

Theories of Unjust Law and Political Obligation: A Comparative Analysis



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Abstract

This paper investigates the persistent issue of unjust laws and why individuals and societies often continue to obey such laws despite recognizing their moral flaws. The relationship between political obligation and unjust laws has long been debated in legal and political theory, with scholars offering different views on whether there exists a duty to follow laws that contravene ethical standards. This research aims to contribute to a deeper understanding of the relationship between law, morality, and political obligation. It will clarify the philosophical and legal dimensions of unjust laws, offer insights into the legitimacy of political authority, and provide guidance on the ethical dilemmas posed by unjust governance. Furthermore, it will offer practical implications for understanding civil disobedience and resistance movement's. The paper also explores why people obey unjust laws, examining factors such as fear of punishment, social conformity, and the legitimacy of authority. Using this article Literature Review, Comparative Analysis, Qualitative Analysis in the theory of law. Through a comparative analysis of legal positivism, natural law, and civil disobedience, this paper seeks to highlight the underlying factors that explain both compliance and resistance to unjust laws. It explores the challenges of aligning legal systems with moral principles and offers insights into how individuals and societies can balance political obligation with the pursuit of justice.

Keywords: *Unjust Law, Legal System, Moral Philosophy, Legal Positivism, Political Theory*

Introduction

India is well-known for its diversity, faith and following and primarily for the principle of political equality. The concept of law formation is majority or Corley based on the political obligation served within a particular nation. Unjust laws sometimes regarded as unfair laws as the domination of particular group people seek their interest and somehow manage to exert influence on legislature (or law formation) by using power or price. Sometimes, Governments pass unjust laws with their brute majority in the legislature under the pressure of some interested groups. "Though people have to obey the laws whether

they are good or bad, right and wrong, people revolt against bad laws by their nature. Under the unbearable circumstances created by injustice laws, people disobey such types of laws. As per indicated by several past experience witnessed in Indian history of law making, several laws which initially passed by parliament of India were bidden farewell and faced heavy criticism. Recently the Farmers (empowerment and Protection) agreement 2020 got repealed after facing heavy criticism from farmers of India. After receiving the assent from president of India the agitation / criticism accelerated among farmers. Such particular law was termed as Kissan bill (From Laws)

After a long protest and propositions, PM Modi announced the withdrawal of all three farm bills. Such action displays a primary example of Unjust laws as per countered by farmers claiming that such laws will only benefit the private agriculture franchise of country. More often, unjust laws are regarded as unfair laws. The morality and ethical sphere can be altered easily when comes to interest of one party instead of whole group. However, the morality and law are reconciled with each other".¹

As per stated through Article 21 of Indian Constitution Right to Life and Right to personal liberty, the process of achieving stability also demands to complete lawful actions. The bridge of thoughts and belief population divided on two different ends as there will be very chances of equally shared personal interest and more possibility of ours and theirs.

"The concept of revolution is primarily defined as a process which includes the transfer in the class composition of elites, radical alteration of a particular society resulting into collapse of an any ruling entity and rising of an equal and fair composition in social structure. The outbreak of any revolution is based primarily on the rivalry between dictatorial parties. As per stated by renowned political philosophers, Revolution happens according to the influence and demands of the local mass to live with free will.

According to Aristotle "Revolution implies any major or minor change in the constitution and majority a change in the government.

There are various thought on revolution by different people. As far, there are various revolution happened in India in almost as Green every sector such as Green revolution related with agriculture production, Black revolution related with per production, operation flood which is the program that led to while revolution which created a national milk grid linking producers throughout India."² Alike the combination of political implication with different categories, revolution has also different aspects whether positive, negative or political. The political implication or aspect on revolution not only acts as in influence

but sometimes also the motive drives. Another famous example of revolution counts industrial revolution of United States of America which ignited the rise of the United States as a global economic power, the clash between traditional culture and modern belief, Industrial revolution of American exerted certain political and economic impacts which include the transformation of agriculture and labors got switched with machines and power – based sources.

There are indeed various approaches developed by many political philosophers and theorist pointing at explaining the forms of kinds of conditions determining revolutions. Revolutions happens to seek the will of life by certain group of individual oppressed in any kind whether economy or socially."The approach is different and diverse but the ultimate aim needs to be respectful and peaceful after all fundamental right and duties are main components of democracy mostly admired among other forms of government.

Marxian theory of revolution implies transformation of feudal society into capitalist society. An important informal factor that led to the transition from feudalism to capitalism accounts the expansion of trade. The achievements of stability by merchants of Europe during medieval period prospered and gained popularity in India too."³ The land and its ownership was directly gained by the landowners which implied an important phase of revolution.

In ancient period, Indian landownership was accountable to nobility and wealthy landlords.

Problems of unjust law

The problems of obedience to unjust laws in India led to the upheaval of people outside the interested group. These interested groups are more often known as pressure group in political manner. The pressure group is vital link between the Indian Government and the citizens of the country.

"The word political is defined to be pertaining to the policy or the administration of government and the term obligation originates from a Latin word obligate implying something that binds

men to an engagement or performing what is enjoyed. The moral obligation to obey the law, or as it is generally called, political obligation, is a maintain all requirement to obey the laws of one's country. Political obligations refer to the idea that there is a duty to obey the law as well as to support one's state in a number of other ways. Political obligation implies that as man is a political animal, he is bound to live under some authority and, as such, it becomes his obligations to obey its commands."⁴ Hence, when the authorizing rule is law, and the association a state, we call it political obligations.

They are present in different form in almost every other country whether democratic or aristocratic though, they are not much in number and dominion concept democratic form of government in any other form of government." The role of pressure group implies and counts as an expressing community of views of minority groups who are sometimes remains unheard. Karl Marx, known as a father of communism ignited the revolution resulted into disintegration of economic setup and providing classless society.

The kinds of revolution have also provided successful benefits in Indian education sector. In order to provide access of education to every child, India also signed and ratified the United nation convention on the Rights of the child (1989), which expands the right to education through , its core principles which includes non-discrimination , the best interests of the child to the child to the maximum extent possible . Initially, Education was provided only to males but after a massive revolution of not only in thought but also in law providing ought to education to males and females regardless of any economic section, another major example of unjust law could be the Hindu Succession Act 2005 (amended) The initial Hindu succession Act was in introduced in 1956 which was related to the succession and inheritance of property which was later amended in 2005 providing equal rights and responsibilities to both males and females."⁵ Laws that fail to adjust the legitimacy of every section of society falls under the category of unfair laws. The problems

of Minority in India is crucial and sensitive Minority rights in India protect form discrimination happens on grounds of ethnic, religious, belief or physical factors. The constitution of India aims on harmonious achievement among all the communities by ensuring social and political justice. "The right of revolution granted by another renowned political thinker John Locke implies certain circumstances which includes when the government is unable to fulfill its end of securing the rights of individuals, government remains inefficient or when the government turns into an arbitrary. The Political thinker John Locke believed that it is a natural right as well as a sacred duty of the people to resist an inefficient government. The legislature is the supreme branch of the government but the problems of obedience to unjust law limit the direct connection of free will with individuals. The termination of the slave society by all feudal society was due to revolution. It is the responsibility of a citizens to cooperate with the government for maintaining law and order; providing public welfare and for efficient governance. Laws also made some sanction exempted based on certain measures. The Income Tax Act 1961 was an act to levy, administer, collect and recover income tax in India also there were certain amendments made to such law."⁶ In the section 10, Few Sectors such as income earned through agricultural means etc. were exempted from particular law. Government declares and announces unjust laws with their crucial majority in the legislature influenced by the pressure of certain interested groups. "The revolt against the laws that only benefits certain groups of society takes a bigger form when not altered properly. The concept of reservation system in India that provides concession in fees 49.5% seats in educational institutions and relaxation in qualifying exams. Such system continues even after 70 years of independence. Through reservation only provides less term solution to the social injustice issues which active since historic period."⁷ Primarily, the system of reservation benefits a certain group of society, the other population through points out and raises criticism against reservation but through the sensitivity of topic

leaves only with media debates and election propaganda subject matter. Fundamental rights profess the access and empowerment for overall development of an individual but overall interest is difficult to achieve. "The revolt to certain laws that are formed under the pressure of interested groups is quite disturbing. Every political implication has all kinds of aspect whether positive, social or economical. Government and governed are inter-related to each other. The prime cause of revolution not only lies in the exploitation but also in valuation. The value system comprises an ethical attribute in the growth of any culture."⁸

Also, needs of dynamic society, privileges and immunities, public opinion, stable government altogether comprises of the morality or legitimacy of certain legal attribute. Revolution has also comprised of modern and ancient. The modern revolution through includes street protest, shouting slogans but are more virtualized. Nowadays, any ruthless or brutal subject can be brought in light by sharing it heavily through electronic sources. The dominance of electronic revolution can also termed as has been rather that what is experienced, need to be condemned.

Why people Disobey Unjust Laws?

"There is a legal duty to obey the laws. But the Individuals have the inner moral liberty to obey or disobey. Disobedience of an immoral law would not necessarily be thought immoral even by those who would still deem it law though they would treat it as illegal. Consent is the reason why people ought to obey laws. Another reason for obedience is that disobedience sets a bad example. Disobedience may bring hardship on others. Disobedience may topple the government in authority.

Economy of the state may become turbulence. Political unrest creates new problems to the existing ones. However, many political thinkers suggest disobedience to unjust laws through different way."⁹

Findings and Comparative Analysis of Unjust Theories

A central issue is determining what qualifies as an unjust law. Laws are typically created to

maintain order, protect citizens, and uphold justice. However, some laws may violate basic moral principles, oppress certain groups, or perpetuate inequality. For example, historical laws like racial segregation or apartheid were legally enforced but are widely regarded as unjust. The challenge lies in distinguishing between laws that are merely unpopular and those that fundamentally violate human rights or ethical standards. One of the most significant problems understands why people continue to follow laws they perceive as unjust. Several factors contribute to this behavior:

- **Fear of punishment:** Legal systems impose consequences for breaking the law, such as fines, imprisonment, or social ostracism, which often compels obedience.
- **Social conformity:** People tend to follow laws because others do, and breaking the law may lead to social alienation.
- **Respect for authority:** Many individuals believe that the legal system, despite its flaws, is legitimate and must be followed to maintain societal order.
- **Ambiguity about morality:** Some laws may be unjust in certain contexts, but people may lack clarity or confidence in their ability to judge them as wrong, making them more likely to comply.

Political Obligation v/s Moral Duty - The question of political obligation is at the heart of the problem. Legal positivists, such as H.L.A. Hart and John Austin, argue that there is a general duty to obey the law, regardless of its moral content, because it maintains social order. According to this view, laws derive their authority from the institutions that create them, not from their ethical merits. On the other hand, natural law theorists like Thomas Aquinas contend that unjust laws lack the moral authority to bind individuals because they do not align with higher principles of justice. For natural law advocates, an unjust law is not a true law and does not carry the same obligation to obey.

Conclusion

The study of unjust laws and political obligation has long been a core issue in political philosophy. Throughout history, theorists have sought to resolve the tension between an individual's duty to obey the law and the moral imperative to resist laws that are unjust. A comparative analysis of various perspectives on unjust laws and political obligation reveals that while the concept of obligation remains central to political order, it is not absolute or universally applicable. One of the implications of political obligation to unjust laws is that it can lead to the erosion of trust in the government and its institutions. When individuals are forced to obey unjust laws, they may begin to question the legitimacy of the government and lose faith in its ability to serve the interests of its citizens.

In conclusion, political obligation and the obedience to laws should be balanced against a consideration of the moral implications of those laws. If laws are unjust or violate basic human rights, individuals may have a moral obligation to resist them, even if it means facing legal consequences. It is essential that individuals engage in critical

thinking and ethical reflection when considering their obligations to obey or resist the laws and regulations of their society.

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