

FATE OF LAW WHEN UNCLOTHED OF MORALITY

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ABSTRACT

This article discusses the richly multifaceted interconnection between morality and law, a problem that has inflamed legal philosophy for centuries. Legal positivists maintain that law is conceptually separable from morality, whereas natural law theorists claim that law's validity rests upon its moral content. Taking the debate a step further, the article examines the inevitability of morality in law by examining the function of moral reasoning within legislation, judicial interpretation, and enforcement using the examples of past and present such as apartheid legislation in South Africa, the Nuremberg Laws of Nazi Germany, and colonial-era legislative provisions criminalizing homosexuality. The discussion shows that immoral laws can be technically existent, but they ultimately perish or wither away under moral abuse. It also addresses the 'Hart and Fuller debate' by developing through Hart's positivist take and Fuller's natural law stance. The objective of this paper is to demonstrate that a complete dichotomy between law and morality is unsound. Thus, concluding that, analytically, law and morality can be separated, but practically they are inseparable.

Keywords: Law, Morality, Positivist, Naturalist, Legal Systems

INTRODUCTION

What is law?

Law in the most extensive and panoptic sense conforms to any such precept which gives birth to a socio-behavioural pattern and standard which are or should be followed by the people. In a more simplified form, law expresses a rule of human action.

To adequately define law, the refuge of jurisprudence is often taken courtesy of it being widely recognised as the study of law. Now, jurists have defined law differently from different points of view coloured from their own personal experiences, observations, struggles, era and such other factors.

Historically and etymologically, in Hinduism, law is called 'Dharma'; in Islamic systems, it is called 'Hukum'. In the western world, Romans designated law as 'Jus', Germans referred it as 'Richt' while the French referred it as 'Droit'. Amidst all these varying terminologies, the common linkage was that in all these ancient States, law was conceived as a 'divinely ordained' set of rules of human action.

Now, from those ancient times, through the tides of time, it has gone through a lot of evolution and definitions where Justinian has attached law as the king of all mortal and immortal affairs with what is just and unjust as the standard of reference, Ulpian equated law to the art of science for what is equitable and good while Del Vecchio defined law in terms of ethical principles. However, these idealistic definitions originate from a time when there was no distinction between law, morals and religion. Moreover, at that time, law was rather conceived as part of religion.

There has always been incertitude about the exact elucidation of law, in relation to which, R. Wollheim has rightly said that much of these ambiguities arise out of the different types of purpose that have been sought to be achieved through it.

Modern jurists' definitions of law have been quite divergent to that of its earlier definitions. Some have defined law through the prism of nature (naturalist school of jurisprudence), some have done the same relying on sources (historical school of jurisprudence) while some have conceptualised it through its effect on society (sociological approach of jurisprudence). Keeton, Blackstone, Hooper, Ihering, Salmond are some noteworthy modern jurists who have attempted at defining law through a multitude of perspectives. One of the major striking features of definition of

law in modern jurisprudence comes in the form of its all-encompassing and inclusive nature which is best understood through Ihering's definition of law where it is interpreted as the sum of the conditions of social life assured by the State's power of constraint i.e. law is a form of societal conditions guarantee assured by the State. Rudolf von Ihering, who is considered as the pioneer of sociological jurisprudence, highlighted the interplay between societal rules, regulations and behaviour with that of State responsibility to define law.

In the latest of context, Christine Parker (2004) defines law as a regulatory mechanism comprising of a body of principles enforced and applied by the state through judicial authorities by physical force in pursuit of justice. This definition of law shows elements of John Austin's analytical positivism which in turn is one of the most prominent forms of any jurisprudential take on the definition of law where it is stated as the command of the sovereign underwritten by sanction. The aspects of 'command', 'sanction' and 'sovereign' – the three pillars of the positivist theory of law have been reflected in Parker's modern definition of law where the 'body of principles', 'physical force in pursuit of justice' and 'state through judicial authorities' signify or rather symbolise those three facets respectively.

Therefore, amalgamating all the varying definitions of law, and on simplifying the same, it can be said to be a general rule of external human action effectuated by an unrestrained political ascendancy.

Going through significant evolution, law has now taken the form of a normative science which stipulates the standard norms for human behaviour in specified situations through state sanction. Most civilised countries including the likes of India have accepted the social engineering function of law¹ to enhance economic and social justice.

What is morality?

The principles of right and wrong behaviour and the element of goodness and badness of human character are the building blocks of morals or morality which in Paton's words is the study of the supreme good.

¹ Roscoe Pound, Social Control Through Law 64 (1968).

Morality's focus lingers on the conscience of the people with respect to their conduct. When it is viewed through the Confucian prism, morality are the rules that co-ordinate human interpersonal relationships.

Through the progression of the understanding of morals or morality, it has come to be a combination of a set of universal rules carrying the commands of the divine being propagated through sacred or holy documents through the development of mankind. Even this understanding of morality bears the colour of natural law which in turn ignites the age-old debate of law and morality on whether law and morality should co-exist or be independent of each other.

Although there is an omnipresent debate on whether law and morality exist on the same footing or are they distinct, the undisputable aspect to this conundrum is that both law and morality act, react and shape each other.

The quandary between law and morality can be understood through the following instances-a man holds no duty or obligation to help a beggar without any impending legal or penal consequences on him but morally the man's act of not helping a beggar is an undesirable conduct lacking ethics and a portrayal of a questionable conscience. Likewise, any person's attempt to relieve and serve the poor by means of theft might pass the test of morality but would crumble under the rule of law since law views theft as it is irrespective of its bona fide or mala fide intentions.

KNOWING HART & FULLER

Who is H.L.A. Hart?

Professor H.L.A. Hart was a British positivist who shot to the jurisprudential scene with his vocal opposition to Austin's 'Command Theory'. Being an ardent positivist, he was of the view that where there is a law, human conduct is obligatory. He stood against the concept of 'habit of obedience' or 'tacit command' as endorsed in the 'Command Theory' since he believed that it failed to effectively demarcate between 'habit' and 'rule'. Habits are nothing more than descriptions while rules are normative. Hart succinctly captured the distinction between feeling obliged and having an obligation through the example of a gun being pointed at someone and his behaviour with or without that conditionality. One feels obliged to behave a certain way when a gun is pointed at him and it is out of fear that one acts/behaves in such a situation, however,

on the other hand, when someone has an obligation under some normative system, the action that follows born out of the factor that he or she is ought to behave a certain way and not simply out of the fear of consequences. From Hart's perspective, the problem with Austin's approach to law and with most other empirical approaches have been their inability to distinguish between pure power from rules accepted by the community.

On these grounds, Hart argued for two necessary and sufficient conditions for the existence of a legal system – 1. The general obedience to a valid system of rules, and 2. The recognition of that concerned set of rules as the common public standards of official behaviour for it to have effectivity.

He has always maintained his position that the significance of rule has been consistently neglected. According to him, law is constituted of both primary as well as secondary rules where the former stands for the 'imposition of duty' and the latter denotes the 'conference of power'.

He has emphasised upon the possibility of a society without any legislature, court or officials but rather an outright and complete reliance on customs which he considers as the primary rule of obligation. However, at the same time, he has also addressed the societal tension between those who accept the rules and obligations and those who show the tendency to reject it but conforms nonetheless out of 'social pressure'.

He came up with the exhibition of three major defects which were – the 'uncertainty factor' that existed without any authoritative common mark, the 'static character' of primary rules as a barrier to the absorption of the changing global norms and human behaviour and lastly the 'inefficient nature' of punishments for violations of rules where there were no special agency wielding authority on the same but rather individuals or any group at large who have been affected at the first place.

To counter these defects, he believed that the primary rules should be supplemented with secondary rules which came in the form of the 'rule of recognition', 'rule of change' and the 'rule of adjudication'. The remedy to the uncertainty of the primary rules remained in the introduction of a 'rule of recognition' through any written authoritative text. The solution to the static character of primary rules was that of the 'rule of change' which would empower an individual or body of persons to introduce new primary rules for the conduct of life keeping pace with the changing times by eliminating or amending

the old rules which become incompatible with changing societal and behavioural norms. Lastly, 'the rule of adjudication' was proposed as the check to the defect of inefficiency by making authoritative determinations on the questions posed from time to time

The legal system manifested by H.L.A. Hart stood in contrast to that of John Austin's monolithic model of law. Hart suggested for a dual legal system based on primary and secondary rules where the former laid down the standards of behaviour and were the rules of obligation imposing duties; the latter came in the ancillary form to the primary rules specifying the ways in which primary rules may be ascertained and eliminated i.e., the secondary rules took the form of rules for judicial procedure and evidence along with the rules governing the procedures for new legislation.

Hart believed that a society can solely be consisting of primary rules so long it does not step into development and becomes more complex but once it does so, the necessity for secondary rules will inevitably rise.

Hart opined that a society which is too legally undeveloped to only have primary rules is not really an unerring form of legal system but rather just a mere set of rules with no true application.

Hence, Hart validated for the union of primary and secondary rules to constitute the core of any legal system.

Who is Lon Luvois Fuller?

Lon Luvois Fuller (1902-1978) was a leading modern naturalist who impressed upon the role of 'reason' in law and held the viewpoint that law and morality are interlinked. His definition of good order in society amounted to law that had a corresponding justice or morality to it which in turn came with the denial of any rigid separation between the 'is' and the 'ought'.

Fuller adjoined 'morality as it is' to 'morality of duty' which he further disintegrated into affirmative actions or duties and forbearances or 'negative duties'; on the other hand, 'morality as it ought to be' was aligned to 'morality of aspiration'. He defined 'morality of duty' as the basic requirements of a social life while 'morality of aspiration' was considered the good life of excellence.

Fuller maintained his firm standing that law is a product of sustained purpose and efforts which bears its own inherent moral requisites. Based on this, he came up with the eight postulates of 'internal morality' without which he termed law to be significantly unjust and miserable. The eight internal moralities of law were – the necessity for law or the rules to be general, proper publication of the law, prevention of the abuse of retroactive legislation, rules or laws to be not contradictory, the laws must not seek any sort of conduct beyond the power of the affected parties, the laws should stand the test of time and be constant, there should be adequate congruence between the law as announced and as applied, the rules should be properly comprehensible and understandable.

ENTERING INTO THE DEPTHS OF POSITIVE LAW & MORALITY

The naturalist versus positivist dialogue– a simplified comparison

Naturalists think mainly in a continuum while positivists think in the time frame of the present.

Naturalists include a moral element in their conception of law since they think of it as an indispensable factor in the continued existence and functioning of law. Positivists on the other hand exclude the moral element in their conception of law since they are mindful of the necessity of having an unequivocal means of identifying law for the practical purposes of the present, unclouded by incorporeal moral considerations.

The positivist-naturalist debate has always been a discussion of the is/ought dichotomy. Naturalists think of law as a purposive social activity extending over an indefinite period. Positivists think mainly in the present time frame where the need is to determine whether a given percept is or not a law for the purpose in hand.

Hart equated law with legal systems which to him was an ongoing phenomenon but when he argued the case for positivism, he entailed for a clear-cut method of identifying laws at any given moment of time². However, elsewhere, he has hinted at the acceptable proposition of the essentiality of some shared morality for the existence of any society³.

² H.L.A. Hart, The Concept of Law 203 (1961).

³ H.L.A. Hart, Law, Liberty & Morality 51 (1963)

Hart, in context of continuity, held morality to be a stipulation but when he was caught in the debate of law and morality and the existence of law independent of morality, he took refuge for a hard and fast formal means of identifying law in purview of the present time span.

On the flip side, Professor Fuller submitted his eight conditionalities constituting inner morality as a hallmark for a continued functioning of law⁴ which in turn was widely criticised by his opponents on the grounds that his postulated requirements were only compatible with a considerable extent of wickedness or vice and that any immoral precept may not be likened to a 'sick law' but a 'law' nonetheless. The positivists' attack on Fuller was based on the premise that an unjust law may indeed satisfy the eight conditions to be properly functioning as a law.

The Hart & Fuller Debate – the encounter

Lon L. Fuller associating his secular natural law position on the foundational pillars of 'inner morality' unified with his purposive take on a legal system as an enterprise of subjecting human conduct to the adherence of rules adopted for a procedural natural law approach.

Conversely was there H.L.A. Hart taking a hermeneutic approach in contrast to a more scientific method with his argument that law is a social institution set up to achieve certain human purposes and give guidance to citizens which can only be properly understood and implemented if one can successfully recognise the pre-meditated behaviour and normative rule-following comportment of another by leaving one's spectator's perspective and rather discerning the perceptions of the participants in the system i.e. the perceptions of the people who are following the rules and who perceive themselves as doing so.

Hart's 'Holmes Lecture' titled 'Positivism and the Separation of Law and Morals' which was delivered at Harvard law School in April 1957 which in turn got later published in the Harvard Law Review in 1958⁵ triggered a response in the form of a publication in the same year in the Harvard Law Review itself⁶ from Fuller through his article 'Positivism and Fidelity to Law – A Reply to Professor Hart'. This marked the beginning

⁴ Lon L. Fuller, The Morality of Law ch..2 (1964)

⁵ Herbert L.A. Hart, Positivism and the Separation of Law and Morals, 71 Harv. L. Rev. 593 (1959).

⁶ Hart, supra note 5, at 593, 630.

of the legendary Hart & Fuller contest which went on to shape the entire legal jurisprudence.

The origin of the debate trickles down to post-war decision of a West German court in 1944. The facts of the case in brief were that there was a German wife under the Third Reich who wanted to get rid of his husband, to attain so, she denounced him to the 'Gestapo' for passing insults or derogatory remarks about Hitler's conduct of the war. Subsequently, a trial took place and death sentence was passed on him initially but later was sent to serve as a soldier on the Russian front.

The wife was later prosecuted for causing her husband's loss of liberty. Upon her prosecution, she took the stance that her husband has caused an offence as per Nazi law of 1934. However, her defence was immaterial when the Court convicted her on the reasoning that the law under which his husband was punished was against the 'sound conscience and sense of justice of all decent human beings' i.e., it acknowledged morality.

On this setting, Hart opined that the decision of the court was wrong since the Nazi Law of 1934 met the requirements of 'rule of recognition' to which Fuller opposed citing that the 'Nazi law' went too out of line in its deviation from morality. Fuller advocated for a more formal and normative legal system where human conduct is kept under the surveillance of general rules and codes of conduct which amounted to morality.

Fuller remains in ardent rejection of the Third Reich as a law which stood in great contradiction to Hart's view who possessed a rather simple utilitarian position that law remains a law irrespective of the fact whether it is a good or a bad law; the aspect of whether it is carrying benevolent characteristics or evil characteristics become insignificant or inconsequential.

Fuller's linkage of morality with law derives its strength from the energy, insight, intelligence and conscientiousness of the individuals who conduct the law. Although complete constancy of Fuller's eight principles of internal morality does not guarantee a just order as seen in the case of the apartheid South African legal system where despite the satisfaction of all the principles- there was gross violation of basic human principles and rights in practice. However, Fuller was quick to attribute this failure to the arbitrary definition of race in the South African legislature.

THE INELUCTABILITY OF MORALITY FROM LAW – THEN, NOW & FOREVER

While some jurists have broadly assumed that law is a self-sustaining system, separate from ethical values, numerous others have contended that morality is inextricably embedded within the very nature of law. The fact that morality is inevitable in law is because of the etymology of law, its function in controlling human behaviour, its interpretation processes, and its dependence on acceptance by society.

From the earliest Hammurabi codes through to the teaching of natural law thinkers such as Thomas Aquinas, law has been imbued with moral concepts of duty, fairness, and justice. Natural law theory affirmatively identifies law as an expression of moral order, and by implication, that laws contrary to justice are not legitimate. Even positivist theorists, like H.L.A. Hart, who defended the separation of law and morality, accepted that legal systems cannot completely elude moral reasoning and some shared morality is always essential to the existence of any society in general⁷. The post-World War II Nuremberg trials also uncovered the boundaries of pure positivism: legal systems which validated atrocities under positive law were displaced in favour of universal standards of morality. Therefore, the historical path reveals that morality is the basis on which legal frameworks are justified.

The central role of law is to manage human conduct in a society. Regulation, however, calls for a decision on what should be allowed, disallowed, or encouraged. Such decisions are moral in nature. For example, anti-theft, anti-murder, or anti-fraud laws are not technical commands; they are expressions of society's moral disapproval of these acts. Even procedural law, like evidence rules, is based on moral issues of fairness, justice, and individual rights. Without morality, law can be nothing but coercion, unable to differentiate between legitimate power and force.

Another field in which morality necessarily intrudes into law is that of judicial interpretation. Constitutions and statutes are frequently written in broad terms, using such ideas as "reasonable," "fair," or "just." These ideas cannot be applied mechanically; they call on moral reasoning. In constitutional judgment, for instance, judges balance principles of equality, liberty, and dignity—ideas based in moral philosophy. Landmark decisions from courts of jurisdictions, ranging from the

⁷ H.L.A. Hart, *Law, Liberty & Morality* 51 (1963).

establishment of civil rights in the United States to the interpretative extension of privacy rights in India, are perfect illustrations of how moral ideas determine the course of development of law. Judicial discretion based on moral assessment is therefore inevitable.

Law also needs popular approval to operate powerfully. Citizens tend to obey laws they view as morally right. When legislation departs significantly from current moral norms, they come under opposition and tend to disintegrate in the end. The United States's prohibition era is a good example: in spite of the fact that alcohol was illegal, mass moral opposition resulted in disregard for the law and ultimate abolition. Similarly, the apartheid legislation in South Africa, legally in place, was discredited by international and domestic moral disapproval. Law thus cannot exist in isolation of being rooted in morality.

The necessity of morality to law is also indicated in the development of legal systems. Morality drives reform as it redefines the values of society, which are then codified into law. Slavery, women's right to vote, and gay marriage illustrate how progress in moral values leads and encourages legal reform. What was previously legal can one day come to be widely regarded as immoral, leading to legal reform to keep pace with changing moral awareness. These dynamics reflect the law's reliance on morality not only as a source but also for ongoing development.

While it is certainly the case that some jurists, and in particular legal positivists such as John Austin, advance the conceptual distinction between "what the law is" and "what the law ought to be," their understanding of the validity of law is said not to derive from its moral content, but from its creation by a sovereign legislature. Even so, even on this account, morality cuts back in at the levels of justification, interpretation, and obedience. A morally repugnant law can be technically valid in a narrow sense, but its legitimacy and enforcement are frequently undermined by moral criticism. Positivist systems, therefore, cannot avoid moral appraisal in practice.

Morality in law is inevitable in the sense that law is a human institution, made, interpreted, and applied by humans who are part of moral communities. Law without morality would be hollow coercion, unable to demand legitimacy or promote justice. Although the theoretical difference between the two might be useful for analysis, in practice morality infects every aspect of the legal process—both its basis and

interpretation and its application and amendment. Law and morality are not the same, but they are indissoluble. The long-standing presence of morality in law is because societies simply cannot build or maintain legal frameworks without referencing common moral principles.

THE BIRTH OF IMMORAL LAWS AND THEIR EVENTUAL DEMISE FROM TIME TO TIME – THE FINAL NAIL IN THE COFFIN

Many an immoral law has had been legislated across the world from time to time illustrating or rather attempting at showing how law can technically exist without morality, but all such laws have always eventually collapsed, lost legitimacy, or have been reformed because they could not be sustained in the long run. The following instances, both historical and modern, shed light on the same:

1. The Jim Crow Laws in the United States (late 19th – mid 20th century)

This law saw the enforcement of racial segregation and the disenfranchisement of the African Americans where the principles were in hard contradiction to the basic tenets of equality and justice. The 'Civil Rights Movement' in the US advocating for human dignity started off as a reaction to this which in turn made way for the landmark judgment of 'Brown v. Board of Education, 1954' and eventually the 'Civil Rights Act, 1964' to mark the end of the immoral Jim Crow rule.

Furthermore, the slavery laws in the US were another glaring specimen of immoral or bad laws which legally sanctioned enslavement, relegating human beings to the extent of mere properties. This was also met with large-scale abolitionist movements and moral outrage which finally brought legal slavery in the US to an end. In present context, such laws stand unenforceable.

2. Prohibition in the United States (1920 – 1933)

The 18th Amendment and the Volstead Act prohibited alcohol in the US which seemingly though not so immoral in the sense of racial segregation, they were in sharp divergence from the prevailing public morality there as most citizens did not consider moderate drinking as any wrong. This led to wide flouting of this enacted law and resultantly the 21st Amendment repealed this prohibition depicting that 'laws detached from societal morality are unenforceable'. This is also an example of Devlin's 'Institutional Basis' of law and morality wherein he had stated that each

society has evolved their own moral institutions which form a part of their respective social fabric⁸. That is why this prohibition of alcohol in any Arabic country would not have been considered immoral and would not have met with flouting of the law, black-marketing or organised crime since this is in conformity with their social beliefs and practices there and additionally backed by their religious point of views too but the same in a Western country such as the US with Christianity as its major religion which does not forbid drinking but rather drunkenness was met with resentment, protests and outright rejection.

Hence, this is an ideal example of the need to formulate law in accordance with the minimum standards of morality of a particular society (yet another iteration of Devlin's take on the interdependence of law and morality) which ultimately undisputably portrays the innate residence of morality in law, even if it is in the slightest.

3. The Nuremberg Laws in Nazi Germany (1935-1945)

This marked the institutionalisation of anti-Semitism which saw the Jews stripped off their citizenship and their unjust prosecution being legitimised. However, after the World War II, the 'Nuremberg trials' discarded the defence of legal positivism and pronounced that a law without morality cannot qualify as a just law in the international order.

4. The South African Apartheid Laws (1948-1994)

This regime was characterised by the denial of basic rights to the Black majority there. The so called 'valid laws' there at that time carried state backing but over the course of time got toppled due to persistent resistance from the masses and consistent condemnation worldwide. Once again, it was proved that a state can enforce bad or immoral law, but systemic injustice cannot prevail forever.

5. The Colonial Rule Empowered Discriminatory Laws in India

The British rule in India integrated and codified caste-divisions that installed discrimination in a more prominent way in the Indian legal system as well as in the Indian society at large. Although these rules remained valid under the British

⁸ Basil Mitchell, Law and the Protection of Institutions, at 25 (1970).

colonial rule, India post-independence relying on constitutional morality abolished unprincipled practices such as 'untouchability' through Article 17 prohibited further caste-based discrimination.

Withal, Section 377 of the IPC which criminalised consensual same-sex relations was a remnant of the British colonial rule too. This law survived for well over 150 years despite lacking moral legitimacy when viewed from a 'modern rights' prism. The 'Navtej Singh Johar v. Union of India (2018)' case emerged revolutionary in this context when the honourable Supreme Court of India struck down this law as unconstitutional being in non-alignment with the present moral degree of equality and dignity.

These constitutional amendments on the backdrop of the necessity to uphold morality speaks volumes of the vitality of morality to law for the maintenance of sound societal order. This also shows that the 'constitution' which is considered as 'the highest reference of law in any country in its sole existence' is consistently vocal about the importance of morals and ethics in any rule, behaviour and conduct, thus, impressing upon the survival of law only through a peaceful harmony and co-existence with morality.

CONCLUSION

In this day and age, it is an undeniable fact by now that many laws do reflect moral considerations while some remain devoid of morals or at the least, morally neutral. The important question that arises here is and has always been there is whether laws should uphold morals or not⁹ and not whether laws possess morality or not, if at all. Therefore, from here, we can arrive at the statement that the debate of law and morality has not exactly and always been about whether law is to exist without morality or with morality but rather about whether law should validate, justify and ratify morality.

Any 'bad law' or 'sick law' or 'unethical law' (law lacking morality or having it in a very diminished form and extent) needs justification and proper reasoning to have any sort of acceptance and effectuation from and through the populace; otherwise, the same would be met with displeasure and discontent which inadvertently or not culminates to mass resentments, protests and defiance – all of which are quite capable of causing anarchy.

As we know, liberty and duty are jural opposites as per Hohfeld's analysis of legal relations and from there arises the need for justification of any immoral law that imposes or enforces any legal duty which in turn automatically limits liberty of action. It is also quite important to note that liberty is ancient, and it is despotism that is new; so, the imposition and enforcement of any authoritarian rule that lacks the most basic of reasoning in conformity with the moral standards of the concerned society must come with proper caution.

Also, the freezing of moral attitudes by laws obstructs moral change and moral changes in turn catalyses societal growth and evolution i.e., a draconian law can indirectly halt progressive social changes; therefore, such a costly hindrance must always come with a rationale and not just arbitrarily.

However, while underlining the sanctity of liberty and protecting it from being imprisoned by arbitrary law, it is equally important to underscore that a certain amount of 'called-for' legal restrictions are always required to maintain a punctilious or a conscientious society in this constant interaction between law and morality,

⁹ H.L.A. Hart, Law, Liberty & Morality 4, 28 (1963).

especially, at this time when religion is fast losing its former appeal with respect to its moral teachings which have earlier proven to be a potent tool for inculcating moral discipline among the masses. Relaxation of legal restrictions can be done when there exists a sufficient degree of self-control which in today's conditionalities and circumstances seem to be becoming fainter day-by-day. Hence, a law without any moral reinforcement at this juncture of time would be a swift but catastrophic path to social destruction.

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