

Interplay of Legal Norms and Ethical Principles: A Philosophical Perspective

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Abstract

A philosophical question with great depth and an important concern is the nature of the relation between law and morality in terms of authority, justice, obligation, and conscience. This document discusses the complex relationship between legal norm, namely, a formal, written rule imposed by the state machinery, and morals or ethical principles formed in the theory of moral, cultural tradition, and conscience. Based on the classical and contemporary legal traditions, such as a natural law tradition, legal positivism, and critical legal studies, the paper questions whether the law should be moral or be above the moral. It deals with the main cases of judgments, ethical issues in the parliamentary legal system and changing cultural values that have an influence on the lawmaking. The study explores the possibility of the law preserving and vitiating moral values by comparing the case studies of different legal jurisdictions and philosophical writings and identifies the conflicts and inconsistencies as well as complement-abilities of laws and morality as deployed in different legal systems. Other contemporary issues like bioethics, social justice, and human rights have also been addressed with the study since moral reasoning in these cases sometimes supersedes what the law may not allow. The conclusion to be made in this paper is that it is imperative that a philosophical discourse should be maintained continuously to see to it that legal frameworks do not just expect compliance but also instil moral accountability and social integrity.

Keywords: *Law and morality, legal philosophy, ethical principles, natural law, legal positivism, justice, legal ethics, judicial reasoning, normative systems, moral obligation, legal theory, social justice, human rights, jurisprudence, legal norms.*

1.Introduction

The intricate relationship between morality and the law has continued to provoke intellectual debates since ancient times down to the present theorizing of law. In its most fundamental form, law is a codified structure of standards and rules that have to be followed and that are maintained by the state authority to regulate behavior and settle disputes. On the other hand, morality reflects the informal, changing system of ethical beliefs, values and social expectations of what is right and what is wrong. The present paper will reconsider the correlation between the two normative systems by examination of the changing philosophical constructs that historically dictated and currently were shaping the models of law. At the center of this discussion is the following question: do we want law to have moral foundations, or can it be, a neutral means to achieve order and justice? Through this inquiry, we are led to an in-depth study of the dichotomy between natural law and legal positivism and the interpretivist and realist critiques that have come up as reparation to their shortcoming(1).

The natural law tradition, based on the works of Aristotle and to some extent on the Stoics of ancient Greek philosophy, medieval Scholastic thought under Thomas Aquinas, and modern philosophy, holds that law should be based on universal moral principles that can be discerned by reason. This is the opinion according to which a law, to be valid, must not only be enacted by the proper authority, but must be consistent with moral verity. For instance, Thomas Aquinas assumed the possibility of iniquitous laws those which are against the higher moral law should not be the actual laws and none should be enforced. These views would resonate in the contemporary versions with scholars such as John Finnis who revived the natural law tradition in the 20th century by linking the legitimacy of law to practical reasoning and common good.

In opposition to this seesawing of morality over legal systems, legal positivism took centre stage in the early 19th and 20th century, largely due to the propositions of Jeremy Bentham, John Austin, Hans Kelsen, and later H.L.A. Hart. Legal positivism is of the view that there is a separation thesis between the fact of law and its moral worth; law and morality should not be confused(2). Legal rules are valid in this paradigm due to social fact especially the command of a sovereign individual, institutional validity and following of procedures and not any grounds of

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correlation with ethical standards. The imperative theory advanced by Austin is a famous definition of law as the command of a sovereign supported by sanctions, whereas the so-called Pure Theory of Law by Kelsen presented the view that law is to be properly studied as an independent system with no extra-legal factors like religion, history, or morality.

The positivism project aimed at emancipating law of metaphysical speculation and making it to be a science of norms. However, such detachment was subjected to criticism due to its failure to explain the moral aspect that tends to color the formation, as well as interpretation of the law. Individuals like critics claim that such view of mechanism provides danger of legitimizing regimes that are unjust or immoral laws in the name of legality. These criticisms were even stronger after the massacres of totalitarian governments when legal formalism was allied with moral breakdown. One example of this tension in history was highlighted in the Nuremberg Trials which brought about a revival of consideration of natural law or more specifically the argument that law needs to be understood in perfecting and advancing justice and human dignity rather than order(3).

Works by H.L.A. Hart modified the positivist position by taking into account that law and morality can overlap but still be conceptually different. Hart presented an influential account of the concept of law in his magnum opus *The Concept of Law*, establishing two categories of rule, rules of obligation and rules about rules, and used them to develop an account of how legal systems work in a coherent way. He acknowledged that moral values are prevalent in legal systems, in one way or another, at least reflectively, relying on legislation or the courts but only so far as it was contingent as opposed to being necessary. Hart put forward the view of the minimal content of natural law, according to which some moral forced such as the rule against murder or theft are essential to any legal regime by virtue of the simple facts of human vulnerability and scarcity. Nevertheless, he never gave up on the theory that the validity of the law is independent of the moral content of the law.

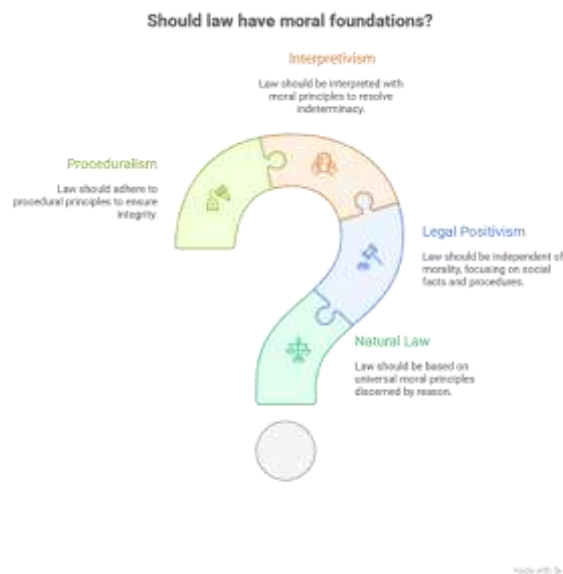


FIGURE 1 Should law have moral foundations

Coming out strongly to challenge the Hart framework, Ronald Dworkin offered a strong interpretive theory in which he laid morality at the core of adjudication of law. However, unlike the rule based model developed by Hart, Dworkin concentrated more on the importance of principles that are normative standards which form information and are not ruled by the legal system. He stated that when the legal rules make the law indeterminate in “hard cases”, the judge has to do constructive interpretation to figure out what the law should be, based on the moral and political philosophy. The Hercules epitomized as the ideal judge by Dworkin has followed through this type of interpretive methodology that seeks to find consistency between legal rules, morals and societal values. His own theory removes the strict distinction that exists between law and morality, and contributes to what some refer to as “inclusive legal positivism”.

Going further, the debate was widened by other theorists such as Lon Fuller who created a proceduralist criticism of legal positivism(4). In *The Morality of Law*, Fuller listed eight principles or rules that together formed an internal morality of law including, sometimes generality, clarity, noncontradiction, and congruence between official action and announced rules. According to Fuller, the legal systems that cannot pass those tests lack integrity

and cannot be accepted as lawful, regardless of the fact that they are procedurally sound. This perception lays the stress to the fact that the law should not only be a command it should be intelligible, consistent, and purpose driven so that it serves the intended social role. It begs the question of whether or not this legality is a moral characteristic and not just a descriptive one.

Philosopher John Rawls provided additional dimension to this argument and put forward the concept of justice as fairness. The object of his thought experiment original position under the veil of ignorance was to discern just principles of social cooperation without reference either to bias or selfish interests. Rawls, though not a legal theorist in a formal sense, had a great impact on normative jurisprudence and included a moral view regarding the assessment of legal frames(5). His model promotes laws that are just and favourable in terms of not left out and thus development of law is linked with moral back up to reciprocity and impartiality.

Under contemporary legal regimes though, particularly in what are known to be pluralistic democracies, there exists a porous and disputed frontier between law and morality. The right to abortion, the right to same-sex marriage, the right to freedom of speech as well as the right to religious liberty are some of those issues through which legal judgments are often taken to the limit as to whether the legal judgment is supposed to take a stand on a moral conviction or not. This dynamic is further complicated by the development of international human rights law that tends to be based on moral consensus as a means of requiring sovereign states to subscribe to higher standards. The debate between legal codification and moral justification has come into existence because of the evolution of societies and will always require some philosophical thought.

2.Reassessing Authority and Sovereignty in Legal Theory

John Austin goes down in memory as one of the most powerful and controversial contributors to concept of law mostly because of his radical re-orienting approach to law which utilized the analytical positivist approach. He reshaped the conception of law in his work, which was immersed and steeped up in the philosophy of command, divorcing the contents of law so it is not metaphysics, not theology, and not moral. In his magnum opus *The Province of Jurisprudence Determined*, Austin asserted that law had to be regarded as a social fact, a command given on behalf of a sovereign to whom the society customarily complies, and which is enforced by the menace of punishment. It is the product of the Enlightenment hope to make law a science, which is comprehensive, falsifiable, and not bound to subjective morals. According to him, the law, which is to become the object of legal science, could only be the so-called positive, the law established by determinate sovereign. Consequently, moralIA¼(Bauer, Zika, and Thimm 170) rules, divine injunctions or customary norms were not subject to the sovereign law unless they were generally accepted. This statement was the central point of his methodological jurisprudence, which was aimed at describing the law as it is rather than as it should be (6).

Command, sovereign, and sanction are a triad at the center of the theory explained by Austin. Laws in his system are a command of an authority that must be obeyed by the society which is inculcated to do so. The sovereign in the terminology of Austin is a political society that is a regular subject of obedience yet is not subject to any other authority with the habitual obedience. The problem with this definition as applied to contemporary pluralistic societies where the sources of power are dilute is that it is theoretically cogent. Still, it was radical in its approach by making the law a manifestation of sovereign will rather than the moral ideals or customs. The third factor is the sanction, which activates the law because the disobedience is connected with a cardinal penalty thus making the power of the law most operative. This attitude of Austin therefore makes law into a structural relationship between ruler, and the ruled, without moralistic ambiguity. It is a sharp contrast to the traditions of natural law according to which law is subordinate to the moral order and universal reason.

Nonetheless, the absolutist dream in sovereign power and directives on the part of Austin has been discredited by a lot of critics especially because of its inapplicability in constitutional democracies and due process. The notion that law is by definition valid, definitionally, by being the product of sovereign fiat, even irrespective of whether its content is morally good, appears to allow, indeed, to license some sense of, oppressive and unjust regimes, so long as there is top-down compliance(7). The critics complain that it is a formulation that destroys the democratic values of accountability, separation of power, and minority rights protection. Moreover, the theory is also incomprehensive when authority is fragmented or constrained legally, i.e. in federal systems, constitutional monarchies or the international law regime. Sovereignty in these circumstances may be collective or even conditional rather than the total and unique sovereignty.

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In addition to this, the binary opposition between the status of “law: and imperfect obligations that Austin uses to build his model fails to actually incorporate into his analysis the more complex forms of legal instrument that do not allow as easily into his model of command-sanction such aspects of law as declaratory statutes, enabling statutes, or conventional law habits. Laws regulating wills, contracts or corporations cannot have duties or sanctions that are to be carried out on a short-term basis but are an important aspect of legal systems. Better still, his legal formalism does not allow a great deal of interpretive flexibility or flexibility in application of the law and this would be quite essential in clarifying ambiguities and applying law to emerging perceptions in a society. This is considered by the critics, because it causes legal reasoning to become a mechanical application of rules, and it does not grapple with the interpretive character of legal decision-making (8).

Notwithstanding these critiques, the contribution of Austin cannot be disregarded at all. His theory introduced new clarity of analysis to the field of jurisprudence by its demand of precision and policy rigor. He emphasized the necessity to distinguish between norms of law and other sources of social control including that of morality, religion and etiquette. His model was also the precursor of the formalistic way of thinking that ruled much of the law of the 19th century and contributed to professionalisation of law studies by making law a discipline based on visible structures of authority. Even further, his framework preconditioned further post-positivist authors such as H.L.A. Hart, who redefined and did not deny the main findings of the Austinian model. Hart would later criticize Austin on his insisting on the sovereign as he created a more refined model that entailed primary and secondary rules but it should be noted that Austin had a deep residual value in elucidating that a rule is as a part of a legal system.

Austin vision is old fashioned but still can be used as a lesson in present-day democratic regimes. Modern state does not exist under the patronage of one sovereign but in relation through interdependent institutions with constitutional constraints. The legislative bodies, the judicial bodies and the executive bodies have a network of check and balance and the orders made by them are questionable in the court of law as well as by people in the society. Yet, the emphasis once made by Austin on certainty and predictability of law still has some influence on legal positivism and is based on writing the laws that have to be clearly defined and enforceable. Even opponents of his sovereign-command theory even admit that legal clarity leads to legal stability, procedural fairness and institutional efficiency.

Definitively, it is not the degree to which the legacy of Austin might serve prescriptively in present-day governance that represents what is of real value, but the challenge to equate the two categories of morality and legality. His work compels legal theorists to grapple with the presuppositions of that conceiving law as a morally neutral order and poses significant issues regarding the integrity of legal orders that have no moral foundation on which to rest. This can be said as though the model presented by Austin does not appear to be well-suited in modern times of pluralistic democracies, it still serves as a dire reminder of how dangerous the moral relativism of laws can be and that is why there must be a proper distinction made between both the normative authority and social morality(9). His theory spurs jurisprudence scholars and practitioners into a consideration of the boundaries of written power and the restraint that must characterize the exercise of legal power.

3.Structural Foundations of Legal Systems

In the 20th century, H.L.A. Hart transformed the study of legal theory with a more sophisticated and internally coherent, and philosophically defensible version of legal positivism. Harts contributions to this area although not the first snapshot against the rigid theory presented by John Austin through his own work *The Concept of Law* helped to develop the concept of a general separation of law and morality, however, Hart mostly reflected a new approach. Hart did not simply modernise Austin, he was also transforming legal positivism to fit the realities of contemporary systems of law, arrays of institutions, the complexity of its procedures and the moral foundations bearing on its systems. He criticized the previous positivist theories on the basis that they had failed to explain the character of the law in liberal-democratic states. The method applied by Hart is the combination of analytic philosophy and descriptive sociology, which positions him between the legal theory and reality. His structural reconstruction of the law, with the ideas of primary and secondary rules, gave an operational chart of legal systems at work not simply in the enforcement of duties but additionally how to generate adaptation to change and how the authority of the law legitimately runs.

Hart based his theory on the idea that there is a distinction between primary rules that prescribe and regulate the conduct of people in day-to-day life and secondary rules that allow the legal system to generalize them, alter them,

interpret them and apply them. Such a distinction helps solve one of the main unresolved many deficiencies of the Austin theory, namely, it fails to rationalize the inner composition and adjustability of a legal order. Hart noted that primitive societies can work on the basis of primary rules alone, but an advanced legal system needs secondary rules to explain the origin, ground and the process of the law. He postulated three basic categories of secondary rules, including, the rule of recognition that determines what the law of a particular system consists of; the rule of change which enables the transformation of laws in an orderly manner; and the rule of adjudication that determines how and by whom violations of the law are corrected. Hart gave us through this dual-framework a dynamic, layered view of law that does not deny the institutional processes that law must have in order to be coherent and evolving(10).

The most important innovation of the Hart theory is the rule of recognition, that is an approach to the legal validity, a constitutional standard of the legal validity. This is not a written or codified rule, although the legal officials, especially judges and law makers, jointly debate about the sources and procedures that grant legal status. A system that is self-regulated would use a rule of recognition to give a test as to whether a given norm is to be counted as law in that jurisdiction. By focusing on this inner aspect, Hart propelled the legal theory beyond the description of the formalities of the statutes, or even obedience to mandates. According to him, external compliance does not stand alone as the unifying trait of a legal system but immersion by the principles by those most participating in it. This internal dimension of law following the rules is constitutive to how the law not only commands obedience but legitimacy and this, as Hart termed it, is the internal point of view. Conceived in this way, the law is not only a coercive method, but a set of norms taken on a political community.

Unlike the inflexible assertions of the previous positivists, Hart noted the articulate interrelation of law and morality. Although he kept the separation thesis which is that we do not need moral merit to determine the legal validity, he acknowledged that moral considerations play a significant role in shaping the law by leeches and/or in judicial thought. He is well-known by his words that, the law of each modern state indicates, at a thousand points, not only the effect of accepted social morality, but also of still more extended moral ideals. Hart further proposes that morality can influence law both directly by acting out (as in the case of anti-discrimination laws) as well as indirectly when interpreting, as in cases when the judicial reasoning, through the lens of morality, fills the gap in unclear or drafty statutes. But Hart emphasized that this influence does not reduce law to form of morality; it could be seen, instead, as the highlighting of contingent places where the legal and moral norm coincide. Even his concession of a so-called minimum content of natural law acknowledges that some particular moral contents of the law, e.g. prohibition of violence or theft, are essential to any workable law not because they are moral, but because they are practically required conditions of social survival.

In addition, Hart also focused on law stability and clarity in law addressing a long-standing argument against positivism that suggested moral indifference. He did not overlook the perils of immoral laws but instead contended that the solution is the outside moral critique of the law rather than redefining law as a way to embrace morality as a test of validity. According to Hart, by separating the concepts of what law is and what law ought to be in a conceptually clear way, he has created a stronger possibility of the society being able to criticize unjust laws and also demand an adequate form of reform without having to intertwine their legal analysis and their moral judgment. In this, his jurisprudence is able to safeguard the perceptual role played by morality even as he safeguards the analytical identity of the legal theory.

The subtlety of this view is what gave Hart the ability to tackle actual legal controversies; whether in the form of judicial discretion or legislative supremacy. His model fulfilled the principles of predictability and objectivity that were necessary in the reasoning of the law but left room to moral deliberations where the law was mute, ambiguous or contradictory. Judges, according to the model of the work by Hart, conduct an interpretive role within a set of limitations of the legal system not as philosophers of moral science but as institutional agents that adhere to the rule of recognition and the whole system of laws. This balance out between the procedural legality and the contextual flexibility has made the theory of Hart very conducive in liberal constitutional democracies which is both the technical system as well as the moral project of the law.

Although a very sophisticated theory, nonetheless, some criticism of this theory was directed towards Hart. There were attempts by philosophers like Ronald Dworkin to resist the marginalization of the moral principles in the totality of legal validity, a move that they believe Hart overlooked in explaining the normative aspects of rights and justice which govern the judgment of judges. Dworkin method of criticism did not make Hart model obsolete though; it in fact gave rise to further development making differences like inclusive positivism and exclusive

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positivism. These branches represent different levels of toleration of moral values in the legal system which to a great extent was at the heart of the debate that began with considerations by Hart.

Conclusively, H.L.A. Hart presented a paradigm shift of legal positivism outside the domains of the previous prototypes based on institutional functionality, normative coherence as well as the conditional inclination of morality. His theory does not disregard the role of moral influence; it only puts it under an organised org chart that separates descriptive legality and prescriptive ethics. In suggesting a model that is both analytically accurate and sensitive to the legal processes one sees operating in the real-world, Hart keeps on giving a practical outline of comprehending the present day legal systems.

4.Moral Architecture of Law: An Interpretive Challenge to Positivism

The intervention of Ronald Dworkin into the debate about the legal theory was considered as a breakthrough with respect to the formalism of the classical doctrine of legal positivism. Dworkin was writing as a reaction to the perceived inadequacies of the model developed by H.L.A. Hart, and particularly of its rule-based form, to unpack what was actually going on within a legal system. In his argument, he presented the idea that the law should not be viewed as merely a set of rules that are created by a sovereign or the one that is established with institutional sanction but it is a moral undertaking in that it intrinsically entails principles of justice, fairness and integrity. The ideology of Jurisprudence, especially the version of the jurisprudence coined or developed by Dworkin (law as integrity), adds up that legal interpretation does not simply mean the determination of the seat of authority, but also the substantiation of the outcome of law based on those principles that exemplify the moral standards of a given community. He states that a judge does not just apply rules so mechanically but takes part in a complex, moral deliberation process to find out what the legal rights of individuals would be even when dealing with hard or unprecedented cases. This method is an essential critique of positivism thought because it erases the difference between law and morality and asserts that there is no difference between the two in the legal reasoning.

TABLE 1 Moral Architecture of Law

Category	Details
Philosophical Framework	Interpretivism – Law as a practice embedded with moral reasoning
Key Theorist	Ronald Dworkin (1931–2013)
Core Thesis	Law is not just a set of rules but includes principles that require moral interpretation for legal validity
Critique of Positivism	- Rejects the idea that law is solely based on social facts

The important element of the critique discussed by Dworkin is the inability of positivism to incorporate the concept of law. As positivist models focus on statutes, precedents and formal rules, Dworkin pointed out that legal systems are also dependent on moral principles such as, fairness, equality, or dignity that do not constitute black-letter law. Though these principles are not arrived at legislatively, they affect judicial reasoning and are, in fact, applied frequently in constitutional interpretation and scope of human rights law. This argument was demonstrated by Dworkin in his critiques to the concept of the "rule of recognition" advanced by Hart as lacking the explanatory power to explain the normative power of the principles which are regularly invoked by judges even though they did not constitute their official recognition by legal institutions. According to Dworkin, the law involves more than rules that have definite procedures by which to identify and enforce. There are moral rules that provide insight on the meaning and application of the rules.

The most important idea in the theory of jurisprudence of Dworkin is the right answer pessimistic thesis-the thesis concerned with the vast bearings or the pitfalls that suggest that even the endearing legal cases have a right answer and this answer can be found by conducting appropriate interpretive reasoning. To Dworkin, the concept of legal interpretation draws a parallel to a chain novel where each judge is associated with a new chapter trying to accommodate the prevailing legal issue within the prevailing story of legal tradition and at the same time enhancing its harmony. Such a narrative construction is not merely an act of blindly following rules but a task to discriminate in law interpretations so that the jurist can in the best possible light, justify the law given the moral principles that are already part of the legal culture of the community. The metaphorical figure then who represents this ideal is of

course, Dworkin Judge Hercules; the intellectually omniscient judge who can make the buildings in the light of the best morals in legal texts and come to the one true answer in even the most difficult cases.

Making the law a matter of integrity is another pillar of Dworkin and it states that not merely opinions but it should be a matter of coherent vision of morality of a legal system proscribed as separate decision based decision making which may appear unconvincingly said in parts. According to this concept, judges cannot choose, and select principles and there is no legislation by a judge with retroactive effect. Rather, it is the construction of law that judges must do in a manner that upholds the past decision of law and yet brings it into line with the moral underpinning that justifies the legal system as such. In the thought of Dworkin, legal integrity means that the state should be principled and consistent in its actions and it should treat its citizens as equal before a stable which is morally defensible system of laws. This conception alters the authority of law so that the legitimacy does not depend on the exercise of the due process, but on its compatibility with the moral promises of a society.

The model of Dworkin as well tried to bring about the gap between the legal philosophy and constitutional adjudication. In those societies where the constitution is committed to writing, especially in the United States, judges are often faced with sections that are written in vague morality concepts, such as, equal protection, due process, or cruel and unusual punishment. According to Dworkin, interpretation of such provisions always involves philosophical thinking that seeks to adjudicate on what the terms represent in terms of their values. His criticism of legal positivism, then, cannot be thought of as abstract theorizing in any way but rather as an attempt to better characterize it and explain judicial practice as it is actually performed. So in this sense he did not perceive judges as mouths of the will of legislation but as moral actors in constructing a legal system that embodies the ideals and yearnings of political community.

Nonetheless, Dworkin has not had all the praises for his theory. The objection has been given that the idea of there is a single, correct answer in each situation oversimplifies moral reasoning as following a pluralistic approach. Moral values in different societies come into conflict most of the time and it is doubtful that even the brightest of any judicial actor can find a universally acceptable solution to legal problems. In addition, certain legal positivists criticized the judicial activism, thus implying that the model created by Dworkin would enable a judge to replace the democratically-made law with his/her values. Another reaction was that Dworkin put more emphasis on the fact that judges were bound by the necessity to interpret the law in a manner consistent with precedent and familiar legal practices. They are not unrestricted in their discretion, and this has a limit in the necessity to rationalize legal choices with the utmost moral interpretations of the pre-existing law.

The work of Dworkin made a difference in the development of the thought of the law, even though criticized before, leading to what now is considered as inclusive or soft legal positivism. Philosophers such as Jules Coleman and Wil Waluchow have attempted to resolve the tensions between the positivist approach and the acknowledgement of the fact that moral rules may have a part to play in legal validity at least in instances where the rule of recognition formally and explicitly includes moral rules. Such developments are symptomatic of an indebtedness to Dworkin the argument that law is not a morally neutral system and law itself is a social activity that has normative substance.

To sum up, the interpretive model of jurisprudence as developed by Ronald Dworkin is an evolutionary change in jurisprudence in terms of legality that is rule-based into wisdom-based adjudication that is required to interpret law in terms of moral coherence. The significance of his approach with reference to integrity, the primacy of principles and the ability of there being a right answer in adjudication of the law has radically transformed the current legal theory. In his argument on pushing the limits of positivism and incorporating the moral discourse into legal interpretation, Dworkin has not only caused the course of justice in legal system but has also re-defined the perception of being ruled by the rule of law.

5. Conclusion

The question of the nature of the connection between law and morality is an enduring one not only because it was a matter of scientific theory, but also because it was a matter of fundamental interest in what it means to be just, to exercise authoritative power, to govern human beings. Dating back to John Austin and his rigid distinction between law and moral evaluation, based on the sovereign will and punishments, legal positivism was always trying to maintain a level of analytical clarity by separating the theory of the state of law and morality. Nonetheless, this clean divide has continually been questioned by other philosophers who include Ronald Dworkin who stipulates that legal understanding is always a moral exercise that is informed by notions of fairness, equality and

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coherence in the society. Both legal positivist or natural law theory and interpretivism, the competing theories of legal authority, have significant contributions to make, but neither of them does present an entirely self-erected account of the legal authority without appeal to moral reasoning.

Using the perspectives of these theories, it is easy to note that law cannot exist in a vacuum of normativeness. Although it is perfectly capable of operating without reference to morality when it comes to the structural determination of the law, it is inevitably subjected to and echoes ethical values in application, especially in judicial judgments, in the interpretation of the constitution, and in the development of rights-based law. Moral rules even in the events where they are not expressly formulated by law may influence societal expectations, legislative agenda during law making, as well as in judicial decision making. The legal systems are, therefore, not kept in dichotomy but existing in a spectrum where procedural authority holds one end and tightly entrenched moral commitments at the other end.

Since law and morality have become more pluralistic and legally multifaceted, the interplay between the two spheres cannot be subjected to monolithic binaries or straight dogmatism. In its place, the current law needs to address the dialectical aspect of codified norms and the development of ethical standards. This acknowledgment does not always require the idea of putting law under morality, rather, legal systems are held to check whether they become more responsive to human values underpinning democratic legitimacy, human dignity, and social cohesion. The philosophical framework of law and morality is one of life, the dialogue is not dead, it has to keep on changing as communities of law stare at new injustices and governance challenges in an ever-new world.

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The authors have no conflicts of interest to declare

References

1. Morris J. Bridging law and morality: A philosophical investigation. *Philosophy of Law Review*. 2022;14(3):101–118.
2. Almeida R. Legal positivism versus moral realism: Revisiting old debates. *Journal of Jurisprudential Thought*. 2021;10(2):45–62.
3. Singh K. Ethical reasoning in legal interpretation: Toward a unified theory. *Global Legal Philosophy Journal*. 2020;8(1):33–49.
4. Weber A. The moral foundations of legal systems: A comparative analysis. *Journal of Law, Ethics and Philosophy*. 2023;11(2):77–92.
5. Choudhury S. The normative pull of morality on the rule of law. *Ethical Theory and Legal Inquiry*. 2021;6(4):115–130.
6. Delgado L. Law, ethics, and the public good: A conceptual re-examination. *Journal of Legal and Ethical Studies*. 2020;9(1):53–69.
7. Kovacs T. Integrating ethics into legal education: Challenges and insights. *International Review of Legal Education*. 2022;7(2):81–95.
8. Ramanathan V. Natural law and modern jurisprudence: A synthesis. *Comparative Jurisprudence Quarterly*. 2021;5(3):123–139.
9. Fischer M. From Hart to Dworkin: The shifting boundaries of law and morality. *Legal Theory Review*. 2020;12(2):98–115.
10. D'Angelo P. Justice beyond legality: Philosophical reflections on moral law. *Journal of Political and Legal Philosophy*. 2023;13(1):41–57..