

enforcement of

2 — Law, Religion, and Morals.

We have become accustomed in modern times to the purely secular conception of law as made by man for man and to be judged accordingly in purely human terms. Very different was the attitude of earlier ages. Law, religion, and morality were treated as inevitably interrelated.

In its modern concept, law is temporal and positive, while religion is divine. Therefore, what religion ordains is wider in scope than what positive law (or, man-made law) demands. However, some religions, like Islam, include legal rules similar in content and purposes to those of any positive system of law. Thus, when such rules are followed, religio-legal provisions become part of the legal system, as is the case in most Islamic countries with regard to the law of personal status.

Moreover, law and morality are interrelated and interact upon one another in a highly complex way. The reason why there is a broad territory common to law and morality is explained by the fact that both are concerned to impose certain standards of conduct without which society would hardly survive. In many of these

standards, law and morality reinforce and supplement each other as part of the fabric of life. But there remains always the possibility of serious divergency between the duty imposed by law and morality in a given situation. Three attitudes may be adopted towards the possibility of such divergency:-

- 1 — It may be said that law and morality must necessarily coincide, either because the moral law dictates the actual content of human law, or, alternatively, because morality itself is merely what the law lays down.
- 2 — It may be recognized that man-made law and the moral law each enjoys a realm of its own, but that the moral law is the higher and thus provides the basis for the validity of man-made law.
- 3 — It may be thought feasible to treat the spheres of law and morality as exclusive, so that neither can resolve questions of validity save in its own sphere.

Be that as it may, distinct differences between law and morals exist, from the point of view of scope, sanction, and purpose. The scope of the law is the narrow one of the duty of man towards man and society, whereas the field of morals is the wider one of man's duty towards God, himself, and others. Encroachments upon the law raise a positive sanction enforced by the State, while rules of morality have a social sanction. Finally, law aims at keeping order in society and attaining legal justice within it; morals looks towards ideal ends pushing man towards perfection.