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MORALITY AND LAW ON CONTEMPORARY POLITICS

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Esayas Bancha declare that, this thesis is my original work and has not been presented for a degree in any other university and that all sources of materials used for the thesis have been fully acknowledged.

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Abstract

As can consider, The widening distance between morality and the law in modern politics shows that legal institutions are increasingly motivated by power rather than moral ideals. A renewed commitment to moral accountability in governance is necessary to protect justice, human dignity, and democratic integrity. in order to graphically illustrate how morality is questioned by political events, ideologies, and powers. My contention is that achieving law without morality is inconceivable. Because, moral standards have a major role in determining how effective legal principles are. my thesis holds that, ethical principles and common morality should be taken into consideration while determining the legality and validity of laws. Morality and the law are actually related. However, the reality is that there are a number of contentious and intricate topics surrounding current global activities that test the relationship. so that, based on this point of view, The thesis will attempt to analyze the relation of law and morality on contemporary politics beside the two profound legal theories (legal positivism and legal naturalism arguments).

Key word

morality, law, politics, jurisprudence, legal naturalism, legal positivism

Introduction

Morality and law play crucial roles in contemporary political discourse. However, questions remain regarding how moral norms and legal principles govern modern politics, and whether the connection between morality and law is grounded in reality or mere myth. Additionally, is their similar historical evolution to morality and law? This thesis seeks to investigate the relationship and significance of morality and law within the context of contemporary politics. Political science, as a discipline concerned with governing societies, often aims to clarify and resolve ideological conflicts. Among the most persistent issues in political debate is whether morality and ethics should serve as foundational elements in political decision-making processes in today's societies. Central to these moral-political discussions are deeply ingrained personal belief systems, which shape individuals' identities and influence their perceived roles within society. Key identity factors include race, gender, sexual orientation, and notably religion, which frequently underpins many fundamental values (Taylor, 1989; Walzer, 1994).

However, it remains a critical question whether politics can be reduced to moral considerations or if political recommendations should be primarily informed by morality. Furthermore, the relationship among political legitimacy, political self-interest, and legal constraints on political action is complex and demands careful analysis. Additionally, some scholars advocate for a moderate form of political morality that balances ethical imperatives with pragmatic governance. In democratic societies, law has traditionally been viewed as the formal embodiment of collective morality, reflecting core principles such as justice, fairness, and human dignity. Nevertheless, in contemporary political contexts, the intrinsic connection between morality and law is increasingly challenged. Political actors often exploit legal systems to consolidate power, legitimize unethical actions, and suppress opposition, all while maintaining an appearance of legality. Consequently, laws that meet procedural requirements may nonetheless lack moral legitimacy, generating tensions that erode public trust and limit democratic governance(Dworkin,1977).

This situation exemplifies not only a crisis of political ethics but also raises crucial philosophical questions regarding the role of law in promoting the common good. Historically, the twentieth century confronted humanity with numerous challenges threatening natural law and global

civilization. In response, there has been a resurgence of interest in moral philosophy grounded in natural law doctrines, motivated by the perceived failures and excesses of legal positivism. Therefore, by reflecting on the introductory questions and associated issues, this study aims to critically examine the relationship between law and morality within the framework of contemporary politics.

(1) The second world war (1939-1945) was a catastrophic event in human history, it fueled by extreme positivism and the defiance of Nazi Germany. The war resulted in the extermination of 6 million Jews, causing immense sorrow for mankind. The adoption of the UN charter in 1945 aimed to save future generations from the scourge of war. Following this, the Universal Declaration of Human Rights (UDHR) was adopted in 1948, leading to the international covenants on civil and political rights in 1966 and economic, social, and cultural rights in 1966. Since 1945, universal morality or natural law has manifested in numerous human rights instruments at international and regional levels, as well as domestic legal systems. These instruments and laws prioritize the protection of human rights and the restraint of state freedom of action. The natural law regime has successfully institutionalized a barrier against the excesses of positivism in global governance. This highlights the importance of examining the relationship between law and morality in contemporary politics.

(2) Prior to 1945, human rights were the sole domain of sovereign states, with no external interference. Germany, for example, was criticized for its treatment of its Jewish minority and terminated its membership in the League of Nations in 1933. However, since 1945, the tide has turned against violators, with international, regional, and domestic instruments enforcing or promoting human rights enforcement. Victims of violations can now seek legal recourse to vindicate their rights. This shift in stance towards human rights is rooted in the Second World War.

(3) Scientific progress has led to human suffering, but it has also led to harm, such as developing chemical and biological weapons and weapons of mass destruction. The US invasion of Iraq in 2003 was based on these weapons. Iran's suspicion of developing atomic weapons strained international relations. Other controversial issues include homosexuality, lesbianism, same-sex marriage, abortion, and euthanasia.

The thesis is divided into four sections. The first chapter discusses the philosophical nature of morality, which is controversial due to its lack of a universally agreed-upon definition. Different philosophical and ethical perspectives offer explanations, leading to disagreements about right and wrong. The second chapter explores the philosophical nature of law, which is also ambiguous. The paper focuses on the argument of philosophical schools and legal positivism, with some arguing that morality and law are inseparable, while others believe they are fundamentally different. The paper selects three legal philosophers from positivist and natural law groups to provide an overview of the argument. The third chapter explores the evolution of law and morality, focusing on the historical relationship between morality and law in the western intellectual tradition. The paper explores the thought of significant philosophers, philosophical schools, and lawyers in terms of the historical evolution of law and morality. finally, The thesis concludes by summarizing each chapter's point of view by connecting it to contemporary politics and bolding the finding of the study.

CHAPTER ONE

1. The Philosophical Nature of Morality

Moral philosophy comprises under a large branch of philosophy value theory. in broadest sense, value theory includes: ethics, aesthetics, religion philosophy, political philosophy, social philosophy, feminist philosophy etc. Morality is a complex and broad concept that can refer to actions, choices, thoughts, and beliefs that determine our behavior. There is a complex on what constitutes the moral theory, with some focusing on demarketing moral from other matters of practical normativity, such as ethical and aesthetics. Other disagreements revolve around the target and functions of moral theories. Various questions arise in the definition of morality, including common-sense morality, the contrast between morality and other normative domains, the task of moral theory, and theory construction. (Snare, 1992; Audi, 2007, p. 37).

According to The Stanford encyclopedia of philosophy (2024) the definition of morality depends on the target of moral theorizing. It helps for the development of different moral theories and the empirical theorists to design experiments without prejudicing the specific content of a code, judgment, or norm. “Morality is a collection of instincts, intuitions, inventions, and institutions designed to promote cooperative social relations”. a single explanation may not be applicable to all moral definitions. Because, there are various forms of morality. however, descriptive and normative are the two broad domains to categorize it.

Descriptive sense refers to a code of conduct put forward by a society or group. In the descriptive aspect of moral philosophy, people’s beliefs examines about morality. “Descriptive sense of morality known as comparative ethics”. As its name suggest, describing human behavior and the standards that guide it morally are the main targets. In other hand, the normative sense refers to an individual's own behavior. the normative sense is focused with determining “what is morally right and wrong, normatively to refer to a code of conduct that given specified conditions, would be put forward by all rational people”. It studies about ethical theories that prescribe how people ought to be. “the normative sense of morality known as prescriptive ethics. It concerned on ethical action”. (Curry, 2020, p. 4; The Stanford encyclopedia of philosophy, 2024).

These two domains of morality play a significant role to moral philosophers. however, sometimes unacknowledged role in the rise of immoral theories. But, specific definitions are essential to determine which codes a society or group considers moral and immoral. Usually, morality, etiquette, law, and religion are separable things in small, homogenous societies. In contrast, the distinctions are difficult in larger and more complex societies.

Not all codes that are put forward by societies or groups are moral codes in the descriptive sense of morality. in other hand, all codes that would be accepted by all moral agents are moral codes in normative sense of morality. Thus, the definition of morality in either aspects, will need another criteria. Still, each of these definitions of codes might be regarded as offering some features of morality that would be included in any adequate explanation, which means they might be taken to be offering some definitional features of morality, in each of two domains. (Hasanthi, 2019; Snare, 1992)

broadly, the main philosophical questions, with regard to morality and human behavior explores its philosophical nature, origins, and connection to behavior. These questions delves in to the fundamental questions of right and wrong, the role of reason and emotion in moral decision making and the potential for universal moral principles. But, the question remains how morality compatible with human behavior?

1.1 Morality and Human Beings:

According to the ancient Greece and Rome, as well as the Scholastics philosophers humans are ethical beings by nature. “Aristotle and Aquinas held that Man is not only homo-sapiens but also homo-Moralis”. But biological dimension adds the important diachronic dimensions. We do not attribute ethical behavior to animal at least not to all animals and not to the same extent as humans. Ayala, (1987) even if we would accept these philosophers thought, the following questions would remain. “when did the capability to ethical behavior come about? And why did it evolve? Is it a simple by product of other attributes intelligence, for instance: was it specifically promoted as a direct target of natural selection?”

Animals have various behaviors such as foraging, defending territory, and fleeing predators. They also engage in play, reproduction, and learning. Evolutionarily, they sometimes cooperate or help others, even at the cost of themselves. This is due to the morality that defies natural selection's origin as selfish, favoring traits that benefit the individual in a competitive struggle.

(Catherine, 2004, p. 19). According to Allchin P. 5 (2009), “Giving the importance of morality to human society, this complex is a main problem for science”.

Humans have distinctive anatomical and cognitive differences that helps to their moral development. These encompasses large brains, reduced jaws and teeth, facial remodeling, language potential, empathy, and social learning. Additionally, human skin changes, vocal tract and larynx modifications, and opposing thumbs allow for precise object manipulation and cryptic ovulation. This distinctiveness enable humans to anticipate consequences, make value judgments, and choose between actions, leading to moral reasoning. therefore, Humans are distinct from apes and other animals in anatomy and functional capacities and behavior, both as individuals and socially. (Catherine, 2004). While, The following question remains: how biologists examine morality and how it originated in the context of evolution? The questions pave the way to scrutinize morality in the perspective of scientists and philosophers.

Biologists confront the challenge of defining morality in terms that can be scientifically observed and measured. They prescribe morality as a form of behavior. They consider foraging, mating, nesting, and social interactions as the evolution of morality in nonhuman species through various stages. Theorizing morality as a form of behavior opens the possibility of observing it in other species. Indeed, if complex features evolve gradually, one might well expect to find stages of “proto morality, incipient morality or various precursors in organisms besides humans”. (Allchin, 2009, p. 17).

In other hand, culture is A unique human social feature. Which may be understood here as the set of non-strictly biological human activities and creations. Culture comprises social and political institutions, Ways of doing things, religious and ethical traditions, language, common sense and scientific knowledge, art and literature, technology and broadly all of the products of the human mind. Culture is a pull of technological and social innovations that people accumulate to help them live their lives. The advent of culture has brought with it cultural evolution. “A super-organic mode of evolution superimposed on the organic mode. Which has in the last few millennia become the dominant mode of human evolution”. (Ayala, 2010 P.6).

Since Darwin’s time there have been evolutionist proposing that the norms of morality are derived from the biological evolution. Socio-biologists perspective is the most recent and the most subtle proposal version. according to the socio-biologist argument, “human moral norms

are sociocultural corelates of behaviors, fostered by biological evolution. Morality is an offspring of natural selection and totally explicable through biology". According to the discipline, any individual has reproduction as it supreme life goal, and thus moral norms directly originated from such goal. This criterion subordinate to choice to (natural duties) and eradicates the power of human free will to generate values. "The search for the biological bases of social behavior has a long history involving such disciplines as ethnology, ecology, comparative psychology". In 1975, E. O Wilson expounded a synthesis of this approaches within the framework of evolutionary theory. (Simon and Zegura, 1979, p. 4;Rubio, 2023 P.3)

After the publication of Darwin's theory of evolution by natural selection, philosophers as well as scientist have attempted to find in the evolutionary process the justification for moral senses and eventually moral norms. Darwinist most crucial points focusing the evolution of morality are stated early in chapter three of "the decent of man". The two points are: (I) moral behavior is a necessary attribute of advanced intelligence as it occur in humans, and thus that moral behavior is biological determined; (II) and that the norms of morality are not biological determined but rather a result of human collective experience, or human culture as we would now call it. Additionally, the (Darwinist theory, repudiating the creationist theory and affirming the principle of sustainability in the evolution of species. the existence of overall qualitative differences between human beings and higher animals is unacceptable to it. Therefore, the common ground to all such proposals is that evolution is a natural process that achieves goals that are desirable and thereby morally good. Indeed it has produced man.

The presenters of this ideas see that only The Evolutionary goals can give moral value to human action, whether a human deed is morally right depends on it directly or indirectly promotes the evolutionary process and its natural objectives. "Herbert Spenser was perhaps the first philosopher, seeking to find the ground of morality in biological evolution". Additionally, more recent attempts include: those of the distinguished evolutionist "J. S. Huxley, (1947-1953), C. H Waddington, (1960), and Edward O Wilson (1975, 1978)." Rubio, 2023, p. 6; Darwin, 1981).

However, Allchin (2009) and Kass (2022) contends that, morality is a product of evolution and helps humans interact and get along in large social groups. Moral outcomes, motivation, and systems sociality are essential aspects to define morality in humans. The Surthrival principle forms the fundamental core of morality, which leads to human long-term success as a species.

Humans are the only known beings that satisfy these criteria for morality distinctively, making morality a product of human behavior within the scope of biology and various inter-disciplines. These comprises advanced intellectual capacities, abstract thinking, abstract reality, anticipation, planning, self-awareness, death awareness, symbolic creative language, tool making, technology, social organization, legal codes, political institutions, science, literature, art, ethics, and religion.

1.2 Morality and Rationality:

According to Gert (1990 P.3), "the concept of rationality is one of significant concepts in philosophy except for skeptics, rationality is taken either explicitly or implicitly, as a basic normative concept. Specially, the concept of rationality is fundamental to morality and to any general theory of value". (Baier 1982 P.3) also support this idea. As he stated, "morality significantly in accordance with reason and immorality directly contrary to it. There is a conceptual link between morality and rationality".

In other hand, Kant and Hume are argue that morality is deeply intertwined with rationality. For Kant, moral principles can be derived through reason and applied to situations through logical reasoning. However, Hume argues that morality is more based on emotions and sentiments, suggesting a disconnect between pure reason and moral decision. Thus, The question remains whether morality can directly reconcile with rationality?

Adams (1993) highlights that humans, as knower agents, act based on impulse or instinct, but they do not accept these stimuli at face value. They operate with knowledge, principle, plans, and reflective critical judgement. Morality claims our lives, taking precedence over self-interest and claiming that we have basic duties and obligations. As humans, we experience life in a world of good and evil, and understand certain actions in terms of right and wrong. The structure of human existence dictates that we must make choices, and ethics helps us use our freedom, responsibility, and understanding of ourselves. Ethics provides direction in our struggle to answer fundamental questions about how to live our lives and make right choices.

Aristotle's thought, strength this point of view. As he believe: humanity, morality and rationality are inextricable with the ability to reason being. The key factor that allows humans to achieve moral excellence by consciously choosing virtuous actions. Essentially, defining what it means to be truly human. This achieve by using reason to navigate situations and develop good character

traits through practice and habituation. Kant claims that, “the fundamental principle of morality is given by pure reason itself”.

Adams (1993) separate rationality by subjective and objective category. “The subjective rationality is a matter of acting in accordance of with once perception and beliefs about the situation. In other hand, Objective rationality is a matter of acting clearheadedly with full consciousness of the relevant action situation”. Which means objective rationality is a matter of acting in accordance with the reality of the situation on the basic of once beliefs about it. Thus, When we speak of rationality, unless indicated otherwise, we shall mean objective rationality. But, the following question remains, what is the source of objective rationality? Can objective rationality lead us to morality?

In the scientific era , the dominant thought is that one is fully knowledgeable about everything involved in an action situation, including desires, preferences, feelings, politics, economic resources, time, and social relationships. This consciousness is based on a full realization of the condition and the factual situations and causal relationships in the environment. Making decisions needs awareness of relevant facts and their causal dependencies and consequences. Morality involves following guidelines for interaction among members of a moral community, which satisfy practical reasons. Thus, as the scholars, Rationality and morality are closely related in the context of humanity.

Rationality is often seen as a method served to realize and justify moral principles, enabling individuals to make reasoned decisions about what is considered right and wrong or good and bad within a society. It provides the framework for morality to operate within, helping to analyze situations and determine the most ethical course of action (Gert, 1990, p. 5; Adams, 1993, p. 8).

generally, Moral judgements can be logically supported by citing relevant facts. So that, clearly factual considerations or reasons can serve to resolve moral complexes among society. there is a strong inclination for immorality to be linked with irrationality, particularly in cases of self-contradiction or where an action knowingly frustrates one’s own goal. But, the crucial questions concerns the justification of the principles themselves: which if any objective principle or set of principles can itself be rationally justified? How can protect objective rationality from external influence?

1.3 Morality and rational consensus:

The ability, to think and act logically based on relevant evidences leads to widespread consensus on moral norms and ethical principles through reasoned discussions and agreement. So that, moral rationality and rational moral consensus are closely related concepts. They concern on using reason and logic to determine what is morally right and wrong or good and bad. The concept of consensus and agreement are becoming increasingly attractive for ethical theory. “in Anglo Saxon moral philosophy the key role played by the concept of consensus and agreement chiefly attributed to contractarianism and contractualism”. As a moral and political theory, Contractarianism and Contractualism, emphasizes justifying social, political, and moral rules based on what would be chosen by certain types of agents in certain situations, which argues that, rational individuals, motivated by self-interest, would agree to certain principles or rules for mutual benefit or cooperation to common good (Kulkarni, 2024, p. 4; Bayerth, 1994, p. 8).

Contemporary contractarianism and contractualism that share a form of individualism and the recognition of rationality's central role in human affairs. Contractarianism focuses on how rational people can live together, while contractualism is appealing due to its simple structure. moral philosophers examining social reality finds himself confronted with a remarkable fact, while the occurrence of consensus and agreement regarding central moral questions seems to be decreasing in society. Thus, laws are just if they reflect the terms of the social contract that free, equal, and rational people would accept as a basis for a cooperative life together. Its view of morality stems directly from that political ideal: actions are morally right just because they are permitted by rules that free, equal, and rational people would agree to live by on the condition that others obey these rules as well (Kulkarni, 2024, p. 5).

Contemporary politics confronted with a new challenge both historical and philosophically. How it is possible to justify the existence of state and its power over the people and when the latter free and independent individuals? For the political philosophy of the ancient world and middle age, the issue of justification of the state had not arisen in this form or this acutely. For instance as Aristotle, “man is a natural and political being”. That is destined for a life within social structures and state institutions. The state is primary and not the individuals. The modern age in contrast, sees man as an individuals that is as a naturally free and unsocial being. Only prepared

to come together with others in larger social groups when placed under external pressure. “Modern contractarianism is often identified with an apparently false belief in a real historical contract, Or with a deeply problematic relationship between hypothetical contract and the real world” (Hamlin, 2015, p. 6).

“Modern contractarianism sits in the broadly Hobbesian tradition and takes individual interest as fundamental, seeking to explore the prospects for common good and mutual advantage among rational individuals. Contemporary contractualism sits in the broadly in the Kantian tradition and emphasizes the rational contemplation of social, political or moral questions from an impartial perspective as the convenient means of investigation”. Hamlin (2015). Both traditions confront issues of analyzing the nature of ex ante agreement. The basis for ex post compliance; the relationships between the individual, the social, the rational, the moral. the connections with ideas such as: individualism, democracy, freedom and pluralism.

In the twentieth century, John Rawls a contemporary political philosopher, introduced a different version of the social contract theory. Rawls theory of justice can be said to be a version of contractualism. “Contractarianism is a version of contractualism is a theory which asserts moral standards are those that people regardless of their own interest or viewpoints, would agree upon in a fair and unbiased setting” (Bayerth, 1994, p. 11).

In the (theory of justice, 1971) Rawls proposes the concept of a social contract, which is a theorical agreement that rational would reach behind what Rawls calls, a” veil of ignorance”. The veil of ignorance is thought experiment where people are asked to hypothetically consider that they are behind a “behind veil of ignorance. which prevents them from understanding who they are and getting influenced by anything related to their lives such as: their social standing, skill sett and financial situation etc. this guarantees that people to develop justice principle in an impartial and unbiased manner. Following Rawls thesis that the argument for the principles of justice should proceed from some consensus.

In Contrast, beyond the principles of justice the profounder of moral contractualism or moral consensus has been David Gauthier. His book (morals by agreement, 1986) describes the theory of contractarianism. Gauthier analyzed a contractarian theory of morality expanding upon the ideas of Hobbes. Gauthier basis his theory on the fundamental idea which he calls “rational choice”. He argues that humans are self-centered beings, who strive to maximize their own well-

being. The rational choice method highlights the relevance of self-centered collaboration in moral commitments. As he believes, humans would willingly consent to behavioral restrictions in exchange for reciprocal purposes. The idea of reciprocity plays a significant role in Gauthier theory of contractarianism. Along with this, important characteristic of Gauthier's theory of moral contractarianism is, the theory is not based on any hypothetical scenario or concept like the "veil of ignorance". Individuals, for Gauthier do not pretend to be unaware of the real life circumstances while making moral decisions (Kulkarni, 2024; Bayerth, 1994).

Generally, rationality leads to rational moral consensus. Both are related concepts. As a political and moral theory In contemporary politics contractarianism and contractualism justifying social, political, and moral rules based on what would be chosen by certain types of agents in certain situations. But the question is can contractualism and contractarianism guarantee morality purely?

1.4 Morality and Institutionalism:

According to Li, (2007 P.4) rationalism and institutionalism are the two essential methodologies for philosophers to justify moral and political orders. in the method of rationalism, "social organization of human beings should fit with human nature, and believes that a predefined conception of human nature, defined in terms of human capacities for the exercise of reason. it Can be stablished as independent criterion for choosing and justifying the appropriate moral political order". In other hand, by the methodology of institutionalism also "human nature significantly shaped by the actual construction of moral and political orders by human beings, and by internalizing the social institutions in which they live, they create themselves".

Institutionalism comprises a range of methodological approaches. In political science that have at their core an emphases on institutions, understood as the rules, regularities, structures and the context. Broadly which influence political consequences and shape political environment. They are formal and informal. Formal institutions based on constitutions. Which mean, they are highly visible. For instance: the structures of the government that very across policy making systems. In contrast, informal institutions are based on cultural norms. they are unwritten and less visible. But they are significant. In other hand, new institutionalism is the study of institutions. Precisely, it explores the ways in which institutions structure social and political behavior. But For the definition of institutions specifically, the nature of institutions determine. However, institutions

are simply rules. As such, they are a base for all political behavior (Steinmo, 2019; Li, 2007; Schimidt, 2014).

According to scholars, without institutions there could be no organized politics. To realize this, considering the world in which there were no rules. In this Hobbesian hell, individuals would be forced to invent communication every time they encountered other individuals. In this sense, if we explore social interactions, cooperation and common good we study institutions. All policies, politics and behaviors are under the influence of institutions. Therefore, As Steinmo, (2013), "All social scientist are institutionalist".

The historical, rational choice, normative, constructivist- discursive, feminist, empirical and network are One of the major types of institutional studies. Each grows out of a different field of studies and attempts to reconcile these distinct analytic traditions to the interpreting of politics. E.G: sociological institutionalism as its name implies, grows out of sociology and the study of culture. The scholars have been centrally interested in understanding culture and norms as institutions. They emphasize the folkways, the pattern of behaviors and the cognitive maps. They contends that, these institutions are critical for realizing the structure of social, political and economic interactions. For The sociological institutionalist, there is a relationship between formal institutions and the structure or patterns of behavior and beliefs. Additionally, as they argue, informal institutions are fundamental to any understanding of the non-rational aspect of human communication and exchange.

According to the rational choice institutionalism, the rational actors who pursue their interests following a logic of calculation within political institutions. It seeks to stablish the most universals of generalizations, by positing rational actors with fixed preferences who calculate strategically to maximize those preferences and who, in the absence of institutions. It promote complementary behavior through coordination and confront collective action challenges (Steinmo, 2013, p. 7; Schimidt, 2014, p. 11).

As James G and Olsen, (2014) "contemporary theory of politics tends to portray politics is as a reflection of society. Political environment is also the aggregate outcome of individual behavior. So that, Action as the result of choices based on calculated self-interest. History is efficient in reaching distinctive and appropriate consequences and decision making and the allocation of resources as the central foci of political life (p. 13). This theoretical style drives political

scientists and political philosophers to focus and scrutinize the nature of political institutions. The new institutionalism and the institutional aspect of political idea emphasizes the relative autonomy of political institutions possibility to inefficiency, to history, and the significance of symbolic action to an understanding of politics. Such thoughts have reasonable empirical backgrounds.

In terms of the normative point of views, morality included in institutions. such as: law or bureaucracy and that emphasize citizenship as a tenet for personal identity, have given way to ideas for moral individualism and an emphasize on conflicting interest. The new-institutionalism identifies the rules, norms, practices and relationships that determines patterns of behavior in political environment and policy making. legislatures, courts, executive, and judge are The institutions which describe policy making systems. It describes the formal and informal rules that guide actions (Podrez, 2020).

According to Li (2007) the justification of institutionalism by Rawlsian contractarianism is to all human kind or to all moral persons from all moral societies. “The political evolution towards liberalization and democratization is a normative demand for any human society. If such a society strives to be a well ordered society with a long term legitimacy and stability. The significant degree of liberalization and democratization for any particular society will depend on the available means of communication and organization. But the normative demand for such a political development is present in any human society” (p. 8). So that, the idea of Institutionalism represents human freedom in human beings, creation and justification of social institutions, which are manmade rules and norms aimed at guaranteeing social order among interacting agent.

Broadly, rationalism and institutionalism are related concepts on contemporary politics moral thought. morality imbedded in institutions. Social, political and economic institutions have become essential to collective life. Most of the major actors in modern economic and political systems are formal organizations and the institutions of law and bureaucracy occupy a dominant role in contemporary life. But, the following question remains, can institutions shape morality perfectly? How institutions consider individuals preference toward morality without bias?

1.5 Morality and Legality:

The matter of legality is concerned with the relationship of law and morality. law is one of the major institutions on contemporary politics . legality comprises legal validity, legal norms and

values and legal obligation. It also includes the interpretation and the adjudication of legal orders. Therefore, legality is a tenet to the rule of law and the functioning of the state. It helps to maintain order in society (Somek, 2020, p. 6). But, does the morality determine moral rules and regulations? How should the legislation and practices take in account and treat the moral law?

According to Kant, moral law is the main principle of morality. it stablished abstractly enough to be able to lead us in the right way and being applicable in any condition. That mean, universal moral law is tenet to the morality of an action. That is absolute. Actions are morally right if they are made out of a sense of duty and if the guiding principle of the action can be applied universally. Because there is no a single society which succeed outside of this rule. thus, for Kant, legality means the quality of an action being merely and simply in conformity with universal law. however, that we live in today, the scientific era is confront many problems that have a moral auspice. human beings require more answers. An adequate academic examination is needed and further public discussion entails. The foundation of the society is also essential in any attempts of finding the most suitable response to challenges of the scientific age encumbered by legal and moral controversies.

E.G Applied ethics, particularly medical ethics and bioethics, address life-and-death issues such as surrogate motherhood, genetic manipulation, abortion, medical experimentation, mental disability rights, and physician-assisted euthanasia. These present some of the most challenging moral dilemmas in modern clinical practice. Business ethics is another contentious area, tackling issues like corporate social responsibility, misleading advertising, insider trading, employee rights, workplace discrimination, drug testing, and corporate fraud. Environmental ethics also draws increasing public attention, addressing urgent concerns about ecological protection. Sexual morality sparks debate on topics such as monogamy versus polygamy, sexual relations without love, homosexuality, and marital affairs. Social ethics and morality cover issues like capital punishment, the use of nuclear and chemical weapons, arms control, drug policy, welfare rights, and racism. All the above mentioned issues of questions are subject to ongoing public and academic debate and deep examinations (Bitola, 2017, p. 15)

according to bible, human created in the image of God and each individual carries a moral mark since birth. Thus, nature provide a solid moral foundation for human existence. Thus, if individuals choose to develop and govern their character and nature in accordance with these

innate moral postulates and align with the Lord's instructions, they have many blessings and success in their life. But the following question remains, where have they originated? and what might be the way of ascertaining that specifically those values and virtues are the right ones in terms of legality and morality?. Additionally, there are questions concerning the link between the Christian thought and the ways in which it can be applied in the contemporary world. Science has been long engaged the quest for answers to these questions and the mentioned controversies.

In the descriptive account of morality, a group of social and cultural psychologist developed the basic Moral foundation theory (MFT). Jonathan Haidt and Jesse Graham are significant contributors to it. According to (MFT) we have many innate psychological systems at the core of our intuitive ethics. Cultures then built virtues and institutions upon these foundational systems, resulting in the diverse moral beliefs we observe globally and disputes within nations. This aspect of human morality does not contends that all these systems are good. Hence, The original framework of (MFT) expounded five foundations, which are heavily supported by evidence across various cultures. "1 harm-care, 2 fairness-reciprocity, 3 in group-loyalty, 4 authority-respect, 5 purity-sanctity". These five foundations comprise the building blocks of morality, regardless of the culture. So that, people rely on multiple evolved intuitive foundations when making moral decisions including: care, fairness, loyalty, authority and purity (Haidt, 2012, p. 12)

However, remembering the question which I have raised above boldly is essential again To scrutinize legality in terms of morality. Because, any traditional and modern institutions and science have not yet given appropriate answers to those controversial issues. That which considered morals by some, condemn by another. So, does the morality determine moral rules and regulations? How should the legislation and practices take in account and treat the moral law? to examine those controversial medical, clinical, biological, environmental and related issues again, exploring the philosophical nature of law is significant.

CHAPTER TWO

2. The Philosophical Nature of Law

Law as a concept has remained controversial among thinkers for centuries. the philosophy of law or legal philosophy examines and analysis the law in general, as well as legal institutions, systems and principles In particular. In addition, it explores the laws relationship with other systems and philosophical areas. Such as: politics and political philosophies, and economics. However, the question of the nature of legal philosophy connects two problems. The first concern is the general nature of philosophy. The second concern is the special character of that part of philosophy we call (jurisprudence) or legal philosophy. Thus, it is difficult to define legal philosophy without law.

According to Stanford encyclopedia of philosophy (2019) "law is a unique social, political phenomenon with more or less universal characteristics that can be discern through philosophical analysis" (p. 3). In old English "Lagu" law, ordinance, rule, and regulation from Old Norse. So that, Law is a rule of conduct, developed by the government or society over a certain territory. Law follows certain practices and customs in order to deal with crime, business, social relationships, property, finance etc. therefore, the law is controlled and enforced by the controlling authority. It is a tool which regulates human conduct/behavior.

Philosophy is general and systematic reflection about what there is, what ought to be done or is good, and how knowledge about both is enable. Legal philosophy raises these questions with regard to law. hence, legal philosophy concerned in reasoning about the nature of law. Therefore, the term law is served to mean three things. First it is used to mean "legal order". It represents the regime of adjusting relations and ordering conduct by the systematic application of the force of structured political society. Secondly, law mean the whole of legal percepts which exist in a politically organized society. Thirdly, law is used to mean all official control in a politically organized community. This lead to actual administration of justice as contrasted with authoritative material for the guidance of judicial action (Robert, 2004, p. 16)

Woleniski (2024) argues that “the nature of law is based on three problems: 1) the existence of entities and how they are connected, such as norms as meaning contents, 2) the connection between norms and the real world, such as authoritative issuance and social efficacy, and 3) the correctness or legitimacy of law” (p. 11). therefore, as he believe, concerning on the necessary relations between normative meaning, authoritative issuance, social efficacy, and correctness of content paves the way to realize the relationship between law and morality vividly.

The schools of jurisprudence comprises various theoretical approaches to the study of law that target to understand the law of nature, purpose and function in society. These approaches different in their fundamental assumptions about the law, the role of the state, the relationship between law and morality, law and society and the origin of legal authority. Beside the realist school in USA; philosophical, analytic, historical, and sociological are the notable four jurisprudence schools (Daniel and Hassen, 2008; Igbinedion, 2022). In terms of the general objective of the thesis and the focal point of this chapter, I would like to focus on two notable jurisprudence schools, in the case of the relationship of law and morality. These are philosophical and analytic.

The debate between legal naturalism and legal positivism is one of the most foundational discussions in legal philosophy. This two schools of thought offer antagonizing views on the nature of law, its source, and the relationship between law and morality. legal positivism holds that law is a creation of human institutions and is distinct from moral considerations. While Legal naturalism repudiated that, law is inherently linked to morality and must conform to certain universal moral norms and ethical principles. Therefore, Understanding the differences between these theories is pivotal to analyze the legal systems, legal reasoning and the validity or legitimacy of law (Alexy, 2017; Daniel and Hassen, 2008).

Throughout history, laws have been scrutinized from a morality perspective, the Holocaust being a notable example. It led to a crucial examination of the relationship between law and morality, focusing on the distinction between what is, and what ought to be. The evolution of legal theory is closely linked to these debates (Greenawalt, 1988).

A number of legal philosophers from legal naturalism and legal positivism have contributed to the debate on the relationship between law and morality. Including a prominent figures Lon Fuller, Ronald Dworkin, John Auston, Patrick Devlin, Joseph Raz, H.L.A Hart, Wesley Hohfeld,

Emanuel Kant etc. these philosophers making it a widely discussed topic within legal philosophy with many associated thinkers. So, do laws need morally justified to be considered valid law? can politicians reconcile law and morality to protect common goods and human dignity? Thus, to answer this bolded questions based on their category and philosophical background, I will discuss these two antagonistic jurisprudence schools and their prominent legal philosophers point of view super simply.

2.1 Legal naturalism

"Legal naturalism or the natural law theory is one of the major jurisprudence schools. it predisposes a standard that exist in accordance with intersubjectivity of universal society, and is based on nature. That is on the natural order of things". it has rules that are immutable and invariable suggesting natural perfection. It antagonize with legal positivism by asserting law is necessarily connected to morality. for legal naturalist, law is not merely a social construct but is derived from universal moral principles that are inherent in human nature and the natural order. These principles are often thought to be accessible through reason and reflection, and they provide an objective standard by which all human made laws must be judged. a law that is unjust is note truly a law in the fullest sense. As it fails to conform to the higher moral law (Daniel and Hassen, 2008, p. 16)

According to Wienreb (2004), "a distinct philosophy of natural law clearly emerged in fifth century in Athens. The opposing views pervaded Greek thought. Not only philosophy but history, literature, a great tragedies above all. It is expressed most forcefully in the tragedies of Sophocles, as his response to a profound debate about the significance or meaning of human existence" (p. 7). Natural law has a various other names like moral law, divine law, universal law, law of reason, common law, higher law or the law of nature etc. however, it is interesting to note that as such, there is no single theory as natural law theory. There are three schools of natural law theory. These are the divine natural law, the secular natural law and the historical natural law.

The divine natural law represents the system of principles believed to have been revealed or inspired by God or some other supreme and super natural being. In contrast, The secular natural law represents the system of principles derived from the physical, biological, behavioral laws of nature as perceived by human intellect and elaborated through reason. the historical natural law also represents, the system of principles those evolves over time through the slow accretion of

custom, tradition and experience. Natural law is defined as an unwritten law as against the written law. in other explanations, natural law is the name of a body principles revealed by nature or reason or God. It originates from the source superior to any human authority the sovereign. In contemporary perspective, the definition of natural law divided in secular and spiritual versions. the secular version of natural law derives principles from reason and observation of the natural world. While, the spiritual version often rooted in religious belief, posits that this principles are divinely ordained or revealed. However, different philosophers give different definitions about natural law since ancient Greek (Daniel and Hassen, 2008, p. 13; Wienreb, 2004, p. 8; Alexy, 2017, p. 9).

According to Wienreb (2004), "a secular theory of natural law had a brief efflorescence after world war two around the mid twentieth century. the idea of the rule of law began to feature prominently, especially as demonstrated by the long-standing debate and exchange of views between the legal positivist and the scholars of the natural law school" (p. 9). The debate vividly hovered around the connection or lack of it between the notions of law and morality. hence, Several legal scholars of natural law inclination refute the separability thesis of the legal positivist. Morality and Law are inseparable to them. in terms of their special endeavor and influence, Lon Fuller, Ronald Dworkin and lord Devlin are the selected legal philosophers under the natural law category, to discuss their point of views super simply.

2.1.1 Lon Fuller

Lon Luvios Fuller (1902-1978) was a crucial figure in USA contract law. through his concept of "the internal morality of law" Fuller necessarily contributes to legal theory. his greatest influence came from his procedural natural law theory and his criticisms of legal positivisms, exemplified in a famous debate with Hart in the Harvard law review. Severely, Fuller repudiated legal positivism. perhaps unfairly as treating law merely as an object for quasi scientific study rather than as a process or a function and as portraying law as a one way projection of authority. Fuller Believe by the inherent connection of law and morality (Summers, 1984; Muhamad, 1912).

adjudication, contract, meditation, legislation, custom and managerial direction are the essential orders presented by Fuller. Each of these forms or principles it has own internal morality. They are note mere tools, neutral means to political purposes. But, there has own integrity. For fuller, all legal systems inherently contain procedural principles that must be followed for a law to be

considered truly legitimate. Even if it is separate from external morality. So that, as he contends, a legal system must adhere to certain moral principle, "internal morality" to be considered legitimate law. Fuller vividly discussed it in his book "the morality of law 1964". For Fuller, "what many institutions, societies and individuals referred or to regard as laws were questionable as they lacked certain fundamental moral tenets. These principles are the (intern morality of law), which present in every good law" (Rundle, 2014, p. 12).

According to Fuller, philosophy are attempting to give a significant and satisfying direction to the application of human energies in the law. As a natural law theorist, law and morality inseparable things for Fuller. Hence, all legal norms are based on moral norms and should always be considered and treated as such. In another explanation, for any law to be ascertained as valid and legitimate, it must necessarily pass the examination of morality, which is predicated on moral norms and ethical principles. For Fuller, law is "the enterprise of subjecting human conduct to the governance of rules". Additionally, as he contend, a unity of purpose bind all laws, and most strikingly even the laws of diverse societies have some degrees of unique similarities. Therefore there is a unity in all laws. at the time of regulating human conduct, to attain the good societal living the unity of purpose is significant (Muhamad, 1912).

For Fuller, the fundamental similarities of human beings regardless of their differences leads to similarities in legal principles. This because, humans share basic social and psychological needs. So that, legal systems are designed to address these needs and to prevent harm leading to similar foundational differences across culture and legal systems. In the morality of law (1964) Fuller forwarded a combination of legal principles that he believes should be adopted to clarify and determine the propriety of laws and jurisprudential situations. Considering law in absolute terms within human societies is wrong to Fuller. Thus, as he believe, to resolve disputes in the society, judges, policy and decision makers should consider that other alternatives.

In explaining the internal morality of law Fuller argued that, for any principle to be establish as law, it must meet certain demands or requirements. This requirements are standards without a principle or a system of rules cannot adequately thrive as law. According to him, what many institutions, societies and individuals referred to or regarded as laws were questionable as they lacked certain fundamental moral principles. These principles are the inter morality of law. Which must be present in any good law. Fuller describes these by saying "eight Desiderata". As

the excellences or qualities they enable a systems of rules to thrive. These are “1 general, 2 publicized or the promulgation of the rule, 3 the prospective application of the law, 4 clearly stated or the clarity of the law, 5 non-contradictory, 6 practicable or possible to obey, 7 stable or relatively constant through time, 8 congruence between official action and the declared rule” (Murray, 1965, p. 16).

Morality makes law possible. Also these eight principles are standards of quality and excellence. However, for Fuller, morality of duty and morality of aspiration are two distinctive aspects in terms of morality. “The morality of duty concerned on the minimal requirements for a legal system to function. It is foundational insuring basic fairness and order. In other hand, the morality of aspiration represents, the ideals and goals that a legal system should strive for. It guides the legal system towards greater justice and human flourishing. The essential manifestation of the distinction between two morality aspects can be found in our notion of reward and punishment (Igwe and Udoh, 2024).

Generally, for Fuller, all law must be morally justified for it to be considered valid and legitimate law. the authority of law comes from its consistency with morality, and all morally acceptable legal order must acknowledge natural law and incorporate its fundamental tenets. Fuller's work, particularly his book "The Morality of Law, explored the relation between law and morality.

2.1.2 Ronald Dworkin

Ronald Dworkin (1931-2013) was one of the famous twentieth century legal philosophers of law. His work often concerned on the nature of justice, morality and the role of judiciary on the legal system. Durkin argued with many legal theorist like Hart, Duncan Kennedy and Joseph Raz. He begins the argument by addressing the fundamental question of how judges should decide cases when the law is complex. For Dworkin, morality is the important part of law, especially when resolving disputes in courts. As that time, judges should interpret the law based on consistent moral principles, such as fairness, justice and human dignity (Wacks, 2006; Lyons, 1986).

Dworkin’s theory of law as integrity (2007) is considered one of the most necessary modern theories on the nature of law. He expressed a critic of legal positivism, bringing it closer to natural law theory. However, he disagrees with the idea according to which rights should be based on supposedly independent moral order that the legislature or the judge discover when they make the law. Dworkin substitutes legal principles for natural laws. These principles are not

independent moral fact, but moral standards that can be constructed rationally. For Durkin, legality is ultimately determined note by social facts along but by moral facts as well (Nalbandian, 2009; Wacks, 2006).

Law is empire (1986) by Dworkin's discuss the nature of law and its role in society. It also provoking the analysis between law, morality and interpretation. As I have explained above, he argues that, law is not just a set of rules, but a complex system, that seeks to uphold justice and fairness. Because, justice and fairness are one of the main components of morality. Hence, for Durkin, judges should interpret the law in a way that best fits with the community's legal and moral principles, rather than simply applying existing legal codes. He introduces the concept of "judicial integrity", which requires judges to make decisions that are consistent with the community's legal and moral principles. According to him, this approach insures that the law is not just a set of arbitrary rules, but a coherent and principled system. That respects individual rights and freedoms (Nalbandian, 2009; Wacks, 2006).

For Dworkin, the legal texts such as statutes and precedents are not simply a collection of rules. But rather a complex web of principles and policies. Judges must interpret these texts in a way that best fits with communities legal and moral principles. Even if it means departing from the literal meaning of the words. According to Dworkin, this approach known as "'constructive interpretation'. It allows judges to fill in the gaps and resolve ambiguities in legal texts in a way that best fits with communities legal and moral principles. This justifies that the law remains coherent and principled, even in the face of uncertainty.

Dworkin then explores the concept of the rule of law. Arguing that it requires more than mere compliance with legal rules. Instead the rule of law needs that, the legal system be guided by integrity, fairness and respect for individual rights. Judges play a crucial role in upholding the rule of law by interpreting legal texts in a way that best fits with these principles. Thus, he arguing that, the law is inherently moral in nature, as the law reflects and promotes the communities moral norms, and judges must interpret legal texts in a way that best fits with this moral values (Ross, 1991; Baxter, 2025).

Generally, Ronald Dworkin's argument emphasizes the link between law and morality, emphasizing the importance of judicial integrity, constructive interpretation, and the rule of law.

His works have necessarily influenced legal philosophy, shaping the understanding of law and its relationship with morality.

2.1.3 Lord Devlin

Lord Devlin, an English court judge, is known for his book "The Enforcement of Morals," which outlines his legal theory of moral or ethical objectivism. He argues that what is right or wrong is not a matter of personal opinion but rather universal moral principles. He believes that if society's morals are undermined, it may collapse, and the law should protect the necessary moral fabric. Devlin argued that common morality is the justification for the continued enforcement of the law, and that the expression of a society's moral values justifies continued enforcement. As he believe, the impact of artificial intelligence, social media, technology, education, ethical considerations, climate change, and the wellbeing of the population all these are considered by common morality. this relevance is to the modern societal landscape and the ongoing debate of moral enfranchisement of law (Jerald, 1999).

According to Devlin, Law should be used for morally developed individuals and promote the common good. Severely, He supports a common good approach to jurisprudential question. advocating a necessity for social cohesion and cohabitation. the state has a legitimate interest in upholding public morality, even in private matters. And can therefore criminalize certain behavior considered deeply immoral by society. Even if they do not directly harm others. This often contrasted with the opposing view legal philosopher (H L A Hart) and creating the Hart-Devlin debate. Therefore, as Fuller and Dworkin similarly he argued with Hart (Sharma, 2023, p. 16).

He claims that, no society can survive if it were to produce a legion of young people who could not be trusted to keep their promises. Hence law and morality are inevitably inextricable. As a society, we must recognize the need to morally guide individuals. To clarify this, he uses the example of a society played by vice. In this instance, law should instruct against wrongful living. However, unusual such vigilantism may be. Therefore, he appears to suggest that law should prevent behavior that society perceives to be wrong or harmful. It is perhaps this justification of societal expression that lead to law base on a common morality. Thus, Devlin believed that, law should actively uphold and enforce communal morality (Lacey, 2022, p. 9).

Devlin argues that private morality allows for diversity in life styles and the morality of law is essential for society's survival. As He believe, criminal law should protect shared morality from crisis. even in private matters. The purpose is to prevent societal disintegration. Devlin sees law as a tool for maintaining public morality, social control, and cohesion. He argues that common morality is the justification for laws. Devlin's work aims to determine the relationship between morality and law, arguing that the harm principle widens the gap between liberty and morality rather than uniting them.

According to Devlin, it is significant to establish laws that control morality because law not only protects individuals but also the society. As he believe, morality is a requisite for maintenance of good laws that preserve the freedom of conscience and reduce the probability of tyranny. For Devlin, the majority is not always right. Their ideas and principles are always covered with superstition and prejudice that do not guarantee them to be referred to as guiding principles. In addition, the behavior is capable of causing harm unless regulated by law. Law should be superior to morality and guide behavior (Brodowicz, 2024, p. 7).

Generally, in Devlin’s point of view, the matter of right and wrong is based on universal moral principles. if society's morals are undermined, it may collapse, and the law should protect the necessary moral fabric. common morality is the justification for the continued enforcement of the law, and that the expression of a society's moral values justifies continued enforcement. According to Devlin, the impact of artificial intelligence, social media, technology, education, ethical considerations, climate change, and the wellbeing of the population all these are comprised under the matter of common morality to common good.

2.2 Legal positivism

the analytical, descriptive, and explanatory law theory, generally considered as a legal positivism. As it seeks to portray the various connections between law and society, explaining its norms and how they relate to social and legal facts. According to legal positivism, law as a set of norms or commands that have the coercive power of the state. Being fundamental for the maintenance of order and justice in society. the state must exercise the function of imposing legal norms. That is, its obligation is to insure that these norms are complied with purposefully and without taking in to account considerations about the content or morality of these norms. “For

positivist, law is valid not because of its ethical or moral content, but because of its origin and the power of the state to guarantee its application" (Daniel and Hassen, 2008, p. 22; Vecchio, 1952, p. 17).

Legal positivism severely emphasizes the separation of law and morality. the focal tenet of legal positivism is that "law is a social construct, created and maintained by human institutions such as legislatures and courts". According to this view, law is define by its origins , such as statutes, regulations, and judicial decisions rather than by its moral correctness or ethical content. if they are enacted according to the rules and procedures stablished by a given legal system, the laws are valid. Regardless of whether they are ultimately invalid.

According to Guarino (2021), "Analytic jurisprudence often distinguishes between two types of legal positivism: they are inclusive and exclusive. The former accepts whereas the latter repudiates, that there may be cases in which determining what the law is follows from considerations about what the law ought to be, with regard to morality" (p. 7). for positivist, the existence of law is as the result of social fact not to normative value. The English Jurist John Auston (1790-1859) is also the father of legal positivism. Additionally like Auston, There are a prominent legal theorist in legal positivism including, Mill, Bentham, Gray, Hart, Rouse and Kelson (Guarino, 2021; Igbinedion, 2022).

The positivist argument does not say that laws merit are unintelligible, unimportant or peripheral to the philosophy of law. it believes that, they do not determine whether laws or legal systems exist. Whether a society has a legal system depends on the presence of certain systems of governance not on extent which to which it satisfies ideals of justice, fairness, democracies or the rule of law. What laws are enforce in that system depends on? what social standards its officials recognize as authoritative? Is legislative enactments judicial decisions or social customs? Thus, to explore this thought, Hart, Raz and Kelson are the selected legal philosophers from legal positivist category to discuss their point of views.

2.2.1 H.L.A. HART

Herbert Leonel Adolphus Hart, (1907-1992) was a British legal philosopher. In the first chapter of his book the concept of law, (1961), he considered the question of legal theory, namely what is law. Hart argues that, "law is a form of social control. but it is more nuance that brutal enforcement. Their laws in formal sense trial rooms, judges, statutes. but their also various forms

of informal laws". Hence, Hart believed that, the idea of law is a social construction with no direct tie to unequal, fair and prosperous society (Egwebudu and Onwuatuegwu 2020; Ezenwankwor, 2013).

For Hart, there are two different types of rules, which comprise the essence of law. these are primary rules and secondary rules. as he believe, law is first and foremost the matter of rules as has been emphasized repeatedly throughout the book "the concept of law". law is a system of social rules and to this extent it is similar to morality. which also is constituted of social rules. Both types of rules social. Because they arise within a social context, apply to a social activity and have a social outcomes.

However, the rules of law are separate from those of morality in the number of fundamental ways. The main distinction arises out of the fact that legal rules have what Hart calls a systemic quality. rule of morality basically lacks this systemic quality. in this sense, the rule of law generally classified into two main category namely primary and secondary rules. And it is the interaction between these categories which justifies the description of legal arrangements in certain societies as being a legal system (Egwebudu and Onwuatuegwu, 2020).

Primary rules are duty imposing rules of law. this rules define what conducts prohibited and required, Forming the foundation of legal obligations and the bases for sanctions when disobeyed. rules of law and tort are good examples. Primary rules are core in the difference of legal system and social norms, setting them apart from mere habits or customs. The validity of these rules as law would then determine by what Hart calls (the internal view) of the citizens in the society. which represents a critical reflective opinion and enabling citizens to feel a sense of duty to obey such laws. This type of arrangement would not a type of legal system. as such and it would raise a number of certain problems for the society. such as:

1. The problem of uncertainty; it stems from a lack of a clear established method for identifying and validating legal rules. This uncertainty leads to difficulties in determining what constitutes valid law and what is simply a social convention.
2. 2 the problem of the static nature of laws; is that a society relying solely on them lacks the ability to adapt to changing circumstances. Without mechanism to modify or repeal

rules. The legal system would be rigid and unable to respond to new societal needs or evolving moral standards. The rigidity may lead to potentially unjust consequences.

3. The problem of inefficiency; where rules of law were violated , there would be always challenge in insuring the reality and the extent of the breach as well as determining the extent of composition or the severity of punishment. Self- help schemes in this respect would result in wastage of resources. In order to solve this problems, there would be a need for a different set of rules which would determine the process of creation, validation, transformation and adjudication in respect of the primary rules of law (Hart, 1961).

The secondary rule is called the rule of recognition, and about the primary rules. The Secondary rules address the limitations of a legal system composed solely of primary rules. They providing for creating, changing and enforcing laws. Offering solutions to the problems of uncertainty, static-ness and inefficiency. That arise in a system solely reliant on primary rules. Hart describes this rules as power conferring which allows for those who receive the power to validly cure the problems of duty imposing rules. He included the concept of the rule of recognition as one and possibly the most essential of the secondary rules of law. This is the ultimate rule providing criteria by which legitimacy of the other a rules of a system assessed and this cures the ambiguity of the primary rules. As he believe, laws do not derive their legitimacy or validity from social acceptance. Which is the standard by which a law can be recognized as a law. not all laws imposes duty on people. There are some laws which confer power privately or publicly on individuals, judges and legislatures (Nalbandian, 2009, p. 11).

Hart delves further into the idea of informal laws by looking at “social habit and social rule”. Social habit is a slightly odd action, like cracking ones knuckles loudly in an elevator. Breaking a social rule is considered more of a real offense, although there is no formal punishment. For Hart, moral statements are arrived at through feeling. One cannot use logic to arrive at a moral statement. At first glance, this appears to be a negative thing. But Hart, argues that this actually a positive. Morality and law different things. Be change by a single judge or a group legislatures. Thus, morality has no place in official law books. With that said, Hart see morality working through social habits and social rules.

In his book title, positivism and the separation of law and morality (1958) first of all he defends the positivism schools of jurisprudence from many of criticisms which have been leveled against its insistence on separating the law that what is from the law that ought to be. He first insist that the critics have confused this distinction with other positivist theories about law which deserved criticism. And then proceeds to consider the merits of the distinction. Which mean to reconcile the view uphold by natural lawyers and legal positivist. Thus, for Hart, in most societies, there are two different institutional contexts, in which both points of view can appear. There is the institutionalized and formalized system of legal rules and the informal context of moral criticism and discussion. The separation of these two context is contingent: not all societies make the distinction between law and morality. Whenever distinctions like this are made, we can classify judgments in to different categories including, (law) critical moral judgments, (lb) descriptive moral judgments, critical legal judgements, descriptive moral judgements. But these are interconnected (Hart, 1958; Lagerspetz, 1989).

Generally, as Hart, law is only a highly institutionalized form of morality. But, that law and existing morality as they are different things. Hence, Hart believed that the law should recognize the rights of individuals to make choices that go against society's majority moral view. He argues for the adoption of the doctrine of legal positivism to govern the operation of the legal systems. As a positivist, For Hart, the law is a social construction and it operate within and is dependent on the existence of recognized basic rules within a legal system, rather than a particular moral order. Therefore, moral acceptance becomes an optional condition, but not an essential condition for the validities of laws within a legal system.

2.2.2 Joseph Raz

Joseph Raz, (1939-2022) is Israeli legal philosopher. Raz's book explores the relationship between law and morality, arguing that an understanding of law should be based on social facts rather than moral arguments. He analyzes the concept of Authority and the role of laws in claiming moral authority. Raz then provides a detailed explanation of law and legal systems, presenting a seminal argument for legal positivism. He examines areas of legal thought that are impregnated with moral values, such as the social functions of law, the ideal of the rule of law, and the adjudicative role of courts. The book explores the proper moral attitude of citizens

towards the law, examining whether they have a moral obligation to obey the law and the right to dissent (Raz, 2009; Bix, 2006; Norman, 1997).

Raz's version of legal positivism incorporated, the idea that norms are legally valid. Part of the law only in virtue of their social source. In that respect Raz recast themes from the command tradition of the early modern period. In particular, the idea that, law is a system of norms that play a special role in the practical reasoning of its subjects and with Hobbes and Bentham. That the contents of those norms must be identifiable without recourse to controversial moral argument (Raz, 2009).

Raz argues that a legal system's identity and existence can be determined by efficacy, institutional character, and sources. He believes that legality does not depend on moral merit and that a valid legal system must be morally decent to maintain its authority. This is known as the moral requirement of law or the necessary connection thesis. Raz's argument for exclusive positivism relies on multiple thesis and justifications. Critics argue that judges can make law without incorporating moral considerations, but he argues that law is autonomous and can identify its content without morality. Legal reasoning is not autonomous, but it is an inevitable and desirable feature of judicial reasoning (Guarino, 2021, p. 15; Norman, 1997).

In his essay, authority, law and morality, (2009) Raz's contend for exclusive positivism constructs on the view that all legal systems claim to have genuine authority. From this baseline claim Raz utilizes three essential thesis. These are the sources, dependence and preemption thesis. Which ultimately lead to his view that law cannot incorporate moral principles. the sources thesis asserts that laws existence and content are determined by social facts. Essentially all law can be traced back to its source and the social facts around it. A law has authority. Because, the law was passed by congress, not it has some moral component (Bix, 2006).

Accompanying the sources thesis is Raz's dependence thesis. Which states that, legal dictates are grounded in relevant reasons for action. Because, the content of the law depends on applicable reasons. An additional thesis, Raz articulates is the preemption thesis. which states that the laws mandates for doing something preempt or replace other reasons for acting. Legal directives have the power to exclude other reasons from consideration in practical reasoning. These concepts are related as the sources thesis establishes the factual bases of law. Thus, Raz uses the dependence and preemption thesis of authority to argue that, moral principles cannot be a part of law. if

subjects have to engage in moral reasoning to figure out what the law is telling them to do, the thesis are violated (Whitet, 1982; Raz 1979).

For Raz, the existence and content of every law may be determine by a factual inquiry about convections, institutions and the intensions of participants in the legal system. Because for Raz, law is always fact. it is never a moral judgement. This marks Raz as a hard or exclusivist legal positivist. Because the reason we regard the law as authoritative is the fact that it is able to guide our behavior in a way that morality cannot do. In other explanation the law asserts its overall other codes of conduct. Thus, law is the ultimate source of authority.

Broadly, the social fact thesis, the moral thesis, and the semantic thesis are three prominent principles in Raz's legal theory. Hence, Raz accepts only the social thesis on the bases of the three accepted criteria by which a legal system may be identified. These are; it's efficacy, its institutional character and its sources. From all three moral questions are excluded. For law, it has own institutional character. laws are identified by their relationships to certain institutions for Raz.

2.2.3 Hans Kelson

Hans Kelson, (1881-1973) was an Austrian jurist and one of the famous legal positivist philosopher. Who is known for his pure theory of law and general theory of norms. His work influenced the development of international law, judicial review and the Austrian constitution. Kelson's, pure theory of law (1967) aims to describe law as a hierarchy of binding norms. while refusing itself to evaluate those norms. It established the governing propensity of his legal thinking was the desire to respond to certain fundamental questions regarding the nature, concept and validity of law. Kelson's main objective was to postulate a notion of law and legal system. that is clean and unadulterated by extra-legal factors like morals, metaphysical speculations, values and other external factors. that he believed encumber a well understanding of law (Hadi and Michael, 2022; Cohen, 1981).

As a positivist Kelson argues that. law as an order to regulate human behavior. The order is a system of legal rules. So that, he looks law as a legal system and different from justice. There are some opinions which differ Kelson from another legal positivist. These differences include among others, the validity of legal norms. According to him, the validity of legal norm lies in their conformity with higher legal norms. Meanwhile, Bentham, with his utilitarianism stated

that, “the validity of the law lies in the command and its benefits for the community at large. This also different from the perspective of Auston that, law is set by political superiors to political inferiors”. Thus, the validity of the law lies in the sovereign command, which backed by legal sanctions for those who violate it. Do to this perspective, Kelson, issued two theories that are widely debated by legal philosophers and theorist. The two theories are “the pure legal theory and the theory of the hierarchy of norms” (Paulson, 1992).

The pure legal theory only concerned about the definition of what the law is- not to what the law ought to be. It is the theory of positive law and distinguished from the philosophy of justice. While the pure theory of law is science and the justice is an irrational ideal. According to him pure legal theory does not talk about justice. For Kelson, justice lies only in the rules that govern happiness for everyone and everyone feels it. So that, justice is social happiness and regulated by law. then legal certainty will be created. For Kelson, justice is a matter of subjective value. Usually, A judgement of value also determined by emotional factors and subjective in character. Hence, with the pure theory, Kelson states that law must be separated from non-legal factors. such as, justice, morality, religion, good and bad values, politics, ethics, culture, economy and other related non-legal factors. He sees only about “what the law is, on given time and place and not what the law ought to be or what the ideal of law”. Thus, for Kelson, the main legal ideal is legal certainty.

If the law is associated with the value of justice, then the law is not objective. Whereas a just law is an objective law that determines behavior for all. Because, It aimed principally to extricate law from theories projecting ought laws and from the mentioned institutions and affairs of the given society where it holds jurisdiction. In legal certainty, justice is obtained, not from external judgement. If the law provides certainty for everyone, the law has the value of justice. Additionally, Kelson has four major reasons to rejecting all natural law theories. “They are burdened with objectionable metaphysics, conceptually confuse, they thrive on moral elusion, and they are unscientific” (Hadi and Michael, 2022).

moral norms and legal norms are separable things in Kelson’s view. As he stated, law has coercive orders and normative orders to certain behavior with sanction for individuals who broken the law. Meanwhile, a moral is one of social order without sanction. for Kelson, coercion is one of the function and purpose of law. it commands a certain human behavior by attaching a

obligatory act to the opposite behavior. laws as norms or rules, stating that an individual ought to be in a certain way.

The second bolded issue in Kelson's legal theory is the theory of hierarchy of legal norms. It addressed by his second book (general theory of norms). As he stated, "Legal norms in a country are tiered and multi layered. Therefore, lower legal norms are originated from higher legal norms". Do to this, in contrast to other positivist, Kelson, views laws as a system of norms, (legal order". As a system law cannot be understood as something separate, but can only be understood as a unified legal system. Thus, he issued the second theory known as a "Stufent theory or theory of hierarchy of norm. The theory shows that, the state's legal norms are tiered and layered. The validity of a lower legal norms depended on its conformity with higher legal norm. Therefore, legal norms in states are hierarchical and there is a relationship between all legal norms. The highest legal norm in Kelson's perspective is what he calls "Grund norm" (Cohen, 1981),

According to Gitapriyavarrshini (2024), "Kelson, finds the true essence of the law's command from its own letters. To validate this theory he introduces the 'Grund norm theories of law', where he states that, the other system of law is based on a higher fundamental law that could only be changed by political revolution" (p. 6). Additionally, to develop this theory, Kelson utilized Hegelian philosophy of studying jurisprudence, where Hegle wanted to place all cultures in an extensive philosophy of history. This in turn motivated Kelson to define a basic central principle which will ultimately include other legal structures of all cultures. Kelson argues that, when checking the validity of law, going up the hierarchy of law one has to arrive at a finishing point. And if there is no such finishing point. then the process of checking the validity of the law becomes a never ending process. He also affirms that there can very differently in each legal order. but their shall be Grundnorm. which exist in any form such as a constitution or a will of the dictator. Which mean, it does not dictate the content, rather it is a mere pre-supposition which only imparts the validity to the constitution and other subordinated laws that are derived from it.

In terms of the hierarchy of norms, Kelson's view is generalized as follow. 1 higher legal norms becomes the sources of lower legal norms. so that, the source of the formation of all legal norms is the presupposed-Grund-norm. 2 The validity of lower legal norms determines on their confirm with higher legal norms. Therefore, lower legal norms must not conflict with higher legal norms. Kelson claims that, without this presupposition we cannot understand the legal order. The basic

norm exist, but only in the jurist consciousness. It is an assumption that makes possible our realization of the legal system by the legal scientist, judge or lawyer. In the next section of the study also, I will explore the evolution of law and morality to realize their relation from historical point of views.

CHAPTER THREE

3. The evolution of morality and law:

The debate on the relationship between law and morality is a significant one, particularly in contemporary politics. The historical background of these two disciplines is crucial in understanding the debate. Human life cannot be separated from values, morals, and laws, as they shape societal norms, guide behavior, and foster social cohesion by distinguishing right from wrong and good from bad. This promotes justice, empathy, human dignity and cooperation. Pound (2024) argues that, individual freedom of thought has become possible in civilization, with progress made in mitigating savagery and tribal barbarism through tribal integration and the development of Mores. The evolution of morality in ancient times and the development of humanity in the history of civilization demonstrates the evolution of morality and the development of humanity.

The development of civilization can be viewed through various stages, including hunting and gathering, agriculture, industrial revolutions, and digitalization. Each stage is marked by significant technological and paradigm shifts, affecting economic, political, societal, and cultural implications. According to Pound, there are three key stages in the evolution of morality and law: the first, which is achieved through detachments and migrations of individuals and bands, characterized by sovereignty and political consolidation through militarism, regimentation, and standardization; the second, which is made possible by rebellions, revolts, criticisms, and legality developments, characterized by constitutionality and liberalism policies; and the third, which is made possible by science, characterized by respect for individualities, privacy, self-

determination, liberty of thought, speech, and action, and free moral agency and responsibility. As Pound explains, we have arrived at the third civilization.

Exploring civilization through the evolution of morality and law serves three purposes: to understand the essence and development of humanity, to comprehend the process of state building, and to explore the place of morality and law in state building and understanding the essence of humanity. The evolution of morality and law has been a key factor in shaping the course of civilization, providing frameworks for understanding the world, fostering critical thinking, and informing ethical and political decisions. Philosophy also plays a significant role in shaping the course of civilization by providing frameworks for understanding the world, fostering critical thinking, and influencing societal values and structures. To understand these points fundamentally, it is essential to examine the evolution of morality and law from ancient times to contemporary world politics.

3.1 The ancient period

The relationship between morality, law, ethics, and jurisprudence dates back to ancient civilizations, with the Greeks and Romans playing a significant role in shaping the development of law and morality. The Greeks initiated philosophical inquiry into justice, while the Romans established a comprehensive legal system that influenced western legal traditions. Philosophers questioned whether the right or just was natural or merely enacted. This period's contribution to the contemporary world extends beyond ethical thoughts and legal thinking, affecting various disciplines and fields of study. The classical period has influenced many disciplines and fields of study in the modern world.

As Mintz (2024) stated, “despite the vast cultural and historical differences between antiquity and today, the political, ethical and aesthetic model of ancient Greek and Rome remain vital framework for understanding power, justice and the pursuit of the good life. These civilization continue to shape our conception of beauty and influence contemporary challenges in politics, internationals relations and ethics” (p. 5). As he added, “even in todays multicultural , globally interconnected world, we must wrestle critically and analytically with this classical heritage. Classical Greek and Rome shaped foundational ideas about democracy, justice, virtue and power that still inform modern thought. Yet there is also a tendency to invoke them for their symbolic prestige rather than their direct relevance, romanticizing or selectively appropriating their ideas

to bolster contemporary arguments". In addition, to support this idea, By citing Foltz (1852) Goswami, P: 4 (2025) also says that, "there is a perceptible Roman bias in the teaching of law, but the ancient Greeks were actually also quite influential". as he added, "the ancient Greeks or Hellene's have contributed significantly to the foundation and development of various academic disciplines. The Greeks were masters in the art of legal subtlety, but they lacked a legal science".

The Greek judicial system, particularly that of Athens, highly influenced Roman law, which became the basis of civil law and continental Europe's law. Roman legal principles, particularly the universal application of written law, form the foundation of modern legal systems. The concept of natural law, inherent rights to all human beings, originated from Roman thought, particularly through figures like Cicero. In addition, Thucydides' history of the Peloponnesian war in ancient Greek is foundational to realist theory, emphasizing power politics and states' national -interests. This historical context is essential for policymakers, strategists, and political scientists in contemporary politics, and has paved the way for discussions on imperialism and global power.

Ethical thought was one of the focal points of Greek and Roman civilization. Examined by philosophers like Socrates, Plato, Aristotle, and many Athenian schools. They emphasized the importance of cultivating virtues like justice, courage, wisdom, and temperance to lead a good life. Ethics and the law of nature were intertwined, with philosophers exploring universal moral principles derived from nature and reason. Virtues and the law of nature were inextricably bound. as actions that demonstrate moral excellence align with and fulfill the natural law, which is understood as the inherent order and purpose of the universe and human nature. Pre-Socratic philosophers began to speculate from the level of phusis or cosmos, defining ethical, artistic, and political concepts according to the dynamics and principles of the whole panta. Ancient Greek poets, such as Homer and Hesiod, scripted the content of natural law, demonstrating the interconnectedness of ethics and the law of nature.

for instance, Homer is considered to the source of all poetry. but he does not use the word law, yet he clearly sets forth in the first book of the epic poem, The problem of justice and injustice and right and wrong. For Homer, "justice is divine origin. He declared that the judges who under Zeus preserve the ordinances." He gave an essential place to law. as Homer, law was found in the Themistes given by Zeus to the kings. The Themistes were the divine precept on which human

justice had to be based. Along with the divine dictums. Homer upheld the importance of customs and traditions" (Huchhanavar , 2018, p. 5).

In other hand, according to Kaplama (2021), "Heraclitus directly logically, and indirectly metaphorically or analogously assert the inherent relation between phusis and ethos, and the central role the principle of motion plays in the formation and changes in human character and actions" (p. 4). As he added, Democritus and Heraclitus as a natural philosopher argued that, human nature /reason is closely associated with such feelings as empathy, cheerfulness, justice, self control and moderation. that are natural to humans but not to many other species. It would be absurd to expect such feelings from most animals. Therefore, nature and human character, habit, law, soul as interrelated, is emphasizing the link between phusis, Kinesis, ethos, logos, Kresis, nomos and Daimon".

In ancient Greek the belief flowered that natural law was metaphysical, transcendental and independent of the will of the individual. Thus, Sophocles, (496-406) BC in Antigone describes natural law as the unwritten and unfailing statute of heaven. Similarly, another pre-Socratic philosophers like: Solon, Graecian, Theognis, Aeschylus, and others relied nature as a source of law and they proclaimed natural law is wise permanent and everlasting. The Greeks distinguished between logos (laws of heaven) and nomos (man made laws). Where both are harmonized or where nomos harmonizes with logos, their will be cosmic harmony, a condition in which everything functions efficiently. Thus, In the next section of the paper, I will discuss the special contribution of ancient Greek and Rome philosophers, scholars and lawyers thought.

3.1.1 The Sophist:

Sophism, an ancient Greek intellectual movement, emerged in the fifth century BC before the Socratic period. Its skepticism in morality and law is a significant point in the intellectual tradition. Sophists were professional teachers who traveled to teach people, particularly the youth, and claimed to be teachers of wisdom and virtue. However, their original meaning was proficiency in practical affairs of daily life, which they believed would lead to success in life, including material wealth and positions of power and influence in society. The epistemological and ethical skepticism and relativism of the Sophists reflected a reaction against the abstract and metaphysical philosophy of pre-Socratic thinkers. The Sophists' skepticism and relativism were a crucial point in the evolution of morality and law in ancient Greece (Marshal, 2007).

According to Taylor and LEE (2025), “there is not canonical list of the sophist, because to some extent, the category was not one that existed at the time and there is some uncertainty about the exact nature of activity, writings and teachings of the Sophists, owing to the to the almost total loss of their writings. The most important of the sophist include: Protagoras of Abdera, 490-420BC, Gorgias of Leontini, 485-380BC, Hippias active in the last third of the fifth century BC, Prodicus near contemporary of Socrates, and Thrasymachus active in the last third of the fifth century BC, all whom are featured in Plato’s dialogue”. The Sophist made important contributions to many areas of early Greek philosophy including ethics, political and social philosophy, anthropology and dialectic, the study of language, grammar, mathematics, literary critics, the studies of God, the origin of religion.

The Sophists, believed in subjectivity of truth and the importance of rhetoric and persuasion for success and influence. They rejected universal truth and believed that truth is relative and depends on individual perception. The Sophists' focus shifted from the ultimate nature of the cosmos to the problem of man, influenced by the diversity of opinions among early Greek philosophers. They concluded that the lack of agreement among nature philosophers was due to the inherent limitations of human reason. However, they subjected human reason to a thorough criticism, leading to a relativist conclusion, denying objectivity to knowledge and paving the way for skepticism.

Herodotus used the story of king Darius to define the relativity and subjectivity of morality by observing the contrasting customs of different cultures (Callatian’s and Athenians. “Darius summoned Athenian and asked them if they would be allow to it the bodies of their dead fathers. They replayed, they would not for any money in the world. Later, Darius asked Callatiains, who do it their dead parents’ bodies. If they would ever, consider burning the bodies as was the custom among Greeks. He suggested that, what one culture considers morally right, another may consider morally wrong” (Taylor and LEE, 2025; Marshal, 2007).

Darius’s curiosity about the diverse practices of his diverse empire exposed the idea that morality is not universally fixed, but rather culturally constructed. The Sophist were highly associated with such kind of relativist thinking. Notably Protagoras who assert that “man is the measure of all things”. However, this view is quiet uncommon and moral relativism hardly flourished, as Socrates, Plato and Aristotle both defended forms of moral absolutism (Marshal, 2007, p. 31).

Generally, The intellectual tradition of sophist in ancient Greek concerned on relativism, rhetoric, the exploration of human affairs, challenging traditional beliefs, focusing on practical skills and persuasive argumentation. So that, due to their philosophical nature of morality the Sophist reject objective rules. For Sophist the bases of law is the self-interest of the subject. But, the invoker of virtuousness in ancient philosophy severely criticize Sophist's point of view.

3.1.2 Virtue ethics and the law of nature:

Virtue ethics, rooted in ancient Greek philosophy, is an ethical approach. Which emphasizes character and moral excellence. It is closely linked to the law of nature, which focuses on the natural order of things and human capacity for reason. For Athenian, good life is achieved by cultivating virtues and acting in accordance with reason and nature. Virtue, which can also be translated as excellence, is a general term that can refer to various forms of excellence. However, human excellence is basically different from other species, as demonstrated by Plato's dialogue Mino. Some versions of human excellence have a challenge relation to moral virtues. such as courage, moderation, justice, and piety (Marshal, 2007).

Virtue ethics concerned on the ethical qualities of actions. Its components are kindness, honesty, sincerity, justice, and the moral reasons behind them. Virtue ethics emphasizes that the motivation and justification of actions are intertwined with the agent's character traits. The focal point of virtue ethics is to promote a flourishing human life, which requires having moral capacities such as the ability to value, love, respect, and care for the nonhuman natural world as an end in itself (Dursun and Mankolli, 2021).

The ancient Greek great philosophers: Socrates, Plato and Aristotle are the founder and developer of virtue ethics. Each of them, shape virtuousness according to their core argument. Socratic virtue ethics emphasizes self-examination and pursuit of knowledge as a path to virtue. While Platonic virtue ethics focuses on the pursuit of universal ideals and the development of moral character. But the Aristotelian virtue ethics emphasizing practical wisdom and developing virtuous habit through practice and habit. Thus, I will discuss these philosophers thought in narrow sense below.

Socrates, 471 -399BCE is consider a founding father of western philosophy. Best known for his Socratic method of questioning. his emphasize on self-examination and ethical virtue. The central point to Socratic philosophy was Advocating for introspection and pursuit of wisdom.

Key philosophical concepts and ideas associated with Socrates revolve around ethics, epistemology and the nature of the soul. Above all, Socrates emphasized the importance of virtue and moral excellence. Asserting that, the knowledge of what is truly good leads to virtuous actions. for Socrates, true knowledge is not acquired through the senses, but through the rational inquiry and introspection. Severely, he rejected the sophist skeptic ethical thought. For Socrates the insight of human reveals everything. If what is right and wrong or just and unjust humans can examine., everyone shall act according to his insight. Therefor, as Socrates, "virtuousness is insightful to identify the absolute and eternal moral rules" (Marshal, 2007, p. 40).

In Plato's dialogues, Socrates deeply discussed about virtue And justice. Apology, Meno, the republic, Euthyphro, Charmides, Laches, Crito, and Euthydemus are the significant dialogues. These are aporetic. In the dialogues, he explored the nature of virtuousness, justice and its relation with happiness or the well ordered society. in other dialogues, we find a Socrates present positive teachings about virtue. the feature of those dialogues is deductive and conclusive. Republic, Phaedo, Philebus and Phaedrus are also the other dialogues which comprises Socratic questions.

However, kind of Socratic characters and kind of Socratic dialogues are not exclusive. He mixed two styles. But The aporetic style of Socratic ethics exemplified in early dialogues concerned on exposing contradictions and reaching a state of puzzlement (Aporia) rather than arriving at definitive conclusions. While the conclusive style associated with later dialogues presence a more definitive and often dogmatic view of ethics. Thus, Socrates examines virtues and justice through a dialogue characterized by the "Elentic" method. This a process of questioning and refutation often leading to "Aporia" (a state of impasse or perplexity) before potentially reaching a conclusive understanding (Szaif, 2017, p. 4; Marshal, 2007).

For Socrates, Virtuousness is understood as, a consciousness of the good and obedience to law. it is essential for a just society. He emphasizes the individual virtue and adherence to established legal frameworks. Law is significant to maintain harmony and justice within society. But, As he argued, the law should grounded in relevant reason and virtue rather than mere societal conventions or whims of the officials. for Socrates, the purpose of law is to guide individuals towards living a virtuous and just life. In addition, The law leads citizens towards the pursuit of reason, truth and moral excellence. so that, The laws should be based on the objective principles

of justice and the common good. Because, just laws established through rational deliberation and consensus rather than arbitrary decrees. generally, as the Socratic thought, true justice is a matter of virtue and knowledge rather than simply following the laws of the city. It also shows, the connection of law and morality, the relevance of critical thinking, the relation of law and justice, and the significance of personal responsibility.

Plato(428-347 BCE), was a great Athenian philosopher and a pupil of Socrates and teacher of Aristotle. Plato's philosophy is reflected in his famous book "The Republic," which encompasses ethics, moral psychology, political philosophy, epistemology, and metaphysics. Virtuousness and justice are one of Plato's central topics. In Athenian philosophy, political philosophy is formulated from ethics and moral philosophy. the purpose is to conduct a good life and ensuring justice. Plato believed that the state exists to fulfill human necessities, and humans do not merely seek survival but a good life. Plato pioneered in western political thought, viewing justice as a central question in dealing with politics and ethics. For Plato, justice is the essential requirement to lead a good life (Dursun and Mankolli, 2021).

According to Mark (2024), in Plato's virtue ethics, virtuousness is paramount for both individuals and societies wellbeing. Because it leads to a flourishing just life. Virtuousness individuals characterized by balanced and harmony within their souls. This also a foundation for just society. Wisdom, courage, temperance and truth are significant supporting virtues trait. He extended his concept of ideal state, by saying the republic where in with a perfect division of labor. Each man ought to do his work in the station of Lafeto, which he is called by his capacities. For Plato, just individual and just society are interwoven and justice is the excellence of the soul.

By citing William (1973) and Keyt (2006), as mark stated, "philosophical discussion of justice begins with Plato. Who treats the topic in a variety of dialogues, most substantially in the republic". in His dialogues, Plato discussed preventing injustice through a just society and a just individual. To save oneself from any crime and to prevent injustice, he advocates men inter into contract. That reflects how laws came into existence to codify standard human conducts and bring a sense of justice. As he believe, justice does not depend upon a chance, convention or upon external force. It is the right condition of the human soul by the very nature of man, when seen in the fullness of his environment (Mark, 2024, p. 4).

For Plato, statesmen is a special function. And can only be performed by qualified persons with a moral character. The administration of justice is also given to philosopher king. Plato offers the first sustained discussion of the nature of justice (Dikaiosun) and its relation to happiness". To comprehend the nature of the state, the nature of man has to be understood. the character of the state dependent on the character of its citizens.

Plato characterize human behavior in three main sources. These are: desire (Appetite), emotion (spirit) and knowledge (intellect). Similarly, in his idea of justice, he identifies virtues that suit each social class. The social class of traders whose dominant trait is desire, the befitting virtue of traders is temperance. The social class of soldiers, whose dominant trait is spirit or emotion. The befitting virtue of soldiers is courage. The social class of philosophers whose dominant trait is knowledge or intellect. The befitting virtue of philosophers is wisdom. The virtue that befits the state is justice which creates harmony in all the three social class and is necessary condition for human happiness. Generally, Plato's "Architectonic theory of justice" focuses on the evolution of morality and law, examining the nature of state based on human nature. The first three virtues belong to the three social classes, while the fourth virtue represents harmony among all classes. The philosopher king is the cornerstone of Plato's theory of justice.

The another Athenian great and revolutionist philosopher, who reshaped the philosophical nature of virtuousness was Aristotle (384-322) BCE. Aristotle's work on Ethics and politics is influential and it has been serving for make analysis on contemporary politics controversial moral issues. His ethical thought was based around assessing the broad characters of human beings rather than singular acts in isolation. Aristotle was considered a teleologist. Aristotelian ethical view based on the idea that, things including the humans have Telos or (a final purpose). The ultimate goal for human being is to achieve eudemonia, which is often translated as flourishing or living well. This involves cultivating virtues and living in accordance with reason, thereby achieving once natural potential (Richard, 2022, p. 3)

According to Aristotle's Nicomachean ethics, the main points of ethics are virtue of thought or virtue of character. Within that, there is an emphasis on having the proper action behind the character or attributes and aiming towards the intermediary. He separates virtues into two categories: "intellectual virtues and moral virtues". As he believe, "Intellectual virtues enable us to think rationally and while moral virtues enable us to handle our desires and emotions

rationally". Good intellect is chiefly produced and fostered by education, but moral goodness is mainly formed by training in habit.

For Aristotle, the primary focus of virtue ethics is to aims towards the intermediate while cultivating a balanced life. Once character and action should be aimed at what is good and just, which is good and just naturally is a result of the highest good. Which Aristotle claims is sustainable and self-sufficient happiness. As he believe, having courage, pursuing justice, patience, fortitude, temperance or knowledge are one of the manifestations of virtuousness. He connected virtuousness with the law of nature by arguing that a virtuous life guided by reason and pursuit of the good, aligns with the natural order of things and the Telos (purpose) of human beings. For Aristotle humans are naturally social and political beings, and that achieving virtue requires cultivating the right character traits and habits within a just society (Vieru, 2008, p. 3; Richard, 2022, p. 6).

He defined justice as a treating equals equally and unequal unequally. Aristotle divided political justice in to natural justice and conventional. The content of natural justice or universal aw is set by nature, which renders it immutable and valid in all communities. In other hand, the conventional justice embraces rules made by individual communities to protect their interest. Conventional justice is depending on the form of the government and subject to change. In addition, conventional justice is subordinate to natural justice. In Nicomachean ethics, he identified a further two types of justice. These are also: "distributive and corrective justice" (Beyhan, 2011, p. 6; Vieru, 2008, p. 5).

Distributive justice is serve to allocating common property proportionally to individuals on the basis of merit. In other hand, corrective justice serves to readdress any unfairness, which may result from private transactions that violate individuals property rights or other rights. Distributive justice promotes proportionate equality within society. As he believe also, corrective justice deals with the administration of the law through judge or mediator. The law should function to promote the perfect community. For Aristotle, the ideal political entity was a polis or city state. It ruled by a balance of democracy and tyranny. As he believe, The combination which creates the stable state (Beyhan, 2011, p. 6; Vieru, 2008, p. 5).

Nicomachean ethics revolves around virtuousness and natural justice, arguing that some forms of justice are inherent in human nature and others are convention-based. Virtue, according to

Aristotle, involves developing good character traits and habits for a good life and happiness, aligning with natural justice. The evolution of law and morality in Nicomachean ethics involves the pursuit of virtue and the development of a just society. Morality is rooted in developing virtuous character traits, while law plays a essential role in establishing a just framework for society, ensuring citizens can strive for excellence together.

3.1.3 The Stoic and the legacy of roman:

The Stoic and Roman legacy significantly influenced the evolution of law and morality. it was providing a theoretical framework for the Roman idea of natural juridical concepts. Stoicism's ethical teachings were easily adopted by the Roman empire, emphasizing the right of the citizen as the primary category. The Stoic tradition is considered one of the founding schools of virtue ethics, alongside Aristotelian ethics. The Stoic theory posits that living a life of virtue is necessary and sufficient for experiencing Eudaimonia, or flourishing in morality. They defined the path to Eudaimonia in terms of living in harmony with nature, believing that everything has its origins in nature and understanding natural laws of order is necessary for living a decent life. Roman jurists like Cicero embraced this idea, arguing that just laws should be derived from the law of nature. Stoic metaphysics was the state philosophy of ancient Rome, with notable exponents such as Seneca the younger, Epictetus, and Marcus Aurelius being influential Roman Stoics (AJAY, 2023, p. 3); Apasieva, 2000, p. 4).

Stoics, particularly during the late Stoic period, viewed philosophy as a way of life rather than just a theoretical concept. Seneca defined philosophy as a principal of proper living or a science for honest living. it influencing personal and social lives. Stoics defined the world as a reliable, material whole, with the mind or God as the reliable principle. They presented the active, creative, and teleological principle of the world, stating that everything in the world runs according to the will of the logos or established laws. The human soul, as part of this divine flame, can recognize and live according to these laws (Boeri, 2013).

Apatheia and universalism are two key aspects in the Stoic teaching. Apatheia concerns on individual level. Apatheia means a conscious effort to achieve a state of mind freed from the instability of the passions and instincts. It is equanimity in the face of life tribulations. the Stoic must train himself to live life in accordance with nature and reason. The Stoic must control his emotions and avoid luxuries and material destructions that would lead to disappointments and

frustrations. The Stoic happiness is within himself. The virtuous life is a simple life. It achieve through constant discipline in accordance with rational insight into mans essential nature. in the aspect of universalism, Hellenic culture became Hellenistic culture, as Athenian ideas and practices were adopted to the new world order. As the polis became the cosmopolis. The Stoic saw himself in two ways. In the political realm, he was a citizen of his city or state. In his self, the Stoic was a human. Stoicism unlike its Platonic and Aristotelian sources instated that the universe was governed by law which applied equally to all and raised all to equal status "a universal brotherhood of man". This revolutionary claim highly influenced Roman and Cristian ideas thereafter (AJAY, 2023, p. 6; Apasieva, 2000, p. 6).

The latter's goal of a tranquil private life through the pursuit of health, learning, good food, and good company was at odds with the formers demands of a more discipline private life of constant self-reflection and self-improvement, plus the continuing duty to shoulders one's obligations under the civic law. those differences made Stoicism much more attractive than Epicureanism to the average Roman. The Roman upper class might well be drawn to the Epicurean vision, but Stoicism could appeal to more than the leisure class. Most significant with its emphasis on self-reliance, simplicity, and service. Stoicism more closely reflected the Roman sense of self during the half millennium of the republic and the early empire (Marshal, 2007, p. 51; Boeri, 2013, p. 7).

The Roman legal system provided the highest expression of the notion that, a citizens rights are pare amount to the states rights. For the simple reason that, Stoic natural law was indifferent to the natural or divine source of law. in the sense that, the Stoics asserted existence of a rational and purposeful order in connection the universe and the manner in which such a rational man would live in the world. the principles of Stoicism were very appropriately used as platforms while codifying and creating Roman law.

The Roman law or Jus civil was classified in to three types: res law (law of things), Actio law (law of actions and persona law (law of persons). But only a Roman citizen had full capacity to possess right and to create obligations. The head of Roman family (pacta Familia) had full contractual capacity. the woman for that matter had diminished capacity. Women, slaves,infants and persons of unsound mind lacked capacity. Jus civil was applicable between citizens of Rome only. As the society grew and interaction with the outside world increase, the their was the need

to device a law or a system of law to apply to non Romans. This necessity lead to the emergence of jus Gentium. It was a law developed by Rome to apply to foreigners or to transactions between Romans and non romans citizens. Jus gentium is the crystallization of natural law and the beginning of international law. the Justinian code was the first code produced by jurisconsult (commissioned by emperor Justina), to apply to all irrespective of race, creed, status, and nationality. The Roman law is founded on intrinsic worth and virtues rather than the strength of the states compulsion and authority. One of the leading lights of the Roman era was also Cicero (AJAY, 2023; Apasieva, 2000).

Marcus, Tullius Cicero (106-43BCE) was prominent roman statesman, lawyer, philosopher, writer, and orator. His contribution is high to Roman political thought, law and rhetoric. Cicero's legacy in Roman legal history lies in his influential contributions to the understanding and application of natural law, law and morality. his writings particularly "De Legibus, De Officiis, and De Republica" established him as the first legal philosopher, forging the lasting connection between law, ethics and the natural order (Alonso, 2012, p. 5; Collins, 2017, p. 20).

Cicero's Stoic influenced concept of natural law, which derives from the divine reason inherent in the universe and human reason, profoundly shaped Roman legal thought and beyond. Cicero inherits from Stoicism the pantheistic view of natural law as right reason in agreement with nature and God. Who is its author, its promulgated and its enforcing judge as well. In addition, to strength his idea, Cicero borrowed freely from Greek philosophy, but combined the lessons learned from the Greek's with Roman political sensibilities and his own insight gained from a life of political practice and study. The result is a unique political vision. He was a proponent of Roman Libertas. emphasized the importance of freedom for Roman citizens, particularly those belonging to the res publica (the republic), or common wealth. He believed that the liberty of the common wealth is lost when someone can dominate it by force, replacing established institutions and the rule of law with arbitrary rule of one or more individuals. The liberty of individual depends on the liberty of the common wealth, but republican government also holds value beyond protecting individual person and property. As a citizen, one is a co-owner of the common wealth (Alonso, 2012; Collins, 2017).

Citizens enjoy dignity through participating in the political system, which develops and expresses the loftiest qualities of human nature. Cicero's account of natural law, which differs

significantly from Aristotle's, is a key foundation for this system. Cicero's republicanism differs significantly from other post-republicanism theories like Machiavelli and Rousseau, as he envisions a political society that closely resembles modern circumstances and values. He emphasizes the rule of law and civic rights, and proposes firm checks on popular will, promoting an open, cosmopolitan society. Cicero's republicanism incorporates liberal values such as individualism, protection of private property, and a vision of citizens as right-bearers. Despite being a republican thinker, Cicero's unique republicanism incorporates liberal values such as individualism, private property protection, and a vision of citizens as right-bearers (Collins, 2017, p. 25).

Generally, Cicero, a classical philosopher and lawyer, significantly influenced morality and law. He proposed a model of politics that accommodated republican and liberal aspirations, demonstrating no conflict between the two values. Cicero's natural law theory, rooted in Stoic philosophy and Roman culture, posited universal principles of justice as inherited in human nature and accessible through reason. This theory influenced Roman legal traditions, medieval cultures, and the revolution of Thomism.

3.2 The evolution of law and morality in medieval period

In medieval Europe crucial cultural shifts occurred in the understanding of law and morality. it influenced by religious doctrines and the rediscovery of classical learning and the rise of Scholasticism. This period saw a move away from solely tradition and towards more reasoned and systematic legal and ethical frameworks. Therefore, The medieval period saw a complex evolution of law and morality. it marked by both continuity and change. It was characterized by legal pluralism, where different legal systems existed alongside each other, and the strong influence of religious beliefs on both legal and moral frameworks. “Most agree that the period stretches from 500-1500, but some push the starting point back and/the end point forward. Rather, the change is about geography, language and culture” (John, 2024, p. 7).

The vital, diverse and sophisticated theorizing about politics was produced by Christians, Jews, and Muslims alike in the medieval period. Moreover, the impact of medieval political philosophy continued to be felt in western and eastern cultures long after the close of the middle ages. Many key ideas about law, power and the relationship between religion and politics that were debated during the medieval era resonated for centuries thereafter and even today. The early medieval

thought heavily influenced by Augustine. Viewed justice and morality through a lens of divine law and the consequences of human sin. Justice was sin as the rightful ordering of the world, reflecting God's will and morality was linked to aligning one's actions with that divine order. Augustine's concept of original sin, where humanity inherited a corrupt nature, played a central role in shaping this understanding. Thus, in terms of the evolution of law and morality in medieval period, I will discuss the idea of Augustinian and Thomism super simply.

3.2.1 The Augustinian thought

Christianity became the dominant religion in the Roman empire, with early church fathers like ST Augustine (354-430) introducing a different explanation of the world. Augustine believed that Adam and Eve committed "original sin" and all humans were born with this sin, but also believed in God's mercy and sent Jesus to save believers from eternal suffering. As he believe, human beings are inherently sinful, and only a select few, known only to God, would be spared from eternal damnation and attain eternal happiness in what he called "the City of God." (Sellers, 2009; Bouton, 2021).

Augustine held that human life on earth is deeply corrupted by original sin. He made a clear distinction between "the City of God," which represents living in accordance with God's will, and "the City of Man," which symbolizes a sinful existence. He emphasized that being part of the Christian (Roman Catholic) Church was crucial, though it did not ensure salvation. Due to the sinful nature inherited from Adam and Eve, Augustine argued that government was necessary to regulate and discipline humanity. He maintained that the form of government was not important, as all earthly systems are temporary. Augustine classified law into three categories: *lex temporalis* (temporal law), *lex naturalis* (natural law), and *lex aeterna* (eternal law). He believed that people should obey their rulers unless those rulers acted against God's teachings—in such cases, believers could disobey but should be prepared to face the consequences. (Bouton, 2021, p.15)

As the scholars, Augustine played a crucial role in preserving Cicero's conception of Romanness. Many of Cicero's ideas about this would have been lost had they not been suggest that this change in Augustine's assessment of Cicero comes about after 415 and that it should be seen in the context of Augustine's rereading of Cicero as he starts working on the city of God. To reconcile law and morality, he synthesize the element of pagan philosophy and Christian Dogma.

Augustine sees Cicero as a author who encouraged him to engaged with philosophy and who provided him with the definition of philosophy as “love of wisdom”. On many issues Augustine is faithful to the vision outlined in the Hortensius. This points includes: eudaimonism, the fate of the soul after death, a rejection of the goods which are associated with the sensible realm, the misery of earthly life, and the emphasis on the search for truth. These concepts can be traced to cicero and reinterpreted by Augustine from the Christian point of view (Sellers, 2009; Bouton, 2021). In General, Augustine profoundly shaped Roman understanding of justice, law, morality and the early medieval political culture. he advised that, it was better to endure a wicked state, during one’s brief existence on earth. Having faith that eternal life, awaited in the city of God.

3.2.2 The birth of Thomism:

Cicero and Augustine played a crucial role in shaping medieval conceptions of justice and natural law, this directly influencing the rise of Thomism. Cicero’s emphasis on natural law as rooted in human reason had a crucial impact on Augustine’s Christian reinterpretation, which in turn greatly shaped the systematic philosophy of Thomas Aquinas. Broadly speaking, the intellectual legacy of Stoic and Roman thinkers laid the philosophical groundwork for the medieval understanding of natural law. This foundation became central to the emergence of Thomism and to the development of medieval legal and political theory. Hence, Thomas Aquinas (1225–1274) emerged as a central figure in the history of natural law and moral philosophy. His unique integration of Aristotelian logic, Christian theology, and Roman legal principles resulted in a comprehensive framework that deeply influenced legal and ethical thinking for generations. Other important contributors of the era included Boethius, and Anselm of Canterbury. But the formulation of natural law under Thomism had a high effect on medieval legal theory, offering a basis for understanding morality, individual rights, and the constraints on governmental authority (Mustafa, 2019, p. 5; Byrne, 2020, p. 8).

Aquinas firmly argued that natural law is discernible through human reason and grounded in human nature. This perspective supported the recognition of individual rights and moral obligations, influencing the evolution of legal systems and informing ideas about justice and the function of law in society during the medieval era. He devoted his life to combine Christian faith with human reason. he synthesized the political philosophy of Aristotle with Christian faith. In doing so, he contended that a just ruler or government must work for the common good of all. He

expounded his theory of natural law in the “Summa Theologiae”, the first detailed and systematic discussion of natural law theory.

For Aquinas “law was nothing else than an ordinance of reason for the common good, promulgated by him who has care of the community”. On his part Aquinas divided law into four groups such as: “eternal law, divine law, natural law and human law”. according to him, law must be for the common good and just. Where, however, such law is unjust it was unworthy of being called a law. thus, the saying unjust law is not law (Byrne, 2020).

Aquinas presented for kinds of laws. Eternal law was God’s perfect plan, not fully knowable for humans. It determined the way things such animals and planets behaved and how people should behaved. Divine law, primarily from the bible, guided individuals beyond the world to “eternal happiness” in what as Augustine had called “the city of God”. Aquinas wrote most extensively about natural law. as he said, “the light of reason is placed by nature and (thus by God) in every man to guide him in his acts”. therefore, human beings alone among God’s creatures use reason to lead there lives. This also natural law. the master principle of natural law, wrote Aquinas, was that “good is to be done and pursuit and evil avoided”. Aquinas stated that, reason reveals particular natural laws that are good for humans such as self-preservation, marriage and family and the desire to know God. reason, he taught also enables humans to understand things that are evil such as adultery, suicide and lying. While, natural law applied to all humans and was unchanging. Human law: could very with time, place, and circumstance. Aquinas defined this last type of law as an “ordinance of reason for the common good”. It made and enforced by ruler or government. He warn, however, that people were not bound to obey laws made by humans that conflicted with natural law (Mustafa, 2019; Byrne, 2020).

Unlike Augustine, who viewed government mainly as a tool to restrain sin, for Aquinas, its role was more constructive—helping to promote the common good for everyone. This included safeguarding life, ensuring peace and security, and maintaining the state, aligning with Aristotle’s concept of “the good life.” Aquinas also addressed the issue of unjust rulers, whether they were kings, elites, or the general populace. He contends that, when rulers enact laws that contradict natural law, they become tyrants. According to him, a tyrannical government is unjust because it serves the private interests of the ruler rather than the welfare of the public.

When it came to responding to tyranny, Aquinas shared Augustine's view that people are not obligated to follow unjust laws. However, Aquinas advanced the argument further than most medieval thinkers by suggesting that the public, acting with legitimate authority, could overthrow a tyrannical regime. Still, he warned that such action should be taken only after careful consideration, and only if the harm caused by the tyranny outweighs the potential consequences of rebellion. This position represented one of the earliest philosophical justifications for revolution in Western thought (John, 2007).

Thomas Aquinas expanded upon the concept of a "just war," which had earlier been addressed by the Roman statesman Cicero and Saint Augustine. According to Aquinas, a war could only be deemed just if it met three essential conditions: first, it must be formally declared by legitimate rulers acting in defense of the common good; second, there must be a just cause, such as retaliating against wrongdoing or punishing aggressors who have committed serious offenses; and third, the intention behind the war must be morally right—such as promoting justice or preventing harm—rather than motivated by greed, such as the desire to seize land or resources. These principles laid the foundation for the later development of international laws governing warfare.

Aquinas also offered a thoughtful analysis of ideal governance. Like Aristotle, he favored a mixed form of government that combined different elements. While he acknowledged the merits of monarchy, seeing the king as a shepherd working for the public good, he strongly opposed absolute monarchy. He contended that a king should be advised and restrained by the nobility, and that laws must arise through rational deliberation with the consent of both the nobility and the general populace. These ideas were considered revolutionary at a time when monarchs often claimed divine authority and were seen as answerable only to God (Mustafa, 2019; Byrne, 2020; John, 2007).

More broadly, in the context of the development of legal and moral philosophy, Thomism—particularly its articulation of natural law—has had a lasting influence on modern political thought and contractarianism. Aquinas provided a foundational framework for understanding natural law as a built-in, universal moral code. This framework has informed debates on the scope of governmental power, the nature of moral obligations, and the principles underlying the social contract.

3.3 The evolution of law and morality in the modern political history:

In modern political history, the evolution of law and morality is a complex interplay. where societal values and legal frameworks adopt to changing social and technological realities. Morality encompassing ethical principles and societal norms, often precedes and influences the development of law. while legal systems seek to codify and enforce moral values. This relationship is not always straight forward, as laws can sometimes lag behind or even conflict evolving moral standards, creating societal tensions and political debates. This also, one of the manifestations of secular world. secular thinking in modern political history has profoundly influenced the evolution of law and morality by separating religious authority from legal and moral frameworks. This has led to a shift towards secular law, where legal systems are based on rational principles and human rights rather than religious doctrines. Simultaneously secular morality has emerged offering alternative ethical systems grounded in humanism, freethinking and consequentialism.

in the last centuries, religion had been losing its influence in society. But its connection to contemporary democratic state is still among the most fundamental questions of political philosophy. Secularism is often commonly presented with label of "the separation of church and state". But the idea of the state disconnectedness from the religion is a much more complex a phenomenon than this term suggest. A secular state must manage the attachment between religion and state institutions in a way that makes, religion both subject to specific disabilities and singling out for special treatment.

Modern secularism comprises political secularism, economic secularism, educational secularism, ethical secularism, scientific secularism and religious criticisms. all are different modes of secularism. But, political secularism is a prominent mode among these. because it is a precondition of the pursuit of the other modes of secularism. Political, religion and there separations are the significant elements of political secularism. Consequently, different conceptions of secularism will provide different and contrast versions of the core concept. Zala, P: 3(2019).

Political secularism depend on how they define politics, religion, and separation. Tracing secularistic views, in the historiography of western thought, Marx, Freud and Durkheim as well as other early philosophers argued that, religion was part of premodern culture and predicted that

it would be abandoned by humans as civilization progressed. in the early modern western intellectual tradition also, the father of modern political philosopher, Italian scholar Niccolo Machiavelli, (1469-1527) to bold political secularism, vividly and strictly he separated state affairs from morality (Ojong and Apebende, 2017, p. 6)

According to Machiavelli, it is important for the ruler to have ruthless and cunning nature, which Machiavelli symbolizes with the nature of a lion and a fox. "Therefore, since a prince, must perfect his knowledge of how to use animal attributes, those he must select are the fox and the lion. So that, power can always avoid, various forms of traps and tactics that threatened sovereignty. Thus, Machiavelli's secular moral thought, which emphasizes practical political effectiveness over traditional morality. it significantly impacted the evolution of modern politics, law and morality. his work challenged the dominance of religious ethics in politics. He argued that, rulers should prioritize the stability and security of the state, even if it means employing morally questionable tactics. This influenced the development of modern political realism, where the pursuit of power and the pragmatism of statecraft are often prioritize over strict moral principles.

On the other hand, another influential figure in the development of law and morality was the Dutch scholar Hugo Grotius (1583–1645). His ideas about the state of nature marked a significant shift in political thought, challenging the traditional Aristotelian view that states and villages originated from male-dominated hierarchical families. Grotius developed the first comprehensive theory of international law, adapting Aristotle's concept to argue that humans are not only rational but also inherently social beings. For Grotius, reason alone defined human nature and enabled individuals to live harmoniously within society.

As a legal theorist, Grotius played a pivotal role in advancing a secular conception of natural law. He argued that natural law exists independently of divine authority, emphasizing human reason and social contracts as the foundations for just legal systems and moral principles. This approach laid important groundwork for modern international law and secular natural law theories. His seminal work, *De Iure Belli ac Pacis* ("On the Law of War and Peace"), established a framework for understanding law and morality beyond religious or theological bases, opening the door to a secular interpretation of justice and human rights (Haskell, 2011, p. 11).

Hugo Grotius's philosophy of natural law had a profound influence on 17th-century political thought and the moral theories of the Enlightenment. He is widely recognized by contemporary international scholars as the founder of international law. His contributions to the concepts of sovereignty, international commercial rights, and the principles of just war continue to shape modern understandings of the international legal system. As mentioned earlier, his seminal work *De Jure Belli ac Pacis* ("On the Rights of War and Peace") is especially significant in this regard, alongside *Mare Liberum*, which advocates for freedom of the seas and is considered a foundational text for modern maritime law.

Grotius drew heavily from classical philosophy, particularly Aristotle and the Stoics, as well as from Renaissance humanism and late medieval scholasticism. Amidst the religious conflicts of the Reformation, he championed a conciliatory vision aimed at uniting the Christian church through principles of civil religion and religious tolerance (Zala, 2019).

generally, secular thought in modern political history has played a crucial role in shaping the development of law and morality by advancing ideals such as legal equality, the separation of church and state, and individual autonomy. This shift moved moral and legal foundations away from religious or faith-based frameworks toward secular models grounded in reason, individual rights, and social contract theory.

3.3.1 The legacy of social contract to the evolution of law and morality:

Machiavelli's focus on power and the effective, often ruthless, means of maintaining stability significantly impacted the social contract theory of Hobbes, Locke, and Rousseau. While three thinkers explored how individuals agreed to form a state. Their interpretations of human nature and the necessary role of government differed reflecting Machiavelli's emphasizes on power dynamics. Therefore, in the development of law and morality in the circle of secularism Hobbes, Locke and Rousseau are prominent political philosophers in the western intellectual tradition. Their philosophical discourse in the state of nature and the social contract have contributed greatly to the emergence of political theories. Most of which are essential today. the discussion of the state of nature of human being before an institution called the state is formed, becomes very important specially when a state wants to determine its ideals.

The construction of the state of nature, first emerged in 17th and 18th century in Europe and became an important foundation for the birth of various conceptions of modern state. the state of

nature was first formulated by Thomas Hobbes, (1588-1679) and the topic that was also discussed by other great philosophers specially, John Locke, (1632-1704) and inspired later thinkers such as J-Rousseau, (1712-1778) and Montesquieu, (1689-1755).

Hobbes, wrote dawn his main thoughts in a book entitled Leviathan. Hobbes argued that, all men are equal by nature. in a state of nature, before the existence of government, every wants to maintain their freedom and more explicitly leads to the desire to gain power over others. Both of these desires are dictated by the drive for self-preservation. Humans are described by Hobbes as homo Homini Lupus (wolves for other humans). This situation eventually lead to various kinds of conflicts between fellow humans. this conflicts lead to wars of 'all against all' which makes the natural life of human beings evil, brutal, poor and short (Hobbes, 1991, p. XII).

in the natural state there is no property or property rights, no justice or injustice. their is only war in addition, as he concludes: force and frauds are the only two virtues left as they are prevalent in war fare situations. Hobbes then explains, how humans eventually get out of this natural situation. Namely by joining into societies that are each subject to a single authority. This is represented as happening through the social contract. Hobbes, presupposes that a number of people come together and agree to choose a sovereign or sovereign body. That will exercise authority over them and put an end to universal war. . through this, humans or individuals surrender their rights and freedoms to sovereign of the state or to counsel of the people. The state, that is formed then also has the right to determine moral values. To determine the good and bad of a norm or value system. so that, the state only recognizes rights but lacks obligations. The state has absolute power. Its power cannot be divided. To create peace, the power possessed by the state must have the characteristics of Leviathan, namely strong, cruel, feared. Thus, Hobbes heavily influenced by Machiavelli and he believed in strong and sovereign state to maintain order in a state of nature characterized by chaos and self interest.

In contrast to Hobbes concept that, the state of nature is a state of terror and discomfort. Locke views the state of nature more positively. Locke's explains that, humans lives together according to reason, without any party that is higher than the other. They have the authority to judge between them. Locke describes the natural life of human beings not as Hobbes describes it. A life of savagery but an imaginary community of good anarchist. Who do not need police or courts because they always obey the guidance of reason, which is equated with natural law. which in

term, consist of laws of behavior that are considered to have divine origins (Locke, 2003, p. 102).

This can be seen E.G in the natural human conviction not to kill each other, but the rules regarding to this are not something that manifest naturally. The fulfillment of human rights and a system that guarantees these rights is the core of Locke's social contract theory. These rights, includes the right to life, liberty, property and healthy. The social contract run by government must protect these rights. He also witnessed the conflict between government affairs and religion increasingly tapering off. He felt that, this was the main disorder of society. He believed that, a possible way to solve this problem was to return fair affairs to their nature. religion on the one hand was given the right to regulate private affairs, while for public affairs, it was left to the rules obtained through a collective contract. For Locke, no one can have political power without the consent of the people. This means that, essentially all the activities of the people will be determined by the consent of the people. When any number of men have, by the consent of every individual made a community. They have their by made that community one body, with a power to act as one body. Which is only by the will and determination of the majority. The government then has, the task of protecting the lives, freedoms and property of the people. Mutual consent is also considered the key to reducing conflict and war. the state is considered the main foundation in solving societies problems.

Generally, in the evolution of law and morality, the social contract theory serves to legitimize political authority while also placing limits on both the power of rulers and the rights of individuals. It posits that all humans are naturally born free and equal, and that political authority arises through an agreement among individuals. The state of nature describes the early, pre-societal condition of humanity, which then evolves into organized, civilized society through the social contract. This theory highlights how secular perspectives on human nature and life have profoundly influenced Western political thought in the modern era. There are notable differences between key thinkers such as Hobbes and Locke regarding the ideal state: while Hobbes advocated for absolute authority, Locke emphasized a separation of powers among legislative, executive, and federative branches. This idea of divided government was further developed by philosophers like Rousseau and Montesquieu, ultimately giving rise to the political system known as democracy.

3.3.2 The impact of Kantian Categorical imperative in the evolution of law and morality

Emanuel Kant, (1724-1804) was the revolutionist philosopher in the western intellectual tradition. His most significant positions in moral philosophy are discussed in the ground work of "Metaphysics of morals". But he revised, enriched and modified those views in later books such as: the critic of practical reason, the metaphysics of morals, religion within the boundaries of mere reason as well as his essays on histories and related issues (Robert and Adam, 2024, p. 3). Kant raised interesting questions concerns on the questions of right and wrong. What makes an action right or wrong? Which actions are we required by morality to perform? Do outcomes matter? Is it ever permissible to do something morally wrong in order to achieve good outcomes? Is it significant to do actions with good motives? and what are good intentions? For Kant, the main answer to these questions is , intentions or motives are significant to ethical assessments of actions.

Kant's ethics is concerns on duties, defined by right and wrong. Which are the primary deontic categories, along with obligatory, optional, supererogatory and others are separate from good and bad. Which are value categories. In that they directly prescribe actions. Right actions are once we ought to do, are morally required to do. and wrong actions we ought not to do are morally prohibited from doing. This is referred as deontological ethics. the name comes from the Greek word "Deon" meaning duty or obligation. In deontology the Deontic categories are primary. While value determinations are derived from them. For Kant, all our duties can be derived from the categorical imperative (Fletcher, 1987, p. 9).

According to Kant, morality must be rational. He models his morality on science. Which seeks to discover universal laws that govern the natural world. similarly, morality will be a system of universal rules that govern actions. Right action is ultimately a rational action. As an ethics of duty, he believes that, ethics consists of commands about what we ought to do. The word "imperative" in his categorical imperative means a command or order. However, unlike most other commands, which usually come from some authority. These commands comes from within from our reason. "categorical and hypothetical imperatives are the two different types of imperatives. A hypothetical imperative is a contingent command. It depends on personal demand, need and desire. hypothetical imperative doesn't apply Without personal or particular need, goal

and desire. In other hand, a categorical imperative is absolute command. Kant believes that, there is one categorical imperative, that is essential and that should guide all of our actions.

Kantian categorical imperative heavily impacted the enlightenment evolution of law and morality by establishing a universal and rational framework for ethical decision making. This framework based on reason and duty. It emphasized treating all rational beings as ends in themselves and not merely as means. This concept influenced the modern period legal systems by promoting principles of human rights, equality and justice as well as moral standards based on universal or objective principles rather than subjective desires or social norms. For Kant, the supreme principle of morality is a principle of practical rationality that he dubbed the "categorical imperative". He characterized CI an objective, rationally necessary and unconditional principle that we must follow despite any personal interests we may have to the contrary. For Kant, CI is the way of justifying all moral requirements. All immoral actions are irrational because they breach the categorical imperative (Robert and Adam, 2024).

in Kantian philosophy of law and morality, freedom is one of the central concepts. the relevant form of freedom is external freedom in legal context. This is the ability to act according to one's own choices. These choices do not necessarily reflect reason or moral correctness; rather, they are subjective and contingent, representing the diverse decisions of individual persons. Such choices are represent through actions that define private legal relationships. It comprises acquiring and transferring property, entering contracts, making wills, marrying, and establishing households. Thus, the purpose of law is to synthesize these individual choices in a way that ensures each person enjoys, the greatest possible scope of external freedom.

Kantianism defined law as "the set of conditions under which the choices of each individual can coexist with the choices of others under a universal law of freedom." The legal system's enacted rules provide the conditions that protect this maximum freedom of choice. The choices involved here go beyond mere interests or desires; they are concrete expressions of freedom in the external world such as owning property or controlling another's choices through contracts. Since these assertions of freedom may conflict with others, the law's purpose is to mediate and harmonize these competing claims. Schneewind, P:6 (1993)

More broadly, Kantianism concepts the hypothetical and categorical imperatives have had a significant influence on the evolution of law and morality. the distinction between actions driven

by personal desires (hypothetical imperatives) and those grounded in universal, rational principles (categorical imperative) has profoundly shaped modern legal and ethical thoughts.

3.3.3 The impact of consequentialism in the evolution of law and morality

According to Haines (2024), "consequentialism views the core purpose of morality as either (A) spreading happiness and alleviating suffering, (B) maximizing freedom in the world, or (C) ensuring the survival of the human species" (p. 4). This ethical perspective has roots in classical philosophy. There are several prominent schools notably incorporated consequentialist ideas into their ethical theories. The Cynicism, Cyrenaicism, Epicureanism, and Stoicism each Athenian schools emphasized outcomes like happiness or pleasure as the essential measure for evaluating the justice and justification of actions. These schools were led by influential philosophers such as Antisthenes (444–369 BC), Aristippus (435–354 BC), Epicurus (370–241 BC), and Zeno (264–236 BC). These schools ethical theory concerned on prioritizing happiness or pleasure to make the good life.

However, in the modern ethical thought Consequentialism is a broader ethical theory and Utilitarianism is also a specific form of it. It centralize, defining good consequences as those that maximize happiness or minimize suffering for the greatest number of people. Germy Bentham, (1748-1832) John Stuart mill, (1806-1873) Henry Sidgwick and G. E Moore are one of the proponents of the utilitarianism ethical theory. But, the two most notable founders of modern utilitarianism are Germy Bentham and John Stuart Mill. In his book, "an introduction to the principles of morals and legislation" The English philosopher and economist Germy Bentham is widely considered as the founder of classical utilitarianism. while Mill in his famous book, "utilitarianism" further developed and refined the theory (Julia, 2022, p. 4).

Hobbesian account of human nature and Hume's account of social utility significantly influenced Bentham. According to Bentham, pleasure and pain are the two sovereign masters of human. humans seek pleasure and the avoidance of pain. they govern humans in all doing, saying, and thinking. Which actions were most likely to make people happy. If happiness was the experience of pleasure without pain, the most ethical actions were ones that caused the most possible happiness and the least possible pain. Therefore, in this theory, Bentham promulgated the principle of utility as the standard of right action on the part of government and individuals (Julia, 2022, p. 7).

Bentham developed a calculator to work out which actions were better or worse the 'felicific calculus'. Because it counted every person's pleasure or pain as the same, regardless of age, wealth, race, etc. utilitarianism could be seen as a radically egalitarian philosophy. Bentham's, point of views are most closely reflected with act utilitarianism. This basic form of consequentialism holds an action as ethical if and only if it produces more beneficial/pleasure-causing outcomes than negative/pain-causing ones. Whenever we are faced with a decision, an act consequentialist will expect us to ask that question. When called upon to make a moral decision one measures an actions value with respect to pleasure and pain according to the following: intensity, (how strong the pleasure or pain is), duration (how it long it last), certainty (how likely the pleasure or pain is to be the result of the action), proximity (how close the sensation will be to performance of the action), fecundity (how likely it is to lead to further pleasures or pains), purity (how much intermixture there is with the other sensation), extent (the number of people affected by the action) (Haines, 2024, p. 11).

John Stuart Mill (1806-1873), was a follower of Bentham and through most of his life heavily admired Bentham's work, even though, he contended with some of Bentham's claim, particularly on the nature of happiness. Mill's hedonism was based on perfectionist intuitions. For Mill, There are some pleasures that are more fitting than others. Intellectual pleasures are higher, better, sort than the ones that are merely sensual and that we share with animals. Thus, Mill wasn't a hedonistic utilitarian. He was more comfortable with understanding like rights. This does not mean that, Mill in actuality repudiated utilitarianism. The rationale for all, the rights he accepts is utilitarian ethical theory. Mill argued that, the principle could be proven, using another rather notorious argument.

For Mill, it was too challenge for a society to run if it had to consider the specific costs/benefits of every single action. Instead, according to Mill, we should figure out which set of rules would create the most happiness over an extended period of time and then apply those in every situation. This was the another version of utilitarianism called rule utilitarianism. So that, Mill attempted to use utilitarianism to inform law and social policy. The aim of increasing of happiness underlies his arguments for woman's suffrage and free speech. One of Mill's famous argument to this effect can be found in his writing on women's suffrage, when he discusses the ideal marriage of partners. Noting that the ideal exist between individuals of cultivated faculties who influenced each other equally (Julia, 2022, p. 13).

Consequentialism and utilitarianism played a pivotal role in shaping Western law and morality during the Enlightenment, marking a shift away from divine right and inherent moral principles toward a focus on human well-being. These ethical theories prioritize the outcomes of actions rather than adherence to fixed rules, influencing legal systems through the principle of achieving the greatest happiness for the greatest number, and reshaping morality by emphasizing the overall consequences of behavior. The Enlightenment's emphasis on reason and empirical evidence created a fertile environment for these ideas to flourish, driving reforms in legal frameworks that promote societal welfare and altering the understanding of individual rights and responsibilities.

Broadly, Utilitarianism, in particular, has had a crucial and lasting impact across the evolution of morality, law, politics, and economics over the past two centuries. Its theory of punishment contrasts sharply with retributive justice, which seeks to make offenders pay for their crimes. Instead, utilitarianism justifies punishment primarily as a means to prevent future wrongdoing—either by reforming offenders, protecting society, or deterring others through the threat of penalties. Politically, utilitarianism grounds governmental authority and the protection of individual rights in their practical utility, offering an alternative to natural law, natural rights, or social contract theories. Consequently, the question of the best form of government becomes one of determining which system produces the most beneficial outcomes, a judgment that depends on empirical understanding of human nature and behavior.

3.3.4 The influence of Rawlsian and Fenian analysis in the evolution of law and morality

In the modern era, in terms of shaping the contemporary politics cultures and systems, John Rawls theory of justice is fairness and John Finnis natural law/right tradition has significant in its impact. Both works profoundly influenced the evolution of law and morality by providing frameworks for understanding justice, fairness and the bases of rights. Rawls's theory with its emphasis on fairness and equality has impacted the development of legal systems, that aim to protect the list advantaged and insure equal opportunities. While the Fenian natural law tradition, with its emphasis on inherent rights, has shaped constitutional frameworks and legal interpretations that uphold fundamental human rights. As I stated, Particularly in the areas of law, human rights and the justification of social policies the impact is high. Rawls's theory with its focus on fair principles in an original position emphasizes the importance of equal basic liberties

and maximizing benefits for the list advantaged. In other hand, Fenian natural law and rights rooted In the belief in inherent human dignity and inalienable rights. Provide a moral framework for evaluating legal and political systems. In the twentieth century, Both scholars are one of the leading political, legal and moral philosophers. Realizing their thought is significant to explore the value and relation of law and morality on contemporary politics vividly (Danel and Mohamed, 2008; Said and Nurhayati, 2021).

John Rawls (1921-2002) was and American political philosopher in the liberal tradition. Based on an in depth analysis of his interdisciplinary thinking, Rawls believed to be one of the influential scholars on the discourse on the value justice to this world. some of the concept of justice put forward by Rawls including: a theory of justice, a political liberalism and the law of peoples, have a considerable influence on the discourse of justice. His theory of justice as fairness describes a societies of free citizens holding equal basic rights and cooperating within an egalitarian economic system. his theory of political liberalism explores the legitimate use of political powers in a democracy, and envisions how civic unity might endure the diversity of world views that free institutions allow. His writings on the law of peoples set out a liberal foreign policy that aims to create a permanently peaceful and tolerant international order.

For Rawlsian, justice is the main virtue of the presence of social institutions. specifically, Rawls developed the idea of justice by making full use of his creative concepts known as “the original position and the veil of ignorance”. Rawls contend, positions the existence of unbalanced and equal situation between each individual in society. There is no difference between status, position having a higher position from one another. So that, one party can make a balanced consensus. That is an “original position” which rest on the notion of reflective equilibrium based on the characteristics of rationality, freedom, and equality. The purpose is, to regulate the core structure of the society. Meanwhile, the concept of veil of ignorance mean, that everyone is faced with the closer of all facts and circumstances about himself, including certain social positions and doctrines. With this concept, Rawls leads the public to obtain the principle of fair equality with a theory known as “justice as fairness” (Rawls, 2006, p. 90). This means justice according to Rawls, is a measure that must be given to achieve a balance between personal and common interest.

The greatest equal liberty principle, the difference principle and the equal opportunity principle are three interesting principles in Rawlsian theory of justice. (1) the greatest equal liberty principle; in this principle Rawls argue that, everyone should have the some rights to the broadest basic freedoms as wide as the some freedoms for all people. This principle is the most fundamental right that everyone should have human rights. Which means, that with the guarantee of equal liberty for all people. Justice will be realized in the context of equal rights. This principle is non other than the principle of equal rights, that inversely proportional to the burden of obligations that everyone has. These fundamental principles are essential for rights and freedom. (2) the difference principle; social and economic unbalance must be managed. so that, inequality can be overcome. it is necessary to pay attention to the difference principle and the principle of equal opportunity. This is targeted at providing the greatest benefit to disadvantage people, and emphasizes that under equal conditions and opportunities . all positions must be open to all. (3), The equal opportunity principle; this principle is the principle of objective difference. Meaning, that the second principle guarantees the realization of the proportionality of the exchange of rights and duties of the parties. Therefore, it is logical to accept differences in exchange as long as it meets the requirements of good faith and fairness. Generally, Rawlsian works revolutionized political philosophy and profoundly paved the way to realize morality in the nature of law.

In other hand, the another great philosopher who discussed the essence of morality and law on his work the natural law/right, (1981)was John Finnis. Finnis was the British lawyer and philosopher. Who is desirous of scrutinizing the utility of natural law in contemporary society. As I stated above, in the introductory part of the title, his thoughts profoundly impacted contemporary politics and society by offering moral and legal framework. that emphasizes the importance of human flourishing and the pursuit of basic human goods. Fenian views reenergized the natural law concepts and challenging the dominance of legal positivism. The theory, providing a foundation for understanding the relationship between law, morality and the individual freedom. Fenian new natural law theory is embedded by moral theory. A moral type of natural law stated that, “all human beings have the capability to understand fundamental moral obligations. It presupposes the ability of everyone to realize the basic aspect of morality regardless of their race, creed, color or culture” (Shearmur, 1990, p. 123).

According to Finnis, natural law is a set of principles of practical reasonableness to be utilized in ordering human life, and humanity community. This is in the process of creating purposeful conditions for humans to attain the objective goods. For Finnis, the normative conclusion of natural lawyers was not based on the observation of human behavior or nature but they resulted from the reflective grasp of what is evidently good for all human beings. He contends that, objective knowledge of what is good is possible to owing to the law to the extent of objective goods which he calls basic form of human flourishing. He enumerated such objective goods to include life, knowledge, play, aesthetic experience, friendship or sociability, practical reasonableness and religion.

For Fenian, these seven good values are irreducible and universal. they apply to all humans at all times. To flourish as human beings we seek all of these basic goods. For instance, in terms of (life) it is the main driving force to self-protection. It comprises every aspect of life. Which puts a human being in good shape for self-determination. It includes bodily health, avoiding pain, also the transmission of life by procreation. In addition (knowledge) means, it is desirable for its own sake. It is purposeful to be well informed instead of being ignorant.

Generally, as Finnis, natural law is a set of principles of practical reasonableness in systematizing human life and human community. It is the requirement of practical reasonableness which in combination with the principles of basic goods' represents the structure of natural law analysis. He ground the moral rational strength of law in its purposive contribution to the continuance and fulfilment of a complete community. The taste of practical reasonableness in combination with the basic goods are designed to formulate a set of moral standards. which have to apply in same sense to everyone. On this understanding, the natural law theory seeks to help all people understand what they morally ought or ought not to do.

Conclusion and remark

The primary focus of contemporary political theory is the examination of current political ideas, institutions, and issues, emphasizing the analysis and understanding of modern political thought, behavior, actions, and events. As highlighted in this paper, the interplay between law and morality falls within this scope. The final quarter of the twentieth century witnessed a significant resurgence in political philosophy, predominantly within a broadly liberal framework, at least in Western societies. During this period, other ideologies experienced a decline: Marxism rapidly lost influence, while conservatism and socialism endured largely by incorporating substantial elements of liberal thought.

The argument of liberalism and communitarianism is not about liberalism itself but about the status and form of a liberal political philosophy. It is not about claiming universal validity or understanding Western liberal democracies' political culture. The purpose of political philosophy is not due to a new ideological revival, but rather the emergence of new controversial political issues such as social justice, feminism, cultural identity, and environmental movements. These matters will stretch the intellectual resources of liberalism to the limit, investigating a new approach to political philosophy. Political philosophy is expected to continue to flourish in a world where ideological divisions no longer exist. The revival of non-Western traditions of political philosophy may occur as free intellectual enquiry revives in countries where it has been suppressed for over half a century. Philosophers will tackle political questions using new languages and techniques, while the rapid pace of technological and social change generates new challenges. The challenges can also generalize to the matter of legality and morality, as they should address political challenges and explore how power, justice, rights, freedom, and democracy operate in today's world.

Ethical understanding forms the foundation for political interpretation. Political philosophy originates in ethics, addressing questions such as what constitutes the good life for human beings. Since humans are naturally social creatures with only a few individuals choosing solitary lives the inquiry naturally extends to what kind of life is appropriate for a person living within a community and what one ought relationship to society to be. Generally, political philosophy applies ethical concepts to social life, exploring various forms of government and social arrangements, while providing criteria to evaluate existing institutions and relationships. Though

closely intertwined through shared philosophical questions and methods, contemporary politics reveals a growing divide between morality and law. Increasingly, legal systems are shaped by political power rather than ethical principles, underscoring the urgent need to reaffirm moral accountability in governance to protect justice, human dignity, and democratic integrity. Morality is essential in human life and cannot be separated from human thought. Moral ideas evolve and reflect both societal development and the level of civilization. Therefore, morality and the rule of law are critical to a politically organized, systematically developed state in contemporary politics. They serve to establish a just and orderly society, protect individual rights, and promote economic and social progress. Separating morality from law in modern political activity is thus inconceivable.

The study found that contemporary politics faces many controversies involving morality and law. Applied ethics, particularly medical ethics and bioethics, address life-and-death issues such as surrogate motherhood, genetic manipulation, abortion, medical experimentation, mental disability rights, and physician-assisted euthanasia. These present some of the most challenging moral dilemmas in modern clinical practice. Business ethics is another contentious area, tackling issues like corporate social responsibility, misleading advertising, insider trading, employee rights, workplace discrimination, drug testing, and corporate fraud. Environmental ethics also draws increasing public attention, addressing urgent concerns about ecological protection. Sexual morality sparks debate on topics such as monogamy versus polygamy, sexual relations without love, homosexuality, and marital affairs. Social ethics and morality cover issues like capital punishment, the use of nuclear and chemical weapons, arms control, drug policy, welfare rights, and racism. All these subjects provoke ongoing public and academic discussion.

Without morality, it is difficult to sustain legality, the rule of law, or stable and healthy political systems. Contemporary political systems rely on legal frameworks to organize society, formulate policy, and resolve disputes, all of which are shaped by legal traditions. Legality means conformity with the law, which is inherently linked to human values and the rejection of immorality. Morality and law overlap profoundly. many acts that are morally impermissible such as murder, theft, and rape are also illegal. therefore, in modern politics, the rule of law and universal morality remain central themes. They are fundamental in preventing immorality and arbitrariness in governance and serve as the internal logic of democratic administrations, particularly in safeguarding individual rights and freedoms. Contemporary political social

contracts exemplify the significance of morality and rule of law in fostering the healthy and stable politics and respect for universal moral values.

generally, directly and indirectly contemporary politics emphasizes mutual benefit, cooperation, and democratic culture. International law, through treaties, conventions, and agreements, establishes legal frameworks that shape ethical standards. The Universal Declaration of Human Rights exemplifies such principles, setting fundamental rights and freedoms for all people. Universal moral principles like respect for human dignity, justice and non-discrimination transcend cultural and national boundaries. Ethical perspectives from diverse traditions including Christian just war theory and the Hindu-Jain principle of ahimsa (non-violence) influence international ethical discussions on conflicts, terrorism, and geopolitical disputes. Similarly, contemporary issues such as scientific advancements in chemical and biological weapons, debates on homosexuality, same-sex marriage, abortion, and premarital sexual relations remain controversial across cultures.

However with their limitations, International organizations like the United Nations and its agencies play a vital role in promoting ethical conduct among nations. Initiatives such as the UN's Sustainable Development Goals embody principles of benevolence and global cooperation. Ethical foreign policies, exemplified by humanitarian aid and vaccine distribution programs from countries like China and the U.S., highlight compassion towards developing nations. Public opinion and civil society movements exert pressure on governments and international actors to uphold ethical standards, as seen in global campaigns for climate action and fair trade. Scholars and researchers also contribute to refining international ethical frameworks through academic discourse.

International relations are governed by international law, which aims to foster morality between states. The concepts of state personality and responsibility serve as conceptual tools rather than factual claims, encompassing moral norms that guide nation-states' conduct. These norms emphasize fairness, justice, respect for human rights, and global well-being, promoting peaceful coexistence worldwide. Moral philosophy in international law requires institutional moral reasoning, where key principles must be justified assuming they will be embodied in institutions. However, debate persists on the relationship between international law and universal morality. Three broad approaches exist: skepticism, which views morality as a disguise for domination;

foundation, which holds that universal morality underpins international law; and process, which sees law and morality as constitutively linked, with morality as a potential. Despite these debates, morality and law are intertwined concepts they are inseparable.

References

Adams, E. M. (1993). Rationality and morality. Published by Philosophy Education Society Inc.

Alexy, Robert, (2004). The nature of legal philosophy, PhilPapers.

Alexy, Robert, (2017). The dual nature of law. Torben Spaak, Department of Law, Stockholm University.

Allchin, Douglas. (September 2009). The evolution of morality. Springer Business + Science Media.

Audi, Robert. (2007). Moral value and human diversity. Oxford University Press, New York.

Ayala, Francisco J. (1987). The difference of being human morality. Department of Ecology and Evolutionary Biology, University of California, USA.

Ayala, Francisco J. (2010). The biological roots of morality. Department of Genetics, University of California, US.

Baier, Kurt. (1982). The conceptual link between morality and rationality. Published by Wiley.

Baxter, Hugh. (2025). Dworkin's one system conception law and morality. Boston University Law Review.

Bentham, Germy. (1789). Introduction to the principles of morals and legislation. Oxford University Press (1996).

Bix, Brian. (2006). Raz authority and conceptual analysis. Scholarship Repository, University of Minnesota Law School.

Bitola. (2017). Morality and ethics in politics in the contemporary society. Article in the Journal of Liberty and International Affairs, Institute for Research.

Bouton, Isabelle. (2021). Cicero and Augustine. Cambridge University Press.

Brodowicz, Mateus. (2024). Hart and Devlin's debate analysis.

Byrne, Philippa. (2020). Medieval violence the making of law and the historical present. Journal of the British Academy.

Cenn, Marcel. (2023). Philosophy of law and legal theory historical and contemporary perspective. University of Zurich, Switzerland.

Collins, Michael. (2017). Cicero's legacy and the story of modern liberty. Department of Political Science, Duke University.

Curry, Oliver Scott. (March 2020). What is the relationship between moral and politics?

Del Vecchio, Giorgio. (1952). General principles of law. University of Buffalo Law School.

Driver, Julia. (2024). The history of utilitarianism. The Stanford Encyclopedia of Philosophy.

Dworkin, Jerald. (1999). Devlin was right law and the enforcement of morality. William and Mary Law Review.

Dworkin, R. (1977). *Taking rights seriously*. Cambridge, MA: Harvard University Press.

Ezenwankwor, John S. (2013). Law and morality an appraisal of Hart concept of law. Published by Claretian Communications, Enugu, Nigeria.

Fletcher, George P. (1987). Law and morality in Kantian perspective. Colombia Law School, Scholarship Archive.

Fuller, Lon. (1969). The morality of law a revised addition. Oxford University Press.

Fuller, Lon. Positivism and fidelity to law a replay to professor Hart. Harvard Law Review.

Galonski, Alani. (2022). The rule of law a relationship between law and morals. The Northern Illinois University Law Review, Vol 42.

Gebriel, Daniel W., and Hassen Mohamed. (2008). Jurisprudence, Ethiopian justice and legal research institute.

Gert, Bernard. (1990). Rationality and human nature. University of Chicago Press.

Greenwalt, Kent. (198). Conflicts of law and morality. UIC Law Review, Oxford University Press, New York.

Guarino, Natalie. (2021). Raz's exclusive positivism and judge's ability to make law. Georgetown University.

Haidt, Jonathan. (2012). The meaning of moral foundation theory. Published by Pantheon Books.

Haines, William. (2024). Consequentialism and utilitarianism. The Internet Encyclopedia of Philosophy, The University of Hong Kong, China.

Hamlin, Alan. (2013). Contractarianism: School of Social Sciences, University of Manchester.

Hamlin, Alan. (2015). In International Encyclopedia of the Social and Behavioral Sciences.

Hart, H. L. A. (1958). The separation of law and morality. Harvard Law Review.

Hart, H. L. A. (1958). Positivism and the separation of law and morals. Published by Harvard Law Association.

Hart, H. L. A. (1961). The concept of law. Oxford University Press.

Hasa, Hasanthi. (September 2019). The difference between normative and descriptive ethics.

Haskell, John D. (2011). Hugo Grotius in the contemporary memory of international law, secularism, liberalism and the politics of restatement. Emory International Law Review.

Huchhanavar, Shivaraj. (2018). Introduction to traditional and modern natural theories. National Judicial Academy, Bhopal, Durham University Law School.

Humphris, Norman. (1997). Raz on morals and law with special reference to a concept of punishment. Department of Philosophy, University of Southampton.

Igwe, Dennis Ejikme, and Godwin Udoh. (2024). Law and society a discourse on Lon Fuller principles of law. Nnadiebube Journal of Philosophy.

Kaplama, Erman. (2021). An introduction to presocratic ethics (Heraclitus and Democritus on human nature and conduct). Phil Archive.

Kass, Leonard. (July 2022). Biological bases for morality the survival principle. School of Biology and Ecology, University of Maine, USA.

Kohen, Henry. (1981). Kelsen's pure theory of law. The Catholic Lawyer: The Journal of John Law Scholarship Repository.

Kraut, Richard. (2022). Aristotle's ethics. The Stanford Encyclopedia of Philosophy.

Kucukuysal, B. Beyhan. (2011). Virtue ethics in Aristotle's Nicomachean ethics. Turkish National Police.

Kulkarni, Rucha. (2024). A critical analysis of moral contractarianism. Department of Philosophy, Pune University, India.

Le Pargneux, Arthur. (2024). Contractualist tendencies and reasoning in moral judgement and decision making. Behavioral Science Group, University of Warwick.

Lebar, Mark. (2024). Justice as a virtue. The Stanford Encyclopedia of Philosophy.

Li, Shaomeng. (2007). Institutionalism roles and political development, theorizing about the ideal of institution building. University of Tennessee.

Lokvhytska, Liubov, Antonina Rozshka, and Channa Azman. (2021). The nature of moral philosophy in the human universe.

Lyons, David. (1986). The connection between law and morality, comments on Dworkin's journal of legal education, Vol 36.

Marenbon, John. (2024). Medieval philosophy. The Stanford Encyclopedia of Philosophy.

Marshal, John. (2007). A short history of Greek philosophy. Project Gutenberg's Rector of the Royal High School, Edinburgh.

Mill, John Stuart. (1859). On liberty. London.

Munoz, Julio. (2023). Sociobiology and the origin of ethics.

Muhamed, Najmadeen A. (1912). The legal philosophy of law Fuller. School of Law, University of Sulaimani.

Murray, John E., Jr. (1965). Introduction to the morality of law. Digital Law Common, Villanova University.

Nalbandian, Elise G. (2009). Notes on Ronald Dworkin's theory of law. Mizan Law Review, Vol 3.

Nalbandian, Elise G. (2009). Positivist theory of law Hart, notes on jurisprudence. Mizan Law Review.

Norman, Humphris. (1997). Raz on morals and law with special reference to a concept of punishment. Department of Philosophy, University of Southampton.

Ojong, Kieran A., and S.A. Apebende. (2010). Morality and politics in the thought of Niccolo Machiavelli. A Journal of Contemporary Research, University of Calabar, Nigeria.

Paulson, Stanley. (1992). Kelsen's legal theory the final round. Oxford Journal of Legal Studies, published by Oxford University Press.

Podrez, Ewa. (2020). Axiological fundaments of relations between ethics and politics. Studia Philosophiae Christianae, UK.

Railton. (April 2024). Analytic ethics. In: Routledge Encyclopedia of Philosophy.

Raz, Joseph. (1979). The authority of essays on law and morality. The Clarendon Press, Oxford University Press, New York.

Ross, Steven. (1991). Law integrity and interpretation, Dworkin's "law empire". Meta Philosophy, published by Wiley.

Rundle, Kristen. (1914). The work of Lon Fuller a promising direction for jurisprudence in the twenty first century. Erasmus University, Rotterdam.

Schneewind, J.B. (1993). Kant and natural law ethics. Published by Chicago Press.

Schimidt, Vivien. (2014). Institutionalism. Boston University, published Encyclopedia of Political Thought.

Sellers, ReGents. (2009). The influence of Marcus Tullius Cicero in modern legal and political ideas. University of Baltimore School of Law, US.

Sharma, Sanidhya. (2023). Law-morality an overview from Hart-Devlin's debate. International Journal of Legal, Science and Innovation.

Shearmur, Jeremy. (1990). Natural law without metaphysics: the case of John Finnis.

Simon, Robert L., and Stephen L. Zegura. (1979). Sociobiology and morality: social research winter. The Johns Hopkins University Press.

Snare, Francis Eugene. (1992). The nature of moral thinking. Routledge, London and New York.

Somek, Alexander. (2020). Legality and the legal relation. Published by University of Bologna.

Steinmo, Sven. (2019). Institutionalism. University of Colorado.

Summers, Robert. (1984). Lon Fuller. Stanford University Press, Stanford, California.

Szaif, Jan. (2017). Socrates and the benefits of puzzlement. Published by Cambridge University.

Taylor, C. (1989). Sources of the self: The making of the modern identity. Cambridge, MA: Harvard University Press.

Taylor, C.C.W., and Mi-Kyoung Lee. (2025). The Sophists. The Stanford Encyclopedia of Philosophy (Spring).

Tucker, Edwin W. (1965). The morality of law by Lon Fuller. Indian Law Journal, University of Connecticut.

Vieru, Simona. (2008). Aristotle's influence on the natural law theory of St Thomas Aquinas. Curtin University of Technology.

Wacks, Raymond. (2006). Philosophy of law a very short introduction. Oxford University Press, New York.

Walzer, M. (1994). Thick and thin: Moral argument at home and abroad. Notre Dame, IN: University of Notre Dame Press.

Whitet, Patricia D. (1982). Law and moral obligation, reviews on Joseph Raz, the authority of essays on law and morality. Chicago University.

Wilson, Catherine. (2004). Moral animals ideals and constraints in moral theory. Oxford University Press, New York.

Wolenski, Jan. (2024). The theory or philosophy of law. Research Gate.

The nature of law. The Stanford Encyclopedia of Philosophy. (2004).

The Stanford encyclopedia of philosophy. (2024). The Metaphysics Research Lab, Department of Philosophy, Stanford University, USA.

World press.com (May 2014). *Normative and descriptive ethics, ethical realism*.

Yasir Said and Yati Nurhayati, (2021) review on Rawls theory of justice: faculty of law universitas Islam, international journal of law.