenced for taking irrelevant or underrated decisions because of which they do not get any support from the people. The existence of state judiciary has led to immense increase in judgments and law. All these approaches have made the jurists to focus only on courts and not on law.

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**THE CENTRAL IDEA OF REALIST SCHOOL OF THOUGHT**

The realist approach in the field of jurisprudence is a relatively modern one. Its prime home is the US. The thesis of realists is based on the notion: “Law is what the psychology of Courts determines – the aggregate of the item of judicial and official actions”, “Law is what the judges decide”. They emphasis the element of uncertainty in law and apart played by the personal characteristics of the judge. Law is not defined as a set of legal propositions, but in term of the official action. The realist approach to law is a part of the sociological school approach. That is why it is sometimes called as the “left wing of the sociological or functional. However, it is different from sociological school as it is little concerned with the ends of law.

Realists believed that law is not a scientific enterprise in which deductive reasoning can be applied to reach a determinate outcome in every case. Instead, most legal action presents hard questions that judges must resolve by balancing the interests of the parties and ultimately drawing an arbitrary line on one side of the dispute. This line is typically drawn in accordance with the political, economic, and psychological inclination of the judge.

**For example:** when a court is asked to decide whether a harmful business activity is an offence of nuisance, the judge must ascertain whether the particular activity is reasonable. The judge does not base this determination on a precise algebraic equation. Instead, the judge balances the competing economic and social interests of the parties, and rules in favor of the litigant with the most persuasive case. Realists would thus contend that judges who are ideologically inclined to foster business growth will authorize the continuation of a harmful activity, whereas judges who are ideologically inclined to protect the environment will not.

Thus, it can be contented that it concentrates on a scientific observation of law in its making and working. The movement is called “realist” as it studies law in its actual working and rejects the traditional definition of law that it is a body of rules and principles which are enforced by the Court. The advocates of the realist movement concentrate on the decisions given by law courts. They not only study the judgments given by the judges but also the human factor in the judges and lawyers. They study the forces which influence judges in reaching their decisions.