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BOOK REVIEWS

Law from Anarchy to Utopia: Chatrapati Singh, Oxford University Press, Delhi, 1984, pp. xx + 299.

This book contains a critical and indepth inquiry into the most ancient question, what is law? The author undertakes such an inquiry because of his "serious dissatisfaction not only with the traditional natural law theories but also with modern legal positivism such as that of Hart and Kelsen".[2] Another motivation for the work is his desire to "systematise the elements and the problems involved in a legal theory".[2] What distinguishes this work from others on this subject is that the philosophical background from which the analysis of law derives its elements is more from the Indian perspective than that of the perspective of the Greek tradition of thought. Although the author disagrees with Austin, Hart and Kelsen, his effort is also "to purify law from extraneous elements".[3] Austin tried to do so by defining law as a command of the political sovereign. The main defect of such a theory is that it provides justification for autocratic and imperial powers. The author rightly observes that "an appropriate legal theory should make possible a moral evaluation of valid legal rules, legislated by the authorities and at the same time be able to show the moral ends and means of law".[5] The author's work consists of two aspects. The first is of the criticism of legal positivism, particularly of Hart and Kelsen. The second consists of what in his opinion is the right account of the nature of law. He also undertakes a critique of Fuller's theory. The theory of law presented in this book is based on Kant's and indirectly on Leibniz's moral and legal

theories.[6] The book also deals with a central methodological question as to how to resolve conflicts between various legal theories. According to the author, "the only way to resolve the conflict between different theories of law is to investigate the epistemological status of the basic legal propositions."[7] The basic point of conflict between different legal theories is their view of the basis of legal authority. His thesis is that a normative theory of authority can be founded on an epistemological rationalism which does not require an appeal to extra-legal authority."[9] "Law is a normative system created to sustain just conditions in society."[9] In Part I, the author examines the requirements that make law a system and what those requirements that distinguish law as a system from other systems are, in Part II, he examines what makes law a normative system. He further distinguishes law as a normative system from other normative systems. For this purpose, he determines the criteria which form the basis of law as a normative system as distinct from other normative system. This has been dealt within Part III and as a result of the investigation the author comes to the conclusion that law is a juristic normative system. In Part IV he discusses the substantive properties of a juristic normative system. The author points out the subtle distinction between jurisprudence and legal theory. These two expressions are often used interchangeably. The philosophy of law which is legal theory does not "probe into questions of what would constitute a prudential application of particular juristic principles for a particular legal system: rather it seeks, first of all, to define the basic legal principles which can be accepted as prudent principles applicable to every legal system."[11]

Law as a System:

According to the author, three basic formal characteristics of law which make it a system are:

(1) the propositions of law must be corelated to each other in such a way that the basic ones can be distinguished

from the derivative ones, i.e., the propositions must be systematizable;

(2) the network of propositions must in some sense be complete;

(3) the connected propositions must be consistent.

What kinds of propositions make a system? The systemic requirements of legal propositions are (1) "the foundational propositions of law must be of the kind which make the ends of law possible;" (2) "Law attempts to be complete not only in formal way but also in a moral way"; (3) "Law attempts to be consistent not only formally but also in application" and (4) "The concept of logic in so far as it denotes a study of only the formal relationships between propositions is inadequate for the study of law since the latter necessarily involve moral relationsrips."[34] According to the author to characterize the ethico-formal relationship between legal propositions, a different type of concept is required. Such a comprehensive notion is available in the Indian Concept of *Nyāya*. The author observes that the Aristotelian sense of logic as well as the sense given to it by modern formal and deontic logicians is inadequate but the Kantian and Hegelian senses are a step close to the requirements of law for they at least rcognise the epistemic character of the formal logical categories of reason.

A Legal System is a normative system but not all normative systems are legal systems. The author points out that law will doubtless possess all properties of a normative system but it must possess some distinct characteristics to distinguish itself from other normative systems. The assertions made by Hart, Kelsen and Fuller about law are in fact assertions about normative systems in general.[35] Whether or not a proposition is normative can be decided only by considering the purpose for which it has been proposed and the context in which it functions. For a person participating in a system a proposition may be normative, the same proposition could be descriptive for another per-

son who does not belong to the system. This is the functionalist theory of norms. Accordingly a norm is defined as any proposition whose purpose is to guide the actions of conscious beings so as to create the possibility of mutually intelligible behaviours amongst the participants. When conscious beings do act in accordance with the norms the possibility is actualised. Such an actualized possibility is called a feat. A feat is contrasted from fact — normative propositions concern feats, factual propositions concern facts.[39]

There are at least five different but related requirements which need to be satisfied for a system to be normative. They are (1) material requirements — physical and psychological, (2) Heuristic requirements; (3) hermeneutical requirements; (4) teleological requirements and finally (5) epistemological requirements.

Heuristic principles are those principles which organize the material contents of a system in particular ways. A normative discourse may contain the following basic types of heuristic principles concerning the normative system — (1) Principles which specify the systemic aims of the system; (2) Principles which order the priorities of the aims; (3) Principles which delimit the procedures by which the aims are to be achieved; (4) Principles specifying the ways in which the system can be changed if the aim are not achieved; (5) Principles specifying which persons, deeds and entities are to become members of the system and which are to be excluded; (6) Principles specifying the propositions which are to count as members of the system; (7) Principles specifying the conditions under which persons, deeds, entities and propositions may continue to be members of the system; (8) Principles specifying the conditions under which persons, deeds, entities and propositions may cease to be members of the system; (9) Principles specifying what relationship the system has to one who ceases to be a member of the system i.e. what may

be done and what may not be done to one (if anything at all) when one ceases to be a member of the system.

The author observes that all normative systems have a hierarchy of norms. Kelsen defined law as a hierarchy of norms but since this is a common feature of the normative systems, Kelsen did not state a unique feature of law as a normative system. Similarly, Hart's description of law as a combination of primary and secondary rules also fails to give a distinct identity of law. Fuller's presentation also suffers from the same mistake. His examples relate to only one kind of human action, the kind which involves adjudication. What he overlooks is that adjudication is only accidental in normative systems. The essential normative end of a university is to educate, not adjudicate. Similarly the essential end of a trade union is to protect the interests of the members, not to punish people. In legal systems adjudication and punishment are essential ends, not accidental ones.[46]

Hermeneutical Requirements: The hermeneutical requirements distinguishes a closed system from an open one. A closed system can be interpreted only in a finite number of ways, whereas an open system allows any number of interpretations. Law is an open system in which various interpretations are possible but freedom to interpret is controlled by heuristic principles.

Teleological Requirement:: Law is a dynamic system. But this hardly distinguishes it from other normative systems. Kelsen's account of legal dynamicity is according to the author "superficial". It fails to distinguish the grounds and the nature of the dynamics of law from those of an open normative system in general.[54] According to the author the most basic criterion for distinguishing between different normative systems is to be found by investigating their epistemological foundations.[57]

Thus, factual propositions have to be justified through experiments, observations, etc. whereas mathematical pro-

positions are justified by deducing them from more basic propositions. Some natural law thinkers have argued that basic legal propositions are about a certain aspect of the world, such as human nature or the nature of reality. Hart argues that basic legal propositions, such as rules of recognition are matters of fact. Some other natural law thinkers have argued that basic legal propositions are derived purely from reason.

There are four questions that one must ask about legal propositions. Are such propositions analytic or synthetic? Are they *a priori* or *posteriori ?* Are they necessary or contingent? Are the categories mentioned here sufficient and appropriate for characterising basic legal propositions?[63] The author observes that these categories are appropriate but not sufficient for describing the legal propositions. Further distinctions are required to single out the peculiarity of basic legal propositions in particular and normative propositions in general. The author draws the difference between analytic and synthetic propositions and their modes of justification. The author observes that there can be four types of legal propositions: (1) analytic *a priori*; (2) analytic *a posteriori;* (3) synthetic *a priori* and (4) synthetic *a posteriori.*[66] The central claim of legal positivism is that the basic legal propositions are not *a priori* propositions of reason. They claim that basic legal propositions are analytic a posteriori. It ultimately amounts to saying that they are given arbitrarily by the will of some people. The author observes that basic legal propositions are synthetic propositions given by human reason, they are synthetic a priori propositions.[72] Propositions such as 'every event has a cause', 'every deed has a doer' and 'every person is a moral agent' are synthetic propositions which go beyond particular experiences. Such propositions stand in need of a prior justification if they are to be held as true propositions applicable to all relevant cases.[73] The truth of synthetic *a priori* propositions is not based on the application of reason to possible states of

affairs in experience, and hence it requires a transcendental justification.[77]

The author illustrates this with the help of three basic types of legal propositions which are in fact specifications of the heuristic principles. These are the law of citizenship, which deals with class membership in a legal system, freedom of expression which deals with the aims of the system and of amendment which concerns the mode of bringing about change in the system.[81] He states that "all basic heuristic legal propositions are synthetic *a priori* propositions.... They are justified not by an appeal to any physical or social events but transcendentally, i.e., by showing that they are internally necessary conditions on the basis of which a community can create and sustain a legal system".[86] Legal entities are neither natural nor nominal as described by Locke. Parliaments, Courts, etc. exist objectively. They are not corporeal objects, but nonetheless they are intelligible as entities. They are not created by human beings but are created by prolonged cooperative social actions and they are created by norms.[90] The author describes them as normative kinds. Since synthetic *a priori* propositions, which apply to normatively possible state of affairs function in a different way from propositions such as every event has a cause it would be best to distinguish between these two propositions by defining the former as normatively synthetic *a priori* propositions and the latter as factually synthetic a priori propositions.[92] The distinguishing elements of normatively synthetic *a priori* propositions are (1) they cannot be justified by appeal to experience; (2) basic legal propositions are not propositions of natural law; (3) they are dependent on human reason.

The author then examines the theories of Austin and Hart. He rightly observes that in the absence of a justification which tells us why the sovereign must be obeyed, Austin's insistence on sovereign's commands being the law fails to distinguish law from the use of force by some

people on others. It becomes a justification of martial law, dictatorship and other similar coercive systems. Similarly, by making the basic rules of recognition simply matters of fact, Hart does not permit us to distinguish between the reasons why people should obey the law and the reasons why they actually obey it. Austin's propositions require some sort of *a posteriori* justification, Hart's propositions being matters of fact are expressed as synthetic *a posteriori* propositions.[97] But Hart's rules of recognition are again required to be considered binding only by the officials who run the system. That also does not give us any method of distinguishing between the rules of recognition that the dictator enforces and the rule of recognition on the basis of which a proposition is recognised as legitimate law. Then there can be no way of distinguishing between an arbitrary political system and a social system in which the people live by the rule of law.[100] The author therefore comes to the conclusion that both Austin and Hart fail to distinguish the concept of law, first from the concept of normative systems in general and secondly, from the concept of those normative systems which sanction the use of force and compulsion.

The author points out that ultimately the gunman model which Hart used for showing the fallacy of Austin's thesis becomes equally applicable to his own theory. Kelsen's analysis suffers from the same defect. The property of having a hierarchy of norms is not unique to law, many social organisations function in the same way. Kelsen's account of the grundnorm seems to be too sketchy to enable us to decide what epistemological status it should be accorded.[104] Grundnorm is not a synthetic *a priori* proposition, for its justification is neither based on reason nor is transcendent.[105]. .Moreover, it applies to many normative systems and hence is not a basic legal proposition.[105] The distinction between arbitrary normative system in which force is employed by the mere will of a few people and those normative

systems in which force or compulsion is used justly cannot be made in terms of the criteria that Kelsen provides.[105]

The author ultimately observes that "whereas legal positivism fails to provide us with criteria in terms of which a legal system can be distinguished from an arbitrary political system, natural law theories fail to provide us with criteria in terms of which a legal system can be distinguished from exclusive religious systems."[109] The task of distinguishing the legal system from political, religious and all other related systems forms the major theme of the author in the next part.

The author then examines the theories of Dworkin and Marx. Since Marx identified law with the ideology of the bourgeoisie. the absence of the latter entailed the absence of the law. This created further problem of explaining the existence of law in a communist society. To counter this, it must be shown that law has a status independent of arbitrary class ideology and that conditions for its existence are different from those for a political state.[116] In characterising all laws as exploitative rules the Marxist theory not only cuts away the grounds for the rules it itself prescribes but in the last analysis, it is also unable to provide a distinction between a just social system based on law and an arbitrary social system.[117]

What are the requirements or the fulfilment of which a normative system becomes a juristic system? The author examines the following questions (1) What conditions make a legal system possible? (2) What conditions make a legal system actual? (3) What conditions maintain the continuity of a legal system and (4) What conditions make a legal system efficacious?

The legal system according to the author belongs to the social world i.e., *Samsāra* in Indian terms and not to prakriti — the Indian equivalent of Physical World.[124]

The author critically examines the Kantian dictum that the idea of freedom provides the transcendental condition

for the practical determination of the will by human reason.[141] The state of nature is nothing but a social state of total anarchy and the idea of kingdom of Ends is the idea of Utopia.[149] Since these two states of society are ideas which human reason can comprehend *a priori* i.e., even without their actual existence, it is natural that the human imagination has been busy trying to visualize them substantively. The pathological state of total anarchy thus finds expression in the notion of hell or narak, whereas the notion of Utopia finds expression as heaven or swarga. As human reason develops, it is natural that these notions too will develop and moreover we shall try to actualise them as much as possible.[149] The City of God in Augustine or the Kingdom of Grace in Leibniz or Ram Rajya in India are notions of ideal types of a perfect society.

We have three distinct ideas about normative systems the ideas of a moral system, the idea of legal system and the idea of a coercive system. Philosophers have often related the idea of a moral system to the legal system and have ended up identifying the notion of a legal system with that of a coercive system. It has been shown that the possible world divides itself into two types, the factually possible and the normatively possible. In contradiction to casual laws, the laws of freedom are moral laws. Obstacles to freedom can be internal and laws which cover the internal obstacles to freedom may be called ethical laws. But when the obstacles are external, i.e., from and due to other agents laws which refer to external obstacles are juridical or legal laws. The author contradicting Kantian dichotomy between law and ethics observes that:

> The freedom to which juridical laws refer is freedom in its external exercise whereas the freedom to which ethical laws refer is freedom in the internal exercise of the will, in so far as the will is determined by reason. Since both the external and internal exer-

> cises of freedom are in accordance with the laws of freedom, which are moral laws, it would not be appropriate to characterize law as the external morality and the ethics as the internal morality, although Kant himself did not use the terms in this way. Such a distinction, I think, would make Kant's thesis about the laws of freedom more consistent.[153]

What distinguishes law — what the community legislates for an individual, and ethics — what an individual legislates for himself, is the mode of legislation and the type of duty involved, not the type of constraint imposed, as Kant and other thinkers have wrongly concluded. For an act to be ethical or legal, the agent must act of his own free will. What Kant and others have thought is that in ethics the motivation is out of a sense of duty whereas in law it is due to coercion. The author observes that "since acting legally is acting morally, people must voluntarily act legally".[156] Law and ethics must consist of rules expressing each in its own terms, conditions for free actions and the basic ends to be achieved. The author therefore concludes that the extensive debate in which Lord Devlin and others were involved concerning the enforceability of morality by law "is misconceived at its very foundations".[157] Coercion is used not to compel people to act legally but to motivate people to act legally in future. Similarly the author refutes Kant's theory of justice as the possibility of reciprocal coercion. So long as people are acting justly in a system, they are not coercing each other in any way. All law abiding citizens are acting justly because they either think it is their duty to do so or that it is the right, moral way to act. They are not so acting because their friends, neighbours, relatives or some government officials are coercing them all the time to act in this manner.

The idea of law is not the same as the idea of justice. The idea of law is the idea of a social institution at work. The idea of justice provides the ends and means that such a social

institution is trying to achieve. Kant moves from one to another by using the tacit premise that a legal system is a just system. But if a just system is a free, voluntary enterprise between human beings, such a social system consisting of just actions must be non-coercive; and if law is a just system, then it follows that law must also be a non-coercive system.[160] The author argues that coercive system is not part of the law nor its extension. It is an alternative to law. The coercive system is an extension and an instrument of the State.[162] The political system is not the same as the legal system. What is the difference between the two? The distinguishing points are: (1) legal systems are systems of autonomous cooperative activities always aiming to be just. Political systems are systems of autonomous activities whose aims depend upon the necessities of the time and the society including the necessity of controlling human action by force when people fail to live by the rule of law. (2) A legal system is epistemologically self-validating, the political system is not self-validating. It's justification requires utilitarian grounds, one of which is the prevention of further injustice by using coercive means; (3) the legal system aims at an absolute value, justice; its fundamental principles are synthetic *a priori* propositions while political systems function according to conventions, depending on social needs. Moreover their foundational principles are analytic. (4) The legal system being transcendentally and metaphysically justified, independently of all other systems, and also being the only normative system which provides the conditions for the best of all normatively possible worlds, is the only system which can provide grounds for the existence of all the other systems. All other normative systems are authorized to exist and work by the legal system.

Only when a person is found to be deviant by the legal system he is handed over to the political system to be dealt with by coercive means. The legal system authorizes the agents of the political system to use coercion only in ways and to the extent which is necessary for sustaining the

legal system. This explains "why international law is a legal system though it does not have efficient coercive measures to regulate those who violate the law".[166] Law is concerned with optimizing and safeguarding human freedom. The kingdom of Ends principle is intended to emphasize the optimization of freedom of action; it is hence the most apt principle for describing the basis on which laws can be legislated.[171] Freedom, equality and independence of each citizen are the principles upon which the civil state as a legal state is based upon. But Kant does not explain why the civil state when viewed purely as a legal state must have these notions. The three-notions necessary for the idea of the civil state as a legal state according to the author are directly derivable as corollaries to the principles of the Community of Ends. The Community of Ends is a system in which the legislators of laws are bound by the following rules:

(1) Every rule willed by the legislators must be such that any and every individual can act in conformity to it when he wants or needs to do so.

(2) Every rule willed by the legislators must take into account that each member of the community is an end in himself.

(3) Every rule willed by the legislators must make possible the use of every autonomous member by other members, but it must never make possible the use of any member solely as a means for the ends of other members.[172] These basic principles constitute "the reality principles for law"[177] that is "the metaphysical, requirements which can make the transcendentally possible legal systems actual are specified by these existential conditions".[178] The conditions in which we can try to actualize the ideal community is a civil society. Hence as Kant and others have argued it is our duty to maintain a civil society. In a civil society which ic actually a Kingdom of Ends the division between law and ethics will not exist.

In the next section the author discusses the communitarian requirements of legal ontology. The communitarian requirements of legal ontology means those necessary metaphysical conditions on fulfilment of which a community postulates the normatively possible world in such a way that it has a legal identity and a defined legal jurisdiction.

The author points out that Kelsen's grundnorm theory does not explain the real source of a legal system. The Constitution of India is a grundnorm but can it be said that there was no law before the Constitution? True, there were laws before the Constitution and the referential grundnorm for pre-constitution experience was different. But once the Constitution replaces the previous groundnorm it becomes the exclusive validating final norm. The author does not seem to be right in saying that "Kelsen seems to overlook the historical significance of the norm".[182] He may be right in saying that the Constitution giving grundnorm is not a true explanation for the genesis of a legal system.[182]

The author asserts that "the notion of a pre-legal society is a myth". There can neither be a conceptual nor an empirical discontinuity in so far as evolution of societies as legal societies is concerned. He criticises Locke's thesis that a civil society is necessary in order to punish the breach of law. Punishment has to be distinguished from violence and this distinction depends upon the distinction between what is legal from what is illegal. Such a possibility does not exist in a pre-legal society. Similarly, Hobbe's analysis is open to objection that the notion of contract, like the notion of punishment, is essentially a legal notion. The very possibility of contracting or punishing presupposes some sort of a legal system. The idea of law is conceptually prior to the idea of a contract.

According to Hart, the addition of the rules of recognition, change, adjudication and other second order rules is a step forward from a pre-legal into a legal world. Even if we concede an *a priori* sociology — that it became neces-

sary to add second order rules to society's first order rules at some stage of its growth, it would only mean that some normative system came into existence. That system need not necessarily be a legal system because "not just any addition of second order rules to the first order rules can constitute the growth of a legal system."[193] Moreover, according to the author, Hart's *a priori* sociology seems to be "empirically fake". It is dubious if human beings have ever lived in a society in which there were only primary rules.

Having rejected all theories regarding pre-legal societies, the author proceeds to outline the conceptual basis on which the creation and the continuity of legal systems can be appropriately described. He puts forward the theory of cooperation. Unlike the notion of contract, punishment etc. the notion of cooperation is conceptually and empirically prior to that of law. Cooperation is not explained in legal terms, nor does it presuppose a law for its legitimacy.[195] Since cooperation is involved in all social activities, including the legal one, the concept explains that legal systems have worked in the same manner as cooprative activities in general do. The difference is only of degrees — there is less cooperation or more. The notion of cooperation preserves the moral uniqueness of law. Cooperation is always non-coercive. Hence law must also be non-coercive. The term that best expresses the idea of such a system is the Sanskrit term "Dharma". Dharma means external non-coercive moral order which holds a community together, and leads towards a moral ideal.

Coming to teleological requirements of law, the author states that the teleological principle of legal enterprise is that all moral ends to be attained only through moral means, so that every act is reciprocally both end and means. This principle is the normatively synthetic *a priori* teleological principle of law. This principle is actually a principle of both ethics and law. Law is based on a Karmic theory. Law's aim is to see to it that the cause of one's

actions remains the legal cause of action. In other words, it sees to it that one's Karma follows the dharmic path.[229] It requires a fundamental notion of a normal cause of action. The practice of evaluating or punishing a person on the basis of his past record instead of a single isolated act is understandable in terms of the idea that what law takes into account is the whole course of a person's acts, his Karma, rather than his one particular act. The very idea of deviation and reform becomes meaningful only on the assumption that there is a non-deviant way of acting, that there is a proper form of action. The whole law of tort is based on the notion of non-tort. The teleological principle of law requires that all legal ends must be attained through legal means. Legal means include cooperation as well as non-cooperation with those who might be acting illegally. Non-cooperation may take the form of a strike or satyagraha. In this context, the author discusses the concept of human rights. Human rights are those essential which an individual must have if he has to fulfil his duty of creating and sustaining the normatively best possible world and acting in accordance with the principles of the Community of Ends such that the actions made possible are both ends and means.[233] The author stresses that we must lay emphasis on the fulfilment of fundamental human duties. This theory takes into account both the demands of the individual and of society. The author shows how this theory is superior to those theories of natural law which base human rights either on religion or on contract. It's justification is self-contained and can be purified of all religions and political elements. [236] The teleological princpile allows for a legal pluralism in methods. Mediation, conciliation, election and adjudication are the methods to be used. The author then examines the legislative requirements of law. The legislative requirements are those practical necessities on fulfilment of which a possible system becomes actually efficacious. There are two such basic requirements: (1) a number of rules be presented which can be possible candidates for be-

coming laws; and (2) that such rules be applied to the community as laws. The first requirement can be further simplified as consisting of two elements: (1) there be a body of men who present or create the rules; (2) such rules satisfy the requirements under which the rules become law.

What kind of persons are competent law makers? They must represent the people's will. The rules they make must satisfy the condition of reasonableness. They will be reasonable only if they do not contradict any synthetic *a priori* legal propositions of pure practical reason, namely the transcendental, metaphysical and teleological principles of law. The author makes a distinction between the validity condition and the existence condition. A particular rule would have to meet the following requirements before it can come into existence as law. (1) It must be a valid rule. It must have been made by competent authority in accordance with the prescribed procedure; (2) These rules must not contradict any principle which will prevent it from becoming actual. That is, it must satisfy the transcendental, metaphysical and teleological requirements and (3) there must be acts done in accordance with the rules.[241] Legal positivism confuses the validity conditions with the existance conditions of laws. For example, a law exsits for Kelsen only if it is effective. But what does effectiveness mean? It means, he tells us, that the laws should in fact be acted upon by most or some people. If they are so acted upon they exist. But then what is validity? Similarly, for Hart acceptance is what makes a rule exist. Law is said to exist if it is accepted with an internal point of view.[243] In defining the existence of the legal system in terms of acceptance of valid rules Hart is not providing us with any independent criteria for the existence of law. Even the rules of grammar are accepted with an internal point of view. Not every legal rule can be accepted. There are legal conditions which need to be satisfied. Hart insists that if a rule is valid then it exists. He also asserts that if a rule is accepted it exists.

The author states that legal science is possible as a pure and independent science only if it's basic principles can be shown to be synthetic *a priori* and independent of all other foundational propositions. He has tried to state such a legal science. Epistemological rationalism, which does not neglect empirical considerations and which does not appeal to any extra-legal authority, is not only tenable but also the only viable theory of law. The basis of legal obligation can thus neither be grounded in the will of the sovereign nor in the will of the God. It can only be grounded in what the individual himself wills in accordance with his reason. Such an obligation can only be explained by an autonomous legal theory. Mystical autonomous legal theories are more common in the Indian tradition and heternomous coercive legal theories are more common in the western tradition because the idea of law is mostly confused with some aspects of religious systems in India whereas in the West it is confused with some aspects of political systems.[256] According to the author to live by the rule of law, is to live by the rules of pure practical reason which makes cooperative reasoning possible.[256] We welcome this quest into the genesis of law and it's penetrating conceptual analysis by the author. The points raised by the author would doubtless need further and more searching scrutiny. But that could not be contemplated, in this review.

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