

Philosophical Theories on the Relationship between Law and Morality

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ABSTRACT

The relationship between law and morality has always been one of the most debated questions in jurisprudence, and this paper looks into the philosophical foundations of that connection by focusing on three key schools of thought, namely Natural Law theory, Legal Positivism, and modern interpretivism, it discusses how natural law scholars like Thomas Aquinas and John Finnis view law as deeply rooted in morality, arguing that laws which are unjust do not really qualify as valid law, on the other hand, legal positivists such as John Austin and H. L. A. Hart take a different position, separating law from morality and suggesting that legal validity comes from recognized sources and authority rather than moral reasoning, the paper also engages with the interpretivist perspective of Ronald Dworkin, who tries to bridge this gap by bringing moral principles into the process of legal interpretation, using a doctrinal research method, the study critically reviews these theories and points out the continuing tension between legal certainty and moral justice, overall it suggests that neither a complete separation nor a total merger of law and morality fully explains modern legal systems, and that a more balanced, middle-ground approach seems more practical.

Keywords: Law and Morality, Natural Law, Positive Law and Morality

INTRODUCTION

Law and Morality are the vital part of human life, which are used to regulate human behavior, but when it comes to relation of law and morality different philosophers establish different reasoning. Legal positivist content that law can be separated from morality, the natural law theorist asset the contrary, while the modern theories, which is largely influenced by Ronald Dworkin, says that law is influenced by morality but in some cases (Igwe & Udoh, 2021).

Legal positivism, in simple words, means that law is basically a set of social facts or standards which are accepted by people in a society as authoritative, especially by the officials, and these rules are generally followed by everyone. John Austin and Jeremy Bentham describe law as a system of orders issued by a sovereign, backed by threats of punishment. By this approach, morality has no constitutive role in the substantive content of law, as sovereign's orders if in no way link to morality still be followed by everyone as it is established law (Hoa & Lee, 2015).

Under natural law tradition, some kind of relationship is generally taken to exist between law and morality. Initially, the validity of laws is based on different degrees of moral principles and moral contents. One of the main traditions of natural law is demonstrated by the religious writings of Saint Thomas Aquinas (Brody 2004). Thomist idea says that law works in four main areas. First, there is eternal law, which is about the order of the whole universe and includes things like scientific laws. Second, there is divine law, which helps people achieve eternal salvation. Third, there is natural law, which comes from human reason and the ability to tell what is right and wrong. Fourth, there is human law, which is made to manage everyday matters in society. Out of all these, only human law is made by people. According to Thomas Aquinas, human laws are only valid if they do not go against natural law (Hoa & Lee, 2015).

Both school of jurisprudence gives different type of reasoning regarding their claim. Legal positivists focus on the idea that law is a system of rules created by human authorities and its validity depends on its source and recognition within the legal system, not on its moral value. On the other hand, natural law theorists argue that law cannot be completely separated from morality, because a rule that is deeply unjust cannot be considered valid law in a true sense, as shown in the Thomist tradition of Thomas Aquinas. Modern approaches, influenced by Ronald Dworkin, try to bridge this gap by suggesting that moral principles often play an important role in how laws are understood and applied in real situations (Hart, 1994).

Research Questions

1. To what extent are law and morality necessarily connected?
2. Is the validity of law dependent on its moral content?
3. Can an unjust law still be considered valid law?

RESEARCH METHODOLOGY AND FRAMEWORK

This research employs a doctrinal methodology to analyze and evaluate the philosophical relation between law and morality, which is demonstrated by different thinkers, jurists and philosophers in form of research papers, guidelines and books. This approach allows for a comprehensive examination of different views and reasoning, helping to identify the relation between law and morality.

The research is structured into two key parts. The first part examines the concepts of law and morality and explains their basic definitions and relationship while the second part analyses the views of different legal scholars, including Thomas Aquinas, John Finnis, John Austin, H. L. A. Hart, and Ronald Dworkin, focusing on their differing perspectives on the relationship between law and morality.

LITERATURE REVIEW

Law and Morality

Law as concept is subjected to different definition and explanation; it does not have on fixed or universally accepted definition. Different legal scholars explain it in different ways depending on their ideas and approach. For example, Thomas Aquinas says law is “a rule of reason made for the common good by the authority in charge of the community” means law should be logical and aimed at public welfare on the other hand Grotius says law is a moral rule that guides people to do what is right, linking law with morality. Kant believes law should be understood through reasoning and deep thinking, not just by observing facts whereas Bentham says law is simply a command of the sovereign backed by the punishment, meaning people follow law because of fear of sanctions. John Austin agrees and defines law as a command of the ruler supported by threats of punishment.

In spite of the divergent views and considerations, law could be seen as recognized rules that are made by the sovereign and influenced by morality, used to regulate the actions and behavior of people in society.

Morality refers to a system of principles or values that distinguish right from wrong and guide human conduct. It is concerned with what individuals ought to do based on notions such as justice, fairness, harm, and respect for others. A widely used formulation describes morality as “the effort to guide one’s conduct by reason while giving equal weight to the interests of each individual affected” (Rachels & Rachels, 2019) (Oke & Esikot, 2020). There has always been a debate about whether morality is universal (same everywhere) or relative (different in every society). However, it seems more reasonable

to say that morality is mostly universal, because all societies support good values like honesty and justice, and reject bad behavior like cheating or harming others (Igwe & Udoh, 2021).

Natural Law

Thomas Aquinas, in *Summa Theologiae*, describes law as “an ordinance of reason for the common good, made by him who has care of the community, and promulgated,” and he goes on to explain that human laws are only truly valid when they align with natural law and moral principles, if a rule moves away from justice or morality, then it “is no longer a law but a perversion of law,” which clearly reflects his view that law and morality cannot really be separated, forming a central idea of the Natural Law School (Aquinas, 1947), in a more modern context, John Finnis, in his well-known work *Natural Law and Natural Rights*, builds on this tradition but develops it further, he does not see law as just a set of commands or rules, rather as a rational system of practical principles aimed at human well-being, or what he calls “basic goods” like life, knowledge, and justice, for Finnis, law only carries real authority when it promotes these goods and is grounded in practical reasonableness, so again, law and morality remain closely linked, because an unjust or irrational law may still exist formally, but it lacks full moral authority, this reflects his position within the modern Natural Law School, where legal validity depends not simply on state authority, but also on moral and rational justification (Finnis, 2011)

Positive Law

Law as we understand it in the 20th and 21st century can to a large extent initiated from a speech of Oliver Wendell Holmes at the dedication of the new hall of Boston University in January 8, 1888, according to him, the command of public force is entrusted to the judges and whole power of the state will be put forth, if essential to convey out their judgments and decrees. This is the reason people pay lawyers because they want to know under what circumstances and how far they will run the risk of coming against what is so much stronger than them This definition gives the court unlimited powers, such as what court decides is law. Following the inadequacy of such definition, more and more legal philosophers got interested in the proper definition of the concept. Probably a good starting point into the full consideration of the concept law is the work of John Austin who defined laws as commands or species of commands. He began his consideration of laws by distinguishing between laws properly considered and laws improperly considered. By this, he means that only commands issued by a proper authority, such as God or the state, are real laws, while everything else is merely moral rules or figurative expressions (Austin, 1832) (Ezenwankwor, 2013). Contrary to the opinion of Thomas Aquinas and John Finnis, John Austin say that “the existence of law is one thing; its merit or demerit is another” (Austin, 1832). H. L. A. Hart, in his influential work *The Concept of Law*, presents a refined version of legal positivism. He argues that law is a system of “primary rules” (rules imposing duties) and “secondary rules” (rules about how laws are made, changed, and interpreted). For Hart, the existence and validity of law depend on social rules of recognition rather than moral content. He famously maintains that there is no necessary connection between law and morality, meaning a rule can be legally valid even if it is morally unjust. However, Hart also acknowledges that morality often influences law in practice. This shows his position in the modern Positive School of Law, where legal validity is based on social sources and institutional recognition rather than moral evaluation. (Hart, 1994) (Igwe & Udoh, 2021).

Theoretical Analysis

Natural law theory basically takes the view that law and morality are closely linked, almost inseparable, meaning that a rule cannot really be called “law” unless it aligns with moral principles. Thinkers like Thomas Aquinas argue that law is rooted in reason and even a kind of higher or divine order, its purpose being to promote good and restrain wrongdoing, so if a rule turns out to be unjust or immoral, it loses its true legal character. On the other hand, John Austin strongly rejects this connection and treats law and morality as two separate spheres. For him, law is simply a command issued by a sovereign and backed by sanctions, its validity depends on where it comes from, not whether it is fair or ethical, so

even an unjust law, if properly enacted, still counts as valid law. However, Ronald Dworkin is not fully satisfied with this strict divide. He suggests that law is not limited to rules alone but also includes moral principles, especially in hard cases where rules are unclear or incomplete, this places his approach somewhere in between natural law and positivism. Law may originate from institutions, yet its interpretation cannot be completely detached from morality. So, the debate ultimately reflects a continuing tension between certainty and justice. Positivism offers clarity and predictability, but it can sometimes allow injustice, while natural law secures moral legitimacy though it may lack precision. This is why a more balanced approach often seems more convincing when looking at modern legal systems.

While these theories offer fairly structured explanations of the relationship between law and morality, they also leave some important questions unresolved. If Natural Law theory is fully accepted, it becomes difficult to decide whose morality should actually prevail, especially in diverse societies where values differ so much, what seems just to one group may not appear the same to another. On the other hand, if the strict separation suggested by legal positivists like John Austin and H. L. A. Hart is followed, it raises a different concern, that is, whether unjust laws can still be treated as legitimate simply because they are properly enacted. Similarly, although Ronald Dworkin tries to bridge this gap by bringing moral principles into legal interpretation, there are still doubts about how far judges should rely on what can sometimes be quite subjective moral reasoning. These issues suggest that none of these approaches really provides a complete answer, and they point towards the need for a more balanced, context-sensitive understanding of how law and morality interact in practice.

Research Gap

Despite extensive scholarly debate on the relationship between law and morality, much of the existing literature mainly focuses on theoretical distinctions between Natural Law and Legal Positivism, especially through the works of Thomas Aquinas, John Finnis, John Austin, and H. L. A. Hart. While these studies explain the theories in detail, they do not fully show how these ideas work in today's real legal systems, especially in modern situations like technological change, government challenges, and shifting ideas of justice. In simple terms, the gap is that most research stays at the level of theory and does not clearly connect these theories to how law actually functions in the present world. There is also less focus on modern interpretivist thinking, particularly that of Ronald Dworkin, in explaining how law and morality might be linked in practice. This research therefore tries to fill that gap by comparing these theories and also looking at how useful they are in today's legal systems.

DISCUSSION

The debate on the relationship between law and morality reflects a deep and ongoing disagreement within legal philosophy. On one side, Natural Law theorists such as Thomas Aquinas and John Finnis argue that law is closely tied to morality, almost inseparable from it. In this view, law is not just a set of rules but a moral project aimed at achieving justice and promoting the common good. Aquinas, for example, suggests that an unjust law is not truly a law at all, while Finnis explains that legal authority depends on its connection to basic human goods and practical reason. This approach gives law a strong ethical base, making sure that legal systems do not drift away from ideas of fairness and justice.

On the other side, Legal Positivists such as John Austin and H. L. A. Hart reject the idea that law and morality are necessarily connected. Austin's command theory sees law as the command of a sovereign backed by sanctions, focusing more on authority than moral value. Hart further develops this position by introducing the idea of primary and secondary rules, arguing that the validity of law comes from social acceptance and legal procedures rather than moral correctness. From this point of view, even an unjust law can still be legally valid if it is properly created within the system. This approach brings clarity and certainty to legal analysis, as it keeps law separate from subjective moral opinions.

However, both approaches have their own limitations. Natural Law theory, while morally attractive, can lack certainty because moral standards are not fixed and often vary across different societies and time periods. What is seen as “just” or “moral” in one context may be strongly disputed in another, which can make the application of law less predictable. On the other hand, Legal Positivism, although clear and structured, carries the risk of legitimizing unjust laws simply because they are properly enacted, regardless of their moral content. History provides several examples of oppressive legal systems, which highlight the danger of completely separating law from morality.

Modern approaches, especially those associated with Ronald Dworkin, try to bridge this gap. Dworkin argues that law is not only a system of rules but also includes principles, many of which are deeply moral in nature. He suggests that judges often cannot avoid moral reasoning, particularly in difficult cases where legal rules are unclear or incomplete. This view tries to balance both sides, acknowledging the role of morality in law while still preserving the importance of legal structure and interpretation

Overall, the discussion suggests that neither a complete separation nor a complete fusion of law and morality is entirely satisfactory. A balanced approach appears more convincing, where law is recognized as a system grounded in authority and social practice, but one that is inevitably influenced by moral considerations in its interpretation and application

CONCLUSION

The relationship between law and morality remains one of the most debated issues in jurisprudence. Natural Law theorists, particularly Thomas Aquinas and John Finnis, strongly argue that law must be grounded in moral principles and that unjust laws cannot be regarded as truly valid. In contrast, Legal Positivists such as John Austin and H. L. A. Hart maintain a clear separation between law and morality, suggesting that the validity of law depends on its source and authority rather than its moral content. Modern approaches, especially those of Ronald Dworkin, try to bridge this divide by accepting that moral principles often play a meaningful role in how law is interpreted and applied in practice.

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