

Value Neutrality and Legal Judgements

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Abstract:

Edmund Burke's famous saying of "manners are of more importance than law because law depends on manners" – is the premise of this paper. What he referred to as manners, the author in this paper means to refer to as values. In a country where values and traditional customs are held dear by religious organisations, minority groups and so-called superstitious and orthodox households, how should the judiciary act? Is value neutrality or a balance of objectivity the way to go for the overall progress, development and upliftment for the society? Or is there a need to read beyond the black letter wording of the law, by incorporating virtuous values, to effectuate social change which only law can enforce? The author of this paper aims to deal with several questions related to value neutrality as a concept, social science and law, and values displayed or denied by the Indian Judiciary.

INTRODUCTION

Within the scope of this paper, the term 'value' transcends its economic connotation, assuming the guise of an abstract and behavioural metric embedded in the intricate fabric of social norms, group dynamics, and cultural mores. It emerges as a dynamic force shaping expressions, fostering commitment, and manifesting in discernible behavioural patterns within social cohorts. Members of the society, or of these group dynamics, exhibit a strong loyalty and commitment to their set of values. Values can be interchangeably understood as moral values.

In the realm of scientific methodology delineated in this paper, the scientific approach embodies a demeanour characterized by aloofness, disinterestedness, and a deliberate distance from the subject matter. In the pursuit of inquiry within this scientific paradigm, the investigative gaze is directed unwaveringly at facts in their unembellished reality, yielding findings devoid of biases and prejudices. The invigorating essence fuelling such scientific endeavours lies in the inexhaustible wellsprings of curiosity, an ardour for theory construction and development, and an intrinsic penchant for dynamism.

Max Weber, a seminal figure in sociology, stands as one of the earliest scholars to expound upon the principle of value-neutrality. In the interdisciplinary landscape of sociology, where questions pertaining to independent research, research tools, and methodologies persistently loom, Weber's insights offer a framework delineating the role of values in research. Classifying actions into four distinct types, Weber prioritizes the notion of rationalization - *zweckrational action* (rational action with respect to a goal), *wertrational action* (rational action with respect to a value), *affective or emotional action*, and *traditional action*. Among these, the concept of '*wertrational action*,' denoting

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rational action aligned with a value, holds prominence. An illustrative example surfaces in the form of the Titanic's Captain, who, choosing to perish with the sinking ship rather than opting for evacuation, exemplifies rational action rooted in a value-based commitment to honour the shipwreck and the associated responsibilities. His action is justified so far as rationality is concerned because it honours the ship wreckage and his role and value-based responsibility attached to it. As he is loyal to his own idea of honour, to that degree of action there is an underlying value influencing the actor.

Weber's conceptualization further encompasses 'traditional action,' shaped by prevailing mores, customs, beliefs, and societal conditioning. The action is taken by reflexes and involuntary mechanisms which force one to, for example, greet with a Namaste by folding their hands. Delving into the ideal scientist in his lecture on Science as a Vocation or *Wissenschaft als Beruf*, he articulates that the scientist's primary objective involves presenting universally acceptable findings through comprehensive and rational means. Ironically, the objective of being universally acceptable is motivated by a value judgement or *werturteil*, and yet the scientific research is seen as a rational action in pursuance of the objective. This necessitates the exclusion of emotional, traditional, and value-based actions from the scientific process. The researcher's obligation, in this regard, extends to relating historical or sociological material to values, carving out a selection from present circumstances and justifying the chosen object with a 'value reference.' This perspective surmounts a common dilemma, reconciling the researcher's fervent interest with the imperative of maintaining objectivity.

However, if a researcher who is driven singularly by rationality and objectivity is unable to assess more out of the concept of religion than mere superstition, then that researcher would not be able to understand or build universally acceptable theories about that man who is also a follower of religion. Which is to say that the researcher's commitment to value neutrality will restrict the outcome of his research due to his narrow and objective approach. Weber noted that social sciences are dependent on values (which can be in the form of mores, customs, cultural ethics et cetera), therefore there is a primary duty that such a researcher should keep in mind while conducting research – to maintain a distance or gap between values and the research findings. He postulated this to be the essence of value-neutrality, or as it is commonly understood, value-freeness.

Normativity and value-neutrality are two sides of the coin in scientific investigation. Normativity assumes that science and related research cannot be devoid of values, whereas value-neutrality propounds that science and scientists can actually possess simultaneously, a value-free nature and approach. Max Weber accepts the latter theory and believes that if mundane and personal life can be kept separate from the professional life of a researcher, then this value-neutrality is achievable. Contrastingly, Alvin Ward Gouldner who was also a renowned American sociologist, had a different view. He believed that value-neutral science is at best a utopian situation, which is albeit desirable but impractical in existence.

John Stuart Mills observed that achieving absolute objectivity is challenging. He recognized the vital role of value judgments in resolving conflicts in society. Values, as per Mills, form the basis of

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socialization, guiding thoughts and actions. Societal norms, shaped by these values, act as the fulcrum of social order. Mills suggested that transparency about personal opinions might be less harmful than pretending to be value-neutral. He understood the complexity of human subjectivity and discouraged concealing biases under the guise of unattainable objectivity. In discussing social sciences, he highlighted inherent normativity. He argued that social sciences, by default, carry a normative stance, acknowledging the intertwining of human study with value considerations. This recognition aids scholars in navigating ethical complexities with awareness. Mills' observations illuminate the interplay between subjectivity, values, and the pursuit of understanding in societal structures. He encourages scholars to embrace subjectivity, recognizing that within value-laden perspectives lies the richness of social phenomena. Other than researching 'what is' or the objective standard, it is equally important to delve into the questions concerning 'what ought to be' or the normative/subjective standard. This requires a deviance from the commitment to objectivity which leads to value-neutrality, to a subjective interest and normative analysis of the subject matter. Neutral and objective are often seen to be used interchangeably in scholarly articles.

The concept of value-neutrality developed in order to promote scientific research. Scientific research is essential as it (1) betters decision making; (2) helps in identifying trends; (3) helps in future-planning; (4) encourages innovation and finding new strategies; and (5) minimises lack of certainty. This method of approaching information has encouraged many social scientists to engage in research, as it provides for an objective method which is also value-neutral. There are certain limitations to be considered – such as situations of inadequate data availability, time-paucity, heavy cost of such inquiry as opposed to the value generated in the outcome, and when tactical decisions are impending – before delving into a scientific inquiry.

Henry L Manheim notes, "value-free research is a desirable goal towards which social scientist can strive without any necessary expectation of actually attaining it. This becomes possible when the social scientist remains careful in choosing the problem of research and states what he finds, i.e. follows data wherever they lead, regardless of how much the conclusions may please or displease him or the research consumer." It is interesting to note that Manheim calls the reader a research consumer. To assess that terminology, the broad marketplace available to a researcher, as well as a reader, should be examined – one with access to all sorts of philosophies whether it be capitalism, democracy, autocracy, pacifism, socialism, gender-positive, utopian theories, existentialism and all these various 'ism's. The umpteen number of possible ideologies that a researcher can subscribe to in full and absolute form defines their ideology. It is therefore essential that the researcher finds a balance between different forms of ideologies and presents their writing in a way that proposes innumerable solutions but not restricted to a simple set of ideology. The passing on of values, or as the author of this paper would call it 'value hereditary', should be from an open-minded and value-neutral approach. It becomes amply clear that values, while essential, should be interfered with in a selective manner to avoid the prostitution of single ideologies with predestined agendas.

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To summarise the various kinds of sides that philosophers, sociologists, and scientists have taken over value neutrality, this quote by Robert N. Proctor becomes relevant:

"The ideal of value neutrality is not a single notion, but has arisen in the course of several protracted struggles over the place that science should have in society."

The derivation of value-neutrality and value-freeness in legal theory and jurisdiction happened as a natural consequence of law being in conjunction with the social sciences (as a Venn Diagram would represent it). Law is neither a strict science, or a pure art, but rather a form of social science.

HLA HART AND MORALS

HLA Hart, a luminary in legal philosophy, discerns the nuances between moral assessments, contending that *just* and *unjust* offer more precision than the more ubiquitous terms of *good* or *bad* and *right* or *wrong*. Notably, he elucidates the nuanced claim that a law may be deemed *good* on its own merit, yet it can also be criticized as *bad* due to its inherent injustice.

In his profound insights, HLA Hart illuminates the intricate interplay between moral and legal obligations, positing that they often converge in certain scenarios, giving rise to necessary and shared intersections. The realms of moral rules and legal analysis coalesce in analogous domains of conduct, exemplified by the ethical imperative to uphold honesty in one's professional endeavours, actions, and communications. Additionally, this synergy extends to the imperative of respecting the rights of others, mirroring the respect one desires for their own rights. Hart's scholarly corpus reflects a pervasive commitment to a value-neutral philosophy, an orientation that manifests across myriad theories articulated by him. Collaborating with John Rawls, Hart significantly shaped the conceptual landscape surrounding punishment. Despite their alignment with central liberal ideologies, both scholars steadfastly advocated for the preservation of a value-neutral underpinning in the concept of punishment. Their rationale lies in the conviction that punishment should serve as a consequence for perpetrating injustice, devoid of any semblance of justifying the degree of wrongdoing. This perspective rejects the notion that predetermined punishment somehow validates the wrongful act itself.

HLA Hart's Positivist theory transcends normative prescriptions, aiming not to dictate what individuals ought to do or should do, but rather striving to elucidate the actual behavioral patterns exhibited by people. In his seminal work, "The Concept of Law," Hart delves extensively into the intricate interrelationships among law, morality, and values. The extract can be found under:

"The law of every modern state shows at a thousand points the influence of both the accepted social morality and wider moral ideals. These influences enter into law either abruptly and avowedly through legislation, or silently and piecemeal through the judicial process. In some systems, as in the United States, the ultimate criteria of legal validity explicitly incorporate principle of justice or substantive moral values; in other systems, as in England, where there are no formal restrictions on the competence of the supreme legislature, its legislation may yet no less scrupulously conform to justice or morality. The further ways in which law mirrors morality are myriad and still insufficiently studied:

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statutes may be a mere legal shell and demand by their express terms to be filled out with the aid of moral principles; the range of enforceable contracts may be limited by reference to conceptions of morality and fairness; liability for both civil and criminal wrongs may be adjusted to prevailing views of moral responsibility. No 'positivist' could deny that these are facts, or that the stability of legal systems depends in part upon such types of correspondence with morals. If this is what is meant by the necessary connection of law and morals, its existence should be conceded."

Even though Hart conceded to the connection between law and morals/ values, he chose to be a value neutral and positivist observer owing to his apathetic views on understanding society. He identified the evil men that could abuse power if they were given that official control of law and other things. He thus believed that by virtue of maintaining a positive ground from the very beginning, it would enable the society to escape evil men with their "wicked" rules. The paradox of values reflected in his own theorisation of positivism acts as proof that a man cannot be clinically separated from his values while developing social science research, and more specifically, law.

JUDGES, VALUE JUDGEMENTS, AND VALUES IN THE INDIAN CONTEXT

While assessing value judgements and the judges in the Indian context – a plethora of imploring questions come up in the mind of a researcher. Should judges have a system of values attached while writing judgements? Should the values be their own or of a collective consciousness – depending on either critical or popular morality? To which extent should judges maintain values while writing judgements in majority, or obiter? Do so many moral questions apply to the judges at all – or is it a futile debate to separate values from the judges? And if they do not apply, would it benefit the society if the judiciary gave value-neutral and value-free judgements? What is the exact conjunction limit of social sciences and law? Can value-neutrality harm society? If judges do not give value judgements, would it be an impediment to furthering prospects of justice?

The paragraph above is a set of questions that come to the surface of any researcher who wants to analyse the separation or amalgamation of values and judges. But before delving into that, the last two questions are significant, for they enable a value-neutral outlook on value neutrality itself. The scientific focus and validation that is essential in value neutral outcomes, can be used as a tool to further marginalisation, as claimed by certain disability rights philosophers. This is because in the classification of impairments, while the classification is claimed to be value neutral and medical based, it legitimises oppression and furthers social stigma prevalent towards the persons with disabilities/ impairments. Due to such examples, it comes to the view that values are in fact necessary in order to inculcate empathy, justice and equality between different and unequal members of the society. In the book "Looking for an Honest Man" written in 2009 by Leon Kass, a quotation throws adequate light on the subject matter to understand it better (ranging over a broad number of subject matters which stand offended by the hegemony of science):

*"According to Lewis, the dehumanization threatened by the mastery of nature has, at its deepest cause, less the emerging biotechnologies that might directly denature bodies and flatten souls, and more the underlying **value-neutral**, soulless, and heartless accounts that science proffers of living nature and of*

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man. By expunging from its account of life any notion of soul, aspiration, and purpose, and by setting itself against the evidence of our lived experience, modern biology ultimately undermines our self-understanding as creatures of freedom and dignity, as well as our inherited teachings regarding how to live — teachings linked to philosophical anthropologies that science has now seemingly dethroned.”

and another quotation by Leon Kass from The Problem in Technology:

*“The truths modern science finds—even about human beings—are **value-neutral**, in no way restraining, and indeed perfectly adapted for, technical application. In short, as Hans Jonas has put it, modern science contains manipulability at its theoretical core—and this remains true even for those great scientists who are themselves motivated by the desire for truth and who have no interest in that mastery over nature to which their discoveries nonetheless contribute and for which science is largely esteemed by the rest of us and mightily supported by the modern state.”*

This part of the paper aims to delve in the various kinds of professional ethics applicable on judges, exploring whether to inch the gap between moral values and judgement writing, case note examples of incidences where conflicts have reached courts on the basis of moral judgements and present Chief Justice of India’s moral statements which encourage other judges and the legal fraternity. The broad coverage in this part of the paper is done in order to get a holistic and bigger picture which will aid in ascertaining whether values can be separated from judgements – and whether such separation is necessary.

The ‘Archimedean property’ is an assertion which mentions an algebraic framework wherein any two non-zero elements exhibit comparability, signifying that neither is infinitesimal concerning the other, is denoted as Archimedean. Conversely, a structure featuring a pair of non-zero elements, with one being infinitesimal relative to the other, is characterized as non-Archimedean. To state non-mathematically, Archimedes believed to be able to move Earth if he stood at a distance outside Earth with a lever which was strong enough to do so. This distance which is spoken of is the distance of concern to the premise of values and judges. How can judges, who are humans with their own set of values and norms, be so distant from these values so as to provide a value-neutral and objective analysis while writing their judgements. The society engulfs and inundates every person living within the society, and while the judges are asked as a part of their professional ethics to maintain a distance from the society – it seems impossible to do that while also making an attempt to change the very fabric and structure of it without a reasonable assertion of values.

“The Constitution of India does not enact Justice Krishna Iyer’s Social Sciences” – This quote helps in identifying that there is somewhere a sense of separation between social sciences and law, but more needs to be identified than that in order to judge the judiciary. As already established, law is in fact a branch of social science and certain common principles of thought and theory apply to law as much as they do to social sciences like Sociology. While there are commonalities between the two subjects, there are certain differences when it comes to professional ethics of the two fields. Justice Seervai wrote several commandments as guiding principles for judges. Some of these commandments also

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addressed which behavioural routes to take in cases of moral conflicts or social science arguments. What was Seervai's model of judicial role?

"The components can be laid down as follows:

"(a) Judges must do justice in accordance with law;

(b) if the law allows scope for two or more alternate interpretations, judges are free to choose;

(c) when judges exercise their choice, they do perform some kind of legislative function; but this function is essentially interstitial;

(d) judges may 'evolve a new principle to meet a new and unusual situation';

(e) in doing the jobs mentioned in the three preceding propositions judges must not violate the first Seervai commandment: they ought not to write their own theories or likes and dislikes into the Constitution or the law;

(f) judges should also observe the second Seervai commandment: they ought to avoid social science data unless it is brought to them as expert evidence at bar;

(g) the third commandment is: judges ought to formulate their opinions in the following manner – statement of facts, statement of arguments, analysis of arguments in light of authorities, analysis of arguments thought to be acceptable and clear and concise statement of the final holding or decision."

Whether in critique or agreement, the fundamental fact needs to be highlighted – that the intention of Seervai while writing these commandments was to provide certain guidelines for adjudication which lead to instilling good professional values – and separate the human from the judge to the furthest extent possible. Even Seervai agreed on a form of clinical detachment or value-neutrality in point (f), while also maintaining a degree of distance with social sciences. Therefore, a form of value-neutrality doesn't merely flow as a social science concept, but is often spoken of in legal theories and professional ethics as well. HLA Hart's positivism is another such example wherein his theory of positivism responds well with a value-neutral relationship with the black letter law. This was to set the premise of how value neutrality is a visible quality that judges, lawyers and other stakeholders, either look for or try to completely avoid for the purpose of social change.

Natural Law has been subdivided into popular morality and critical morality. In popular morality, judges determine what the majority of the population or a community identifies as morally appropriate for decision making – and direct involvement of their opinion could be made via public opinion polls or new age social media interactions and engagements, to decide the application of law. Contrastingly, critical morality is when the judges determine what the law is, by ascertaining the most indefeasible view in regard of fairness is given to morality. This method is tense in application as it considers that popular morality may not always be adequately informed or unbiased, and thus a judicial intervention in terms of separating the values from the biases is required to critically apply morals. Owing to pragmatism, popular morality seems statistically impossible to achieve in a country

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with over a billion people. Judiciary therefore resorts to critical morality, and that requires them to assess, evaluate and critically analyse all aspects of a case – which also includes value analysis. Whether they are required to be committed to value neutrality, or choose to inculcate values for revolutionising the society – becomes more of a subjective choice which varies judge to judge, and court to court.

For instance, in a dispute over education law and inclusion of certain religious texts as part of curriculum, J Shah has recently discussed and written on an aspect of values and secularism. It is attached herewith:

“A society where there are no moral values, there would neither be social order nor secularism. Bereft of moral values – secular society or democracy may not survive. As observed by the SB Chavan Committee in its report of 1990, values are virtues in an individual and if these values deteriorate, it will hasten or accelerate the breakdown of the family, society and the nation as a whole. In a society where there is constant evaporation of social and moral values for getting property, power or post, it is advisable to have a solid social foundation from the base level so that a grown-up person would fight against all kinds of fanaticism, ill will, violence, dishonesty, corruption and exploitation.

Further, for controlling the wild animal instinct in human beings and for having a civilised cultured society, it appears that religions have come into existence. Religion is the foundation for value-based survival of human beings in a civilised society. The force and sanction behind civilized society depends upon moral values. The philosophy of coexistence and how to coexist is thought over by the saints all over the world which is revealed by various philosophers. How to coexist, not only with human beings but all living beings on the earth, maybe animals, vegetation and the environment including air and water, is thought over and discussed by saints and leaders all over the world which is reflected in religions. If that is taught, it cannot be objected to as it is neither violative of constitutional or legal rights nor does it offend moral values. This has been dealt with elaborately by the SB Chavan Committee.”

The relevant part in elaboration is found in the SB Chavan Committee, which was quoted in a case filed by Aruna Roy in 2002. The relevant portion is attached:

“At this stage, we would quote the relevant part of the S.B. Chavan Committee’s Report as under:

‘1. Values are principles which are consistent and universal and which direct our action and activities. They are inbuilt in our society, common to not only all the communities but also to all religions at all times. Values are, in other words, virtues in an individual. These values, if deteriorated, will hasten or accelerate the breakdown of family, society and nation as a whole. India has an age-old tradition of values interwoven in the national fabric. Although there has been great advancement in science and technology, there has been a gradual erosion of values which is reflected in the day-to-day life of a large section of our present society.’”

It can be noted how in the excerpt from Aruna Roy’s case and SB Chavan Committee’s Report, it can be seen that values are inalienably a part of the society’s fabric, and cannot be done away with

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completely while writing judgements. It is critically important to assess which values the judges choose to legitimise when. The most recently culminated ruling on same-sex marriages highlights value neutrality to a certain extent. HLA Hart, in the intellectual debate with Lord Devlin had mentioned how it is not the State's concern who a homosexual individual shares his private bed with, and that it was also not *law's business*. He maintained the privacy owed to a separate dimension of private morality and immorality. When Section 377 was repealed, Justice Chandrachud alongside the other majority judges in the quorum, took the morality and value based baton in their live hands. As a progressive jury, they decided what needed to be outlawed in order for the society to move forward. This value based judgement not only alleviated the LGBTQIA+ population living in a marginalised, invisibilized and minority manner in India – but also gave impetus to a number of subsequent informal reforms, activism, media and academia to flourish and take root in the nation to fight a bigger fight. Due to legal argumentation in seeking adequate apparatus to meet the needs of the amended law which would enable same-sex marriages to be a reality – the judiciary was a huge point of hope for the public and the same exact invisibilized and marginalised minority. However, the values upheld and accommodated were different this time, as the Supreme Court denied the need to read into Article 21 of the Indian Constitution. Was there a Constitutional duty looming over the judges to remedy this discrimination that still prevails in India between LGBTQIA+ individuals and cis-gendered heterosexual individuals – or did that duty get resolved once the case was deliberated upon in the court is a question that concerns relative value neutrality. Justice Kaul gave a minority judgement which favoured the concerns of the minority and displayed judicial creativity. Justice Kaul and Chief Justice of India, DY Chandrachud formed minority dissents which were prominent in building jurisprudence over the subject matter. They held that the term 'sex' as under Article 15 includes the umbrella of gender and sexual orientation, and therefore a denial of this marriage equality would affect Article 15 of the concerned individuals. They also delineated from the belief that non-heterosexual civil alliances or unions would always imply polyandry, or incest or polygamous situations (which was taken as an attack on religious sentiments of several communities). It can be seen how personal values of the judges such as CJI Chandrachud, who has two foster daughters with disabilities, are able to lead a progressive life with different values in Indian society. His value judgments flow from a different plane. However, the overall attitude exhibited by the court on two separate occasions, carrying similar impact of revolutionary change in the society, was motivated by a positivist and value neutral nature.

In another instance concerning a developmental project regarding a land acquisition, the Supreme Court commented on the expression of value judgements and opinions over policy for interpretation of statutes. The apex court focused on a positivist form which emphasises on reading the statutes in their black letter form and not in any other constructed way, as per Judge Hemant Gupta and Judge Vikram Nath. It was observed,

"Certain extracts from the impugned judgment wherein the Division Bench had expressed its personal policy views and value judgements are reproduced hereunder: 'Though the word 'development' is used, when this word is examined in an objective manner, in an impassioned

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manner, it is nothing but interference with the existing state of nature and destroying nature!' A perusal of the above makes it amply clear that the Division Bench introduced several value judgements and policy views in order to interpret the provisions of the 1966 Act and the 2002 Act. It is only as a measure of caution that the said aspect is being taken note of. Such value judgements and policy views are beyond the domain of the Courts. The Courts should refrain itself from expressing value judgements and policy views in order to interpret statutes. Statutes are to be read in their plain language and not otherwise."

Are there cases being decided based solely on an interest to entertain the realm of moral values? Or does that become unnecessary Such observations were made in the case of Kaushal Kishor v. State of Uttar Pradesh and Ors.,:

"Both the writ petitions were dismissed by a Division Bench of the Kerala High Court, on the ground that the prayer of the public interest writ Petitioners were in the realm of moral values and that the question whether the Chief Minister should frame a code of conduct for the Ministers of his cabinet or not, is not within the domain of the Court to decide. Therefore, challenging the said common order, the Petitioner in one of those public interest writ petitions has come up with Special Leave Petition (Diary) No. 34629 of 2017. Since the questions raised by the Petitioner in the Special Leave Petition overlapped with the questions raised in the Writ Petition, they have been tagged together."

While the Court entertained the questions pertaining to, or surrounded by issues of morals and values, the reasoning established in the case usually identifies that legal logic and legal assertions are to be primarily relied upon to arrive at decision making even if it involves value judgements. Which values hold prevalence is a matter that gets defined with time, changing values and professional ethics, and subjectivity is often seen with respect to value neutrality. It cannot be asserted undisputedly that value neutrality is a prerequisite that judges must adhere to. It can also not be admitted that objectivity and value neutrality is all bad and wicked.

CONCLUSION

Radical critics have noted that behind the farcical claim to propagate objective and value neutral theory, many researchers are prone to furthering ideologies that their funding bodies want. This is because the researcher's ability to delve in research mirrors a side's inability to fund it on their own due to large costs involved. Frederichs in his treatises *Insurgent Sociologist* had mentioned instances where such research has furthered racism, insurgency and other radical practices of discrimination and injustice. The professional nature of any researcher commands to gather and establish accuracy in collecting data, appropriating relevant and novel techniques into research, avoiding misinformation, and reporting the resultant findings as honestly and fairly as possible. While judges can also be known as researchers in part capacity, their overall role is to deliver sound, free and fair judgements devoid of bias, prejudice or inkling towards ideologies. When Weber speaks about the essential element of understanding the man following religion, similarly – a judge should have a pragmatic understanding of the society and the values. Value neutrality is an essential research skill that should be practiced for objective research, but the discernment in deciding when to depart from

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it adds to how experienced and wise a researcher or judge is. Law and morals are both very dynamic in nature, and their ever changing attitude affects the inclination or declination towards value neutrality in legal writing.

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