

ROLE OF PHILOSOPHY IN THE BASIC STRUCTURE OF LAW

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ABSTRACT

A fundamental aspect of the evolution of society throughout history has been the complex interrelationship between philosophy and law. In addition to influencing legal frameworks, philosophical concepts have had a significant impact on cultural norms and values. Examining the various ways that philosophical ideas have influenced the law and, consequently, society at large is the goal of this paper. Throughout history, philosophers have been crucial in forming legal philosophy. Their theories have impacted how societies view rights, justice, and the function of the law in regulating conduct. Philosophy known as real fact of all knowledge of our life and it shows us reality of covered mystery of our universe. According to activity philosophy is basically famous for their action of enquiry that is reality of fact and logical connections among the fact. Our universe is full with the mysterious knowledge and fact therefore its primary duty of philosophy is to find reality and connect them logically throw the philosophical enquiry. The law is firmly based in philosophical theories that have developed over ages; it is not just a collection of laws and regulations. Gaining an understanding of these foundations is essential to understanding how societal values both influence and are influenced by the law. The ideals of society are both reflected in and shaped by the law. To appreciate philosophy's function in law, one must comprehend this dynamic.

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Philosophy and law have a complicated and nuanced relationship. Legal frameworks and societal standards are nevertheless influenced by philosophical concept. In order to handle the opportunities and problems that the fields of law and society will present in the future, it

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will be essential that we comprehend and interact with these philosophical underpinnings. The fields of philosophy and law provide insight into basic issues regarding the nature and purpose of the law. The fields of special jurisprudence (philosophical analysis of specific bodies of law) and general jurisprudence (questions into the nature of law) intersect. Philosophy and law are closely related because philosophical research provide the fundamental framework for comprehending the nature and intent of the law. Jurisprudence, another name for philosophy of law, examines basic issues about the nature of law, its connection to justice and morality, and the proper form and interpretation of legal systems.

Everything in our everyday lives needs to be arranged methodically since we are aware that the darkness and ignorance of the universe have an impact on our lives. Science, technology, human science, and philosophy can all help us organize the problems we face on a daily basis. These can use logic and facts to resolve life's mystical issues. These academic fields can handle human problems and mystical problems in a natural order. Only the facts and realities of our lives can be arranged by the study branches; they cannot be created. These disciplines of study can organize and handle life's problems in accordance with nature.

Everything in our lives, including pain and pleasure, birth and death, all life events, animals and insects, and more, is created and produced by nature. As nature has given us, we are able to carry them. Everything that happens in life, every particle in the universe, pain and pleasure, finding and losing, etc., is borrowed from us. Although we can discover facts in nature, we are powerless to alter it; for this reason, Spinoza famously remarked, "Natura Naturans."¹ It implies that nature is paramount i.e. everything. Nature is God, and God is nature. According to nature, we can do anything in the areas of law and life. The laws of nature govern our lives. According to nature, natural justice is natural life. The majority of natural facts and

philosophical facts are comparable. We can say that we can only replicate universal facts or principles since philosophical inquiry is aimed at nature or God. Spinoza's application of these equations is instructive in two ways. The ontological oneness between God and the system of modes is first indicated by his dual use of "Natura." Every mode in the system is a mutation of the fundamental substance of God. Secondly, he indicates a causal relationship between God and the modal system by using the active "naturans" in the first and the passive "naturata" in the second. God is an active force that creates and maintains modes, not just the object of them.

Rules are not the same as principles. Rules are secondary facts, but principles are primary facts. Rules are created by humans, whereas principles are natural products. Rules can be changed, but principles are always the same. Since rules are created by humans, errors may occur. In accordance with the principles, we can amend our regulations. A diagram that illustrates the ideas of British philosophers H. L. A. Hart², Dworkin, Kelsen, and Austin helps us comprehend these concepts.

Principles – Primary

(Morality, Justice, Nature, Democracy, God)

Rules - Secondary

(Government rules, Society rules, Individuals rules, Regional rules e.t.c.)

Primary principles serve as the foundation for secondary rules. Secondary rules are derived from primary principles, which are autonomous. Secondary rules are manifestos for primary ideals. The three main tenets of Plato's philosophy are Idea, Aristotle's Form, and Kant's Reason for Understanding. In any case, it is impossible to violate fundamental principles. Secondary regulations will be void if we breach the main principles. We can categorically state that the existence of second rules is entirely dependent upon the primary

principles. The goal of human laws is to establish a climate of justice, morality, reason, order, and righteousness. Statutes, acts, regulations, and orders are all considered rules. From the perspective of judges, rules or laws refer to court rulings, judgments, court orders, and injunctions.

In many areas, such as corruption, crime, political and bureaucratic corruption, and disputes between regions and religions, we can readily observe the breach of secondary rules. When the judiciary fails to deliver justice, it indicates that laws and regulations are also being broken. It means we need to manage the authority and the laws of justice and overhaul the system. We cannot comprehend the importance of primary principles, their management or arrangement power, or the sequential order of primary principles and secondary rules because we devalue them. The relationship and correlations of principles and regulations must be closely adhered to in every aspect of our lives if we wish to live in a society that is systematized, value-graded, and just.

People cannot grasp the reality of their lives because they lack philosophical knowledge. Ignorance and false information can expose you to the harsh realities of life. Philosophy has the power to make you aware of hidden dangers and save your life. Philosophy understands your illusory will, or good and evil. Philosophy may provide you a logical and intuitive understanding of how to prevent corruption, crime, and bribery, among other things. The primary principles and secondary rules of law are mismanaged and disordered in crime and corruption. We can govern and arrange nature and laws using ethics, logic, values, and actual information or facts. Philosophy's primary areas of study are ethics, logic, values, and actual knowledge or facts.

Therefore, we can say that philosophy can use ethics, logic, values, spirituality, and actual knowledge or facts to guide any judgment towards its natural roots. The thirst for wealth and property that come

from bribery, crime, and corruption can be diminished by philosophical knowledge. Everything will be in accordance with the rules once money, property, corruption, and crime have all been devalued.

The goal of philosophy of law, sometimes known as legal philosophy, is to offer a broad philosophical examination of the law and legal institutions. The field's concerns span from normative ones about the connection between morality and the law, as well as the rationale behind different legal institutions, to abstract conceptual ones concerning the nature of law and legal systems.

The subjects of legal philosophy can be divided into three general categories: normative jurisprudence, critical theories of law, and analytical jurisprudence. Analytical jurisprudence is analyzing the fundamentals of the law to see how it differs from other normative systems, including ethics. The study of normative, evaluative, and other prescriptive legal issues, such as limitations on one's freedom, duties to abide by the law, and the grounds for punishment, is known as normative jurisprudence. Lastly, more conventional schools of legal philosophy are challenged by critical theories of law, such as feminist jurisprudence and critical legal studies.

Explaining what sets law apart from other systems of norms, such ethical norms, has historically been the main goal of analytical jurisprudence. Analytical jurisprudence aims to find "the essence or nature which is common to all laws that are properly so called,"³ as John Austin explains the endeavor. As a result, the goal of analytical jurisprudence is to establish the necessary and sufficient circumstances for the existence of law that set it apart from non-law.

Normative, evaluative, and other prescriptive inquiries concerning the law are all part of normative jurisprudence. Three main topics which deals with: (a) when and to what degree laws can limit citizens' freedom; (b) what the nature of the duty to obey the law is; and (c)

whether or not punishment by the law is justified.

Legal moralism is the concept that the law can lawfully be used to prohibit actions that clash with society's collective moral judgments even when those behaviors do not result in bodily or psychological harm to others. Legal moralism suggests that it is acceptable for the state to use its coercive power to enforce society's collective morality because it holds that an individual's freedom can be lawfully restricted just because it goes against society's moral standards.

According to Devlin's perspective⁴, the law can be used to uphold society's shared morals since people cannot live fulfilling lives outside of it.

According to H.L.A. Hart, Devlin exaggerates how important it is for a society to maintain its common morals in order to survive. Hart contends that it is unrealistic to believe that "deviation from accepted sexual morality, even by adults in private, is something which, like treason, threatens the existence of society."⁵ Devlin tries to draw the conclusion that it is acceptable for the state to enact laws pertaining to sexual morality, specifically those that prohibit same-sex relationships. While enforcement of basic social standards safeguarding life, safety, and property are likely vital to the preservation of a community, a society can sustain a diversity of behavior in many other areas of moral concern.

Thus, an effective method for analyzing and evaluating laws and legal systems is through the study of philosophy of law. Using a wide range of philosophical concepts, philosophy of law allows one to challenge even these basic assumptions, in contrast to other types of legal reasoning that frequently rely on reasoning from unchallenged underlying assumptions about the law and how it operates. A key component of this endeavor is that human research, supported by fields of natural rules, must center on law, philosophy, and their interrelation. Within the normally rigid bounds established by natural

laws, they appear to represent a distinct area of freedom. However, the only reason human rules seem different to us from natural laws is that they are the outcome of intricate combinations of laws, their manifestations in us and our situations, and the fact that we primarily perceive ourselves as an undifferentiated, seemingly free whole. It makes us feel uneasy to think that philosophy and the human law that results from it are determined by natural rules. Even while developing a scientifically grounded philosophy and the ensuing rules of optimal human conduct may need a grasp of natural laws and their interactions, we are tempted to adopt an alternative perspective. However, we will inevitably discover that disregarding the rules that apply to human advantage puts us at just as much risk as disregarding other natural laws in our behavior. After gaining scientific understanding, we may discover that the optimal way for humans to live is predetermined, as is the matter of how we use that understanding. With that realization, natural and human law will merge, and philosophy will find its answer in understanding these laws. Philosophy does not claim to be anything else, and these potential changes show it to be a possibly transient discipline. We are left with knowledge of a variety of natural laws, including those that govern our own behavior and determine whether and how we apply other rules, as its quest for knowledge comes to an end. Philosophy comes to an end if we are unable to further analyze such laws. Our understanding of how philosophy influences the development of law and how that philosophical understanding ultimately leads to the creation of law demonstrates the close connection between these issues. Everyone involved or impacted by them must try to avoid the unnatural delays and distortions that come with separating them.

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