

THE INSEPARABLE SOCIAL TRINITY: RELIGION MORALITY AND LAW

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INTRODUCTION

Here is the first Inaugural Lecture from the Department of Religious Studies and Philosophy, one of the foundation departments of the University of Calabar in 1973. It is the task and privilege of the first Nigerian professor of this same Department (now led by three other Nigerian Professors) to deliver this Inaugural Lecture.

For having come so far in its growth and development the Department of Religious studies and Philosophy deserves congratulations.

My choice of topic was motivated by my desire to reflect not only on my academic experience and odyssey but also and especially to consider the Department as the focus for the study of the Basic and Fundamental Human Values.

The caption here: Religion, Morality and Law, is meant to give this lecture an eminently anthropocentric and social orientation, to reflect the three dimensions of the human personality and experiences in society.

Man is essentially a religious and social being naturally and remarkably endowed with moral sense and the capacity for ethical reflections, and orderly behaviour in society.

Accordingly the intention here is firstly to reflect on the nature of religion and its basic role in society. Thereafter, morality and its relationship with religion will be briefly considered. Secondly, this discourse will further examine ethics as the scientific study of the principles of human conduct as well as the institutionalization of morality in human life and society. In the third place, law and its nature and role will be explored. Fourthly the rule of law as the partner and postulate of religion and morality will be considered. Finally the conclusions and recommendations will follow.

A. RELIGION

In spite of the differences and disagreements surrounding the etymological and philological origin and derivation of the word, religion, authors and thinkers are in agreement that its philological source connotes the relationship and communion between the creature and its Creator, the finite and the Absolute, man and God.¹

By definition, religion may be considered from four basic points of view, namely, subjectively, objectively, morally and institutionally. Subjectively defined, religion is man's natural and innate consciousness of his dependence on a transcendent supra-human Being and the consequent natural and spontaneous propensity to render homage and worship to Him.² This subjective definition connotes religiosity, that is man's natural capacity and inclination to pose and seek answers to the fundamental questions of human existence, such as: the origin and purpose of life; the ultimate justification for morality and moral uprightness; the nature and significance of evil and innocent suffering; the meaning of death and the nature of life-after-death etc. Here is a natural exercise which spontaneously inclines all human beings to religion positively or negatively (theism. or atheism), as answers to these fundamental issues of human existence are diligently sought.³ It is from this point of view that religion is seen as an inevitable aspect of human life deeply rooted in man's nature.⁴

From the objective point of view, religion may also be defined as a complex or configuration of doctrines, laws and rituals by which man expresses his loyalty to a transcendental Being — the Absolute, God. Here is a descriptive phenomenological definition of religion. Thus religion in this objective sense, denotes a moral-spiritual relationship of the creature with his Creator, which is internally and personally acknowledged and individually and collectively expressed through acts of worship".⁶

Furthermore, religion may be morally defined as a virtue in a person, that is, according to Thomas Aquinas: "an enduring quality, a habit, which disposes him who has it to pay, steadfastly and well, the debt of honour and worship that he owes to God."⁶

It is in this sense that one so dedicated to religion is described as a religious man, a man of piety or a pious man.

Finally religion may be viewed and defined institutionally as possessing its own definite system of beliefs, system of activities and system of values, like any other social institution.⁷ Accordingly religion may here be further defined as an institution characterized by a care belief in a Supra-human Entity (God), a body of doctrines, an ethical code and a system of worship, with a definite organizational structure. It is through these basic institutional elements that religion strives to deliver its message and make itself relevant and significant in the society. However, from Lucretius in ancient times through Karl Marx in modern times to our respectable social critic, but self-proclaimed atheist, the late Dr. Tai Solarin, it is this socio- institutional dimension of religion that has rendered religion a contentious issue for good or for bad in social life.

RELIGION IN SOCIETY

(a) From the Negative Point of View:

Here historically speaking religion, not qua religion, but as an institution, can be perceived as an umbrella under which evil men had hidden to perpetrate atrocities against humanity. A reflection on the Roman Imperial religious persecutions of the early Christian era, on the excesses of the Christian crusades, and on the Moslem Jihads, on the violent elimination of wizards and witches as well as on the persecution of heretics in the Middle and later Middle Ages, on the aberrations of the Inquisitions, on the virulent recriminations of Christians against each other during the Reformation era in the 16th and early 17th centuries, as well as on the consequent religious wars in Europe (especially in France of the mid-16th century) seems to confirm strongly the view that organized religion has been the source of human tragedies⁸. The bitter exclamation of the Roman Philosopher and poet Lucretius against this destructive trend in organized religion: *Tantum religio potuit suadere malorum* (that so much of evil could be committed in the guise of religion) seems ever topical and perennially - vindicated in the history of mankind.⁹

Coming closer here at home in Nigeria as well as in some other developing countries of Africa, under the pretence of religion, some unwise religious fundamentalists and violent religious fanatics have not infrequently plunged into unnecessary wanton destruction of innocent lives and properties.¹⁰ When the true spirit of religion derails institutionally, humanity usually becomes the victim of unfathomable misery, violence and catastrophe. Within the African traditional religious system, the institutionalization of various forms of hideous and unjustifiable discrimination is a wicked negation of the spirit of religion. Here the Osu caste system among the Igbo and similar religious cultural aberrations elsewhere come to mind and in for ruthless castigation and uncompromising repudiation and eradication.¹¹ Fortunately, this practice is fast disappearing, thanks to silence. Within the various Christian traditions and Communion, certain legal and ritual norms have at times displaced, or usurped the place of religion and annulled the supremacy of love, and have consequently done more harm than good to Christianity and Christian Koinonia (fellowship).¹² Here in Nigeria and elsewhere, some misguided Moslem fundamentalists and fanatics have in the guise of religion, wittingly or unwillingly, practically repudiated the spirit of Islam as a religion of peace and social justice, by their senseless and wanton destruction of the lives and properties of their fellow citizens and their defiance of constituted military and civil authorities. The violent and murderous activities of the Maitatsine sects in Nigeria during the late 1980s stand in evidence. The periodic and senseless eruptions of violent destruction of lives and properties by misguided Moslem youths who often emerge from their mosque Friday worship or after a secret murderous resolution to impose catastrophic terror and mayhem on their fellow citizens for flimsy and unjustified reasons.¹³ Such were the recent tragic incidents: in the Federal College of Education Zaria, where in October 2002, the female hostel was invaded, the Christian female students were raped murdered and dumped into pits by hoodlums hired by some evil-minded Moslem students who were apprehensive of the probable emergence of a Christian student as the President of the Students Union;¹⁴ and in Kaduna and Abuja in November 2002 -at the initial stages of the aborted Miss World Beauty Pageant scheduled for Abuja, Nigeria.¹⁵

These fanatics and fundamentalists, misguided by a wrong understanding and interpretation of the true spirit of Islamic faith (or spiritual combat against evil and demonic forces) have often defied authorities and sought to provoke war and violence for selfish and unpatriotic interests. Fortunately for Nigeria and others, these fanatics are a negligible minority and do not constitute or represent the mainstream of Islamic faith, thought and organization. Professor Giorgio Zunini has graphically and incisively highlighted the basic causal factors of these negative tendencies associated with religion as an institution as follows:

“The eternal tragedy of man is inherent in religion — his inability to do without God and his attempt to eliminate God in order to take his place. When God becomes the manmade idol made to man’s own image and likeness, all the wickedness of human nature breaks out beneath the shadow of this idol. Protected by inviolability greed for success, blinded by the illusion of power and thirsting for victims, such wickedness rears its head in the great events of human history and likewise in the small affairs of each man’s life, which are no less important”⁶

There lies the psycho-moral genesis of the periodic degeneration of organized religion, which in turn has created the opportunity for the emergence of anti-religious critics and theoretical atheists. In reality and most cases, atheism, anticlericalism and other manifestations of anti-religious attitudes are more a reaction against these shortcomings of organized religion and its agencies than a direct repudiation of the authentic spirit of religion and its social values.¹⁷ Fortunately for man, his society and humanity, the negative aspects and historic failures of organized religion are just but one side of the religious coin. With Zunini we must here affirm and uphold that it is an unjustifiable “mistake to look on institutional religion from this point of view and no other”.¹⁸ This is because organized religion, on The balance sheet of history, has a much greater claim to admiration than to contempt; and its positive dimension is far richer than its negative features.

(b) From the Positive Point of view:

Historically, the spirit of religion as expressed in institutional forms and structures, has contributed immensely to human and social advancement and progress. This affirmation here is proportionately equally true of the major world religions especially Christianity and Islam.

It was Christianity as an Institutional religion that laid the spiritual and historical foundations for such socially revolutionary concepts and values as the sanctity of human life, human freedom and equality before God and the law, and the common brotherhood of all human being¹⁹. At critical moments in history, Christianity has never failed to stand for the dignity and fundamental liberties and rights of man. The authentic history of the ancient Roman Empire, of slavery and the Industrial Revolution, of the French Revolution and of the pretensions of atheistic Communism stands to testify to the perennial positive role of Christianity, especially the Roman

Pontiffs, in the defense of basic and indestructible human and domestic values - mans dignity and fundamental personal and domestic rights²⁰

It was Christianity that laid the ethical and cultural foundations of the Western World and its cultural satellites, through colonial contact and tutelage. The domestic ethics of the Euro-American and other parts of the world exhibits a distinctive Christian ethical impact. The early beginnings of formal education and University institutions and culture especially in Western Europe (The Universities of Bologna, Paris and Oxford) received the then indispensable blessing and encouragement of Christianity and its Agencies.²¹

Nearer here in Nigeria, as well as in similar developing nations of Africa, no mature citizen can afford to ignore the pioneering and remarkable contributions of the Christian Missionaries and Islam to the cultural evolution and growth of the nation, especially in the area of formal education and of domestic and public morality. Many of the primary and secondary educational Institutions as well as their personnel, now administered by the Government of modern Nigeria, were the achievements of, and inherited from, the religious Agencies, who are still actively contributing to the cultural growth and progress of the nation. The continuous and quietly unassuming contributions of both Christianity and Islam, as the two major institutional religions of Nigeria, to discipline and stability in family life and to public morality and order in general, cannot be ignored by any honest citizen or observer.

However the usual and perennial positive role of organized or institutional religion may be itemized and considered under the following eight categories;

- (i) To define the relationship between the Creator and his creature, through its core belief system – its dogma and doctrines. This may be seen as it functions as the intermediary between the Creator and his creature, and seeks didactically to satisfy the intellectual nature and yearning of man.
- (ii) To provide man with a spiritual and adequate *weltanschauung* or an overall philosophical and spiritual out-look on life, by injecting fundamental meaning and purpose into human life and existence²². Religion performs this role by lifting man above the morass of mere material and carnal satisfactions to the practical acknowledgement of the transcendental Absolute, God and of a satisfying eschatology or explanation of the "last thing" (or life-after-death. Religion discharges this role through the basics of its belief system – its dogma and creed.
- (iii) To equip man with adequate and practical guide in his moral life. This function is performed by religion through its code or ethics, through which religion becomes really and practically meaningful in the lives ethical dimension through which it renders itself relevant and consequential in human life and society. Thus Christians and Moslems are guided by ethical systems based on and inspired by the Bible and the Koran respectively.

- (iv) To stand as the repository and custodian of human and social values: As religion functions as the custodian of social order and values, it is often negatively perceived by its critics as the conservative agent of the status quo, hostile to salutary changes.²³ However true this may sound or really be at times, it must be acknowledged that every healthy and stable society must preserve its honest and precious values for the welfare of its members and the future generation. As religion plays its priestly conservative and stabilizing role, it stands as an indispensable agent of social control, functioning as the custodian and defender of established norms and values in all human arena -personal and spiritual, domestic and political, social and cultural - against all threats and violations. In this role, institutional religion has been quite eminent and irrepressible. In this regard, religion is socially indispensable if established norms and values are to be treated with sense of gravity and reverence, and of finality and intimacy.
- (v) To serve as the prophet and conscience of the society: Organized religion plays this quasi revolutionary role by calling to order both man and society as they go astray along the path and precipice of self-destruction, immorality and social injustice. Religion armed with its transcendental reference points and standing as the acknowledged custodian of human ideals and values, constitutes eminently the necessary and salutary critique for any given and prevailing situation in human society. A living religion is thus the dynamic conscience of its society, the pacificator of its culture and its antidote against unhealthy cultural accretions. In modern times, religion has played this role in a remarkable manner in the abolition of slave trade, in the acceptance of African twin babies and their mother, in the field of human rights and the fight against racism, anti-Semitism and in the current dismantling of the hideous structures of Apartheid in South Africa and of the bizarre institutions of Communism in Soviet Russia. With Rev. Dr T Okere we do here entirely agree that:

“The prophetic functions of religion enables us, if need be, to say no to the given, to escape from the tyranny of the facts anti from the tyranny of public opinion.

The prophetic function is them fore both vital for the survival of freedom and the individual in society and, through constant criticism, instrumental to the raising of standards in society itself²⁴

- (vi) To uphold and promote the sense of the sacred and of the inner mystery, in which all meaning is to be found. In such major world religions as Christianity and Islam, this sense of mystery and the sacred is at times articulated as divine Providence, the will of God or divine will. Lack of this sense of the sacred, and of mysterious divine providence, creates a terrible void in human life, as it renders life artificial and shallow, uncreative and ultimately a purposeless boredom.²⁵ A healthy society needs to possess the sense of the sacred which its religion instills, if its members are to cope with such riddles, puzzles and mysteries of human life as -dreams, accidents, birth

and death, plagues, earthquakes and other ecological and natural disasters, innocent suffering and various forms of injustice and evil. Man and his society cannot stand for long meaninglessness and ignorance in matters intimately affecting human life.²⁷ Institutional religion through its theodicy and its culture of the sense of divine providence and the sacred, offers explanation to humanity in its recurrent experience of patterns of bane and blessing, woes and glories.

- (vii) To celebrate life and man's relationship with the Transcendent, through ritual prayers and acts of worship. As religion, through its ritual code and practices, celebrates the major stages of human life, -birth, marriage, other significant human events and death, it also periodically summons man and society to acts of public worship for the expression of their commitment to the Transcendent (God) and for their own welfare.
- (viii) To enlighten man with an Adequate and satisfying Eschatology, through an acceptable explanation of the mystery of death and life-after-death. Christianity and Islam in their discharge of this eschatological function of religion, have offered to their adherents the prospects of a Personal God who will after death, judge every person for reward or punishment according to each person's stewardship here on earth.²⁸ To this basic eschatological prospect offered by both Christianity and Islam, the African traditional religion has added the prospect of a blissful reincarnation among one's relations as a reward for an honest life.²⁹ It is quite significant that these three religions have all anchored their ethical code and moral theology on their eschatology, in the sense that one's prospects and fate in life-after-death are rooted in and dependent on one's moral and spiritual life here on earth. Thus the impact of religious eschatology on moral life is too evident and requires no debate. Hence the importance of morality in every living institutional religion, especially in Christianity and Islam.

B. MORALITY

Having reflected on religion at some length, it is proper that morality should now be the focus of our attention. Man as being naturally endowed with the faculties of intellect and free will, is universally acknowledged as a rational free being, conscious of himself and what he does and answerable for the same. His intellectual faculties makes him conscious and aware of the nature and implications of what he is and does; his free will-power makes him answerable to his freely chosen course of action. It is for these facts that the man is universally recognized as a moral being, in other words, a being conscious of the nature and values of his actions in terms of their propriety and impropriety, honesty or dishonesty' fairness or unfairness, justice or injustice. Professor Fagothey has accordingly defined morality as follows

*“Morality is the quality in human acts by which we call them right or wrong, good or evil. It is a common term covering the goodness or badness of a human act without specifying which of the two is meant”.*³⁰

Thus morality can be epigrammatically defined as the standard of human conduct in terms of the good or the bad or the indifferent. Man is conscious of the moral standard of his conduct through his natural moral faculty known as conscience. Conscience may here also be defined as man's intellect passing judgement in general or in specifics or even in an action here now to be performed, as good that must be pursued or evil to be avoided.

Dwelling more on conscience, moralists distinguish three levels of conscience according to its operations as follows:

- (a) **General Conscience** - which corresponds to the Greek word and concept, Synderesis, or the habit of Conscience; this denotes the basic and habitual sense of responsibility, which characterizes the human person. At this general level of conscience, all human beings, apart from the bizarre cases of socio paths, psychopaths and similar aberrations, possess a general sense of right and wrong, and of goodness and badness. ~' At this level of moral consciousness, all normal human beings are capable of perceiving, and are in full agreement over such fundamental general principles of morality as: evil is to be avoided and good is to be pursued; the innocent should not be punished, respect the rights or others; one must live reasonably; do not do to others that which you would not want to be done to you; treat others as you would want to be treated; no one should be victimized etc. ³² At this level of conscience, there is no room for moral or ethical relativism, because there is usually a universal consensus over these most fundamental general principles of morality
- (b) **Specific Conscience:** At this level, human conscience is focused on specific values or issues such as abortion, family planning, the use of effective contraceptives, capital punishment, drugs, genetic engineering and manipulation, use of alcohol, boxing etc. Here at this level human conscience is involved in the perception of and judgment over specific human issues and values. Here morality becomes relative and differences of opinion emerge, and conscience ceases to be the infallible guide for action. It is at this level that conscience becomes fragile and susceptible to error. It is also at this level that the proper education of consciences and its proper socialization become imperative.³³
- (c) **Concrete Conscience:** Here is the conscience of man, not merely at the stage of speculative judgment over issues but really at judgment over a concrete action here and now to be performed. Here is the certain conscience as the infallible guide and subjective criterion of the morality of man's action. Here also is conscience as the judge of each man's conduct and the witness to good and bad and in a sense the voice of the Creator in the creature. However, this concrete stage of conscience (when it is a certain conscience), though subjectively an infallible guide and judge of morality of conduct, still does not exclude the possibility of objective error; it is therefore objectively susceptible to error and consequently requires as much education and socialization as Specific Conscience

In the words of Prof. O' Connel we must here indicate that:

*“It is the quintessence of human morality that we should do what we believe to be right, and avoid what we believe to be wrong.”*³⁴

Apart from Conscience as the subjective judge of the morality of man’s conduct, there are other fundamental and objective criteria or norms (measure) of the morality of man’s conduct. These can be briefly outlined as follows, in a descending order of importance and remoteness:

- (i) The Eternal Order or Law as established by the Creator of the universe, Who Himself is essentially eternal. The universe of order is the design and handwork of the supreme intellect of the transcendent Absolute.
- (ii) Human Nature or Right Reason as the distinctive attribute of human nature. Without going deeper into these objective fundamental norms or criteria of morality, suffice it to say that the eternal divine law, the natural law, right reason and conscience are the objective and subjective sources from which morality derives its standard positively (as good) or negatively (as bad). ~ If morality is all about the standard of human conduct, the above outlined norms are its measure. Whatever contradicts these norms is irrational and immoral and whatever is in agreement with them is morally good. For instance, to have sexual intercourse with an animal or to commit murder is - offensive to good conscience, right reason, the natural law and divine order

From the above exploration of the moral nature of man, it is clear that morality and conscience, as a dimension of his personality, require development, education and socialization growth and maturity. It is here that the relationship between morality and religion comes in for consideration.

Religion and morality are equally essential dimensions of the human personality, and can therefore be said to be ontologically equal and independent of each other. However, de-ontologically and dynamically they are interdependent and complementary. A balanced and sound development of the personality of man requires the development of man’s moral sense and the spirit of religion. In other words, a soundly integrated human personality requires simultaneously both moral and religious socialization. It is here again that institutional religion comes in for reflection.

In the first place, it must be stated that the basic view here is not that sound moral life is impossible without institutional religion. Sound moral life is within the reach of man, with or without any affiliation to organized religion. However, with the honest contributions of institutional religion, man’s moral life and society have been and are still better off. From human history and experience, it must be further acknowledged that the best known and most effective social ‘agent and institution for the moral and spiritual socialization of man is organized religion. This fact of experience and history is supported and reinforced by the ethical dimension and role of every living religion,- as outlined above. Moreover, religion as the teacher and custodian of human and social values is a powerful agency for the education and socialization of man’s conscience — that powerful and indispensable barometer of his moral life. Religion without

morality is dead and impotent. Religion must meet man at the ethical plane in order to be relevant, meaningful and consequential for man and society. Morality must be enriched by religion spiritually and institutionally, for clarity and sanity, comprehensiveness and ultimate purposefulness. Religion and morality need each other, therefore, for mutual complementarity, effectiveness and richness. For this purpose no significant human society or culture has ever existed without its relevant religious dimension and institutions; equally no living religion has existed without its corresponding ethical dimension and institutions.

C. ETHICS

Here now, our reflections must focus on ethics. Briefly we will consider ethics as a discipline and ethics as a system institutionally conditioned.

(i) *Ethics as a Discipline*

As a discipline, ethics is both a science and an art. As a science, in the broad philosophical use of this term it is a systematic study of the principles governing human conduct by human reason from the point of view of the right and the wrong, the ought and the ought not. As Fagothey remarked:

“The fact that men do make judgments of right and wrong, is the basic fact of experience from which ethics takes its start³⁶.”

As a scientific discipline, ethics may have the same subject matter as the other disciplines of the social sciences such as Anthropology, Psychology, Jurisprudence or Law, Sociology, Economics, Politics and Geography. While these other disciplines stop at the descriptive and analytical stages of the human behaviour, and at the given and the is of its externals, in any given human situation and culture, ethics goes further to deal with the value judgments, with the right and wrong, the internal acts of the will and the tribunal of conscience, the ought and the ought not, in any given human situation. ~ Ethics is further distinct from, though complementary to, Moral Theology, for while the latter appeals to revelation and the supernatural forces in its study of human conduct, ethics approaches the same subject matter, human behaviour, in the light of only human reason.

As a scientific discipline, ethics has two broad areas, namely, Normative Ethics and Metaethics:

Normative Ethics emphasizes the practical principles directly governing human conduct personally and socially such as: the sanctity of human life; the indissolubility of a valid marriage, the integrity of human liberty, self-defense, social justice, the common good, religious liberty, family planning, the infallibility of conscience, acts of double effect, formal and material co-operation, and similar principles governing human conduct.

Metaethics: may be considered as the free field of the logical Positivists and the Analytical Philosophers, which concentrates on the fundamental theoretical ethical principles, and on the

linguistic and logical analysis of the key concepts of ethics, such as goodness, duty, values, utility, freedom, and on their accuracy. 38 Metaethics, in certain circles arrogates to itself the name Philosophical Ethics - which in reality embraces both Normative Ethics and Metaethics.

Apart from being a scientific discipline, ethics is also an art. As ethics applies its principles and norms to human life, it is doing a work of art, in a broad sense of this word. Thus as ethics explores and releases its principles it is a science; and as it applies these principles for the purpose of ethical enlightenment and the good life, it is an art. As the moral philosopher, Fogelberg, had wisely remarked:

*“A good life is indeed a work of art. It is obvious, however that the art of ethics must be practiced by each person for himself as the shaper of his destiny and the sculptor of his soul; . . .”*³⁹

(ij) Ethics as a System

Ethics considered as a system, institutionally conditioned by time and place and human situations, becomes the orderly and logical application of acknowledged moral principles to a given way of life. Thus, here in Nigeria, we have: the African traditional ethics, which emphasizes personal righteousness and sense of justice without mercy (especially for thieves);⁴⁰ the Christian ethical system, which has, as its wholistic core, love of God and man which animates and critiques its entire ethical edifice based on the Bible;⁴¹ and we have also the Islamic ethics, which is fundamentally based on the ethical principles of the Koran and which emphasizes self-discipline, submission to the will of Allah, God, and social justice;⁴² and professional ethics, which governs the professional life and practice of members of each profession, as it enjoins on them the observance of professional efficiency, good conduct and integrity.

From the above outlined ethical systems, it can be seen how institutional religion penetrates and pervades institutional ethics to reinforce it, to sanction it and give it orientation and intimacy. This is how Christianity and Islam have given their respective ethical systems not only a practical and temporal importance but also influential eschatological orientation and significance.

D. LAW

The Etymology of Law:

In this third and concluding part of the discourse here, attention will focus on law.

In the ancient Greco-Roman world, the words *vamos* and *his* stood for the Latin word *Iex*, (and the English word, law) understood as the norm which regulates man's relationship and interaction with his fellow man. The renowned Roman jurist of Phoenician descent, Domitius Ulpianus (Ulpian) defined *ius as ars ban! et aequi*, the art of the good and equitable”

Furthermore, St Isidore (560-636 AD), remarked that “ius is so called because it is just.”⁴⁵ In antiquity, ius meant that which is commanded (jubere), law or an order. It is evident here that ius as the etymology of law, is strongly rooted in ethics or morality.

However, in jurisprudence the essential concept of ius must be understood in three principal connotations or senses.

- (a) *ius*: in its objective material sense stands for the object of justice, that which is due, that which is just: the object of right⁶
- (b) *ius*: in its subjective formal sense, designates that which is called a right, a moral or legal power or faculty to have, to do, to possess, to use or to require something from others. Such rights-as human rights and rights conferred by law come under ius in its subjective (formal) sense⁴⁷
- (c) *ius*: in its causal sense; this is ius in its normative or instrumental sense as the regulator of man’s behaviour and interactions with his fellow human beings. Here ius signifies code of laws, written or unwritten (customs). In this sense ius is understood as a norm, a law, a collection of laws, or various code of laws (canon law, civil law etc, or institutions created by law (such as courts of law) the science of law or jurisprudence. It is in this sense also that one categorizes the expressions: “Doctor of laws”, “the study of law”, “ignorance of the law”, and “a well known law”.

It is in this causal instrumental - objective sense that Ulpian gave his celebrated definition of jurisprudence as: “the knowledge of things divine and human; the science of the just and unjust” (“*Jurisprudentia est divinarum atque humanarum rerum notitia, iusti atque injusti scientia.*”)⁴⁹.

The Definition of Law:

It is here quite appropriate to present a highly selective but significant and relevant quotation of some definitions of law by eminent authorities in the field of jurisprudence and philosophy of law.

St Thomas Aquinas (1225-1274) easily the most eminent theologian and philosopher of the high Middle Ages gave his classical definition of law as follows:

“Law is nothing else than an ordinance of reason for the common good, promulgated by him who has care of the community.”⁵⁰

According to Justice Oputa:

“The law may then in this sense be defined as a command enforced by some sanction, a rule of action to which men are obliged or are under obligation to make their conduct conform-ble.’¹⁶¹

Justice Akinola Aguda has given a distinctive definition of law, while acknowledging its incompleteness as follows:

- ... I am content to define law for my purpose merely as a system of rules which govern or are expected to govern the behaviour of individuals within a political society. An invariable hall-mark of rules which govern conduct and which may earn the appellation of “law” is that they must be capable of enforcement through the processes laid down by the law giver for that purpose. This definition neither gives the full picture of law nor of the purpose it is expected to serve within the society...”⁵²

Giuseppe Graneris, the eminent Professor of the Philosophy of Law, in the Lateran Pontifical University, Rome, while acknowledging the complexity of the field of law and the consequent varieties of its definition, has offered a very concise but comprehensive, definition of Law when he stated;

“Law is a social and enforceable ordinance of human action according to the criterion of justice”⁵³

In the light of the above definitions I do here modestly offer a more embracing and working definition of law as follows:

“Law is a reasonable, juridical and enforceable social ordinance, duly and authoritatively promulgated, for the - achievement of the common good of all members of the society, according to the principle of justice”.⁵⁴

The Nature of Law

From my definition of law above and those sound definitions given by St. Thomas Aquinas, Oputa, Aguda and Graneris, law in its nature as a social phenomenon and institution must exhibit the following characteristic features:

- (i) **Ordinance** - Law as an ordinance defines law both in its stable, structural and dynamic nature as a system of established or yet to be established relationships and activities among the citizens. Law as an ordinance further indicates that law is not merely an advice, counsel or suggestion but rather an order, a command, and a directive of the law-maker to the members of the society. ~ It is also an enforceable directive which can be imposed by force on recalcitrance, if circumstances so dictate.
- (ii) **Rationality**: Law as an ordinance must be rational or reasonable and not the arbitrary and capricious whims and egoism of the law maker To be considered reasonable, law as a rule of human behaviour, must be “ethically sound by being fair, just, honest and morally possible to observe.”⁵⁰ The principle of rationality as a dimension of the nature of law further requires that it should be consistent in itself (by involving no contradiction), and

consistent through time (for legal order and stability) and consistent or congruent with official action, by being capable of standing the test of judicial scrutiny as a norm of judicial or administrative action.⁵⁸

- (iii) **Sociality:** There is a famous Latin maxim in jurisprudence, *Ubi societas ibi* (wherever there is a society, there also is law). This ancient maxim clearly indicates the social dimension of the nature of law. Law as a juridical ordinance or system, entirely inconceivable except within the context of an organized and stable society. ~ Society, law and organization are inseparable partners in history. Social life to which human nature inclines man is impossible of positive realization without law. By law, institutions are created, rights and duties are defined, and social relationships and contracts are governed, and the foundations for social order, justice and peace are laid.⁶⁰ In the words of Justice Oputa:

“To live in society man has had to fashion out for himself some rules of conduct, some laws to govern the conduct of members of the society. Laws are therefore man-made rules to regulate social interaction.”⁶¹ Hence in modern Jurisprudence, and Sociology of Law, law is regarded, with justification as a powerful instrument of social engineering and socialization of the citizens. This will become clearer and undebatable as we reflect on the common good as the purpose of law.

- (iv) **The Common Good and Social Welfare:** The achievement of the common good of members of the society as a whole is the primary and direct purpose and finality of law as a social juridical system and instrument. Law is not primarily and directly for the benefit of the individuals as such. 82 The common good is here to be understood in the sense of the classical definition by the Second Vatican Council as:

“... the sum total of those conditions of social life which enable man to achieve a fuller measure of perfection with greater ease this common good consists mainly in safeguarding the rights and duties of the individuals..

The purpose of law therefore is to protect society (by preventing chaos and lawlessness) and protect the citizens, by creating the social conditions for the reign and development of the dignity of man and his fundamental rights and freedoms. This essential purpose of law is achieved through the creation of adequate social and political, cultural and educational institutions. The purpose of law is therefore, to uphold and develop social order and growth, the dignity of man, and the fundamental human values, rights and freedoms, (of conscience and speech, of movement, association and worship).⁶⁴

Here in Nigeria, as one of the developing nations of the world, if the common welfare is to be adequately achieved, law, as an enforceable instrument of socialization and social engineering, must have as one of its primary aims, the eradication of the following cancerous and debilitating symptoms of underdevelopment: disease, illiteracy and miserable and offensive poverty (in the midst of plenty); mediocrity, arrogance *and*

purposelessness in power and governance; senseless, political myopia, selfism and greed; the malicious manipulation and selfish exploitation of the weak and poor; violent extremism in politics, violent religious fundamentalism and fanaticism, and arrogant and militant ethnicism, violation of social justice, the culture of mediocrity and other forms of social corruption

Apart from this somewhat negative purpose and prohibitive role of law, law must, as a social engineer lay a solid and stable social foundation for the reign of justice and peace and for social growth and the culture of merit and excellence among the citizens of Nigeria.

- (v) **Justice:** Every law must pass the critical ethical test of justice, if it is to generate an adequate moral binding force on the members of society. Here lies the critical and indispensable link between law and morality. The definition of justice, by Ulpian as the constant and perpetual intention to render everyone his due (*Justitia est constans et perpetua voluntas ius suum unicuique tribuendi*,) and his definition of jurisprudence as the science of the just and unjust (... *justiatque iniusti scientia*) make it quite clear that right from antiquity law without justice has been inconceivable.⁶⁵ In jurisprudence, especially canonical jurisprudence, it is a well known maxim that an unjust law lacks a binding force, (*“lex injusta non obligat”*)⁶⁶ The Institutes of Justinian further gave a terse and cryptic summary of the contents of the law as: “...to live honestly, to injure no one, to give everyone his due.” (*Iuflspraecepta sunt haec: honeste vivere, aftenm non load’s, suum cuique tribuere*)⁶⁷

Justice, which is one of the cardinal virtues of morality’, is a critical criterion of law ⁶⁶.Justice, which the eminent Roman laver, Cicero, identified as the most splendid of virtues which gives its name to good men, is the most incontrovertible evidence that law is indeed an integral part of man’s universe of morality.

However, it remains true that man’s moral universe is one, universal, ali- embrative, and larger than the specific technical field of law and jurisprudence. While law deals with specific human actions and relationships of significant social relevance, morality is embrative of all human actions and relationships (in so far as they are human), and covers all aspects of human life. This is what is known in ethics as the integrality, totality and unity of morality and its imperatives.⁸⁹ Nonetheless, human actions and relationships constitute the common subject matter of both law and morality.⁷⁰ As M. T. Rooney rightly affirmed:

*“Both law and ethics refer to the natural law in the formulation of their directives, both refer to the human conduct, both ultimately aim at the good of men.”*⁷¹

- (vi) **Legitimacy:** Law must emanate from the rightful authority with the appropriate jurisdiction over the society and the relevant subject matter. It is only on this condition that the directives of the law can be regarded as legitimate and binding.⁷²

(vii) **Promulgation:** Law as an enforceable directive from the legitimate authority should be brought to the knowledge of the citizens, whose actions it is supposed to regulate. Hence law must be sufficiently and reasonably promulgated.⁷³ In other words, law must be sufficiently published and fairly within the intellectual grasp of members of the society.⁷⁴ Though in modern jurisprudence, promulgation is not regarded as an essential part of the law, it is certainly an indispensable integral part of the law for without promulgation the process of legislation must be considered incomplete and in consequence ineffective.

In the light of the characteristic feature of law briefly considered above it is clear that law is a legitimate social instrument for the common good of the society and for the social welfare of all the citizens and their fundamental rights and values. It is also further evident that law as the instrument of justice and order is deeply rooted in the imperatives of morality. Law and morality are inseparable but distinguishable, though their mode of operation is different. Legal imperatives and directives may invoke when required, the use of force to secure compliance; while moral imperatives tread the path of persuasion, conscience and free-will. While morality requires both the appropriate interior disposition and exterior propriety, law is satisfied with external compliance with its directives. As I had stated earlier, the juridical sphere of law is specific and limited, while the field of morality is all embracing of human life and universal. No sphere of human life is beyond moral imperatives.

E. RELIGION, MORALITY AND LAW

The topic of the discourse here requires me to dilate a while on religion, morality and law. This self-assigned task I have modestly attempted and found that religion, morality and law are inseparable social trinity, and indispensable institutions of every human society (ancient and modern). The social inseparability and indispensability of religion, morality and law have their natural and direct foundation in the nature of man (and the human personality) which is characterized by rationality, free will-power, religiosity, sociability *etcetera*.

However, the efficient operation of religion, morality and law in modern society, (with its democratic culture) requires the reign of the rule of law. The rule of law is an indispensable modern socio-political value, if religion, morality and law are to achieve their social goals and values.

The Rule of Law

We must now consider the Rule of Law, its nature and implications. For a clear concept of the principle of the rule of law, Dr. Akinola Aguda has given us a brief historical perspective as follows:

“Time was when the law giver be it in Europe, Africa or elsewhere believed he was above law The shedding of blood in England and Europe in the 17th century had the salutary effect of limiting the

monarchical absolutism of that era and of directing human history towards the evolution of governments under the rule of law “

From the text above we can understand that the historical evolution of the concept of the Rule of Law is intimately connected with the history of human liberty. As at the time of the Treaty of Augusburg, which temporarily ended the religious wars in Europe in 1555, the princes and sovereigns dictated the religion of their subjects. The religious clause of that Treaty — *Cuius regio, illius et religio* (the authority of each region determines its religion) indicated as much.⁷⁶ Not even the Peace of Westphalia which ended the Thirty Years in Europe in 1648, acknowledged the principle of the Rule of Law and human freedoms, and as I had stated elsewhere:

“..... centuries after the Middle Ages, religious ihtolerance still persisted and man and his inalienable religious liberties as based on his personal dignity had not fully come into their own.”⁷⁷

However a careful perusal and analysis of the relevant documents would indicate that the concept of the Rule of Law as a modern human value was conceived in the English Bill of Rights of 1689 and the American Declaration of Independence of 4th July, 1776 and born in the French-Revolution and Declaration of the Rights of Man and the Citizen (inspired by the maxim of the Revolution: *Liberte, Egalite et Freatemie* (Liberty, Equality and Fraternity). In my work on human rights, I have commented on this stupendous historical event as follows:

“Under the auspices of ‘L’ Etre Supreme (God), the French have sung the glory of human dignity liberty, equality and security. These values will never fall to glow in the hearts and on the lips of all men of goodwill and humanitarians, for all generations to come.”⁷⁸

It was however, in the United Nations Universal Declaration of Human Rights, on 8th December, 1948 and in Pope John XXIII’s Encyclical Letter titled: *Pacem in Tenis* (Peace on Earth) of the 11Th of April 1963 that the Rule of Law attained full adulthood and maturity and became universally promulgated as a critical, crucial an indispensable human value. Accordingly, the third paragraph of the Preamble to the U. N. Declaration states:

“Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”,⁷⁹

In its historical journey, the Rule of Law has become, in the words of Lord Hailsham:

• .the enemy alike of dictatorship and anarchy, the friend by whose good offices authority and liberty can alone be reconciled”⁸⁰

It is here that the Cicero of the Supreme Court of Nigeria, Justice C. Oputa, comes in with his pragmatic definition of and comments on the Rule of Law as follows:

“If we are not ruled by law we will have to be ruled by man and man is an extremely unpredictable animal The Rule of Law presupposes justice according to the law and not according to the whims or caprices of any individual, be he the most benevolent of all dictators..”⁸¹

It is this historic desire, aspiration and choice of modern men and women that they be governed by the collective will and wisdom and established objective norms and customs of the people as a whole, (which the law represents) that is technically known as the Rule of law. To be governed by law or the collective wisdom and established norms of the society is perceived and acknowledged as more objective, more stable and less susceptible to human emotions, frailties and prejudice. It is further generally accepted that under the banner of the Rule of Law, the fundamental values and freedoms of the citizens are safer and better developed. It is therefore universally acknowledged that the Rule of Law is the badge of the free people; and many modern democracies have entrenched the Rule of Law into their legal system as its substantive and operational spirit. According to .J Finnis, Fellow of University College Oxford stated:

“The rule of law is the name given to the state of affairs in which the legal system is legally in good shape.”⁸²

The Imperatives, Implications And Desiderata of the Rule of Law: Here I must consider the values and desiderata for which the principle of the Rule of Law stands.

1. **The Equality of all the Citizens Before the Law.** This in essence means that no citizen, however exalted his or her position, status or wealth, is above the law. All the citizens are entitled to equal protection by the law. The Rule of Law should ensure that all the citizens enjoy equal access to the cultural and economic resources of the nation through “equal opportunity to education, equal opportunity to political power, and equal opportunity to self-fulfillment.”⁸³ Here also involved is equal accessibility of justice, for both the rich and the poor⁸⁴
2. **The Supremacy of the Legal System:** The Rule of Law requires that the established laws and norms of the nation should reign supreme over all the three major arms of government, namely the Legislature, the Executive and Judiciary. The Executive arm of government and all its Agencies and Parastatals are subject to the laws of the land. The Legislature is subject to the laws of the land as it makes laws for the common good and development of the nation. The Judiciary as it administers justice is guided by law which it is bound to protect and enforce impartially, without fear or favour.⁸⁶
3. **The Independence of a Self-Accounting Judiciary:** The Rule of Law postulates an operationally and financially independent Judiciary, professionally equipped and motivated

in the discharge of its duties according to law in the context of the openness of the court proceedings and of due judicial process.”

4. **The Acknowledgement of the Principle of Judicial Review:** In this regard I had in my work on the socio-ethical issues in Nigeria, remarked that:

“... there must be an unlimited recognition of the principle of judicial review, which in effect means that no piece of legislation should be above the scrutiny of the tribunals of justice. There lies the supremacy of the judiciary as the at of justice and the visible bulwark against the possible and actual excesses of both the Executive and the Legislature’~⁷*

This principle of Judicial Review further indicates that the judgments and decisions of the lower tribunals are subject to review by the higher courts of justice. Judicial Review stands therefore to protect the injured against the possible excesses of both the Legislature and the Executive.⁸⁷

5. **The Principle of the Integrity of Liberty:** The principle of the integrity of human liberty requires that citizens should enjoy their liberty as much as possible and should only be restricted as and when necessary. The Rule of Law, thus, respects the dignity of the human person and the fundamental liberties of the citizens and abhors their reduction to nonentity by an autocratic and omnipotent state or government. Justice Oputa here pertinently remarked:

“The Rule of Law ... suffers whenever the normal freedoms and liberties of the citizens are curtailed without just cause.”⁸⁹

6. **The Culture of Human Rights:** The Rule of Law recognizes and must uphold and promote the fact that the citizen, as a human person, is the bearer of certain natural indestructible, inviolable and inalienable human values, known as and called in modern times the fundamental human rights.⁹⁰ As the history of the Rule of Law, briefly referred to above indicates, the purpose of the Rule of Law is primarily the recognition and defense of the dignity of man and his fundamental liberties. In the course of its history humanity has fought against tyranny, autocracy, dictatorship and oppression, so that the dignity of man and his fundamental and inalienable rights may flourish. Almost all the nations of the world have firmly entrenched all the basic articles of human rights in their constitutions, and the Constitution of Nigeria reflects the best and most comprehensive entrenchment of human rights among the constitutional documents of the world. In clear recognition of the fundamental importance of human rights, the Rule of Law today firmly stands for the dignity of man and the culture of human rights. In both domestic and international politics, human rights record has become the basic criterion for the assessment of the performance of the government of every nation, in contemporary times. The foundation of and

justification for the principle of the Rule of Law, ultimately rest on the dignity of man and his inalienable and fundamental human rights.

7. **The Non-Retroactivity of Law:** The Rule of Law requires that the laws of the land should have no retroactive effect on the citizens, except where they confer advantages and favours. This is in accord with the criminological and jurisprudential maxim: The odious must be restricted and the advantageous amplified (*odioisa restringenda et favourabilia amplianda*)¹
8. **The Principle of Legality:** The Rule of Law, under this principle of legality, applies in two respects. In the first place, the Rule of Law stands for fair hearing and trial and for due process as stipulated by a pre-existing law whenever anyone is accused of any offence. As Sir Alfred Denning wisely remarked:

“No private individual is allowed to take the law into his own hands and exact his own private vengeance if order is to be kept in any count,’, it is fundamental that any person who is accused of an offence must be brought before the courts of the land and tried and punished by those courts the so-called lynch law; whereby è gang of people summarily put an offender to death without trial, is no law at all. It is the negation of law, and it is not permitted in any modern country.”⁹²

In the second place the Rule of Law demands, as I already stated elsewhere, that:

“..... nothing shall be recognized as criminal except as provided by law; and no punishment should be meted out except in accordance with the provisions of the law”

This is the purport and intent of another famous criminological principle: “Nullum crimen sine lege, nulla poena sine lege”.⁹⁴ Thus the Rule of Law stands for strict, but not for fanatical, adherence to legality so that the accused and the citizens in general may enjoy the fruits of justice and liberty.

9. **The Principle of Democracy:** The Rule of Law requires that the power of governance be derived from the will and choice of the citizens, to whom ultimately power belongs. The Demos — the people normally manifest their will and choice through periodic Elections, Plebiscites, Referenda, initiatives and Recalls (or the withdrawal of unworthy political representatives) — all of which are essentially aimed at determining the will of the people and their choice. The modern democratic system, as the most efficient form of government, requires the Rule of Law for the attainment of its goals. Thus Rule of Law stands by the principles of democracy by insisting on the will of the people and on their common good and welfare of the citizens as the supreme law of the polity. In a sense the Rule of law is the paramount law (and the natural law) which binds the ruler and the ruled and justifies the use of political power.

10. The Principle, of Responsibility/Accountability In general the Rule of Law requires all citizens to be law-abiding at all times; and enjoins on all public officers to discharge their duties with sense of responsibility and accountability. Those entrusted with the resources of the nation must in the spirit of the Rule of Law, husband and administer those resources with honesty and transparency for the common good of all the citizens, without any unjustifiable discrimination. Furthermore, as Justice Oputa remarked:

“...the Rule of Law will require the Executive to provide an effective government, capable of maintaining law and order and of ensuring adequate social and economic conditions of life for the society.”⁹⁶

In other words the Rule of Law stands by the principle of Responsibility and Accountability and insists that all the citizens - in authority or under authority - should be law - abiding, and perform their statutory duties with sense of honesty and accountability. In addition it is incumbent on the Executive, the Legislature and the Judiciary (as well as all the other relevant public institutions) to uphold and protect the legal order and the public order of the society against the enemies of the common good and the negative propensities of the fanatics, fundamentalists, terrorists and other extremists. And as J. Finnis ingeniously recommended:

“Practical reasonableness ... demands that conscientious terrorism, for example, be suppressed with as much conscientious vigour as other forms of criminality.”⁹⁷

In summary therefore, the Rule of Law in the light of my submissions above stands for the above ten characteristic values and features, namely:

- (i) the Equality of all the citizens before the law;
- (ii) the Supremacy of the legal order;
- (iii) the Independence of a Self-Accounting Judiciary
- (iv) the Acknowledgement of the Principle of Judicial Review
- (v) the Principle of the Integrity of Human Liberty
- (vi) the Culture of Human Rights;
- (vii) the Non-Retroactivity of Law;
- (viii) the Principle of Legality;
- (ix) the Principle of Democracy and
- (x) the Principle of Responsibility.

These are therefore the basic implications and desiderata of the spirit of the Rule of Law which in our time has become not only one of the cornerstones of the culture of democracy, but also the criterion of the quality of the legal order and governance.

F. CONCLUSION

I have dilated at length on religion, its role and social significance. I have also examined morality and the moral nature of man, and subsequently dwelt on the three operational levels of man's conscience. In addition I considered ethics as a discipline, an art and a practical system governing the moral lives of its adherents.

I have also discussed law and its nature and highlighted the essential characteristics and significance of the Rule of Law in modern times.

In the process of all the discourse here eight basic conclusions have logically emerged and can be itemized as follows:

- (i) Religion, as a social institution, in spite of the understandable short-comings of its practitioners, still remains one of the great benefactors of man and humanity; and for its beneficial role in society there is no adequate substitute; and consequently no culture has *ever* existed without its religious dimension and configurations.
- (ii) It is unfair to focus only on the negative dimension of organized religion without the recognition of its immense positive contributions to humanity.
- (iii) Religion and Morality are equally essential dimensions of the human personality; and organized religion must meet man at the moral level through its ethical code, in order to be relevant and meaningful, consequential and beneficial to man and society
- (iv) Moral or Ethical Relativity operates only at the secondary not primary level of morality.
- (v) Religion, without its moral code, is socially dead and impotent; morality without religion would lack ultimate purposefulness and clarity.
- (vi) Law as an ordinance and a directive of human conduct is only a part of man's moral universe; Rightly did Rommen remark that "in the human soul lies the ineradicable demand that the law must live in morality."⁹⁸ Law is a social imperative and an indispensable instrument of justice and social engineering for social order and growth.
- (vii) Religion, Morality and Law are inseparable and indispensable social trinity for the integral pursuit and achievement of the common good of man and society. We are all living witnesses of the 'futile and frantic attempts of the Old Soviet Russia to abort this social trinity.⁹⁹
- (viii) The spirit and reign of the Rule of Law must be recognized and upheld for religion, morality and law to flourish and yield their benefits for man and society. Under the canopy of the Rule of Law, Religion, Morality and Law must stand; and under the canopy of the Rule of Law, Nigeria must also stand and operate, in order to survive.

Final Recommendations

In view of all the submissions made in this inaugural lecture, I frankly and modestly make the following ten recommendations.

1. Nigeria as a polity must practically promote the principle and culture of religious liberty in all its ramifications and implications. The cultural and religious plurality of Nigeria demands as much for the unity and peace of the nation. Here lies one of the values and signs of modern times.¹⁰⁰
2. Christianity and Islam are two great blessings of Nigeria. If this twin blessing is not to become twin bane for the nation, the government of Nigeria has to take the issue of religion seriously, by making adequate institutional provisions. The creation of a Department of Religious Affairs to ensure that religion contributes positively to nation building, would be an evident magnanimous gesture, indicative of the respect of the nation for the religions of its citizens, and for the constitutional provision that Nigeria is an “indissoluble Sovereign Nation under God...”¹⁰¹
3. The three major Religions of Nigeria, especially Christianity and Islam must co-operate institutionally in the fight against corruption in Nigeria.
4. Nigerians and Nigeria as a polity must scrupulously uphold and respect the Secularity of the State. The principle of Secularity requires that both state and religion should respect each other’s respective areas of jurisdiction and authority; religion has no right to infringe on the constitution of the nation or interfere directly in purely temporal or secular matters. Similarly the state has normally no right to interfere in purely religious matters. Though both state and religion may co-operate, direct interference is forbidden. For instance, the civil Sharia which orders and regulates the personal private lives of the Moslems according to the Islamic religion, is quite legal and constitutional. However, criminal sharia which interferes directly with the criminal law of Nigeria, is both illegal and unconstitutional, and violates the secularity of Nigeria, whose Constitution forbids the adoption of any religion as state religion.¹⁰² Nigeria is not a theocracy; and what brings all Nigerians under one polity is not religion but their pursuit of their purely secular temporal interests under one secular constitution. Whoever respects the Unity of Nigeria must respect her Secularity.
5. The government of Nigeria must come up with stiff laws to deal preemptively, effectively and decisively with the periodic violent outbursts of terrorists, fanatics and fundamentalists under the pretence of religion. Here the government must avoid its usual fire-brigade and post-mortem approach to this endemic social problem.

6. In the field of education, the State, Nigeria, must work in tandem with the religious leaders for the integral and sound education and socialization of the citizens of Nigeria. Partnership in Education, in the Spirit of Participatory Democracy should be the state policy and the order of the day.¹⁰³ Consequently all those states of Nigeria which took over by force (or rather stole) the Voluntary Agency schools and have not returned them, should return all of them with due compensation in the name of justice and religious liberty. The South Eastern States of Nigeria, from which the odious post-civil war policy originated, must lead the way here. The States in Igboland take note.

7. Civic and Moral Education should be taken seriously in both the Primary and Secondary Schools. Moral studies should be one of the subjects at both the Junior and Senior Secondary School stages, if the young are to be adequately equipped to cope effectively and positively with many of the foccus of social malaise in Nigeria, generally known~ corruption.¹⁰⁴

8. Nigeria should adopt the principle of the law of Domicile, whereby a Nigeria citizen would be recognized as an indigene of any place or State where he or she has been currently domiciled (or resident) for over five years. The effective adoption of the law of Domicile will promote national integration and unity and make real and palpable the equality of all the Nigeria's before the law and their equality in citizenship.¹⁰⁵

9. My earnest and frantic plea here is that the Federal and State governments of Nigeria should recognize Religion as one of the beneficiaries of their scholarship programmes and awards. The study of Religion in modern Universities is in fact the study of the fundamental values of humanity. Accordingly the Department of Religion in our Universities should more appropriately and realistically be designated as the Department of Religion and Human Values. The invalid administrative wedlock between Religion and Philosophy should be declared null and void, as expeditiously as possible. "For sound and undebatable academic and administrative reasons, both Religion and Philosophy should go their different ways and stand as two different Departments. This is the practice in the majority of modem Universities here in Nigeria and Overseas. The Directors of Academic Planning should take note.

10. To prepare the citizens adequately to imbibe the spirit of the Rule of Law, Elementary law should be taught at the Secondary Schools and Universities. There is still an inadequate promulgation of the laws of Nigeria. There is, therefore, an urgent need to publish the Constitution and other laws of Nigeria, in forms and volumes cheap for, and easily accessible to, the generality of the ordinary citizens of Nigeria (a Ia mode Italiana). Here, Justice Oputa had echoed clearly this recommendation when, about twenty years ago he stated:

*"It is my plea, serious and passionate plea, that everything possible be done to make the average citizen aware of the basic laws that control his life. May be, it will not be a had idea to tech elementary law in all our schools, colleges and universities."*¹⁰⁶

It is high time the government of Nigeria at all levels heeded the earnest plea, of this wise and eminent jurist of Nigeria, and directed their Ministries of Education and Information accordingly, so that the ground would be adequately prepared for the reign of the Rule of Law in Nigeria. To thrive and survive as a united polity, Nigeria must take a healthy stand in Religion, Morality, Law and The Rule of Law.

Long live the Social Trinity
Long live the Rule of Law
Long live the Federal University of Calabar
Long live Nigeria

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47. *Ibid.*, p. 11.
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49. Justinian, *Digest*, 1.1, 1.
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61. Oputa, C. A. *op. cit.*, p. 2
62. See Fagothey, A. *op. cit.*, p. 108.
63. Vatican II, *De Liberate Religiosa*, para. 6
64. See Oputa, C. A. *op. cit.* pp. 2—4
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66. Thomas Aquinas, *Summa Theologica*, Ia. Iae. qt. 96.
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76. See Iwe, N.S.S. The History and Contents of Human Rights, pp. 100—101: Peace of Augusbury 1555.
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92. Alfred Denning, “Rule of Law”, in Eutley, T.; Stuart Maclure,J. op. ciL, p. 52.

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96. Oputa, C. A. *The Twin Pillars of Justice*, p. 5
97. Finnis, J. op.cit, p.260—261.
98. Rommen, H. A. op. oiL, p. 262.
99. See Arinze, F? (1965): *Partnership In Education Between Church And State In Eastern Nigeria*, Onitsha: Ude’s Printing and Publishing company, p. 27.
100. See Iwe, N.S.S. *History And Contents of Human Rights*, pp. 287— 291
101. *The Constitution Of The Federal Republic of Nigeria*, (1999): Preamble, para.I.
102. The Constitution Of The Federal Republic Of Nigeria, 1999, Sect. 10, Very clearly states: “The Government of the Federation or of a state shall not adopt any religion as State Religion”. See also *The Sunday Guardian*, (Jan. 5, 2003, p. 35) where concerned Nigerians vehemently lamented the violent and frequent breaches of the secularity of thq. Nigerian polity by some misguided Moslems of. Northern Nigeria, with impunity.
103. See Iwe, N.S.S. - C.C.C. In Africa, pp. 90—92
104. See Iwe, N.S.S. *Socio-Ethical Issues*, pp. 234—235.
105. *Ibid.*, for more on corruption in Nigeria, pp: 51 - 52, 67 - 69, 81 - 84, 171 and 184.
106. Oputa, C. A. *The Twin Pillars of Justice*, p. 3

The relation between law, morality, and religion in the West has grown progressively more complex and fragmented over the last five hundred years. Historically, two paths emerged in Western thought regarding the relation of transcendent justice and positive law secured in the secular political order. The natural-law tradition followed Platonic philosophy by locating human cognition of true justice in a rational awareness of the divinely sanctioned order of the universe.

2. Religious Morality Improves Social Cohesion. The more a group shares and follows a common moral code, the more they will cooperate with each other. This cooperation brings success in conflicts with competitors, meaning that moral dispositions have become naturally selected facets of the human condition. Morality is legislated by law, by society and by media. Parents admonish kids about appropriate behavior. If not, they become monsters. I support the view that morality and religion are inseparable. For humanity strives for moral perfect but it can not do so unless helped by the divinity. Being moral need help, you can not be moral at your own. Phillipians 3.

3. Thomas Swan (author) from New Zealand on March 09, 2015: Thanks Hannah. The religious justification for morality. *International Journal for Philosophy of Religion*, Vol. 13, Issue. 3, p. 157. Ecclesiastical Law Journal, Vol. 17, Issue. 1, p. 15. CrossRef.

In his *Morality and Religion*, W. W. Bartley III states that "the chief aim of this study is to get clearer about the extent to which morality and religion may be interdependent" (p. i). After stating various possible alternatives, in terms of the logical relationships of derivability and compatibility, which are relevant to this issue, Prof. Bartley in fact devotes his book to a consideration of four views: (1) Morality is reducible to religion. (2) Religion is reducible to morality. (3) Morality and religion are in conflict (partly, not wholly). (4) Morality and religion are inseparable. Morality can be based only on religion, but morality and religion are not one. Morality as a principle does not exist without religion even though morality as a practice, as a particular case of behavior, is not dependant directly on religiousness. A common argument that connects them both is the other, superior world. Social progress as a prolongation of the biological progress has the same effects on morality. The English moralist Mandeville asks: "What is the significance of morality for the progress of society and the development of civilization?" and answers very simply: "None. It may even be harmful." Only Nietzsche consistently applied biological laws and their consequences to human society. The result was the rejection of love and forgiveness and the justification of violence and hatred.