

# RELIGIOUS RECTITUDE: THE BEDROCK OF SOCIO-POLITICAL LAWS

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## Abstract

Society is characterized by certain attributes that define its political and social conditions. 'The State' is essentially run by legal and political values that have more or less remained constant through the passage of time by virtue of the yardstick of 'right' and 'wrong'. What this paper essentially does is to understand the philosophy of the entire jurisprudence and evolution of law which tells us what is right or wrong with respect to the absolutely unchanging philosophy that we have passed from generation to generation i.e. the teachings of any Religious Virtues /God. The analysis of this link throws great light on the evolution of our socio-political system. To understand the essence of the theory many parallels have been drawn, one important one being the 'Social Contract Theory' and its evolution from the theory of man's natural submission to a higher power called God thus answering the question of great philosophical depth that is what is the philosophical origin of the 'Social Contract Theory'?

The idea itself, thus aims to understand the depths of how any socio-political system is ever infused with the ideals of God and in light of the given theories the paper thus concludes on the note that contrary to popular belief law and morality do not emerge due to the dynamic nature of society but are rather a strict set of guidelines that are misinterpreted narrowly which can be corrected when we trace back to the source of morality, which in my opinion, I believe we call, God.

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## Introduction

Universilising the definition of 'god' Irrespective of whether we are believers or agnostics, whether we believe in God or Karma, everyone can pursue moral ethics.<sup>4</sup>

To understand law in its essentiality, there a need for universalizing the definition of God. Higher theology and religion sciences prove that all Gods are but one. Jesus, the image of Christianity is explained as the 'son' of God to the people. However, according to Christian theology, God has an all knowing intelligence. His perfect intelligence was crafted into another form, the form of Jesus who is thus the self-utterance of God.<sup>5</sup> Thus for the purposes of simpler understanding of the common man He was called the 'son' of God as any son is the self-utterance of his father.

Shiva, God of the Hindu mythology is associated with the sound of Ohm. However Ohm itself is the resonating sound of the universe associated also with Buddha and many other Gods<sup>6</sup>. Thus theology perpetually proves that there is but one truth and one God but his followers, many and of different forms.

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<sup>4</sup> An Open Heart: Practicing Compassion in Everyday Life, His holiness, The Dalai Lama,

<sup>5</sup> Readings in St. John's Gospel, Archbishop William Temple (1881 – 1944)

<sup>6</sup> Religion and Politics in Comparative Perspective: The One, the Few, and the many, edited by Ted G. Jelen, Clyde Wilcox, pg.284

Now having proved the ‘universality’ of the definition of God, its relation with law is attempted to be explained alongside which its impact on morality too has been discussed.

### **Creation of the legal fictional entity for socio-political peace**

Zeus, the Greek mythological God was noted to have seen man struggle. Struggle with the complexities of daily life. Man was but an animal to each other because the natural law infused in them was rooted in the principle of survival of the fittest. “Thus law is said to be his gift to the mankind he so truly cared for.”<sup>7</sup>

The job of law is not an easy one. Bentham states that the job of law is to secure rights and believed in the greatest happiness of the greatest number.<sup>8</sup> Spencer was of the opinion that law aims to promote freedom. Cicero believed that law aims to render people their dues.<sup>9</sup> Aristotle held that law only aims for proper distribution of resources and correction if any man tries to take more, to thereby abide by the *sum cuique*<sup>10</sup> principle. but at its root level what does law do?

The philosophy highlighted is a rather simple one. A ‘good life’ was the chief goal of any ‘political organization’ after all.<sup>11</sup> Man is a social animal. His social instincts make him trust and interact with others like him. From there arises a deep self-centered insecurity of never wanting to be wronged. This is where law steps in. Law makes sure that the trust one man imposes on another is honored by the other and if wronged, law aims to uphold this trust.

This law need not arise from a very formal source. The need for ‘Order’ is infused in man.

It has been observed, for example, that prisoners of war will rapidly establish certain rules of conduct to govern life in camps all by themselves without any initiation or intervention by any administration<sup>12</sup>. Thus man needs ‘order’ as recourse and such a security is only provided by a third entity called ‘law’.

To explain, let’s take a common example. If a man owns something he does not want to be in justly deprived of it and if deprived he wants a recourse which will enable him to get it back. Law provides this recourse. The said man thus enjoys his ownership even more, knowing that he has recourse if he is in justly deprived. Thus this recourse makes him content which is essentially what law does. It is a sense of security given to people by the creation of a third entity whose principles everyone must abide by. ‘Each should be zealous so to preserve himself that society among me be not disturbed.’<sup>13</sup> Thus wronged people rely on the principles of this third entity to provide them recourse because even the wrong doer like the victim must abide by the principles of the third entity.

### **Main body**

#### **Ripples leading to the social contract**

Having established this basic philosophy of law let us now understand why the element of God is so important in this perspective. From the above stated ideologies it is easy to infer that the job of law at its most basic level is to keep people happy by offering a remedy i.e. to keep them content by making them believe in the powers of a third entity that is binding on all. As stated above, “wronged people rely on the principles of this third entity

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<sup>7</sup> Jurisprudence, Edgar Bodenheimer pg. 4

<sup>8</sup> A Fragment of Government, ed. F.C Montague (Oxford 1891), pg. 93

<sup>9</sup> De Finibus Bonorum et Malorum, transl. H. Racham (Leob Classical Library ed., 1951), Bk. V .xxiii. 65-67.

<sup>10</sup> The Latin term ‘*sum cuique*’ means ‘to everyone his dues.’

<sup>11</sup> The Philosophy of Law in Historical Perspective, Ernest Backer, pg. 19-26

<sup>12</sup> De Obster Grundatze des Rechts (Heidelberg, 1947), p. 19

<sup>13</sup> Elementa jurisprudeniae, transl. W.A.Oldfather, Bk. II, observ. Iv, 4.

to provide them recourse because even the wrong doer like the victim must abide by the principles of the third entity.” Now the question that arises is that does this philosophy state that before there was law man was chaotic, selfish, violent and lived in a self - centered world?<sup>14</sup> The cynical would say that man still does and the truth is that at the brink of the evolution of man, yes, man did only think about himself. This thinking is however very destructive for the ends of progress and progress is impossible if man is infused with the animal instincts of survival. Thus the third entity before law that gave man a recourse thereby making him content and stopping him from committing a wrong was the belief of a God.

Irrespective of whether it was the Sun God of the Egyptians or the Myans, or the Rain God of the early Indians etc. the institution of God had already started setting the standards for mankind to follow. Moral standards which paved the way for moral thinking and for the first time people gave up their instinct of survival of the fittest and became united to be bound and answerable to one common entity.

The first time a similar philosophy was captured was under The Social Contract theory<sup>15</sup>. This theory essentially states that man eventually realizes that there is an inbuilt desire in him to socialize with others and that no man can live in isolation. Thus they submit all their rights to an institution called the government to be answerable perpetually to them.<sup>16</sup> “Humans must either give themselves in or live like the wildest of the wildest beasts living in isolation and feeding only his needs.”

## Locke

The theory was reflected in the English Revolution<sup>17</sup>, the French Revolution<sup>18</sup> and the American Declaration of Independence<sup>19</sup>.

Hobbes, John Locke and Jean-Jacques Rousseau are the best known proponents of this enormously influential theory, which has been one of the most dominant theories within moral and political theory throughout the history of the modern West.

This is indeed a very dynamic theory however while drawing a parallel with the entire concept of God and the ‘Social Contract Theory’ there is one major aspect that must be appreciated. Social contract theory expresses two fundamental ideas to which the human mind always clings the value of liberty; the idea that “will” and not “force” is the basis of government; and the value of justice or the idea that “right” and not “might” is the basis of all political society and of every system of political order.<sup>20</sup> There is no dispute behind the fact that the definition could be stretched to encompass the powers of the pharaoh and his council, the powers of a king with his ministers etc. as the agency of power to which people gave up

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<sup>14</sup> Elements of Law, Thomas Hobbes, pt. I, ch. xiv. 6-11

<sup>15</sup> BARKER, E, (1960) Social Contract Essays by Locke, Hume, and Rousseau; Oxford University Press; USA; p. viii

<sup>16</sup> ibid

<sup>17</sup> The English Revolution also called the Puritan Revolution, general designation for the period in English history from 1640 to 1660. It began with the calling of the Long Parliament by King Charles I and proceeded through two civil wars, the trial and execution of the king, the republican experiments of Oliver Cromwell, and, ultimately, the restoration of King Charles II.

<sup>18</sup> The French Revolution, major transformation of the society and political system of France, lasting from 1789 to 1799. During the course of the Revolution, France was temporarily transformed from an absolute monarchy, where the king monopolized power, to a republic of theoretically free and equal citizens.

<sup>19</sup> Declaration of Independence, document in American history used by the 13 British North American colonies to Proclaim their independence from Great Britain. The Declaration of Independence was adopted in final form on July 4, 1776. It can be divided into three parts: a statement of principle concerning the rights of man and the legitimacy of revolution, a list of specific grievances against England’s King George III, and a formal claim of independence

<sup>20</sup> BURKE, E (1971) “State Formation and Social Contract Theory: Rwenzuru and the Southern Sudan”; A Paper Delivered to the African Studies Association Conference; Denver;; p.8

their individual liberties to in the ancient times as the political system of the time abide by the parameters of the 'Social Contract Theory'. However we give up our individual liberties today to the government because they are the people representing our voice. We give them the power to decide right and wrong for us and govern us because they function for the people, by the people and with the people. However, by virtue of the above parameters there is no reason why the people of the Egyptian civilization or earlier monarchical times give in their individual liberties into the hands kings or pharaohs. People gave themselves into the hands of the pharaohs and kings because they were said to represent God on earth and it was that institution of belief that was the entity that bound everyone together. People refrained from indulging in their violent natural instincts as the victim always knew that he would have recourse against the wrong doer because the king would enforce principle and ideals of morality, based on teachings of God and this had a deterrent effect on the wrong doer too.

So the philosophies of the social contract and God essentially amount to the same and at its root, both are integrated with each other. The institution of the moral belief gave rise to the institution of law. What is right by the teaching of God is right in society and what is not is thus, wrong. Most of the ideals of God and law can be drawn to another parallel which revolves around the Hindu concept of Karma (Pali kamma) which essentially states that actions produce appropriate results<sup>21</sup>. One is rewarded for their good deed and punished for the bad ones. Law is just a complex version of Karma. Law goes into the reason as to why one should be punished for their bad deeds which could be for State Welfare purposes or a factor of Police functions to stop others from doing so, to set an example for others etc. However both law and the institution of God i.e. teachings of morality provide the same recourse with an aim to make people content.

### **Recognition of right or wrong**

Once, during a retreat conducted by Zen Master Bankei, where many students from all over gathered to learn, one of them was caught stealing red-handed. The matter was promptly reported to Bankei, followed by the request to expel the thief. However, Bankei ignored the suggestion. A while later, the same student was again caught stealing. To the shock of the others, Bankei continued to disregard the crime. This led the students to petition for his dismissal, without which they would leave the retreat.

After reading the petition, Bankei calmly addressed his students. 'You are wise brothers. You know what is right and what is not right. You may go somewhere else to study if you wish, but this poor brother does not even know right from wrong. Who will teach him if I do not? I am going to keep him here even if all the rest of you leave.' Upon hearing that, the thief wept in total remorse.<sup>22</sup>

Even though the line of thought is strongly based on the foundation stone of religious morality, one cannot deny that morals are essentially constant in nature. As proved above, the definition of 'right' or 'wrong' is rather stringent and is passed down from generation to generation in the name of God with the view of achieving political peace and greater social efficiency. However one cannot argue the proposition that the current trend society is following in this modern age is very different. Morality has different interpretations and different meanings. What is right for one may not be right for all and vice versa. Thus, it is exactly due to this, one must resort back to the stronghold of religious virtues and morals and adjust standards of morality accordingly.

"Our first moral duty is to do right and avoid wrong. We must do no wrong even if by doing wrong one can reduce suffering and increase happiness. Therefore, the concept

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<sup>21</sup> Karma: An Anthropological Inquiry, edited by Charles F. Keyes, E. Valentine Daniel, pg. 236

<sup>22</sup> Speech: Zen Flesh Zen Bones, by Paul Reps

morality is more important than the concept of 'individualism. Individualism is often seen as a rather selfish doctrine allowing individuals to disregard the interests of others.<sup>23</sup> Thus, what must be noted is that the entire concept of theological reasoning and religious rectitude is built around the concept of 'right' and 'wrong' while stressing greatly on societal morality and less on the concept of 'individualisms'. Therefore no matter which era we stand in, to seek the knowledge of right or wrong and what is moral and what is not, one needs to revert back to religious rectitude and its moral teachings. For years this has always been the yardstick to seek the light on the subject of what is truly moral or not as will always continue provided that we as a society with the evolution of time interpret such teachings correctly.

### **Conclusion**

Once we recognise 'right' from 'wrong' we immediately recognize what morality is and thus to make this distinction we must look into the teachings of higher theology and religion sciences that deal greatly with such societal moral problems and give us our code of conduct. Having proved how the social contract itself has a philosophical origin in the bed rock of religion, one can confidently say that even today law is infused with such fundamentals. However today more than ever, to achieve socio-political peace and to define morality and social ethics, one needs to look into the depth of how our religion sciences have governed us for all this time and implement it.

Religion Rectitude has always proved to be the greatest guide in law making. The entire source of how usages are given legal force and accepted as customs are mainly because usages themselves arise from society solely and largely based on religious practises.

Therefore, even though the entire essence of the social contract and most other laws have risen from the ideas of religious virtues, we as a society seem to be forgetting to acknowledge such sources today and are moving further into atheist and anti-religious ideas. While respecting such choices one must always keep in mind that the evolution of society was led by religious rectitude and our forefathers made it a point to pass it on from generation to generation so as to guide us into moral thinking. Accepting the fact that such guidelines may not be absolute, one must always keep in mind that forces of such powerful nature have always moulded the socio-political nature and will continue to do so and it is our job as members of a responsible 'state' to interpret and implement such virtues correctly into our laws and law making process thus truly acknowledging this bed rock of socio-political peace.

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<sup>23</sup> Right and Wrong, By Charles Fried, pg.2.