

Research on the Unified Mechanism of Law and Morality from Ronald Dworkin's "Law's Empire"

Yinge Li^{1,a,*}

¹*Beijing Foreign Studies University, Beijing, China*

a. ylee66@126.com

**corresponding author*

Abstract: With the development of society, many legal issues have arisen, and it is particularly important to maintain social order and establish correct values. Exploring the unified mechanism of the interaction between law and morality in conjunction with Ronald Dworkin's *Law's Empire*. The law belongs to a specific normative system, which regulates human behavior through legislation, judiciary, and law enforcement, ensuring social order stability and indirectly reflecting moral concepts. Morality belongs to intrinsic values, influences individual behavior and choices, reflects cultural traditions and social consensus, and influences the formulation of laws. They are interrelated and constrained, jointly shaping social norms. By using literature analogy and theoretical research methods, it is proposed to establish a symmetrical system between moral consciousness and legal regulations, apply this theory to practice, continuously improve the legal system, safeguard the rights and obligations of citizens, and promote social progress.

Keywords: Legal norms, ethical morality, dialectical unity, differential constraints, jurisprudential philosophy

1. Introduction

Ronald Dworkin's *Law's Empire* argues that there is no complete unified mechanism for the application of law and morality, and the legal content in the legal system is determined by moral norms, which showcase existing legal practices from the best moral perspective. In the process of reading other related works, my research gradually found that did not fully agree with the author's viewpoint. The author believes that morality determines the content of the law, but believe that the content of the law determines the level of morality and that a unified mechanism for the application of the law should be established. This article discusses this viewpoint and is divided into four chapters. Firstly, provide a preliminary explanation of what laws and regulations refer to, with a focus on interpreting the concept of moral standards. Secondly, focus on discussing this topic, elaborating on Ronald Dworkin's *Law's Empire* and his own thoughts on the paper. Furthermore, analyze the uniqueness of the mechanism by which morality promotes the application of law, and elucidate the high degree of unity between law and other social factors. Finally, it is suggested to establish a symmetrical system between legal norms and moral facts. Through discourse, this article aspire to establish a unified mechanism for the application of law and morality in society, thereby affirming the decisive role of law in morality and emphasizing the necessity of law.

2. The Analysis of Legal Norms and Moral Principles

This chapter discusses the theoretical issues of legal norms and moral standards, and reveals the relationship between the two, pointing out their respective roles and functions in society.

2.1. A Superficial Explanation of Legal Norms

Legal norms can effectively maintain social order and have clear prohibitions, authorizations, and other behaviors. When violating legal norms, the parties involved need to be subject to mandatory sanctions under legal norms, and modern legal systems often prioritize economic compensation and free compensation.[1] So far, jurists from different countries have put forward various opinions on what kind of behavior should be included in the scope of legal norms. In each legal field, due to the different focuses people consider; And within the same field, different legal interpretations may arise; Or it could be a valid legal definition and content in one field that may not be applicable in another.

Ronald Dworkin's *Law's Empire* believes a close connection between law and morality. To maintain political stability, nations establish legal regulations to uphold social order. Legal norms are defined as both the "science of justice" and the "art of justice." [2] Legal norms can ensure the willingness of individuals or society to comply with national norms. Compulsory national legal norms can be formulated by legislative bodies, laws or regulations can be formulated by legislative bodies, laws and regulations can be enforced by administrative departments based on the laws and regulations formulated by legislative bodies, or by judges through precedents. Individuals can create legally binding contracts or choose to accept arbitration outside of court proceedings. The formation of the law itself is influenced by the constitution, which continuously influences the economy, society, history, politics, and constantly mediates relationships between people through various means. Law is divided into case law and statute. Legislatures or other state agencies compile legal norms into legal classics and judge cases through legal provisions; The case Law makes the legal decision by previous judicial precedent. From a historical perspective, religious law has also played an extremely important role at a specific stage and is still applicable in some countries in today's society. For example, Islamic law is the most widely used country for religious law in the world, represented by Saudi Arabia and Iran.[3] Law provides a logical source for various disciplines such as historical research, philosophical thinking, economic and social analysis, and sociology.

In order to regulate the law and legalize things, can the law truly defend justice by sanctioning those who violate it? Although some illegal behaviors can be improved through sanctions, there are situations where legal punishment alone cannot solve the problem. If coercion is an essential element of law, can judicial authorities truly compel offenders to rectify their previous wrongs while determining fairness? Or is it merely about superficial compliance? If offenders merely comply with the legal coercion of the state on the surface without genuinely improving their faults from within, then does legal coercion have any meaning? The continuous evolution of legal coercion shapes human life in society, gradually improving habits and various choices.[4] The powerful nature of law influences the continuous development of humanity and society, thereby making social order more orderly throughout legal history.

2.2. Preliminary Interpretation of Moral Principles

Morality is an implicit recognition of right and wrong in people's subconscious. The choice of moral views depends on individuals' upbringing, societal values, personal beliefs, etc. Moral principles come in various forms, with diverse types and norms. Throughout human history, moral principles share common characteristics, such as respect, etiquette, loyalty, ethics, etc. Western proponents of traditional moral principles, like clergy, often advocate specific norms such as moderation. While some aspects of morality are universal across cultures, others vary significantly due to cultural

differences. Human customs are closely tied to moral principles, with moral norms in many cultures closely linked to customs.

Moral standards are influenced by the history and society of each region, and they also change with changes in social conditions, ecological changes, economic development, and other times. For example, homosexuality was considered immoral and even criminal in medieval Europe. With the development of society, it is considered immoral by some countries, but it is not considered illegal. The development of morality depends on the continuous development of society. People's understanding of objective things continues to improve, and the development of society continues to grow. People's moral views can also undergo qualitative changes.[5] Some things may seem incredible in ancient times, but in modern times they belong to the category of moral principles; Some countries may not make sense to see the development of something, but in other countries, it may fall within the moral bottom line. This is precisely because each group has different thinking patterns, which are more or less influenced by the environment and the people around them, resulting in different levels of thinking for each individual. The change in moral concepts leads to different perspectives and thoughts on different things for everyone. This is because moral judgment is a rational product, and people will determine the scale of judgment through experience and learning.

People naturally believe that adhering to moral principles is the correct value choice. Given that everyone desires respect and freedom, the value of life lies in being recognized by others and contributing to society. If one violates the moral bottom line, they expect to face moral punishment. When one's level of recognition by others or society decreases, they may feel guilty and experience feelings of loss, self-disorientation, or isolation. When we care about others, even if they are unrelated to us directly, we should pay attention to whether our words and deeds conform to moral standards. When our actions violate moral norms, it can evoke resistance or aversion in others, thus people hope to gain respect and understanding from others.[6] Therefore, people subconsciously conform to moral norms in their behavior. When their words and deeds in life align with the universally accepted values in society, they gain social recognition. Moral deficiency is punished by society, which can be understood as maintaining social order through the deterrent power of values. Hence, people constrain their behavior by caring about others' opinions, thus forcing themselves to develop in line with moral principles.

3. The Highly Unified Mechanism of Law and Morality

In the highly unified mechanism of law and morality, they intertwine and together form societal order. This chapter explores their close relationship and how they jointly shape human behavior and societal norms.

3.1. Ronald Dworkin's Ethical Jurisprudence

Ronald Dworkin believes that morality determines law, but it does not establish a standard for legal norms, nor does it establish a unified mechanism for the use of law. The punitive force of law can gradually establish a sound system of moral standards by restraining people's behavior to some extent. Both law and morality imply human freedom; evidently, morality cannot exist without freedom. As the state establishes laws and regulations, people involuntarily conform to them, gradually establishing moral standards when their behavior lacks significant misconduct, thereby forming a set of values that align with morality. With the improvement of the legal system, people will continuously correct potential moral issues to avoid legal sanctions. As the law evolves, it increasingly restrains human behavior, leading people to internalize moral values further.[7]

Both morality and law could play an important impact on society. Since modern times, any social system requires both to maintain order. Law, as a significant means of moral dissemination, serves to

enforce the moral baseline necessary for societal order, such as social norms and respect for others' rights. When laws enforce compliance with these norms, individuals tend to comply to avoid harm, thereby respecting societal morals. When the law punishes those who violently harm others, endanger public safety, or punish those who seek benefits through fraudulent means, people generally control themselves, seek benefits and avoid harm, try to avoid legal sanctions, and moral standards will be better protected.[8] Without laws, no matter how high moral standards are, they will be difficult to maintain. Everyone has a potential desire, and without the checks and balances of rules or the constraints of laws and regulations, people's selfishness will break through the moral bottom line, make mistakes, and disrupt the legitimate social order. When breaking social rules, people sometimes believe that they have gone bankrupt. If there are no good laws and regulations to constrain them, morality will be further trampled upon, and the formulation of laws will be meaningless. Therefore, relying solely on moral self-development cannot ensure the normal operation of society, and many problems may arise in society. On the other hand, if the laws are not fully formulated, sometimes people will take advantage of loopholes, avoid the content already stipulated by the law, and make mistakes in the parts which not stipulated by the law. Therefore, people's behavior is effectively influenced by the specific implementation of the law. When people's behavior is regulated for a long time, the moral standards of society will be subconsciously established.

Continuously improving the unified mechanism for legal application, promoting legal norms to determine moral standards, and whether the law is sound or not can standardize morality. The operation of morality requires mandatory legal protection. To improve the effectiveness of the law, it is necessary to enhance education for citizens and enhance its effectiveness. The essence of education should not simply teach knowledge, but more importantly, cultivate a correct outlook on life. The rule of law, legislating for justice, is conducive to consciously forming good moral standards for people.

3.2. Morality Contributes to the Unilateral Improvement of Law

People abide by laws and regulations, on the one hand, out of their conscience, and on the other hand, out of their affection for others. Conscience comes from human judgment, perception, and judgment abilities. Conscience is not cultivated by humans, but rather a natural sense of identification with certain things, a value system formed deep in people's hearts, a recognition and perception of the correct norms of society. Emotions, different from moral principles, are thoughts and cognition formed by sensing certain emotions on the surface of the brain to the depths of the brain. This formed a certain viewpoint, which evolved into a practice, more or less influenced one's own image and the relationship with others. Improper emotional maintenance can affect one's own relationships with others, leading to negative perceptions of oneself and resulting in the loss of many social relationships or a decline in reputation.

Values such as "equality," "justice," "honesty," and "conscience" gradually permeate legal structures, aiding in the establishment of a unified legal application mechanism. These notions, not strictly moral, align with objective truths rather than subjective beliefs. Morality is the concept of right and wrong in life, and values are not subjective human understanding, but objective principles. Faced with correct principle, we need consider our behavior whether infringement of legitimate rights or not and the concept discussed here belongs to the correct understanding of humans. The concept of justice and other concepts is people's social understanding, not the moral realm. In order to regulate interpersonal relationships, people must start from the basic principles of justice and the requirements that each person should have. The fundamental choice issue people face is attributed to everyone's understanding of human rights. We all know that the concept of legal equality does not ignore the existence of justice due to intimacy in relationships. The unity of humanity and the equal relationship between all humanity are precisely what the law provides. The equality of humanity requires mutual

respect between people, and this concept of respect promotes one's correct understanding and adherence to the law. The law also elaborates on equality and justice in all aspects, and the law is to defend justice. The sense of justice plays a positive role in society, unifying everyone's concept of justice. People with a sense of justice can know how to use the law. During World War II, cruel and inhumane behavior raised awareness of justice, and people were constantly striving to establish standards and values that countries must abide by. There is no other strong evidence to prove that the Nuremberg Trials are a manifestation of correct values. If the law is more closely and effectively integrated with people's lives, we cannot ignore correct values.[9]

Usually, laws and regulations are comprehensive and comprehensive, and the application of laws should also be continuously improved and unified. The legal sources vary in different places. If we carefully study all legal viewpoints, we will find that some countries have laws, some of which come from local customs and personal laws, many of which are based on foreign rules and principles, while others are based on logic or certain political ideas. The "public opinion" that has a significant impact on the law is composed of many aspects, including political factors, economic factors, ethical philosophy, etc. These factors also directly or indirectly affect the formulation of the law. So, when there are many factors that affect legal norms, it is not enough to simply analyze the relationship between law and morality. Because the law influences many social factors.

3.3. The High Degree of Integration between Law and Other Societal Factors

Although law requires the influence of various social factors, including morality. But morality cannot influence the compilation of law. People are all seeking maximum benefits and avoiding harm, while rules constrain their thinking. If the rules are not fully established, people will gain their own benefits through various means. In the face of morality and interests, due to human nature, almost few people choose noble morality before humans satisfy their desires. However, pure morality cannot change people's thinking, and legal weapons must be used to maintain the normal operation of society. The complete operation of legal norms will limit people's actions, and social order will be more effectively established.[10] Here, this article does not oppose the existence of moral concepts in the law, but only emphasizes the primary issue of the law. Legal norms determine moral standards, which means that under legal rules, people can abide by social rules and morality can be fully preserved. But this article does not mean that human nature is inherently evil, but rather that in the subconscious of humans, they always hope to seek benefits and avoid harm, seeking maximum benefits. However, in this process, people do not simply hope to harm others, but only hope to satisfy their own desires.

On the moral level, it is only the pursuit of seeking spiritual comfort after satisfying human desires, or the pursuit of satisfying spiritual needs after satisfying basic material needs. We need a better life, so we pursue the morality. Although morality is an instinct, law is a subjective agency of human beings. However, in any legal system, both ancient and modern, at home and abroad, any legal system is established for the better stability of society, which means that the establishment of law happens before moral standards. If there is no sound legal system and human behavior cannot be reasonably constrained, society will enter a state of chaos. When people cannot meet their own organizational cultural needs, they will surpass morality and make mistakes. A strict legal order can better control the behavior of people in society, so that everyone has to improve their moral character.[11] On the other hand, the implementation of the law needs assistance from the public opinion. Public opinion issues can make people more or less consider the importance of emotions. Normal people hope to survive in a peaceful social environment and gain people's recognition. And, people themselves hope to pursue satisfaction and collapse. To achieve such a sense of existence, one must make their living space calm. Because public opinion can make people vulnerable to attacks and pressure from various levels of society, the power of public opinion attacks is enormous, sometimes destroying people's

minds. Therefore, the enforcement of the law, combined with the pressure of public opinion, can also promote the normalization of human behavior.

Legal norms promote the normal operation of society and require coordination with various factors such as economy, politics, international affairs, and military in order to be successfully formulated. Laws and regulations require strong support from the education economy. When people's living standards are abundant, they will naturally give up on breaking the rules. When everyone's various needs can be fully met, human society will avoid many mistakes. Economy is the foundation of anything, and only with a good foundation can superstructure be completed; If the foundation is not solid, laws and regulations will be disregarded, and society will face chaos. Political stability promotes the normal operation of the law. If the political situation is unstable, people will only protect their lives, and maintaining the law is relatively difficult. If politics is stable, then with a sound legal system, society will be stable and orderly. Necessary military measures are also the cornerstone to ensure the strength of the law.[12] The military and police system are not complete, and criminals cannot be effectively controlled, so the law will be neglected. International cooperation is not only about international cooperation in combating terrorists, but also about a stable international environment that is conducive to the smooth implementation of legal systems by each country. International cooperation and cooperation can effectively make laws effective. Therefore, when international cooperation is not close, some criminals from certain countries may flee to other countries, making it difficult to successfully carry out legal work when that country refuses extradition.[13]

4. Conclusion

In summary, establishing a symmetrical system between legal norms and moral facts requires promoting the determination of moral standards by legal norms. Morality needs to be legalized, and the essence of morality is guided by laws and norms formed by people's behavior. The law constantly improves various relationships between individuals and society, as well as between individuals, and brings about the formation of new social customs, constantly improving the relationships in social order. Moral legalization is to take the leading role of the law, integrate it into correct social values, and advocate for excellent values such as social fairness, justice, and honesty. The strong legal normative characteristics of the law enable the normal operation of moral mechanisms. Because morality belongs to the superstructure and requires a foundation to support it. No foundation, no superstructure. The norms and systems of law can effectively strengthen the economic foundation and regulate the ideological relationships based on the social and economic foundation. The law can be said to be a weapon formulated by the state to ensure the implementation of various behavioral norms in accordance with the interests of the ruling class, which in turn promotes the continuous improvement of the moral bottom line. Establishing a sound unified mechanism for legal application requires strong legal protection, and moral cultivation relies on education and social atmosphere cultivation. The law can also promote the development of good morality in society and promote good moral practices among all levels of society. With the continuous progress of society, some unethical behaviors that should be prohibited by law may gradually shift to the moral field, and the coercive measures of the law continue to affect the establishment of moral norms. Therefore, legal norms determine moral standards.

References

- [1] Veronica Taylor, Robert R. Britt. *Introduction: Nature of the Japanese Legal System* [M]. Kyoko Ishida and John (Jody) Chaffee, 2008.
- [2] Henry M, Robert III, Daniel H. Honemann, Thomas J. Balch. *Robert's Rules of Order Newly Revised* [M]. Da Capo Press, 2011.

- [3] Tony Honoré. *About Law: an Introduction* [M]. Oxford Press, 1995.
- [4] Dawei Zhou. *Details of the Rule of Law* [M]. Beijing University Press, 2013.
- [5] Moore. *Century Library: Principles of Ethics* [M]. Shanghai People's Publishing House, 2005-5-1.
- [6] Thomas Berg. *Rawls and Theory of Justice* [M]. Wunan Publishing, 2010-5.
- [7] Ruihua Chen. *Thinking Mode of Legal Professionals* [M]. Law Press, 2007.
- [8] Cesare Beccaria. *On Crime and Punishment* [M]. Peking University Press, 2015.
- [9] Dingyu Yu. *Searching for the imprint of the law* [M]. Law Publishing House, 2004-1.
- [10] Nicholas J. McBride. *Letters to a Law Student* [M]. Pearson Longman, 2007.
- [11] Xiang Feng. *Notes on Political and Legal Affairs* [M]. Jiangsu People's Publishing House, 2004.
- [12] John Austin. *Lectures on Jurisprudence* [M]. China Social Sciences Press, 2008.
- [13] Peter Bohneriko. *Before the Law* [M]. Peking University Press, 2012.