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The Value of Biographical Work in Law and Jurisprudence: Reflections on Upendra Baxi's Life and Legacy

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Many dozens, if not hundreds, of papers have been written on and about Baxi's scholarship (see, for example, *Judicial Review: Process, Powers, and Problems: Essays in Honour of Upendra Baxi* (Cambridge University Press 2020)). Yet, the new book *Of Law and Life: Upendra Baxi in Conversation with Arvind Narrain, Lawrence Liang, Sitharamam Kakarala, and Sruti Chaganti* (Orient BlackSwan 2024) offers something different—a comprehensive and full-scale intellectual portrait of Baxi that stands apart from any previous work.

Needless to say, the requirements for such monumental work are daunting in the extreme. The authors of such an undertaking would need to be thoroughly familiar with Baxi's six decades of work. In addition, they would need to be familiar with the twentieth-century developments in each of the fields which Baxi covered. Last but not least, they would need to be conversant with Baxi's contemporaries and their assessments of him and vice-versa. Not surprisingly, then, the biography needed the labour of not one but four authors. And indeed, the book is a labour of love. One cannot help but be impressed by the diligence with which the authors have examined Baxi's work in an effort to achieve both completeness and balance. Virtually everything that should be mentioned in a definitive intellectual biography of Baxi is mentioned in this book.

What forms the crux of this review, however, is the book's innovative format. This is not a traditional biography. The book tries not to chronologically sequence the life of Baxi but to capture his "oral voice" through a series of conversations with him about various concerns and themes (p 3). The book unfailingly reminded me of Monica Felton's *I Meet Rajaji*. That book, published in 1962, contained a string of conversations between Felton and C. Rajagopalachari over a period of four years. Not to be confused, Felton presented not a public portrayal but a rough sketch of the private Rajagopalachari. Yet, that book effectively demonstrates that the personal is often instructive in understanding the public and that is precisely the advantage of capturing oral voices in biographical work: they bring out an intimacy to the subject. They preserve the nuances of speech—pauses, emphases, and even humour—that are often lost in the written word. At the same time, they are also distinctly distant—conversations are mediated by the authors, framing the subject's responses within thematic and intellectual contexts.

The authors of *Of Life and Law* clearly understood this assignment. They demonstrate how Baxi transforms his personal experiences into a broader worldview, revealing how his deeply personal experiences broadened his ethical horizons: Baxi's writings which vividly capture the pathos of suffering, resistance, responsibility, and care are standing testimonies to this (pp 4, 5). Simultaneously, the authors tell us, Baxi embodies a strong pragmatism: he critiques the law, exposes the violence embedded in it, and envisions an "alternative law"—yet, this normative ideal is pursued by working within the existing legal framework (p 21). Clearly, the high pressures of activism did not distract the realist in him.

As a scholar, Baxi understood that both the careful description of the law as well as the moral inquiry into its justificatory force are important. Therefore, he is one of the few who have not confused the factual domain of "what is" with the ideal domain of "what ought to be." At the same time, to reiterate, there is no doubt that he realised, more than most others, that one can never grasp the nature of law by careful description of the practice alone if that description does not take account of its relationship to the ideal.

Speaking of Baxi's distinctions, it also becomes clear upon reading this book that Baxi might be one of the last scholars unrestrained by the exterminatory zeal of dogmatic positivism in social sciences. His writings spanned a wide array of subjects, including sociology, anthropology, philosophy, political economy, and literature. This body of work stands as a living case against

hyper-specialisation in the social sciences that so often leads to the overlooking of the larger, interconnected nature of social realities.

The authors of the book understand with full nuance that biographies are more than just linear chronologies of the lives of their subjects. The life of an individual weaves itself into the lives of others, often in complex and non-linear ways. In that vein, Baxi's intellectual evolution ought to also be situated in the dialogues he maintained with other thinkers of his time. One such dialogue was with Granville Austin. Before engaging with Austin's work, Baxi had already established himself as a formidable legal scholar. These early works laid the foundation for Baxi's later critical engagement with Austin's seminal work, *The Indian Constitution: Cornerstone of a Nation* (1966). Baxi introduced Austin's analysis to the Indian academic community, framing it through his lens of transformative constitutionalism. This critical perspective greatly shaped the broader discourse on constitutional law in the following decades.

Just as his expansive and integrative scholarship transcended the confines of hyper-specialisation, Baxi's insistence on being spoken to on a first-name basis, his humour, and his wit served an important function: it dismantled knowledge hierarchies by deflating the seriousness that often accompanies intellectual authority (p 15). By humorously engaging with serious topics, he subverted the very logic of authority and asserted a radical equality.

While the conventions of legal writing often conceal the motivations of the author, Baxi's writings say as much or more about Baxi as they do about their subjects. Yet, there are works such as his famous Open Letter on the Mathura judgment which contain an unarticulated "ethic of care" (p 5). As the authors point out, suffering, for Upen, "triggered the insistent Leninist question: What is to be done?" (p 12). However, asking that question itself requires a strong emotional connection with the sufferer, making her problem impossible to ignore. As Felton also observed of Rajaji, "[he] could always overcome the pain caused by private griefs, but not the misery caused by the large affairs of the world" (102). The strength of this book lies in its unravelling of this complex and intricate connection between Baxi's private passions and public scholarship.

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Feature Image: [Upendra Baxi, Times of India](#).

This essay is part of a book round-table on *Of Law and Life: Upendra Baxi in Conversation with Arvind Narrain, Lawrence Liang, Sitharamam Kakarala, and Sruti Chaganti* (Orient BlackSwan 2024). Read the other posts [here](#).

- [Of Law and Life](#)