



A Jurisprudential Assessment of the idea Constitutionalism and Lon Fuller's the Inner Morality of Law

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Abstract : The article examines the legal connection between constitutionalism and Lon Fuller's inner morality of law, contending that both procedural and moral underpinnings support constitutional validity. It demonstrates that constitutionalism gets its authority from the moral duty to preserve natural rights and the procedural integrity of law making, drawing on John Locke's notion of limited government. On the other hand, because it lacks moral support, H.L.A. Hart's notion of "having an obligation" is insufficient to explain constitutional compliance. The study maintains that Locke's philosophical vision is operationalized by Fuller's procedural morality, which together provides the moral framework that upholds constitutional rule beyond simple legal formality.

Index Terms -. Inner Morality, Having An Obligation, Constitutionalism.

I. INTRODUCTION

More than just having a written constitution, constitutionalism is an institutional and moral framework that guarantees the use of power within morally and legally acceptable bounds. Constitutionalism is the idea that government must be constrained by the law and that upholding these restrictions is necessary for it to be legitimate. In this way, a constitution is a moral agreement between the state and its people rather than merely a legal instrument.

This article posits that Lon L. Fuller's inner morality of law, whose procedural foundations guarantee that legal authority functions in a morally coherent manner, serves as the jurisprudential basis for constitutionalism. Additionally, the study places constitutionalism within the moral framework of John Locke's doctrine of limited government. Lastly, it challenges H.L.A. Hart's concept of "having an obligation," showing that although Hart's method clarifies how laws create responsibilities, it is unable to explain why those obligations are ethically required within a constitutional system.

II. LOCKE'S FOUNDATIONS: NATURAL RIGHTS AND LIMITED GOVERNMENT:-

The original philosophical root of constitutionalism is still found in John Locke's Second Treatise of Government. The case put forward by Locke starts in a state of nature, when people have inherent rights to property, liberty, and life. He maintains that the government is established by a collective agreement that safeguards basic rights, and that it loses legitimacy if it does not.

Three jurisprudential bases underpin Locke's constitutional vision:

1. Limited Government and Consent: The consent of the governed is the source of political authority. The legitimacy of the government's power is contingent upon its ability to uphold citizens' rights and function within defined legal bounds.
2. Rule of Law: According to Locke's theory, "rulers are bound to operate by promulgated, established laws, not by extemporary decrees". Fuller's later procedural morality will be guided by a need for known, broad, and foreseeable laws.
3. Right of Resistance: People have the right to challenge or replace their government if it violates their confidence. This supplies the ethical foundation for constitutional limitations on power.

Locke's theories, which hold that authority must be subject to the law and accompanied by moral legitimacy, created the philosophical core of constitutionalism. The state has a duty to respect human dignity in addition to upholding law and order. In this light, Fuller provided constitutionalism's procedural morality centuries after Locke offered its root moral grounding.

III. FULLER'S INNER MORALITY OF LAW

Lon Fuller contended in *The Morality of Law* (1964) that a system must adhere to a set of procedural rules that must be followed for it to be considered law. Eight such principles were accepted by Fuller:

- i. Generality – laws should be general, not directed at specific individuals;
- ii. Publicity – laws must be made public;
- iii. Prospectivity – laws should govern future conduct, not retroactively;
- iv. Clarity – laws must be intelligible;
- v. Consistency – laws must not contradict one another;

- vi. Possibility of compliance – laws should not demand the impossible;
- vii. Constancy – laws should not change too frequently;
- viii. Congruence – official action must align with declared law.

As stated by Fuller, the moral force of legislation is derived from obedience to these principles. They communicate a "morality of aspiration," demonstrating regard for citizens as logical beings with the ability to direct their actions through established norms. When these rules are flouted, the law becomes nothing more than compulsion.

Fuller presents a procedural theory of legitimacy in terms of jurisprudence. Fuller bases legal authority on adherence to the structure and procedure of law, whereas Locke bases political authority on natural rights. Both agree that authority can only be justified when it is used within moral bounds, both procedural (Fuller) and substantive (Locke).

IV. CONSTITUTIONALISM AS MORAL AND PROCEDURAL LEGITIMACY

Thus, constitutionalism combines Fuller's procedural morality with Locke's substantive moral principles. It posits a political system in which government is both morally and legally justified, authority is not absolute, and the law is predictable. Fuller's moral reasoning is reflected in the rule of law, which is essential to constitutionalism. Fuller's inner morality is reflected in the following: transparency is ensured by publicity; fairness is guaranteed by consistency; and stability is ensured by constancy. Locke's concept of limited authority based on human dignity is reflected in the division of powers and fundamental rights.

In this way, constitutionalism is moral as well as structural. It represents a mutually beneficial connection between the state and its citizens. People comply because the Constitution offers a just and reasonable foundation for communal life, not because they are under duress. Constitutional governments treat citizens as partners in a moral endeavor rather than as objects of control when they uphold legality. Therefore, constitutionalism turns the law into a moral covenant of government rather than a tool of authority.

V. HART'S "HAVING AN OBLIGATION" AND ITS INADEQUACY WITHIN CONSTITUTIONALISM

The analytical distinction H.L.A. Hart made between having an obligation and being obligated is what makes his contribution to jurisprudence. Hart contended in *The Concept of Law* (1961) that having an obligation involves acknowledging a law as a valid standard of conduct, whereas being obligated is acting out of fear or force. According to him, legal responsibility develops when people—especially officials—adopt the internal viewpoint, embracing specific rules as justifications for behavior and as benchmarks for criticism.

A sociological explanation of normativity is given by Hart's analysis. The practice of officials recognizing regulations as legitimate by reference to a common rule of recognition is the source of law's authority. Therefore, a constitution is legitimate not because it meets procedural or moral requirements for legitimacy, but rather because it is recognized within this official practice.

Nevertheless, constitutionalism cannot be well explained by positivism. Constitutionalism is a normative endeavor that considers whether a constitution should be accepted as well as whether it is. It requires explanation, not excuse. The Constitution's moral legitimacy, as opposed to social consensus, is the source of citizens' obligation to abide by it.

According to Hart's concept, if officials acknowledge it, even an autocratic or unfair constitution could result in duties. The core of constitutionalism, which maintains that political authority is only acceptable when morally restrained, is at odds with such a morally neutral explanation of validity. The mechanics of obedience are captured by Hart's theory, but its ethical basis is not.

Locke's moral philosophy and Fuller's procedural morality, on the other hand, provide a more comprehensive explanation. Fuller demonstrates that the fairness of the process—public, predictable, and transparent rules that uphold human reason—must serve as the foundation for legal obligation. Locke, on the other hand, bases constitutional authority on consent and natural rights. When taken as a whole, they indicate that constitutional adherence is not just socially accepted but also ethically merited.

Therefore, Hart's idea of "having an obligation" is essential for explaining the internal acceptability of legislation, but it is not enough to explain constitutional legitimacy. Constitutionalism necessitates a moral perspective in addition to an internal one. The concept of constitutional obligation can only be completely justified when it integrates with Locke's moral theory of government and Fuller's procedural morality. Although Hart's theory is still very helpful in comprehending the construction of laws, constitutionalism demands a deeper moral understanding. Compliance is explained by his "internal point of view," of Hart whereas commitment is explained by Locke and Fuller.

VI. INTEGRATING LOCKE, FULLER, AND CONSTITUTIONALISM

Locke, Fuller, and Hart's interactions shed light on constitutionalism's multi-layered structure. The fundamental moral foundation—rights, consent, and the restraint of power—is provided by Locke. The procedural moral framework—the rule-of-law precepts that guarantee governance stays just, predictable, and accountable—is provided by Fuller. Hart clarifies the social reality of how the law functions, but he does not address the issue of moral validity.

Three Dimensions Converge: - Constitutionalism

Descriptive (Hart):	Procedural (Fuller):	Substantive (Locke)
The operation and acceptance of constitutional regulations	How the moral authority of a law is derived from its form;	The law should be obeyed in order to uphold moral rights.

While Fuller and Locke demand moral legitimacy as the yardstick of validity, a strictly Hartian system might legitimise any legal arrangement that officials accept, even one that is oppressive. Doctrines like the rule of law, due process, and constitutional morality—all of which articulate the conviction that authority must be moral in order to be legitimate—showcase this synthesis in constitutional democracies.

Therefore, constitutional obedience goes beyond simply following established guidelines. It is an act of moral fidelity to the constitutional order's tenets of justice, fairness, and human dignity. Together, Fuller and Locke's theories turn the law from a social custom into a moral institution. They guarantee that constitutionalism is indeed the rule of just law rather than just "rule by law."

VII. Critique and Evaluation

Fuller's underlying morality of law is entirely formal and devoid of substantive moral substance, according to critics like Hart. They contend that even despots can uphold Fuller's ideals while passing unfair legislation. But Fuller's claim was always that illegality ensures injustice rather than that legality ensures justice. The procedural morality of law establishes the minimal moral requirements for the legitimacy of the legislation, but it does not guarantee goodness. In a similar vein, some natural lawyers argue that without substantive values, Fuller's procedural morality is inadequate. However, constitutionalism balances the two: Fullerian legality guarantees that Lockean natural rights are realised through just and legal procedures, while Lockean natural rights offer moral content. When combined, they create a comprehensive body of law that unites positivism with natural law.

VIII. Conclusion: -Constitutionalism is a legal and moral philosophy. It seeks to restrict authority, safeguard rights, and guarantee that the government functions through just and legitimate legislation. While H.L.A. Hart laid out the social nature of legal rules, he was unable to explain the moral force that requires constitutional fidelity. John Locke provided its moral rationale through the ideas of consent and natural rights; Lon Fuller provided its procedural morality through the principles of legality. Citizens that follow constitutional instructions do so because they think the Constitution upholds justice and procedural fairness, not because they are forced to. Together, Fuller's morality and Locke's philosophy provide law its moral substance and internal consistency, surpassing Hart's descriptive positivism. In finality, moral legitimacy—the belief that the law, in both its form and its purpose, serves the human good—rather than authority alone constitutes what keeps constitutionalism living.

REFERENCES

- [1] Suri Ratnapala 2017. Jurisprudence Cambridge University Press
- [2] Wayne Morriso 1995 1st edition Jurisprudence: From The Greeks To Post-Modernity Routledge-Cavendish
- [3] Michael Freeman, Edition: 9th Edition 2014, South Asian 2021 Lloyd's Introduction To Jurisprudence (South Asian Edition), Sweet and Maxwell

