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LAW AND RELIGION IN THE 21ST CENTURY NIGERIAN SOCIETY: INTERDISCIPLINARY APPROACH

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Introduction

There are different definitions, kinds, and concepts of law as there exist cultures and ideologies. Greek thinkers see law as a guideline for human actions. Romans see it as the craft of what is right and equitable. In this regard, the human mind then conceived kinds of law to include natural law, scientific, moral and civil laws. Natural law points to a set of principles binding upon one's actions which are derived from reasons and examination of universal rules.¹ Natural law tends towards eternal law. Since all things which are subject to divine providence are measured and regulated by the eternal law, it is clear that all things participate to some degree in the eternal law; in so far as they derive from it certain inclinations to those actions and purposes which are proper to them. But, of all others, rational creatures are subject to divine providence in a very special way; being themselves made participators in providence itself, in that they control their own actions and the actions of others. So, they have a certain share in the divine reason itself, deriving there from a natural inclination to such actions and ends as are fitting. This participation in the eternal law by human beings is indeed natural law. Scientific law is a general statement that describes regularity that exists among phenomena under certain specific conditions. The description often takes the form of simple observation of an experience. Scientific laws contain data that can be observed while moral and civil laws are prohibitions imposed by authority, customs or reasons for the

even those countries which have decided to adopt a more detailed or more sophisticated code of law have tended to use the model law as their baseline; and so, an experienced practitioner has an immediate sense of familiarity with that law, even though he or she may be seeing it for the first time.⁵³ Overall, the developments in arbitration law can be seen as part of a trend towards unification and harmonisation of international trade law generally, given that tribunals are applying increasingly similar legal principles. While arbitration is fundamentally a process for resolving a dispute between individual parties and must accommodate their needs and wishes, the goal of party autonomy has proven to be surprisingly consistent with harmonisation: first, because most national laws have adopted the party autonomy approach, and have therefore rendered it a 'harmonised' principle, and secondly, because of the growing use of institutional arbitration. People involved in international commercial arbitration, whether as arbitrators, parties or advisers, need to be aware of this continuous interplay between national and international laws. In particular, they must be prepared to accept that there are other systems of law which may, in some respects be better than their own and which must in any event be taken into account.⁵⁴ While harmonisation does carry with it the benefits of increased simplicity and certainty in a traditional disparate private international legal context, it may not be completely achievable given the overriding goal of party autonomy. If it is accepted that the heart of arbitration is the parties' agreement, then ultimately it should be a matter for each set of individual parties as to what law they choose to govern their procedure. If different sets of parties choose different laws then this diversity should be welcomed in principle.⁵⁵

52 See Redfern & Hunter supra note 13 at para 1-158

53 Ibid

54 Ibid

55 See Richard Garnett supra note 4 at p.1

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1 Peter A Angeles, *A Dictionary of Philosophy*, (London: Harper Row Publishers, 1981), p. 150

purpose of controlling behavior.

In religion, the above laws are contrasted with the ones obtained by revelation, intuition, and inclination. Hence, in a civil state like Nigeria, law is not something salvific. It is not a source of grace or a measure of good life. This informed John Witte to describe law as that which "served to keep society and its members from sliding into the abyss of hell. But it could do nothing to guide its members in their ascent to heaven"². Here, Witte was making reference to Holmes who was the 'high priest' of a new 'age of faith' in American law. Oliver Wendell Holmes, Jr. was an American jurist and Supreme Court Justice from 1841 to 1935. He championed the pessimistic view of law, politics and society in America that paved the way for the rich to impose their will on the poor after the Industrial Revolution. For Witte, therefore, this new age of faith in American law was in part the product of new faith in the positivist theory of knowledge that swept over America in the later nineteenth and twentieth centuries, eclipsing earlier theories of knowledge that gave religion and the religious institutions a more prominent place.³

To this end, one wonders whether this could be the reason why, in Nigerian society like other societies, courts do not award to people punishment that would be carried out privately under the supervision of the conscience. This further raises the question of transcendent checks and balances. That is, can the nature and purpose of the law and politics in 21st century Nigeria be understood without reference to the spirit of a people and their religion?

Doesn't the high level of corruption and political scandals today highlight the need for a more detailed understanding of legal ethics and accountability?

² John Witte, "Identity, Secularity, Education", Oasis, vol. 6, No. 12, December 2010, p.17

³ Witte, p. 18.

This paper is aimed at exploring these probing concerns in the light of the 21st century Nigerian society. The paper unfolds under the following sub-headings: theoretical framework; interdisciplinary study; the many forms of interactions in Nigeria and then, a conclusion tailored towards suggestions for judicial transformation in the 21st century Nigerian society.

Theoretical Framework

Hardly is it obtainable to study the framework that make up the law as it is without recourse to definitions, history and function. In other words, law can only be appreciated in the light of their origins and the influences from other disciplines like religion, anthropology, sociology, and so on. Again, the quests for what is universal and perennial, the importance of action, the importance of the individual and common good have given rise to law. In this regard, Moser and Leers submit that regional and historical differences do not annul basic features common to all people. According to them,

While God has a plan for every individual, every generation, every nation, God's primary purpose is addressed to the whole human race. The manuals seek out these universal postulates, laying particular stress on the concept of natural law. On the basis of this, they seek postulates going beyond all frontiers, even beyond the confines of religions.³

The implication of this is that throughout history the accent of the law has swung from action to intention and back again, from theory to practice and back again.

³ Anthonio Moser, Bernardino Leers, Moral Theology: Dead Ends and Alternatives, (New York: Orbis Books, 1990), p.20

Law has a pedagogical function and as such can be a major force in forming conscience. Put another way, if one wants to know what is right or just, the obvious thing to do is to consult the laws. For matters not covered explicitly by law, one could only look to the customs of the people. This has given rise to the principle that behind every action lays a being, translated in Latin as "*agere sequitur esse*". Yet, the rule and measure of human action is reason, which counts as the first principle of human action. In the light of the foregoing, the philosopher, Aristotle notes that "it is reason which directs action to its appropriate end and this is the first principle of all activity".⁴

Following the line of thought of Aristotle, one notes that reason and will derive their efficacy from the authority of the law. It is in this sense that the saying, "the will of the prince has a power of law", makes meaning. Outside this context, the will of the prince become nasty, brutish rather than law.

For any law to be objective, it must have the common good of people in focus. It was with respect to the object of the law as the common good that Aristotle further argued that since every part bears the same relation to its whole as the imperfect to the perfect, and since one person is a part of that perfect whole which is the community, it follows that the law must have as its proper object the well-being of the whole community. Thus, in the definition of what pertains to law, Aristotle makes mention of happiness and of political union. He says "we call that legal and just which makes for a preserve of the well-being of the community through common political action".⁵ The Igbo of Nigeria call this principle "*umunnacracry*", the system of law that aims at the greatest good of the highest number of people. However, today there is no validation that in fact such system exists.

From the angle of jurisprudence, Braithwaite submits that, "Law, strictly understood, has as its first and principal object the ordering of the common good."⁶ But to guarantee the good of the society, all must be involved or such duty given to a consensus person. In this regard, the legislation of law is the responsibility either of the whole community or of that elected person whose mandate is to the care of the common good.

From the foregoing one may attempt the definition of law according to various scholars. According to Braithwaite, "law is nothing else than a rational ordering of things which concern the common good; promulgated by whoever is charged with the care of the community".⁷ According to Isidore of Seville, law is a component part of human society.⁸ Accepting this as a fact, Thomas Aquinas, in the middle Ages, saw law as an ordinance of reason that exists for the common good of the community and promulgated by him who is an authority.⁹ Thomas Aquinas (1225-1275) was one of the earliest theologians to blend religion with secular laws for the regulation of human society. He believed that of all political justice, part is natural, part is legal-natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent. Grotius and members of his school of thought described law from a religious and civil point of views. According to them, law can be natural or positive; natural law concerns dictate of reason applicable to human society while positive law is the application of reason to the civil relations of people.¹⁰

6 Tunji Braithwaite, "The Jurisprudence of the Living Oracle", The Guardian, Thursday, September 15, 2011, p.71.

7 Ibid.

8 Isidore, *Ethimologia*, (Rome: Leonem Press, 1509), pp. xxiii – xxv.

9 Aquinas, T. A Tour of the Summa, Paul Glenn (ed.), (Illinois: TAN Books, 1978), p. 166

10 Quoted by Augustine N. Kanu, Law, The United Nations, and Today's Question, (Germany: Paulinus – Verlag, 1991), p.22.

4 Quoted by Fredrick Copleston, A History of Philosophy: vol. 1, Greece & Rome, (New York: Image Books, 1962), p.76

5 Frederick Copleston, p. 76.

Thomas Hobbes considered law as the imperative element, a rule which the commonwealth commanded people to apply for the determination of right and wrong.¹¹ These submissions reflect the efforts of eighteenth and nineteenth centuries' scholars to reduce human beings and their social lives to laws. And this answers the concern for which early jurists content themselves with what various courts do in their exercise of description of law.

Law therefore, has to be rational. Its essence is to order things to their proper end, which is the common good of greater number of people. A reward for obedience to laws, or punishment for disobedience, in the civil state like Nigeria, begins and ends in the very state in question. Hence, the nature and purpose of law in the state and in religions differ. As noted by Paul,

What I mean is that I should not have known what sin was except for the law. I should not for instance have known what it means to covet if the law had not said you should not covet (Rom. 7:7).

In the light of the above, Plato also considered law as dangerous obstacle to the fulfillment of people's social nature. And therefore, he was hostile to it.¹² This hostile attitude to law which manifests itself in diverse ways during the time of Plato is verifiable almost in every age which has come to produce some people who demonstrate partial or general restlessness and apathy against law and authority. Thus, in a society like Nigeria, people talk about "due process."

11 Quoted by Copleston, F. A History of Philosophy, vol. 7, (New York: Image Books, 1985) p. 361.

12 Bertrand Russel, History of Western Philosophy, (London: George Allen & Unwind Ltd., 1971), p. 134

However, the fact remains that law cannot be done away with both in human society like Nigeria and in religions. Human society, whether secular or religious, needs law because of the presence of criminals. But the issue at stake is: would law and religion be in isolation or allies, especially in Nigeria where diversity of laws and religions exist? Law is one of the professions which are central to the social nature of human beings and without which people would be very different creatures. Experience has shown that law is one of the great civilizing forces in human society, and the growth of civilization has generally been associated with the steady development of a legal system of rules together with framework for their regular enforcement and review.

The definition of religion, like that of law, is by no means as easy as it may look. There are various definitions of religion as there are multitudes of people and cultures. Within this context Peter Henrici opines that,

Like any other word, "religion" is subject to the semantic law that says that the more comprehensive a word's use is, the less it is filled with distinct meaning, until it ends up an empty shell.¹³

Nevertheless, the use of one all-encompassing term like religion is by no means self-evident. After all, religious phenomena are highly varied, at times even contradictory. Despite the increasing difficulty to arrive at a satisfactory definition, religion could be described as "an experiential encounter with sacred reality and action taken in response by humans existentially marked by the sacred"¹⁴, without, in

13 Peter Henrici, "The concept of Religion from Cicero to Schleiermacher", in Karl J. Becker & Ilaria Morali (eds.), Catholic Engagement with World Religions: A Comprehensive Study, (New York: Orbis Books, 2010), p.1

14 Peter Henrici, "The concept of Religion from Cicero to Schleiermacher", p. 2

all, adopting it. It has long been the tradition to use 'religion' as a collective term for any kind of worship of divine powers, all teachings of the divine and even human doctrines. In addition, it is almost near impossible to find precise equivalents to 'religion' in those languages that did not derive their word from the Latin 'religio', especially because of the shifts in concept of 'religio' itself.

In other words, religion involves the worship of transcendental powers, the teaching of the divine creeds and handing on of all human laws. This informed the anthropologist, Edward Tylor to define religion as "belief in spiritual beings". And Alfred Whitehead, on his own part, declared religion to be "what an individual does with his own solitariness"¹⁵. Admitting that adequate definition of religion is difficult to come by, any acceptable one would include not only why people engage in religion, but also what they expect to gain from religion. To highlight why people engage in religion, and what they do when they do it, and the benefits associated with it project religion to be functional and aims to function in accordance with the law.

In the ancient period, religion implied "diligent fulfilment of duties"¹⁶. It was in this regard that Plautus applies religion to indicate a moral obligation¹⁷. Here, religion focuses on the appropriate human relationship to the transcendent and by extension, with fellow humans. It belongs to the level of human beings cultivating series of human qualities which enable people to overcome selfishness and individualism and bear the weight of social responsibilities.

Religion, within the context of law, is further seen to have a state-supporting value. Indeed, Rome for example, became a world power at a time because of her religion, through which the state gained

¹⁵ Quoted in William C. Tremmel, *Religion: What is it?*, (New York: Holt, Rinehart and Winston, 2001), p. 4.

¹⁶ Peter Henrici, p. 2

¹⁷ Peter Henrici, p. 3

favour with the Divine. "In consequence, anyone turning away from Roman religion, or even merely failing to support it, could easily be deemed a danger to the state".¹⁸

In his works on rhetoric, Cicero defines religion as a virtue affiliated with justice. This definition, since it was propounded, has made impact on scholars well into the present age. Cicero not only defines justice and religion, but as well allocates them to natural law thus:

*Justice is a habit of soul, maintained for the common good, which respects the dignity of each individual. Its origin is to be found in human nature, from which certain customs have developed because they have been useful. Later, fear of the law together with religion attached sanctions to what came from nature and what had been tested by custom. The law of nature does not arise from mere opinion; a certain force has planted it in nature – as for instance religion, a sense of duty, gratitude, compensation, law – abidingness, and truth. Religion, being of higher nature... brings in care for others, and diligent service is given to those who are related to us by blood, and to one's country.*¹⁹

Cicero bases his definition of religion on the etymology of the adjective "religious", which is derived from the verb "relegere", meaning "to take up repeatedly". It is worth noting that Cicero clearly considers the adjective religious, which qualifies a human attitude, to be older than the noun religio. The latter would then stand more for a human attitude or form of behavior than for specific action or liturgy. Religio presupposes a correct understanding of the divine and

¹⁸ Robert Muth, *Roman Religion*, (Berlin: Gruyter Press, 1978), p. 291

¹⁹ Marcus Cicero, *De Invention of Religion*, trans. G. Archard, (Paris: Les Belles Press, 1994), p. 225

therefore there can be authentic religions. Overtime, written encounters between religions, particularly in the Middle Ages saw the term 'religion' as dispensable in an interreligious dialogue. During this period, the term 'religion' becomes, together with philosophy, an intellectual tool in any enquiry. To this end, religion represents the penultimate, still dualistic stage of the return of the spirit to itself. God in religion is then treated as something alien, unattainable, only to be contemplated, and not yet understood as the deepest essence of spirit. Therefore, religion stands more for a human attitude and form of behavior towards the divine; fellow humans and one's nation. It is the "inescapable, inevitable, and concomitant of human life as we know it today"²⁰. This also could be said of the concept of law which has its own distinctive meaning and character.

Interdisciplinary Study

Whatever the meaning and framework of legal study might be, it would need to take cognizance of the religious sources and dimensions of law, particularly in Nigeria. For religion, in origin, history and problems, has proved its inevitability in human society. Within the view of this paper, Dopamu correctly notes:

That religion has been a concomitant of almost every sphere of human activity from time immemorial is seen in the various human needs, since religions are equipped to carry the "peak loan" of human needs.²¹

Dopamu confirms the fact that religion has proved to be an ineradicable condition of human lives and communities. In this context, every religion has within its structure and pattern, theories that revolve round the existence of God and basic knowledge of his nature; God's hold on the created order; and a set of pattern of conduct towards God and one's fellow man in daily living. Thus, the concept

of religion shows that major religions of the world have solid things in common with the legal profession.

Indeed, today it has become increasingly clear, as it was the case in centuries back, that religion and law are two universal basics of human living, two systems of values and beliefs that have existed in all civilizations. In the course of history, religion defied the wistful assumption of some Western scholars that the spread of enlightenment reason and science would slowly eclipse the sense of the sacred and the sensibility of the superstitious. Religion also defied the evil assumptions of the enlightenment period that science would drive religion into nonexistence. But, today, especially in Nigeria, there is great awakening in people toward religion. In this light, Blackmun writes that, "Law and religion are an inherent part of the calculus of how a man should live and how a society should run"²². Hence, religion always plays the traditional role of giving meaning to the entire human activities in the world.

Over time, the sciences of law and religion have converged and contradicted each other. Yet, it cannot be doubted that law, morality or legal system is basically the fruit of religion. Every major legal system has known both theocracy and authoritarianism. That is, the excessive sacralization and the excessive secularization of law. But the truth is that the dominant reality in most periods and cultures is that law and religion relate in several ways. Every serious religious system tries to come to terms with law by striking a balance between the rational and the mystical. In this regard, the Decalogue which contains human obligations and duties is of Jewish origin, hence has influence on Christianity. It is part of the laws of God that cannot be challenged but seen as sacred rites and the beliefs associated with it. Furthermore, the moral injunctions of Islam is an integral aspect of a practical creed designed to teach the true believer about the way one ought follow to attain salvation and the reward of virtuous life.

20 Adelumo P. Dopamu, In the Service of Humanity: Farewell Lecture, (Ilorin: Unilorin Press, 2009), p.8

21 Adelumo P. Dopamu, p.9.

22 Quoted by Frank S. Alenxander, Christianity and Law: An Introduction, (Cambridge: University Press, 2008), p.19

Be that as it may, that world religious tradition strives to come to terms with law by striking a balance between the structural and the spiritual is not doubtful. It is within this framework that Josiah Fearon sounded a note of warning to some religious leaders in Nigeria who find it difficult to balance up the prophetic from the rational. He submitted that,

*Religious leaders use religion not for the sake of development but to be on the payroll of political leaders who belong to their religious community. This is an ungodly act; it compromises religious tenets, removes the prophetic edge of declaring the mind of God and thereby promotes corruption.*²³

A living and dynamic legal tradition cannot be isolated from the beliefs and ideals of its people. Even though law and religion are distinct spheres of human life, they constantly cross-fertilize each other. Without law, religion decays into shallow spiritualism. Without religion, law turns into empty formalism.

Religion and law are conceptually related. The two disciplines draw upon the same underlying concepts about the nature of the human person and order, of society and of knowledge, of truth and of ultimate end of people. Both religion and law are concerned with the concept of sin and crime, covenant and contract, holiness and justice that inevitability combined in the mind of the law-giver, hence Paul writes to Timothy in 1 Tim. 1:8-11 that:

Laws are not for people who are good. On the contrary, they are for criminals and revolutionaries, for the irreligious and the wicked, for the sacrilegious and the irreverent; they are for people who kill their

fathers or mothers and for murderers. For those who are immoral with women or with boys or with men, for liars and for perjurers – and for everything else that is contrary to the sound teaching...

Indirectly Paul admits that every human society needs law and religion since the nature of the human person is universal. And the class of evil minded people enumerated by Paul is almost always found in every society. They exist in the present and are possibly to continue to exist in the future as long as people remain on the planet earth. They constitute the need for law and religion to make for the pursuit of civilization.

Furthermore, the contemporary legal concept of crime in Nigeria, like in every state, has been shaped by an ancient Jewish and medieval Catholic theology of sin. To this fact Hellwig remarks that:

*The crucifixion of Jesus is redemptive in history in the first place because it unmasks the hidden sinfulness in structures, laws, values and expectations of society generally taken for granted and seen uncritically.*²⁴

It is this sense of sin which drive contemporary legal system in its evaluation of crime, and determination of culpability. Therefore, law and religion draw upon each other's concepts to device their own doctrines. For example, the legal concept of agency, complicity, and vicarious liability served as the framework for the religious doctrine of original sin expressed in humanity's fallen sinful nature. Again, the modern juridical concept of absolutely obligating contracts was forged in the crucible of the puritan covenant theology. The modern

23 Josiah Fearon, "A Open Letter to All Northern Leaders", The Guardian, Sunday, February 20, 2011, p. 59.

25 Mohammed Abubakar, "INEC Administers Oath of Neutrality on Staff", The Guardian, Sunday, March 27, 2011, p.1

legal concept of the purposes of punishment is rooted in the Roman Catholic doctrines of the causes of natural law and Protestant doctrines of the uses of moral norms.

The Many Forms of Interactions in Nigeria

Earlier the paper has noted that religion and law are conceptually related. At this point, in the paper, the effort is to identify the methodological interaction of religion and law in Nigerian context. It is of note that globally and particularly in Nigeria, religion and law as noble disciplines, has developed modes of interpreting their authoritative texts, deducing precepts from principles, and prescribed habits of conduct. For instance, in Nigeria the Independent.

National Electoral Commission (INEC), to assure Nigeria of their commitment to free, fair and credible election, sets out to administer "Oath of Neutrality" on its staff. As reported in *The Guardian*, Sunday, March 27, 2011, "INEC" is going to play a neutral role; it will do the right thing by making sure that they are unbiased²⁵. To uphold this very promise of neutrality, the INEC staff would swear to the Bible, the Qur'an, or to "Ogwugwu" in Africa religion.

Religion and law have methods of adducing evidence and adjudicating disputes. Recently the National Judicial Council (NJC) said that it was yet to establish any case of misconduct against Aloysius Katsina-Alu, Chief Justice of Nigeria (CJN), Ayo Isa Salami, the President, Court of Appeal (PCA) and other Judicial Officers. This was the case despite the fact that the topmost judicial officers were on public domain over alleged perversion of justice in

some states in Nigeria.²⁶ This method of prudent approach to legal matters and persona also applies in religious issues involving high-ranking leaders. For instance, some years back, Pastor Tunde Bakare accused Oyedepo of "Winners" Chapel and other top Pentecostal pastors of teaching and practicing heresy. According to him, they profess "the Christianity of chattels, of oil, of mantle, of washing of feet."²⁷ Thus, the methods in law and religion influence each other and these forms of interaction render the spheres of religion and law dependent on each other; they are dimensions of each other. Thus, John Witte observes that,

*Law and religion are methodologically related. Both have developed modes of interpreting their authoritative texts. Both have developed logical methods, modes of deducing precepts from principles, of reasoning from analogy and precedent. Both have developed ethical methods, modes of molding their deepest values and beliefs into prescribed habits of conducts. Both have developed methods of organizing, systematizing, and teaching their subject matters.*²⁷

It is of interest to further note that law and religion are structurally related. Jurists and theologians have worked and continue to work hand-in-hand to define the proper relation between groups, to determine their respective responsibilities, and the delimit forms of support. At the beginning of the present democratic era in Nigeria, the fact of law and religion as institutionally related played out in "Nigeria's Truth Commission" chaired by the eminent jurist, Chukwudifu A. Oputa. During the "Truth Commissions" sessions, the

25 Mohammed Abubakar, "INEC Administers Oath of Neutrality on Staff", *The Guardian*, Sunday, March 27, 2011, p.1

26 *The Guardian*, Friday, March 11, 2011, pp.1-2

27 John Witte, "Positive Secularity", in *Oasis Biannual Journal*, year 6, No. 12, December, 2010, p. 20

respected Hassan Matthew Kukah, representing the religious institution, played a significant role confirming the fact that without law, religion decays into shallow spiritualism. And without religion, law decays into empty legalism. From another angle, law gives religion its structure to survive and flourish in any society. Earlier, the paper noted that the 'Torah' of Judaism, for example is more or less moral prescriptions and proscriptions and they form part of Christian religion. They are mainly the laws of God, no more to be challenged than the rituals and liturgy associated with them. These forms of interaction have helped to render the spheres and science of law and the sacred dependent on each other.

In Nigeria, one sees this legal structure in the Islamic shar'ah. Hence, Dopamu makes an acceptable statement when he says that:

*Shariah covers all aspects of life, and the Muslims are governed by it. The shar'ah enables them to live in peace with justice and fair play as decreed by God. It is the major instrument for fostering unity in the Muslim "Ummah".*²⁸

The Orthodox Catholic is defined and governed by the Canon Law and the Decalogue governs the Jews, in their distinctive beliefs, rituals, and morals.

On the other hand, religion gives law the sanctity and authority it needs to command obedience and respect. It is religion that inspires the rituals that go on in the courtroom, it also influences the decorum of the legislature, and the pageantry of the executive office in Nigeria and elsewhere. All these aim at celebrating and upholding the truth and justice of the law. Again, just as religion has many traditions, especially in Nigeria. For example, the Islamic Tradition, the Christian tradition, and the Afrel tradition, so law has "the common

law tradition, the civil law tradition, and the constitutional tradition."²⁹

In the light of the above, the two cities theory of Augustine and the two kingdoms theory of the Protestant Reformation are quite rooted in both civil law and religion. But unfortunately, in today's Nigerian society the conceptual and institutional relationship between law and religion seems to be at its lowest ebb. One inclines to this line of thought considering the challenges the Nigerian judiciary is passing through coupled with the advent of religious extremism in the country.

The once respected arm, the last hope of the common person has become too worldly with unpleasant mess that stares everyone on the face. In recent time, legal officers and practitioners throw accusations to one another on very serious issues of integrity. The unfolding drama in the top echelons of Nigerian judiciary is too unethical, absurd, and avoidable.

As at date, from the trial to the appellate courts, there exist severe crises of confidence. The age-long 'religious-like' integrity of the wig and gown is now exposed to all manners of political influences. Some point to wanton abuse of judicial privileges like award of verdicts to the highest bidders or passing sentences recklessly on serious crimes. Some judges allegedly take bribes from corrupt politicians and criminals to give favourable judgments. Hence, there is the need to revisit the nexus between law and religion in the training of future legal personnel in Nigerian Universities. Opinion may vary with regard to the connection between law and religion. But it suffices to state that morality and law are basically the fruit of religion. Therefore, religion standing as a valid, valuable, and recognized conversation partner with law would guarantee the sanctity of the

²⁸ Adelumo P. Dopamu, p. 15

²⁹ Frank S. Alexander, *Christianity and Law: An Introduction*, (Cambridge: University Press, 2008), p.21

judicial system. It would create better orientation for law practitioners vis-à-vis the larger society in which they operate.

Conclusion

It has been established that there is a nexus between religion and law both in Nigeria and other civil states. It has equally been seen that religion gives law its authority and legitimacy particularly by inducing in citizens and peoples a reverence for law and constituted authority. Like religion, law has written or spoken sources, texts and oracles, which are accepted to be authoritative. Religions in Nigeria have the Bible, the Qur'an, and the "Ifa"; the pastors, imams, and babalawos expound these sacred texts copiously. Law has the constitution and the statutes and the judges and bodies like Nigeria Bar Association (NBA) apply them.

Therefore, it remains a challenge for Nigerian Law School to become more open to incorporate into their curriculum the religious sources of civil and criminal litigations, property law and corporate law practices. It is not enough to argue that law students take courses in religion at their undergraduate level. With the high level of corruption in all sectors of Nigerian institutions, including the Law School, religion as a legitimate subject should be added to the basic courses in Nigerian Law School. This could be in the form of basic course on formation of right conscience, religious liberty and/or Church-State relations. In doing all these, the Nigerian Law School would be confirming anew the age-long relationship between religion and law. Furthermore, the transformational agenda of the judiciary which has become much needed today, may be achieved when Nigerian constitutional law is once again rooted in religion and moral principles. Then once again, legal practitioners would begin to live above board in their conduct, with very high moral standard because of their being properly formed in conscience and legal principles. The upbringing of legal practitioners includes the virtue to endure

persecution with equanimity and leave final say to God. This is put in place to protect the judicial institutions over clash of personalities or selfish interest. To restore the age-long tradition, the role of religion in the formation of conscience cannot be over looked.

To a large extent, we are our relationships and we see ourselves in them, be it political, social, religious, and so on. This personalization is achieved in the interaction between the 'I' and 'thou', and in this one discovers not only who we are but also who we ought to be. This being the case, the formation of conscience influenced by religion is needed in the science of law. Formation of conscience is the process by which human beings gradually appropriate the values proper to a culture, profession, or discipline. Thus, conscience is intimately linked to what is generally called 'ethos'. The Nigerian judiciary needs to cultivate moral good conscience and the conversation between law and religion may bring about anew humanity and divinity. Then the judicial conscience would be the moral faculty which tells them subjectively what is good and evil, and that would clearly be seen in their moral obligations to the common people.