

LAW AND SOCIETY: A DISCOURSE ON LON FULLER'S PRINCIPLES OF LAW

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Abstract

This paper discusses Lon Fuller's principles of law in relation to the society. Fuller postulated his eight principles of law as a contribution to the long standing debate over the necessary connection between law and morality. This debate is evident among the philosophers of law, specifically between the natural law theorists and the legal positivists. While the natural law theorists affirm such connection, the legal positivists deny it. Fuller upholds the natural law thesis to the effect that law has and must have its underpinning on morality. In consideration of the different views expressed on the debate, this paper argues that morality is a sine qua non for the establishment of law and the development of society. For law to be law, morality cannot be disavowed. Morality constitutes veritable bedrock for societal development without which human well-being is a mirage. Without morality, law becomes an easy manipulative despotic tool in the hands of the ruling class. A law that is injurious to humans is an aberration of the law and in fact, not a law in the first place. Thus, if a social ordering fails to design its structure and content to conform to its purpose, such ordering incontrovertibly loses steam. Simply put: a law that lacks morality cannot actualise its major purpose which is to guarantee justice and fairness. The paper further argues that law will experience and exhibit incompleteness if any of Fuller's eight delineated principles is missing. Through the use of the critical and prescriptive methods of philosophy, the paper concludes that Fuller's principles of law are veritable tools for excellence in law-making, and therefore, are supremely essential for societal development and human well-being.

Key Words: Natural Law, Morality, Society, Fuller, Legal Positivism, Principles

Introduction

Law as a concept has remained controversial among thinkers for centuries, and this is not unconnected to its climacteric nature. Around the mid-twentieth century, however, the idea of the "rule of law" began to feature prominently, especially as demonstrated by the long-standing debate and exchange of views between the legal positivists and scholars of the natural law school. This debate centrally hovered around the connection (or lack of it) between the notions of law and morality. The major question that was grappled with (and still being grappled with) is, whether there is a necessary connection between law and morality? The legal positivists, upholding the "Separability Thesis", argued that there is no necessary connection between law and morality. In other words, law is law and does not necessarily require any underlying form of morality whatsoever in order to be authentic.

Several legal scholars of Natural law inclination repudiated the "Separability Thesis" of the legal positivists. For them, there is a necessary connection between law and morality. One of such major natural law theorists is Lon Fuller. The influential American Legal Philosopher, Lon Fuller made a crucial attempt to explain why and how law as codified by the legal Positivists is insufficient and inadequate. He argued in tandem with previous Natural Law

scholars that morality is and ought to be the underlying structure as well as the point of departure for any sound law. To establish this point, Fuller constructed what he captioned the “Principles of Law” which he popularly christened the ‘Internal Morality of Law’. These principles are eight in number as explicated and published by Fuller in 1964. They are principles that ought to form the base of any law, without which a law remains incomplete and insufficient for adequate human living and societal propriety. This paper aims at examining Fuller’s principles of law with a view to determining its tenability for human well-being and societal development.

The Concept of Law

The meaning and nature of law have remained controversial among scholars over the years. It has therefore, been extremely difficult to have a univocal or generally accepted definition of the concept of law. The concept has been considered in myriads of ways, leading to several theories including but not limited to: Natural law, Positive law, Realist Law, and Marxist law theories. Natural law theory remains the earliest of the various theories, and the proponents of legal positivism have been its biggest opposition. Hart (1971) opines that “Few questions concerning human society have been raised with such persistence, and answered by great scholars in many diverse, strange and even paradoxical ways as the question “what is law?””. The notion of Law has been investigated by numerous scholars of different schools of thought, including the metaphysical, historical, sociological, metaphysical and analytic schools. Suffice it to say therefore, that very many meaningful contributions from different perspectives have been made in an attempt to explain the meaning of law.

Von Ihering (1913) conceived law to be the “sum of conditions of social life in the widest sense of the terms as secured by the power of the state through the means of external compulsion”. Another well-respected classic philosopher of law, Holmes, explained law as a statement of the circumstances in which public force is brought to bear upon through courts. Holme’s definition clearly spells out the position of the law as the custodian of the law, and the guardian of the constitution. The revered modern philosopher Hobbes (1968) viewed law as the command of the sovereign. In this case, the instructions of the leader become the guiding procedure or template that the people must follow. The *Oxford Advanced Learners Dictionary* (2020) documents law as a system of rules that everyone in a society must obey. There are myriads of professional definitions of law. This work, however, adopts St. Thomas Aquinas definition of law which somewhat encompasses the basic features that are required in a comprehensive definition of law. According to Aquinas (1987), law is an ordinance of reason, directed towards common good and promulgated by the one who has the care of the community. There are three important key points to be extracted from this definition, namely:

Ordinance of Reason: This simply means that an ordinance/order/law should be reasonable enough for humanity and its demands must also not be unreasonable. In other words it ought to be a directive or a laid-down rule with the intention to effectuate peace and progress.

Common Good: That the ordinance/order/law must not be selective but created for common good. This law must not be patterned to favour certain members or class in the community, but must be positioned and seen to be beneficial and be in the interest of every member of the community at all times.

Promulgated by Someone with the care of the Community: The leader must be fair to all, thus, an individual or a section of the people must not be marginalized. Any law that remotely or clearly violates any or all of these standards becomes a pervasion.

A Brief Biography of Lon Fuller

Lon Luvois Fuller is an American legal philosopher, born on 15th of June 1902 in Hereford, Texas, United States. He studied and received his undergraduate degree in legal education from Stanford University in 1924, and also bagged a Doctor of Law degree from the same institution. He began to lecture law at the University of Oregon Law School (1926-1928), and later proceeded to work in the University of Illinois Law College between 1928-1931, before joining the Duke University Law School in 1931 where he worked for nine years. It was at Duke University Law School that Lon Fuller tutored one of the future presidents of the United States - President Richard M. Nixon. Fuller became an important member of Harvard Law School in 1940 where he later rose to the position of Carter chair of jurisprudence at Harvard between 1948 until he retired in 1972.

As a scholar who rose to become a revered professor of Law at Harvard University for several years, Fuller is recognized in the American legal space for immensely contributing to the propagation and development of jurisprudence, as well as law of contracts. He is, however, most popular for his debate on the relationship between law and morality with H. L. A. Hart, and within his works in jurisprudence Fuller examines the values that he considers necessary in various legal processes. The popular and controversial debate in 1958 with H.L.A. Hart, a revered British legal Philosopher was critical to the development of contemporary constructive conflict between scholars of the School of Legal Positivism and Natural Law School. In Fuller's work *The Morality of Law* (1964), Fuller argues that there is an "internal morality" within all systems of law which attempts to place presumptive obligation of obedience on individuals.

He is widely regarded as one of the major scholars of law that the twentieth century witnessed, little wonder Summers (1984) opined that; "Fuller was one of the four most important American legal theorists of the last hundred years". Lon Luvois Fuller remains one of America's finest 20th century legal philosophers who drew the world's attention via his effectuation of a set of principles that he opined could be useful for the understanding and the regulation of human actions in human societies.

Lon Fuller on Law and the Society

Fuller's conception of law was inspired by his rejection of the arguments of the Legal Positivists. In his *Law in Quest of Itself*, Fuller (1940) argued that "those who engage in legal

philosophy are attempting to give a profitable and satisfying direction to the application of human energies in the law". As a natural law theorist, he strongly believed that there is a necessary connection between law and morality. For him, all legal norms are based on moral norms and should always be considered and treated as such. In other words, for any law to be ascertained as valid, it must necessarily pass the examination of morality which is predicated on ethical principles. Fuller saw law as "the enterprise of subjecting human conduct to the governance of rules". He also strongly contends that "there is a unity of purpose in all laws, and most strikingly, even the laws of diverse societies have some degree of unique similarities". He believes that there is unity in all laws, a unity of purpose which helps in the regulation of human conduct to attain the good societal living. Thus, Fuller concluded that because humans are similar, the laws regulating them will tend to be similar, and so he styled his idea of law to reflect what he called the "Eight Principles".

Palms (2016) remarks that "one contemporary legal philosopher who was crucially aware of the failure of legal positivism and who vehemently argued for natural law was Lon L. Fuller". Fuller's Natural Law philosophy therefore, encompasses his critical analysis of the shortcomings of Legal Positivism as his personal views or version of Natural Law. The major shortcoming of the legal positivists is their strong believe that law can stand without the instrumentality or support of morality. The Fullerian framework therefore, duly recognises the foundationality of morals and aptly focuses on the morality of Law as he made solid attempts via publications and philosophical debates to deconstruct and reshape jurisprudence and present legal issues in a relatively impartial manner. For instance, in his work, *Anatomy of the Law* (1971), Fuller made a huge attempt to carry out a distillation of the core aspects of both Legal Positivism and Natural Law theory. In other words, he critically examined legislated laws and implicit laws to ascertain the tenability of their respective propositions.

In his major work *The Morality of Law* (1964), Fuller puts forward a combination of principles that he believes should be adopted to clarify and determine the propriety of legal matters and jurisprudential situations. Rather than agitate for a robust acceptance of the ideas presented by the proponents of jurimetrics which is the adoption of scientific tools and methodology in legal procedures and legislations, Fuller advocated for an increase in the popularization of the notion that law is primarily a tool for stabilising the ever conflicting objectives of man in the society and should remain so. He argued therefore, that law should not be considered in absolute terms within human societies. Thus, leaders, policy makers and judges in the societies should always remember that there are always other alternatives. Hence, final judgement on human affairs ought not to be regarded as the only existing option, but should only be considered to be the best amongst available options when measured by adequate legal standards open to the jury.

Following this idea of picking from a number of viable options amidst the available options in societal affairs, Fuller systematically designs and put forward some principles to propel legislations and legislators in their promulgation of legal standards and their conduct of judicial enquiry. Fuller fully recognises the law-morality controversy and establishes that there is a significantly unbreakable relationship between both. Thus, he resolutely argued against the

approach to law adopted by the Legal positivist. In contradistinction to the views of the legal positivists, Fuller argues that not all legislations from law-makers and people in authority should be upheld as laws. This is to say that any law that does not recognise or stem from morality, is a bad law, and should not be a law in the first place. Thus, despite opposition from the camp of the Positivists, the ideas of Fuller continue to immensely occupy a great place in the sphere of jurisprudence.

The Underpinnings Of Fuller's Principles Of Law

One of the major questions that have befuddled scholars in legal philosophy for some centuries is the question of what the law exactly is. In other words, what is the precise nature of law? Is law a phenomenon that exists independently without any connection or affiliation with some systems of morals? Or is it intrinsically rooted and connected to morality? For the Legal Positivists, law is not necessarily connected to morality, but the Natural Law Theorists believe it does.

The world of Jurisprudence has been sharply polarized along these two lines for a long time, and the arguments of both sides are majorly captured by the philosophical postulations of Gustav Radbruch (1878-1949) who was first a devoted positivist but later converted to become a staunch Natural Law theorist. This befuddlement is also encapsulated in one of the most widely engaging debate in the history of scholarship between Lon Fuller and H.L.A. Hart for Natural Law and Legal Positivism, respectively.

Radbruch was a German statesman and legal philosopher who became Minister of Justice in Germany in the 1920s. He was initially an avowed positivist, with philosophical treatises that were laden with legal positivistic beliefs, but having lived through the mind-boggling ravages of the Second World War that took place between 1939-1945, and having experienced the wanton killings and heinous crimes that were meted out on human beings as perpetrated by the Adolphus Hitler led Nazis, Radbruch abandoned legal positivism to become an advocate of the natural law theory. As documented by Bateman (2019), Radbruch became convinced that “even if a legal system rested on legal certainty and laws equally applied to equals, if it was bereft of justice, the foundation of law, it was no law at all”.

Radbruch came to the conclusion that the way and method with which judges, lawyers, and legal scholars answer the question of ‘what is law?’ is crucial and critical as he witnessed judges and lawyers turning blind-eye, and short-changing the legal system even as the Nazis destroyed all what the law was supposed to protect. Thus, Gustav Radbruch abandoned positivism at the end of the world war in 1945 and published a couple of articles wherein he publicly denounced his positivist connections and beliefs while embracing the ideals of natural law. For Radbruch (1945), “There are principles of law, therefore, that are weightier than any legal enactment, so that a law in conflict with them is devoid of validity”.

Radbruch passed on few years after the 2nd World War in 1949. His ideas on the nature of law, however, did not stop to resonate in scholarship. Meanwhile, Lon Fuller, a Harvard University American legal philosopher and professor of law presented three major papers that opposed legal positivism beginning from the 1940s. Thus, the positivistic attitude is inundated with a high degree of ethical scepticism. Natural law, meanwhile, is the position which opposes the possibility of a demarcation of the IS and OUGHT, and which considers a confusion of them in legal discourse. There may be several “systems” of natural law. According to Fuller (1940):

Men have drawn their criteria of justice and of right law from many sources: from the nature of things, from the nature of man, from the nature of God. But what unites the various schools of natural law, and justifies bringing them under a common rubric, is the fact that in all of them a certain coalescence of the IS and the OUGHT will be found.... So far as the question of ultimate motives is concerned, it is fairly obvious that if the positivist insists on separating the IS and the OUGHT for the sake of the IS, the natural-law philosopher is attempting to serve the ought when he refuses to draw a sharp distinction between it and the is.

Fuller’s arguments implied that Positivist tenets greatly influenced and eased the handing over of power to Fascist governments in Germany and Spain, and are therefore indirectly responsible for their blossoming (Quest: 1940). As stated by Bateman (2019), this is a belief which Radbruch also held, namely, that “the legal profession and judiciary had made great commitments to legal positivist values and these had blinded many of them from the range of injustices generated by their actions because of their supposed fidelity to law”. The question at this juncture is: why did Radbruch abandon his Positivistic ideals? This attitude of going from a significant legal positivist to a popular natural law defender is striking. Could it be that there are perhaps unjustifiable weaknesses in Legal Positivism?

Herbert Lionel Adolphus Hart was an English legal philosopher and professor of law at Oxford University who vigorously defended the theses of legal positivism against the criticisms of the natural law theorists. Having held and staunchly defended legal positivistic beliefs, Hart was irked, ruffled and disgruntled by the huge popularity enjoyed by both Fuller’s publications and Radbruch’s abandonment of positivistic ideals for natural law. Hart, therefore, accepted an invite to give a talk at Harvard in 1958, and this lecture was a clear academic onslaught on the natural law viewpoints of Lon Fuller and Gustav Radbruch. It was also a defence of the positivistic ideals that the phenomenon of law can be explained and understood on its own without any recourse to morality. The above argument typifies the Positivism versus Natural law debate which has been the major controversy in jurisprudence for centuries and which inspired Lon Fuller to systematically delineate what he considered the principles that must form the basis of every sound law.

Fuller's Principles of Law

Fuller's idea of law is outlined and explained in his *The Morality of Law* (1964) as already noted. In this masterpiece, he reels out the conditions upon which a system of rules can thrive.

These formal eight principles were referred to by Fuller as “the inner morality of law”. In explaining this ‘internal morality of law’, Fuller argued that for any principle to be established as a law, it must meet certain demands or requirements. These requirements are standards without which a principle or system of rules cannot adequately thrive as law.

Fuller argued that what many institutions, societies and individuals referred to or regarded as laws were questionable as they lacked certain fundamental moral principles. These principles according to him are “The Inner Morality of Law” which must be present in every good law. These demands are described by Fuller as “Eight Desiderata”. They are excellences or qualities that enable a system of rules to thrive. Fuller’s postulation is that laws should be (1) General (2) Publicised (3) Prospective (4) Intelligible or clear; (5) Non-contradictory; (6) Practicable or possible to comply with; (7) Stable or relatively constant through time; and (8) Congruent (*Morality of Law*; 1964). According to Fuller, a law cannot work nor have the desired result except it reflects the affirmed principles:

1. **Principle of Generality:** This principle states that legislation must be patterned in such a way that it is sufficiently general. It must be made generally for the entirety of the people and not for certain specific persons. This principle clearly does not create room for any sacred cow, in other words, it applies to everyone under its jurisdiction and spares no one who violates the law, and this in turn, guarantees equity, fairness and justice. Fuller believes that any law that has the principle of generality as its founding block will not consider certain oligarchs who are ready to buy their way out of punishment, the law will rather take its course regardless of whose ox is gored. Thus, a law that is general in nature can be appropriated and generally applied to everyone, exempting no one.
2. **Principle of Publicity/Promulgation:** By this principle, Fuller means that all mandates of the law ought to be clearly promulgated. In other words, it must be sufficiently announced and/or published in order for those it is meant for to understand and comply. The totality of the law is completely communicated to the people that it is meant to guide and/or regulate. This is to ensure that no one claims ignorance of the law.
3. **Principle of Prospectivity/Non Retroactive:** By this principle, Fuller submits that all newly promulgated legislations ought to be prospectively applied and not retroactively practiced. In other words, the act of backdating new principles, rules or laws to cover or affect events or happenings from the past should be avoided. Law ought to be active and applicable only from when it was promulgated.
4. **Principle of Intelligibility/Clarity:** This principle holds that every letter of the law should be simple and clearly stated. It should be written in a way that it is easily understood. It should not require high level skill or higher education for a law to be understood. In other words, it should be clear, concise and unambiguous. Fuller, however, admits that where it is not absolutely clear, and where specificity is required in term of the requirements of the law. Fuller explains that the clarification duties should be done by the law enforcement authority in charge of the jurisdiction of such laws.

5. **Principle of Consistency/Non-Contradiction:** With this principle, Fuller explains that a law should never contradict itself. In other words, every good law ought to be consistent. Accordingly, he maintains therefore that lawmakers ought to painstakingly ensure that there are no possible contradictory mandates to the body of law being promulgated.
6. **Principle of Practicability:** By this principle, Fuller means that the law should not require the impossible. The law ought to be possible and easy to be adhered to and obeyed.
7. **Principle of Stability:** This principle holds that the law should not be fleeting but relatively steady through time.
8. **Principle of Congruence:** This principle holds that the law should be administered in a manner that is sufficiently congruent. In other words, there should be a harmonious agreement (compatibility, accord, conformation) between official actions and the declared policies and laws (so that members of the society can abide by them).

According to Fuller (1964), “there is a unity of purpose in all laws, and most strikingly, even the laws of diverse societies have some degree of unique similarities”. He believes that there is unity in all laws, a unity of purpose, which helps in the regulation of human conduct to attain the good societal living. Thus, Fuller concluded that, because humans are similar, the laws regulating them will tend to be similar, and so should be patterned to reflect the above principles.

Assessing Fuller's Principles

Fuller strongly argues that his eight principles of law are standard *DESIDERATA* (requirements) that ought to be contained in every authentic law, as all genuine laws ought to reflect them. For him, they are the “inner morality” that creates the required texture of justice and fairness. Several Legal Positivists attempted to explain the phenomenon of law using the scientific approach. Jeremy Bentham and John Austin (Bentham’s student) viewed law as essentially a command strongly supported by sanction. A practical application, however, shows that not all commands backed with sanctions are laws.

Hart believed that the legal system is made up of positive laws and is authenticated by what he referred to as *Rule of Recognition*, which is in turn authenticated by the fact that it is accepted and deployed by court officials. In other words, even if the law lacks morality, or is tyrannical, so long as it is accepted by the citizens and used by court officials, it is authentic. Hans Kelsen, (another Legal Positivist) on his part basically conceived law as a system of norms (rules) wherein one norm emanates from another and is essentially justified by it. According to Kelsen (1945), “the norm which confers upon an act the meaning of legality or illegality is itself created by an act which in turn, receives its real character from yet another norm”. In other words, the legal validity of a law emanates from another law within the same legal framework. When further quizzed, Kelsen explains that the entire legal system gets its validity from what he called the “Grundnorm”. The Grundnorm, according to Kelsen, is itself independent of the legal system but remains the pillar of the total system.

The above explanation shows that in order to offer an account for the validity of a positive legal system, Kelsen inadvertently went beyond empiricism and rolled over into the realm of metaphysics. He realised that the foundation and justification of a legal system cannot be within that same system, and therefore, needed to be external. Omoregbe (2007) properly captures Kelsen's situation thus; "By postulating the *Grund Norm* (which is outside the positive legal framework) as the source of legal systems, Kelsen effectively brought back via the backdoor, the Natural Law idea which he had initially trashed from the front door".

The idea of law, according to the legal positivists, is averse to the notion of natural justice and natural right; this is due to the fact that they solely anchor their account of law on empirical dynamics. It is, however, virtually impossible to have natural justice or natural law when "Natural" is expunged from the equation. In other words, natural law or the law of nature is a prerequisite for natural justice and natural right which is the most important right of man. Indeed, if a legal rule ever comes into conflict with the principle of natural justice, such legal rule must (as a matter of superiority) acknowledge the supremacy of the natural law which is undeniably the source of validity for all human laws.

Fuller's principles of law simply shows that a legal rule that is built and propagated outside the realm of the laws of nature will definitely encounter challenges which are inimical to human well-being and societal development. Hence, in describing the constituent of law or a legal system, the most important target-purpose ought to be justice and fairness for humanity, but if law is separated from morality as the Positivists vociferously agitate, can justice really be a morality-less justice? To put it better, can a society really achieve justice without morality? As a senior minister in Germany who witnessed "over-reliance on the ideals of positivism by judges and the Ministry of Justice during the war years, with no *prima facie* consideration of justice itself in most of their decisions" (Radbruch, 2019), Radbruch (the Positivist) had a deep rethink and turned away from Positivism and this clearly buttresses the postulations of Fuller. For Fuller, Legal Positivism has greatly "distorted and disrupted the aims of Jurisprudence". He argued therefore, that for every legal idea or concept, be it Kelsen's "Basic Norm" or Hart's "Rule of Recognition" to become completely authenticated as law, they have to satisfy the conditions of moral appropriateness (which are contained in his Eight Principles). Gustav Radbruch saw the handwriting on the wall, as authorities in Germany defended positivist ideals and by so doing, elevated fidelity to law over justice itself, with millions of people losing their lives based on the Positivistic foundation of the Nazi Party beliefs. It therefore, became clearer that positive laws bereft of morals can be inhuman, anti-human and dehumanizing. In his 1945 article titled "Five Minutes of Legal Philosophy" and in his 1946 article titled "Statutory Lawlessness and Supra-Statutory Law", Gustav Radbruch explained the reasons for his change of mind as to renouncing and abandoning Legal Positivism. His encounters led him to openly admit that he had been wrong all the while. Consequently, Radbruch realigned his principles and declared his new belief that justice and fairness ought to take precedence, as Law and morality were almost impossible to disentangle, and a law that is not connected to or targeted at justice ought not to be recognised as law.

An in-depth reflection on Fuller's principles of law helps one to recognise that one of his major contributions lies in determining how the law can be adequately socialised for healthy living, and this is very much germane to the 21st century existential realities. In reflecting and rejecting the position of the legal positivists via his "eight principles", Fuller immensely redefined legal philosophy. He systematically suggested that "an outlook which inheres to a natural law perspective on what constitutes law may be the best way forward because "it allows men and women to push reason as far as they can in their quest for the answer to the question, what is law" (Fuller, 1940). Fuller's "Eight Principles of Law" as captured in his *The Morality of Law* offers fresh ideas that can be philosophically explored. This specifically is to help decipher and probably decide on what possible alternatives can be adopted. Tucker (1965) opines that this is to be done by scholars and researchers in order to "bring mankind closer to attaining desirable human objectives".

The cerebral German Philosopher, Immanuel Kant also observed that the question: What is law? can only be adequately addressed from a metaphysical viewpoint. For Kant (1972), "a purely empirical account of law will be like the wooden head in Phedrus Fable, a head that may be extremely beautiful but in itself has no brains at all". Ideally, therefore, there should be principles underpinning laws, and these principles ought to have some moral vestiges.

Fuller's call for internal morality in law directly places a huge question mark on the principles of the legal positivism. Thus, it calls for a fundamental and comprehensive review of the human legal system, and by putting forth these eight principles, Fuller had explored and demystified the mysteries in legal practice while inviting scholars in this field to redirect their researches. A sizeable portion of Fuller's *The Morality of Law* (about one-quarter of the maiden edition) was channelled towards explaining the principles, addressing the complications in details and clarifying how they could be applied to specific and unique legal issues. The most important take home from these principles however, remains the fact that they are not stifled by climes or locations, hence, they can be universally applied to achieve adequate human living.

It is popularly said that imagination requires materials to work with, and Fuller offers something systematic and practical with his eight principles. This is what Gur and Jackson (2020) referred to as "leaving the philosophical armchair". Nedzel (2023) also appreciates "Fuller's more practical approach, which is based on his experience of human conducts and a critical analysis of what has worked in the past". As regards the depth of the moral ideas that Fuller has put forward, Jimenez (2022) argues that "an adequate understanding of law is required in order to put this fact front and center". Lon Fuller's principles of law is therefore, relevant, as it contains the requisite internal morality required for a good law. Hence, to divorce law from morals is to deny it its intrinsic feature and sever it from the law of nature, which is its foundation and source.

Morality remains germane and significant to law, insofar as societal development is concerned. For a nation to develop as it ought to, the idea of morality cannot be relegated. It engenders social cohesion and stability in the society because any law without morality at its foundation

will likely create tension and disintegration within the polity. Natural rights would, undoubtedly, be trampled upon which “constitutes an impediment to human development” (Igwe, 2015: 379). This viewpoint is corroborated by The Church of Pentecost (2023) thus: “a morally upright society is more likely to be cohesive, with its citizens respecting the rule of law, and fostering a sense of harmony and unity”. Leaders with moral rectitude and a knack for ethical governance are lynchpins of a progressive society because they are found trustworthy and often places common good, social welfare and inclusivity above personal interests. In other words, morality drives societal developments and ensures sustainable development. Sustainable development “portends taking into cognizance the present essentials and obligations and those of the future, such as social, political and economic equity as well as the preservation of the environment including the natural resources” (Igwe and Usoro, 2021: 245). Accordingly, it is practically impossible to have a developed and sustainable society that does not have its underpinnings on morality. “A good system of government that is predicted on morality” will undoubtedly ensure “respect for the dignity of the human person” and will, therefore, “offer an admirable future for humanity” (Igwe, 2022: 93).

Evidently, Fuller’s principles are crucial ingredients required for the legal progress of a society. Little wonder, Van Der Burg (2013) argued that “law is a gradual and pluralist concept, and Fuller’s work provided a rich source of inspiration. Perhaps, his work is even more relevant and productive for the legal research agenda of the 21st century than it was in the 20th century”. There are useful substances that can be gleaned from Fuller’s ideas, and these can be useful in the appropriation of a humane legal framework for better living in the 21st century.

Conclusion

In what may simply be referred to as the eight ingredients for law-making, Lon Fuller's Eight Principles otherwise known as the ‘internal morality of law’ which is contained in his 1964 work titled *The Morality of Law*, is an important contribution to legal philosophy and the practice of law. Issues in the realm of morality and jurisprudence are usually pulsating, sizzling and interestingly controversial. Fuller’s jurisprudence, however, is even more interesting because of the vitality of the issue being addressed. His concept is prescriptive and explains how laws ought to be made. Within the auspices of the law-making art therefore, no law should contravene or go against the laws of nature. Following this, the legal system becomes an extremely important tool to which a good dose of morality must be attached in order to achieve proper regulation, prevent certain negative excesses as well as protect basic societal values. Fuller argued that:

Law is a social ordering, and all forms of social order carry its own inner morality. Thus, we may judge football by an external standard and say, Football is a good game, but we may also judge it by standards drawn from its own inner requirements and say, Football will become impossible if so and so sort of thing is allowed to go on (1958).

In other words, there are conditions under which laws can cease to be laws; this is, if certain crucial internal components are omitted. Fuller's football analogy above shows that certain phenomena lose their substance and become impossible when certain other criteria are missing, and so, if a social ordering fails to maintain its structure and content to conform with its purpose, such ordering may lose steam. Simply stated therefore, a law that lacks morality cannot actualize its main purpose which is to guarantee Justice. Fuller's claims are not just important, they are central to the entire gamut of the legal system as they possess some essential foundational ingredients required for the law practice. These principles as explicated by Fuller are principles that ought to form the base of any authentic law, and will greatly enhance the value of law as a problem-solving device, and be of immense benefit to humanity in general.

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