

Learn in a Minute: Natural School of Jurisprudence

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Introduction

The Natural School of Jurisprudence, also known as the Natural Law Theory, is one of the most enduring and foundational philosophies in legal thought. It posits that there exists a higher law that is rooted in morality, reason, or divine order—that transcends man-made legislation.

This higher law serves as a benchmark against which the legitimacy of human laws can be measured. Natural law theorists assert that if a law violates this moral order, it is not a true law and lacks binding force.

Historical Development of Natural Law

The roots of natural law can be traced back to ancient civilizations, where religious and philosophical doctrines intertwined law with divine and moral order. The theory has evolved through the contributions of various scholars across different historical epochs.

Socrates laid the foundation of natural law by asserting the presence of an inherent moral code that should guide human behavior and laws. His student, Plato, advanced this idea through the concept of Forms, especially the form of justice, which he considered eternal and immutable.

Aristotle, perhaps the most influential classical naturalist, distinguished between “natural justice” and “legal justice.” He believed that natural justice is universal and does not vary with time or place, as opposed to legal justice, which can differ from one polity to another.

The Roman philosopher Cicero played a pivotal role in formulating a legal philosophy grounded in natural law. He famously stated, “True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting.” Cicero believed that law should be in harmony with reason and nature, and that unjust laws are not laws at all.

St. Augustine emphasized the divine origin of law. He distinguished between the “City of God” and the “City of Man,” advocating that laws are just only if they align with God’s will.

St. Thomas Aquinas harmonized Aristotelian philosophy with Christian theology. In his *Summa Theologica*, Aquinas defined law as an “ordinance of reason for the common good, made by him who has care of the community, and promulgated.”

He categorized law into four types:

- Eternal Law – God’s grand design for the universe.
- Divine Law – Revealed scriptures, guiding man toward salvation.
- Natural Law – Man’s participation in the eternal law through reason.
- Human Law – Positive laws enacted by governments.

Aquinas held that unjust laws are “perversions of law” and not binding in conscience.

Eminent Thinkers of the Natural School

Often considered the father of modern natural law, Grotius secularized natural law by asserting that it would remain valid even if God did not exist.

In his seminal work *Leviathan*, Hobbes envisioned a chaotic state of nature where life was “solitary, poor, nasty, brutish, and short.” To escape this condition, individuals entered into a social contract, surrendering their rights to a sovereign for the sake of order. While Hobbes emphasized peace over liberty, he acknowledged the natural right of self-preservation.

A more optimistic thinker, Locke argued in *Two Treatises of Government* (1689) that individuals in the state of nature enjoyed natural rights to “life, liberty, and property.” His social contract theory posited that government exists to protect these rights, and if it fails, the people have a right to revolt. Locke’s ideas greatly influenced liberal constitutionalism and the American Revolution.

In ‘*The Social Contract*’, Rousseau introduced the concept of the “general will” and argued that man is born free but is enslaved by modern institutions. He believed that laws should reflect the general will, thus aligning positive law with natural justice.

Lon Fuller, in ‘*The Morality of Law*’, argued for an “internal morality” of law. He laid down principles for a functioning legal system such as consistency, publicity, and prospectivity which he

believed were moral prerequisites for law's legitimacy.

Criticism of Natural Law School

Legal positivists like H.L.A. Hart criticized natural law for conflating law and morality. According to them, law is a social fact and should be analyzed descriptively. Hart argued for a clear distinction between "what the law is" and "what the law ought to be."

Marxist theorists also criticized natural law as an ideological tool that masks the interests of the ruling class under the guise of universality and morality.

Conclusion

The Natural School of Law represents a profound and enduring tradition in jurisprudence that insists on the moral foundations of legal authority. Though challenged by positivist and realist schools, its influence remains deeply embedded in constitutional democracies, human rights discourse, and global legal norms. In an era of rapid legal and technological change, the principles of natural law continue to provide an ethical compass for evaluating the legitimacy and purpose of law.

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