

Role of Belief and the Rule of Law: A Critical Analysis

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Abstract

The Rule of Law is often considered as the foundation of equality, justice and fairness in democratic societies. But the real problem lies in analyzing that whether it truly function as an impartial and absolute system, or is it merely a belief – driven structure, sustained by public trust than by rigid enforcement.

The article tries to critically examine an unsettling paradox – does the law actually prevent crime, or does it merely prescribe its consequences? If legal systems are basically deterrents rather than moral arbiters, do they serve justice, or do they merely regulate fear?

By excavating the philosophical underpinnings of law, its reliance on compliance rather than coercion, and the sophisticated relationship between crime, punishment and societal perception, this study challenges the traditional and conventional understanding of legal order. It advocates that the Rule of Law functions not as an autonomous force of justice but as a structure upheld by collective belief in its legitimacy.

The article tries to answer a crucial question: If faith in the law diminishes, does the Rule of Law itself cease to exist?

Keywords: *Rule of Law, belief – driven structure, rigid enforcement, unsettling paradox, collective belief*

Introduction: Law as a System of Relative Truths

The definition of law is a complex one. Is it an absolute determinant of right and wrong, or is it merely a framework that defines crimes and consequences? Traditional discourse often upholds the Rule of Law as an objective structure that governs societies.¹ On a critical analysis, law appears to be a collection of relative truths, dependent on social consensus rather than intrinsic moral authority.

It is a wide and common belief that Courts and Law exist to define justice and detect wrongdoing.² But, the legal process is inherently reactive – justice is not an innate quality but a legal conclusion which is drawn from judicial interpretation, evidence and institutional procedures.³ A person cannot be considered as guilty until a court declares them guilty, and an action is not legally wrong unless it is officially deemed a crime.

The understanding of this realization erects a basic and fundamental question: Is law truly a rigid, enforceable structure, or is it a belief system sustained by the assumption that people will, for the most part, follow the rules?

The Law – Punishment Paradox: A structural system of Consequences, Not Morality

Legal structure and frameworks do not explicitly prohibit actions; rather they outline the consequences of those actions.⁴ Law does not enforce the principle that Crimes should not be committed – rather law states that, if a crime is committed, punishment follows.⁵ Analysis of this distinction is crucial because it reveals the deterrence – based nature of legal order.

Mahatma Gandhi expressed this paradox in a profound observation: “No Government in the world tells its citizens ‘Do not commit crimes’. Instead, it simply says, ‘if you commit crime, we will punish you’”.⁶

Understanding this statement manifests an uncomfortable reality – abstaining from crime is not a legal obligation but a matter of personal discretion. Thus, it can be concluded that every individual has the freedom to commit a crime as long as they are willing to bear the legal consequences.

Considering the following example will help to understand this conclusion in a better manner:

- A person has Rs.500 in their possession.
- Public smoking is punishable by a Rs.500 fine.
- The person smokes in public, is fined, and pays the penalty.
- They continue to smoke in public places because they are having the financial capacity to bear the punishment.

This indirectly leads to a situation that the person has an implied right to violate the law as long as they can afford the punishment. If law merely imposes penalties rather than preventing actions, it suggests that crime, under certain conditions, becomes an economic transaction rather than a moral violation.⁷

This paradox leads to deeper concerns about wealth – based disparities in legal consequences. If penalties are merely financial burdens, the wealthy and privileged can continuously break laws without facing real deterrence, while the marginalized face the full brunt of the legal system.⁸

The Rule of Law as a Belief System

The Rule of Law operates on a fundamental assumption of compliance.⁹

- Governments assume that people will obey laws.
- Society functions under the belief that crimes will be punished.
- Courts operate on the presumption that justice will be served.

We need to think of an adverse situation when this belief weakens. Criminals will begin to act without fear of consequences and the law enforcement itself becomes inconsistent. Does law have any power beyond the collective faith that it will be upheld ?

A legal system is effective only as long as people believe it to be so.¹⁰ When credibility of law is lost, its enforcement becomes fragile.¹¹ When we consider the case of failed states or corrupt legal systems, law exist on paper, but they hold no power because people no longer believe in their enforcement.

This argument resonates with the social contract theory, which suggests that law derives its authority not from enforcement alone but from the societal consensus that it is necessary. ¹²

When individuals start to question the legitimacy of laws, the system faces an existential crisis.

The Socioeconomic Dilemma: When Law Is No Longer a Deterrent

The assumption that people will not commit crimes is a basic foundational element of the legal order.¹³ But, this belief does not hold true under all circumstances especially when people are wealthy and highly privileged. When people are affluent, they think that they can easily escape through the loopholes in law. Thus, this belief does not hold true, particularly for those who have little to lose.

Imagine an individual who is homeless, with no shelter or financial security who sleeps on the streets every night. If they were to commit a crime that resulted in imprisonment, would their punishment truly be worse than their current condition? In many cases, prisons provide inmates with food, shelter and other basic necessities – things they already lack.¹⁴

Thus, if the consequences of violating law do not worsen their existing hardships, then nothing will stop them from committing crimes.

When punishment ceases to be a deterrent for the economically disadvantaged, the fundamental premise of the Rule of Law is compromised.¹⁵

Summing Up – A system in Need of Re - evaluation

The traditional understanding of the Rule of Law as a fixed, enforceable system, is an oversimplification. The article argues that:

- The Rule of Law is sustained by collective belief rather than absolute enforcement.
- Law does not prevent crimes; it merely prescribes consequences.
- Without faith in legal structures, law itself loses its effectiveness.¹⁶
- Legal deterrents function unequally, with the wealthy and privileged able to bear penalties and the marginalized, sometimes having no incentives to comply.

Thus, the real challenge for policy makers, judges and scholars is not merely enforcing laws but ensuring that laws remain relevant, just and truly deterrent in all societal contexts.

Endnotes

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