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# The Radbruch Doctrine and the Cyclic Nature of Jurisprudence: From Legal Positivism to Moral Renewal

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## ABSTRACT

*Nazi Germany's damage left jurisprudence to face a moral dilemma: could something that was lawful nonetheless be so unfair as to be illegal? Once a positivist, German legal scholar Gustav Radbruch responded to that query with his post-war theory, which is today referred to as the Radbruch Formula. He maintained that laws that are explicitly unjust completely lose their legal standing. This theory altered contemporary legal theory and prepared the ground for the famous 1958 Hart-Fuller Debate. Radbruch's moral norm was further illustrated by the Grudge Informer Case. In order to demonstrate how the Radbruch Doctrine changed legal thought and established that jurisprudence is a cyclical discipline that starts with moral ideals, travels through positivist detachment, and ultimately returns to its ethical foundation, this article explores the roots, philosophical effects, and judicial application of the doctrine.*

**Keywords:** *The Grudge Informer Case, Nuremberg trial, Hart-Fuller debate.*

## I. INTRODUCTION

One of the fundamental mysteries of jurisprudence has always been the connection between morality and the law. This tension was no longer theoretical after the Nazi era, but rather a moral emergency. The uncanny conundrum of how to handle acts that were morally repugnant yet legal under Hitler's rules confronted German judges.

Gustav Radbruch, a scholar who had previously supported legal positivism, was at the centre of this post-war reconsideration. Radbruch reinterpreted the concept of law altogether after experiencing the horrors committed under the pretence of legality. The moral tenet of twentieth-century jurisprudence was his assertion that a law loses its binding authority when it outrageously violates justice. The Hart-Fuller debate, the most significant philosophical conversation in contemporary legal theory, was based on this exact tension.

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## **II. RADBRUCH'S TRANSITION FROM POSITIVISM TO MORAL REALISM**

Prior to 1933, Radbruch held the positivist view that formal enactment, not moral content, was the basis for legal validity. That presumption was disproved throughout the Nazi era. Judges and officials imposed political executions, arbitrary incarceration, and racial persecution under the doctrine of rigid legal obedience, all of which were "legal" within the then-current legal framework.

Radbruch openly disapproved of this mindless formality in his 1946 essay "Statutory lawlessness and Supra-Statutory Law". He maintained that morality must take precedence over legislated standards when they violate justice to an insurmountable scale since justice is the fundamental component of legality. One of the most important intellectual conversions in legal history happened with this change.

### **The Radbruch Formula Explained**

- Justice and legal certainty must be balanced by the law.
- Legal certainty usually wins out when there is a controversy.
- However, positive law loses its validity and must give way to justice when it becomes "intolerably unjust."

The formula's central claim is that "statutory injustice" is not at all a law. Radbruch bridged the historical gap between positivism and natural law by establishing a moral standard for legality. German courts that had to assess the Nazi legal system post the war used his ideology as a moral reference.

## **III. THE NUREMBERG TRIALS: THE GLOBAL AFFIRMATION OF RADBRUCH'S MORAL STANDARD**

The first international legal processes to hold state authorities responsible for atrocities carried out in conformity with their own domestic laws were the Nuremberg Trials (1945–1946). Nazi officials used the legality principle to justify themselves, arguing that their acts were permitted by German laws and directives.

The Tribunal dismissed that defence, stating that people cannot avoid responsibility by citing unethical legislation. Higher standards of justice, humanity, and conscience were used to evaluate crimes "following orders." Radbruch's moral insight—that excessive injustice nullifies legality—was explicitly expressed in this logic.

Radbruch's moral threshold was made global by Nuremberg. It signalled the rebirth of natural

law in the international legal system and established a foundation for contemporary constitutionalism and human rights law. The ethical legacy of both Radbruch and the Trials was the notion that some actions continue to be illegal, regardless of domestic legislation.

### **The Grudge Informer Case: Law Meets Morality**

*Facts:* A woman in Nazi Germany reported her husband to the Authorities for making anti-Hitler statements in the Grudge Informer Case<sup>3</sup>. Her husband was sentenced to military duty on the Eastern Front after being convicted under then-current laws. The post war German court tried her for depriving him of his freedom after the war.

*Legal conflict:* The argument she made was plainly positivist: according to the law, her actions were acceptable. However, the prosecution claimed that Nazi directives were so morally reprehensible that they should not be recognized as law, invoking the Radbruch principle.

*Judgment:* The court found her guilty, specifically citing Radbruch's contention that laws that are naturally hostile to justice lose their legal force. Despite being legally binding, the Nazi laws were deemed "law in form, injustice in substance." This ruling was a turning point where judicial conscience overcame formal legality, illustrating Radbruch's idea into action.

## **IV. THE PHILOSOPHICAL REVERBERATION: HART AND FULLER**

- **Hart's views on Radbruch Doctrine**

This kind of issue was addressed in H.L.A. Hart's 1958 essay *Positivism on the Separation of Law and Morals*. Although Hart acknowledged the immorality of Nazi laws, he maintained that their legality was determined by social reality rather than moral acceptance. He cautioned that Radbruch's formula would encourage judicial activism because it muddled the lines between ethics and the law. Hart's approach was to admit that the woman's conviction included retroactive punishment—a sincere acknowledgement that morality had taken precedence over the law.

- **Fuller's response to Hart**

In response, Lon L. Fuller contended in *Positivism and Fidelity to Law* that moral structure is necessary for the existence of law. He determined that the inner morality of law is composed of eight principles: publicity, generality, non-contradiction, and consistency.

According to Fuller, the Nazi commands were not laws at all because they lacked these characteristics. Instead of acting in accordance with a legitimate legal directive, the Grudge Informer had behaved under coercion. Fuller's logic precisely paralleled Radbruch's: a legal system collapses into illegality when it becomes extremely unjust.

## V. THE RADBRUCH DOCTRINE AS THE FORCE BEHIND THE DEBATE

The Grudge Informer Case was more than just a moral dispute; it served as the philosophical catalyst for the discussion between Hart and Fuller. Fuller supported Radbruch's moral threshold, while Hart attempted to defend positivism's conceptual clarity. They both struggled with the same issue: When does a law stop being a law?

As a result, the post-war trials of Nazi collaborators served as living legal laboratories where morality and theory clashed. The basis for that collision was provided by Radbruch's doctrine.

## VI. THE DOCTRINE'S WIDER CONSEQUENCES

A permanent ethical border was brought into legal theory by Radbruch's formula. It served as a reminder to jurists that the moral legitimacy of a law is just as important to its authority as its procedural form. Since then, the theory has impacted international human rights legislation, constitutionalism, and transitional justice—all of which are predicated on the idea that legality without morality is void. It proved that the long-term objective of justice must take precedence over the positivist project, even though it is useful for accuracy.

## VII. THE CYCLICAL NATURE OF JURISPRUDENCE: FROM MORALITY TO MORALITY ONCE MORE

- **The Legal Thought Cycle:** The evolution of jurisprudence occurs in cycles. Law was based on moral order, according to ancient philosophers like Aristotle and Thomas Aquinas. Later, in order to guarantee predictability and logic, Enlightenment thinkers separated morality from the law, giving rise to legal positivism. However, the twentieth century demonstrated that injustice results from pure formalism that is unadulterated by morality.
- **The Fall and Comeback:** The lowest point of this positivist era was the Nazi experience. The methodical use of legality to legitimize evil demonstrated how unethical law self-destructs. A return to the notion that justice is the basis for the legitimacy of law, not its result, was signalled by Radbruch.
- **Finishing the Circle of Jurisprudence:** Jurisprudence came full circle during the Hart-Fuller discussion and the Grudge Informer Case. It started with moral natural law, strayed into amoral positivism, and then, following Radbruch's insight, returned to moral reasoning. Because the law itself remembers morality when it is lost, this cycle guarantees that legal philosophy continues to be self-correcting.

## VIII. CONCLUSION

The Radbruch Doctrine is a significant intellectual and moral achievement. It confirmed that justice is the real yardstick of legal validity and highlighted the perils of separating law from conscience. Radbruch's thought was transferred from abstract theory into judicial practice by the Grudge Informer Case and into enduring philosophical discourse by the Hart–Fuller dispute. In the end, Radbruch showed that jurisprudence is cyclical rather than linear; it starts in morality, moves into positivist accuracy, and must ultimately return to its moral roots in order to maintain its essence of humanity. In the end, a law that disregards justice is merely a façade of legitimacy rather than actual law.

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