



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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“BRINGING MORALITY BACK TO LAW: WHY NATURAL LAW STILL MATTERS TODAY?”

Shelza Manghnani

Just as the soul is inseparable from the human body, morality remains an inseparable foundation of law. Despite the rise of technical reasoning in legal decisions, the essence of natural law—rooted in morality—continues to hold enduring relevance and must be reintegrated into contemporary legal systems. In today’s legal landscape, judgments often rest more on procedural technicalities than on the moral compass that once guided them. As a result, perpetrators sometimes escape liability, not because they are innocent, but because morality was sidelined in favor of rigid legal formalism. This not only undermines the credibility of the legal system but also signals a slow erosion of our shared human values. While outdated moral views must be left behind, a modern adaptation of moral reasoning—aligned with today’s realities—must be revived within the legal framework.

THE HISTORICAL NEXUS BETWEEN MORALITY AND LAW

Natural law has historically been viewed not as a rigid code but as a flexible moral compass that evolves with society. Its enduring value lies in its ability to adapt to changing circumstances while preserving core ideals like justice, fairness, and reason. Legal theorists have described it as a concept grounded in the moral nature of human beings — existing independently of legislative enactments or judicial pronouncements. Rather than being a written code enforced by external authority, natural law is seen as an internal guide rooted in ethics and conscience.¹

¹ N. V. Paranjape, *STUDIES IN JURISPRUDENCE AND LEGAL THEORY* 147 (CLA, 8th ed. 2016).

Thinkers like Del Vecchio emphasized that natural law enables society to evaluate the justice of positive (man-made) laws. This shows that moral values like liberty, equality, and justice are not only philosophical ideals but foundational elements in shaping and legitimizing legal systems throughout history.²

Lon Fuller, a prominent legal philosopher, challenged the rigid separation of law and morality endorsed by legal positivists. He argued that it is impossible to analyze or apply law outside its ethical context. According to Fuller, law is not just a collection of rules but a purposive activity directed toward achieving societal values and order. Every legal norm, in his view, reflects a human goal and must be interpreted with its moral implications in mind. He rejected the notion that law could be described solely in terms of what is without regard to what ought to be. Thus, Fuller emphasized that the process of interpreting and applying the law is inherently moral and value-laden, reaffirming the deep-rooted historical link between legal principles and moral reasoning.³

JUSTICE WITHOUT MORALITY: WHEN THE GUILTY WALK FREE

The gradual decline in moral considerations within the legal domain has contributed to a justice system where **technicalities** often overshadow truth, allowing perpetrators to **evade consequences**. As we know the 19th century saw a major decline in natural law theory as positivist thinkers like Bentham and Austin separated law from morality. Bentham dismissed natural law as vague and misleading, while Austin viewed it as irrelevant to legal analysis. This shift marked a clear move away from moral reasoning in law, weakening the long-standing connection between law and ethics.⁴The 20th century witnessed a revival of natural law theory. This revived natural law was no longer the rigid, absolutist doctrine of earlier centuries, but a value-loaded and justice-oriented philosophy that sought to re-anchor legal systems in ethical reasoning and human dignity.⁵ Provisions such as Article 14 (equality before law),⁶ Article 21 (right to life and personal liberty),⁷ and Article 39A (free legal aid and equal justice) highlight

² Edgar Bodenheimer, *Jurisprudence: The Philosophy and Method of Law* 430 (Univ. Law. Publ. Co. Pvt. Ltd. 2004).

³ Lon L. Fuller, *The Law in Quest of Itself* 5 (Univ. of Chi. Press 1940).

⁴ Paranjape, *supra* note 1, at 160.

⁵ *Id.* at 161-162.

⁶ INDIA CONST. art. 14.

⁷ INDIA CONST. art. 21.

how morality has been constitutionally embedded. However, despite this strong foundation, there remains an observable gap between law and morality in practice. While the law recognizes moral ideals, its implementation often falters due to rigid procedures, technicalities, and lack of empathy. Here, are two specific case studies, which highlight imbalance between law & morality, resulting in miscarriages of justice or failure to protect fundamental human dignity.

The Jessica Lal murder case,⁸ and the Bhopal Gas Tragedy stand as unsettling reminders of how the justice system, when overly driven by procedural formalities, can fail to uphold its moral duty. In the Jessica Lal case, despite the crime occurring in full public view, the accused was initially acquitted due to technical lapses like hostile witnesses and gaps in evidence handling—justice only prevailed after public outrage forced a retrial. Similarly, in the Bhopal Gas Tragedy,⁹ which caused massive loss of life and long-term suffering, legal focus shifted to civil compensation while criminal liability remained weak and unresolved, with key figures escaping trial under the shield of procedural and jurisdictional barriers. In both instances, the law, devoid of its moral compass, allowed the accused to benefit from the system's loopholes.

Lastly, as seen in the famous Hart-Fuller debate, despite their opposing views on the law-morality relationship, both agreed that a legal system lacking justice and moral grounding cannot endure. While Hart believed law's validity is separate from morality, Fuller saw them as intertwined. Yet, both recognized that law draws its legitimacy from the moral conscience of society.¹⁰ This reinforces the **central idea** of this blog—that in today's context, where legal outcomes often seem ethically detached, it is essential to bring morality back into the legal framework to uphold justice and societal trust.

⁸ Sidhartha Vashisht v. State (NCT of Delhi), (2008) 5 SCC 230 (Ind.).

⁹ Union Carbide Corpn. v. Union of India, (1989) 3 SCC 38 (Ind.).

¹⁰ Sonali Banerjee, *The Relevance Of The Hart & Fuller Debate Relating To Law And Morality- A Critical Analysis*, 4 IJLLJS 122, 132 (2017), <https://ijlljs.in/article/the-relevance-of-the-hart-fuller-debate-relating-to-law-and-morality-a-critical-analysis#:~:text=While%2C%20Hart%20argued%20that%20law,from%20its%20consistency%20with%20morality>