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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

“A RELATIONSHIP BETWEEN INTERNAL MORALITY PRINCIPLES AND POLITICAL SOCIETY – AN ANALYTICAL STUDY”

AUTHORED BY - MRUNAL SURYAKANT KULKARNI

Abstract -

(Cathy opening line) “From ancient philosophy to modern governance, this study uncovers how personal morality silently shapes the political world we live in.” ***(History)*** The relationship between morality and politics has undergone significant evolution throughout history. Ancient philosophers like Plato and Aristotle explored the integration of ethics within governance, arguing that a just society relies on moral virtues. In contrast, modern thinkers such as Hobbes, Locke, and Rousseau presented diverse perspectives on the interplay between morality and political structures, often reflecting the changing views of human nature and society. This historical foundation highlights how personal morality has continually shaped political thought and practice. ***(Present Status)*** In contemporary society, personal morality remains a vital force in political decision-making. Modern philosophers and political theorists emphasize the importance of ethical considerations in governance, asserting that political systems often mirror the moral beliefs of individuals and communities. As debates around ethical governance become increasingly prominent, the role of personal morality is more relevant than ever, influencing policy discussions and public trust in political institutions. ***(Short Explanation)*** The internal morality principle in the context of politics refers to the ethical standards and values that guide political actions and decisions. Understanding how these principles are both upheld and challenged within political frameworks is crucial for assessing the ethical nature of governance and its implications for society. ***(Research Problem)*** Despite the acknowledged importance of personal morality in politics, there remains a significant gap in understanding its full impact on political systems. This includes the need to investigate how personal ethics influence policy-making processes and governance in the present day. ***(Hypothesis)*** The hypothesis posits that personal morality plays a crucial role in shaping political decisions, fostering a more ethical form of governance that aligns political systems with fundamental moral principles. ***(Possible Reform)*** To strengthen the link between personal morality and political life, proposals for reform could include implementing

educational programs and policy changes designed to embed ethical principles deeply into political systems. (Aims and Objectives) This study aims to: Diagnose the historical impact of personal morality on political systems, Explore the effects of current reforms on ethical governance, Identify areas needing further investigation, Assess how proposed reforms can enhance the ethical dimensions of governance.

Key words – personal morality, politics, governance, ethical principles, reforms, decision-making, philosophers, political systems, impact.

1. Introduction -

In such a world of laws, which often act as both shield and sword, it is the moral principles underlying these laws that underscore the fate of either a society thriving or one to fall into chaos. Inner morality, which is the ethical framework intrinsic to legal systems, therefore strongly determines the structure and function of political societies. A political society, defined as a community ruled by the dictates and institutions of the polity, fundamentally requires the inside-moral integrities and coherence of legal structures in order to ensure order, justice, and public confidence. Indeed, without such internal moral principles, political governance legitimacy and effectiveness are tenuous, and society's precariousness to authoritarianism, corruption, and instability is at its greatest. One such connection that has been quite understandably drawn between internal morality and political society has engaged the attention of many legal and political theorists. Lon L. Fuller famously argued that law possesses an "internal morality" essential for its legitimacy and effectiveness. His theory forms in relation to such principles as clarity, consistency, and congruence of laws as a procedural basis for moral coherence in legal systems. Well, in a direct contrast to the views of H.L.A. Hart as a positivist, Fuller's theory begins with the postulation that law and morality are altogether different things. Along these lines, political philosophers such as John Rawls have extended the idea of how the organization of political societies based on principles of justice and fairness would point to an internal morality as an essential requirement of any just political system. Such differences are replete with meanings that make the landscape interesting when discussing how the internal morality of law affects the working of political societies.

This paper explores how internal morality principles structure and function in political societies. This work shall attempt to show, with comparative analyses of key legal and political

theories, historical examples, contemporary ones, and analyses of the consequences of moral failures in governance, how internal morality critically underpins the just and stable political communities. It does so by focusing on the central tenets of internal morality as propounded by Fuller and their relation to how political societies are organized, thereby weaving connections between the moral foundations of law and political legitimacy. What makes the present study important is its attempt to bridge the gap between legal philosophy and political theory. The present paper aims to offer a method by which political institutions can understand legitimacy and encourage citizen trust if it reviews the moral underpinnings of the law. From that perspective, it lays stress on the dilemmas that get activated when, through such internal morality principles, the violation of the law is committed. It is through such analysis that the paper will, by doing so, make contributions to a better broader understanding of just how morality within law makes stability and success within political societies inevitable.

2. Understanding Internal Morality -

Internal morality in law refers to a simple truth that there are certain essential principles that should be present for a legal system to be considered just and effective. This is one of the summits of Lon L. Fuller's legal philosophy, arguing that the morality of law was not merely about the content of laws but also about how such laws are put together and applied. Fuller believed that the law itself could not be morally valid unless it was able to uphold several procedural principles. He collectively termed all these principles the "internal morality of law," which ensured laws, ultimately, were functional in guiding behavior and keeping social order.

• Lon Fuller's Eight Principles of Legality -

In his most famous work, "The Morality of Law" (1964), Fuller enumerated eight principles he thought that must be present for there to be internal morality of the law. They are procedural in nature and therefore provide laws with a moral quality about them: they are just, clear, and guide human action.

(1) Generality: Laws must, generally, be applied indiscriminately not as tailored to particular persons or people but universally over society. The principle of fairness is violated if laws target specific people or discriminate baselessly. A legal system whose legitimacy cannot be assured due to inequitable application of laws leading to inequality and equality before the law is crucial.

(2) Publicity: Laws must be made available and accessible to the public. Secret laws

or regulations, without publicity, infringe upon the purpose of law as a guide to conduct. Citizens cannot be expected to conform to laws that they do not know exist. Publicity contributes to transparency and enables people to know their legal obligations.

- (3) **Prospectively:** Laws must be drafted prospectively rather than retrospectively. It is unjust to punish a person for something that was not considered illegal during the period they committed it. Prospectively is brought to ensure fairness due to the fact that people will know what consequences their actions will bring them according to current laws.
- (4) **Clarity:** Laws must be clear and intelligible so that citizens know what is expected of them. There is nothing more dangerous than vague or ambiguous laws, because confusion breeds arbitrary enforcement, which is contrary to the very concept of justice. Lack of clarity in a legal system undermines the ability of individuals to regulate their conduct and certainly diminishes trust in the law.
- (5) **Non-Contradiction:** Laws should not be in contradiction. A law-governed system which has laws in contradiction with one another places persons in impossible situations to fulfill one without breaking another. Non-contradiction ensures coherence in the legal system and legal confusion is avoided.
- (6) **Compliance (Feasibility of Compliance):** The laws cannot ask for something impossible; they have to be humanly possible to comply with. If laws oblige acts that are impossible either physically or legally, they simply can't be just or practicable. This principle ensures that laws are a workable guide for conduct.
- (7) **Constancy:** Laws should be relatively stable over time. Constant changes in the law make it difficult for citizens to plan their actions and harmonize their actions with the law. Legal systems have to adapt to changing circumstances, but excessive changes undermine the stability that laws are supposed to provide.
- (8) **Congruence:** Law enforcement and administration should meet the written rules. When laws are applied unevenly or otherwise than what is contained in the statutes as written, it sabotages the idea of people's trust in the legal system and the rule of law. It requires congruence such that laws can be applied fairly and impartially.¹ Fuller argued that if all these rules were complied with, a law would realize what he called "the internal morality of law." This internal morality pertains neither to

¹ Lon L. Fuller, *The Morality of Law* (New Haven: Yale University Press, 1964)

the substance of laws-that is, whether they are moral in an ethical sense nor whether they are just-but the procedural rightness of their making and application. He thought that it is this which makes a law a system that may further justice, guide conduct, and uphold the rule of law.

3. Internal vs. External Morality -

Internal morality is the procedural standards which are inborn to the working of a legal system discussed above. The standpoint involves creating and applying the law in a manner that is consistent with fairness, justice, and rational governance. The point of emphasis is how laws are constructed and implemented with the intent of having a morally sound legal system from the procedural perspective.

On the other hand, external morality contains moral principles that exist outside law, like ethical frameworks found in religions, human rights, and broader philosophical doctrine. In this regard, external morality concerns the content substance of laws and whether these meet the morally valued beliefs in society, such as justice, equality, and dignity. For instance, anti-slavery and race and sex discrimination laws suggest some kind of external morality based on human rights and social justice. Whereas internal morality tells one if the lawmaking process and the process of enforcement are fair and rational, there is a broader question with regard to external morality-the question of whether laws are just in an ethical sense. Even laws that appropriate the principles of internal morality may still have moral questions from an external point of view. For instance, a legal system can enact legislation that "discriminates against a minority group yet will still comply with Fuller's eight principles in drafting and enforcing that legislation. Such legislation then would be procedurally just (internal morality) but ethically unjust (external morality).

On the contrary, there is a link between internal and external morality because they are fundamental to the holistic assessment of justness concerning a legal system. A system exposed only to internal morality offers fair and predictable application of laws without external morality, which then has a risk of facilitating unjust laws. In converse, laws based on inspiration derived from external moral principles have to respect internal morality to avoid a sticking situation of arbitrary or inconsistent enforcement.

4. Political Society and the Rule of Law -

Political society is an organized group of people living together under a system of laws, with institutions put in place to uphold order, protect rights, and advance the common good. In this regard, developments in political societies have strong connections to developments in legal systems. The rule of law, therefore, is in many ways the backbone of political society-the blueprint for social order, economic stability, and political legitimacy. They ensure that the people in the society can live harmoniously as they set norms, solve conflicts, and set rights and responsibilities. Regarding this, for laws to properly regulate a political community, they must strike a balance between principles of morality and the pragmatic needs of the governance process. This balance ensures that laws not only are practicable but also in line with the moral standards of the society so that they win popular approval and serve justice.

5. Social Contract Theories -

The social contract theory explains the origin of political societies and the emergence of laws to rule them. Among such philosophers is Thomas Hobbes, John Locke, and Jean- Jacques Rousseau, whose varied views regarding relationships between individuals and the state and law have significantly enriched this theoretical approach.

(A) Thomas Hobbes -

Hobbes, in his book "Leviathan" (1651), maintained that human beings, in their natural state, exist in a condition of continuous war and insecurity and defined life as "solitary, poor, nasty, brutish, and short."ⁱⁱ Hobbes further argued that political society is one which comes into being when individuals, fearful of the possibility of violence and of death, submit themselves to a superior authority generally known as Leviathan.ⁱⁱⁱ For Hobbes, the purpose of law is to prevent chaos through the provision of order. Rather, laws are dictates received by the sovereign, so that the people do not return to their natural state of war. More significantly, Hobbes believed that as soon as man entered into social contract, he surrendered most rights to the sovereign, who has almost absolute power to keep peace and security.

(B) John Locke –

In his own writings, John Locke was in contrast to Hobbes because he revealed that human beings are, by nature, rational and can coexist peacefully within their state. In his "Two Treatises of Government" published back in 1689, Locke advocated that

political societies did not exist for man's fear but rather to safeguard the natural rights of life, liberty, and property.

Locke indicated that laws should be representing these natural rights and should be planned in such a way as they could ensure to preserve these rights. In such a relationship, the government exists only for the protection of those rights and the power of the government must be made limited by the laws. Locke believed citizens had the right to rebel and establish a new political society if the government violated those rights. Eventually, this concept of government by consent played a significant role in modern democratic thought and went on to form the basis of the principle that the laws had to be based on personal liberties as well as moral precepts.

(C) Jean-Jacques Rousseau –

The French Enlightenment thinker, however, was more idealistic in his "The Social Contract" (1762). Rousseau believed that political society comes into existence when people gather for the purpose of forming a collective general will representing the common good. In the terms of Rousseau, the law must express this general will and direct itself toward equality and freedom. Instead, Rousseau argues that law must express the general moral will of the people, and real or perfect freedom exists only at the point when citizens obey the laws they helped create. While Hobbes views political society as a means to avoid conflict, Rousseau viewed it as a moral and cooperative work instead.

6. Relationship between Morality and Political Society –

The relationship of morality and political society reflects how this issue has a real centrality to understanding how societies function, remain stable, and thus maintain legitimacy. The law must contain both moral principles and the needs of political society. But for a political society to thrive, however, the law must be enforceable or functional is not enough. Laws should internalize morality in the sense of embodying the ethical principles that guide the formation and implementation of the very laws. Internal morality-in terms of justice, fairness, and rule of law-is indeed at the bottom of political societies' rightful legitimacy. The derision of internal morality puts such a political society at risk of becoming Authoritarian or corrupt or even unstable-a reality history has proven time and again.”

(A) Law as a Moral Enterprise –

In the Indian jurisprudence, emphasis to the moral basis of law was given by the scholars including Upendra Baxi and M.P. Jain, among many. Baxi specially considers that the law is not a neutral instrument; indeed it is deeply rooted in social justice and human rights. Indian legal scholars recognize that for the law to be accepted and effective, it must express moral values uniformly accepted by society—that is, fairness, equality, and justice.

The Constitution of India, per se, forms a document of morality and enunciates the people's aspirations regarding a just and equitable society. Securing justice, liberty, and equality to every citizen forms the explicit commitment contained in the Preamble to the Indian Constitution. It is possible to sustain the legitimacy of political society only in so far as laws enacted under the constitutional framework conform to the moral principles underlying the Constitution. It bases the moral touch that gives such laws not just coercive instruments of the state but for the protection of one's rights and dignity.²

(B) Moral Legitimacy in Political Society –

Moral legitimacy refers to the justification of a political society or legal system relative to the extent it adheres to moral principles, particularly those embodied by the rule of law. A political society is legitimate only if its law is not just procedurally fair in the sense of Fuller's principles of internal morality but also morally sound in content. Constitutional values related to justice, equality, and human dignity has deep roots in the historical struggle of India for independence and the vision of the framers of the Constitution of India.

This is a kind of moral legitimacy in the rule of law in a political society applied by equating the facts with justice without discrimination and arbitrary practice. In India, the rule of law essentially undergirds democratic institutions, and the Indian Constitution underscores it as one of its most abiding principles. The Indian judiciary, especially the Supreme Court of India, had a crucial role to play in ensuring that laws and governmental action were in consonance with constitutional canons and principles. For example, in *Maneka Gandhi v. Union of India*, 1978, the Supreme Court extended, to some extent the right to interpret Article 21 of the Constitution whereby it enshrines the right to life and personal liberty. The court held that laws that bear upon personal

² M.P. Jain, *Indian Constitutional Law* (New Delhi: LexisNexis Butterworths Wadhwa, 2010)

liberty must be just, fair and reasonable expressions of the moral and ethical bases of justice and fairness. That gave more justification for the fact that the laws in a political society should not only be procedurally correct but also justifiably moral for the sake of legitimacy.³

7. Failures in Internal Morality -

Whenever the internal morality of law is compromised, then instability is brought about in the political society, and loss of trust in institutions, followed by a drift into authoritarianism or corruption often takes place. Thus, a failure in internal morality would refer to those scenarios where the laws turn inconsistent, secretive, arbitrary, or impossible to follow, so that citizens no longer perceive the law as fair and legitimate.

Example 1: The Emergency in India (1975-1977)

One blatant example of the collapse of the internal morality of Indian political society is the Emergency period declared by Prime Minister Indira Gandhi between 1975 and 1977. In the Emergency, democratic institutions were suspended, political dissent was quashed, and the government assumed extraordinary powers when the situation was presented to tackle public disorder. The principles of internal morality were further violated through forcing arbitrary laws on the people, where civil liberties were curtailed without due process; preventive detention under the Maintenance of Internal Security Act (MISA), and the suppression of the press brought about the breakdown of trust in legal and political systems.

This is an age that is often cited as a paradigm of how attrition within inner morality leads to despotic rule. Suspension of the rule of law with ad hoc application of legal provisions watered down the moral or legitimacy of political society, which was thereafter characterized by widespread unrest and discontentment. It is only when such Emergency measures were reversed, and democratic processes stood reinstated that the stability and, of course, moral legitimacy returned once again to political society.⁴

³ **Maneka Gandhi v. Union of India**, AIR 1978 SC 597

⁴ Bipan Chandra, *In the Name of Democracy: JP Movement and the Emergency* (New Delhi: Penguin Books India, 2003)

8. Conclusion -

In a nutshell, internal morality to political society is what will legitimize the stability and just character of the systems used in the rule of law. The laws that is fair; their interpretations need to exhibit justice and should not lack transparency. Transparency encourages consistency, and accordingly, some rules keep peoples confident hence doing away with confusion over the risk of being victimized for following the laid down laws. In historical terms, internal morality breakdown in nations can be seen in the form of Emergency in India or cases of corruption, which further hurts the concept of rule of law and political legitimacy. In current democracies, internal morality prevails as an essential check on authoritarianism and excesses of power, while for global governance, it sustains international legal values and justice. Hence, internal morality serves as the ethical core of the systems of national and international law so that political societies become more just, stable, and legitimate.

