

MORALITY, RELIGION AND CONTEMPORARY LAWS MOVE IN THE SAME CHANNEL IN THEIR PURPOSES: AN APPRAISAL

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Abstracts

Morality, religion and law are primordial and they regulate the conduct of every human being over the time. The sources of morality, religion and law have been said to be different; as a result, they perform different purposes in the society with respect to the activities involving mankind. This work examines whether morality, religion and contemporary law move in the same channel in their purposes. The work adopted a doctrinal method of research through a primary and secondary data collection such as the Constitution, Criminal Code, Statutes, textbooks, journal, articles, and internet materials. This work also examines the analysis of morality, religion in Christianity perspective and relevant laws respectively and the work concludes that morality, religion and contemporary law move in

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1.0 Introduction

The way of a man can be attributed to the moral standard, religious background and the prevalent laws regulating his conducts in the society. Morality is sometimes used interchangeably with ethics and it is believed that it deals with the instinct of a man to discern and do what is good at the right time.¹ Morality can be subjected to what is in operation in a particular society and the behavioural standard acceptable.² Religion plays an important role in the life a man. It refers to set of doctrines in conjunction with faith which passes from one generation to another.³

Religion is characterized with looking at the leaders and following the steps to be upright. Law is a set of rules which come with sanctions.⁴ Laws are set in place to regulate the activities of the

¹ Ogolla Maurice, 'The Challenges Facing Religion in the Contemporary World: The Kenyan Situation' [2014] (4)(3) *International Journal of Humanities and Social Science* P 325.

² Nkechi C. Njoku, 'Teachers' Perception on the Dimensions of Moral Decadence among Secondary School Students in Ebonyi State, Nigeria' [2016] (7)(26) *Journal of Education and Practice*; 187.

³ Harold G. K. and Saad Al-Shohaib, 'Religion and Health: Clinical Considerations and Applications' [2015] (Second Edition) *International Encyclopedia of the Social & Behavioral Sciences* <<https://www.sciencedirect.com/topics/social-sciences/religion-doctrines>> Accessed on 30 August 2020.

⁴ Stephen M., Et al. 'Overview of US Sanctions Laws and Regulations' [2019] <<https://www.nortonrosefulbright.com/en-us/knowledge/publications/5522bd68/overview-of-us-sanctions-laws-and-regulations>> accessed on 30

society to perform some functions and also prohibit them from doing some act.⁵ This article examines morality, religion and contemporary law whether they intend to achieve the same purpose. This article will showcase the justification of the subject matter by analyzing, morality, religion from Christianity perspective, legal instruments, inter-relationship of the concepts, the importance of the concept on the society, the challenges of interpolating the three concepts and possible solutions to the prospective challenges. For the purpose of this paper, Bible will be the focus on religious aspects.

1.1 A Brief Analysis of Morality

There are various views and opinion about morality, to give an all encapsulate definition of morality might be misleading because morality is used in two major different senses which are descriptive and normative.⁶ Descriptive morality can be explained as a set of codes of conduct or ways of practice put forward or adopted by a society or a group of people accepted by them as their recognized behaviour.⁷ This is majorly used by the anthropologist⁸ when

August 2020.

⁵ Will Kenton, 'Right-to-Work Law' [2020] <<https://www.investopedia.com/terms/r/righttowork-law.asp>> accessed on 30 August 2020; The Nigerian Criminal and Penal Codes further specified the acts and omission that amount to crimes in Nigeria.

⁶ Austin Cline 'Ethics: Descriptive, Normative, and Analytic' <<https://www.learnreligions.com/ethics-descriptive-normative-and-analytic-4037543>> accessed on 30 August 2020.

⁷ Morality (Code of Conduct) Descriptive and Normative Definitions of Morality, <<https://martinslibrary.blogspot.com/2015/03/morality-code-of-conduct-descriptive.html>> accessed on 30 August 2020.

⁸ Richard A S. and Usha M. 'Old Questions for the New Anthropology of Morality: A commentary' [2014](14)(3) *Journal of Anthropological Theory*, 356–357; Justine Chambers, 'Anthropology, Morality, and the

societal morality studies are involved. Normative on the other hand ⁴⁰²
DELSU Law Review Vol. 7 2021 is subjective in nature, it regulates with some specified conditions adopted or put forward by all rational persons.⁹The challenges with this classification is that, it has influence on the definitions of morality due to differences in culture, written languages and behavioural patterns associated with the complex societies in general.

In addition to this, normative description of morality is also faced with a change that is subjective and in which every moral agent can determine the justification of a particular code of conducts adopted and as result, it poses a lot of challenges in the area of superiority of code of prudence and rationality.¹⁰Thus, normative morality sense is based on certain intellectual and volitional conditions of being rational which is accepted by any rational being but with deep understanding. However, it can be pointed out that prudence which guides their thought might not support a moral conduct that is generally acceptable.

Morality can be explained as sets of conducts which are generally adopted and acceptable by a given society or by an individual as recognized conducts to regulate their activities in their relationship with one another upon the fact that it is prudent and intellectually rational. Hence, morality is known and admitted by people who agree to be legitimately judged by its standard. The terms moral

Rohingya' <<https://www.newmandala.org/anthropology-morality-rohingya/>> accessed on 30 August 2020.

⁹ Regina A. R., 'Psychology and the Aims of Normative Ethics' [2014] <https://link.springer.com/referenceworkentry/10.1007%2F978-94-007-4707-4_162> accessed on 30 August 2020.

¹⁰ Dietmar V.P. 'Five Elements of Normative Ethics - A General Theory of Normative Individualism' [2012] (15)(4) *Asian Journal of Business Ethics*, 460.

and ethics are often used interchangeably, while morality is the system or method through which a conduct can be determine whether it is wrong or right, ethics on the other hand is a philosophical study of morality and it is sometimes believed to be a guide to a wider conceptualization of morality.¹¹

The concept of morality is primordial in nature and it is believed that the thought of good and evil are inmate.¹² An expansion of inborn nature of morality in men can be traced to the perspective of the Natural Law School.¹³ Natural Law theorists postulate that a rational person in a society even with defective morality can determine and identify certain acts that are required, encouraged, discouraged, prohibited and allowed within the society where he belongs.¹⁴ Natural School proponents were of the view that that God implanted the ability to reason with the knowledge to discern in all persons and these give every human being the ability to distinguish between what is right from what is wrong.

¹¹ Stanford Encyclopedia of Philosophy, Definition of 'morality as the belief that some behaviour is right and acceptable and that other behaviour is wrong' <<https://www.collinsdictionary.com/dictionary/english/morality>> Accessed on 31 August 2020.

¹² This can be presumed according to the Christian faith that morality started from the Garden of Eden after creation when God gave Adam and Eve instructions especially on the kind of fruits they should eat in the garden and immediately they disobeyed they realised the mistakes and hid themselves from God. See the book of Genesis Chapter 3 verses 6-11.

¹³ Natural Law Theories, [2015] <<https://plato.stanford.edu/entries/natural-law-theories/>> accessed on 31 August 2020.

¹⁴ Daniel Hoffman, 'What Was "the Tree of the Knowledge of Good and Evil" For?' [2017] <<https://knowingscripture.com/articles/what-was-the-tree-of-the-knowledge-of-good-and-evil-for>> accessed on 31 August 2020.

Natural law theorists further buttress their points that morality is not limited to people living alone, rather it applies to every rational being including those who have lived in the past. It appears no one will justify that it is morally right to cheat, deceive, injure or kill because of God's implanted knowledge to distinguish between good and evil.¹⁵ In addition to this, morality is perceived from doing good things that will make people happy. This is supported by the utilitarian theorist who opined that morality is a reflection of doing what will bring about greatest good and less evil or harm to the people by promoting conducts that prevent evil, harm or pains.¹⁶ Furthermore, morality is perceived from the socialist theorists as conducts which determine, allow and prohibit certain actions which a rational person can justify. For instance, logically, it is be said that killing, pains, deceit and breaking of promises are bad, rather, doing the opposite is better and through that morality will be justified. Since morality is said to be a set of conducts that determine what is right and wrong, it is important to highlight some theories that explain how morality is determined.

- i. **Moral Subjectivism:** This theory stipulates that the individual feelings determine what is right or wrong. Thus, if one is of the opinion that his conducts are good and right such conducts cannot be criticized.¹⁷ The challenge here is

¹⁵ Mark Karapetyan, 'The Power of choosing good and evil is within the reach of all. The Tree of Good & Evil' online at <<https://www.whatifurwrong.com/the-tree-of-good-evil/>>accessed on 31 August 2020.

¹⁶ David O. B. 'Utilitarian Morality and the Personal Point of View' [1986] (83)(8)*Journal of Philosophy Inc.* page 418 <https://www.jstor.org/stable/2026328?seq=1#metadata_info_tab_contents>accessed on 31 August 2020.

¹⁷ Kurt Wurthmann 'Implicit Theories and Issue Characteristics as Determinants of Moral Awareness and Intentions'[2017] (142)(1) *Journal of Business Ethics*P95; Jessica Whittemore 'Understanding Moral Relativism,

that there might be various opinions from different individuals, and then who determines which of the conducts is morally right or wrong since everyone thinks that what he or she does is legitimate.

- ii. **Cultural Relativism:** This theory centers on collective notions of people in an environment. The standard of testing whether a particular conduct is right or wrong is whether the conducts aligns with the principles or rules of such community and such act cannot be criticized by other communities.¹⁸
- iii. **Ethical Egoism:** This theory is predominant among the Hedonist.¹⁹ Right and wrong under this concept is viewed from the basis of self-interest since it is believed that acting against one's interest is an immoral act. The supporters of this theory believe that any act of good will or positive moral thought will bring better advantage to them especially, if such action is for their personal advantage and nothing more, any act that does not bring personal advantage is morally bad.²⁰
- iv. **Divine Command:** Morality under divine demand theory is connected to religion and this is because there

Subjectivism & Objectivism' <<https://study.com/academy/lesson/understanding-moral-relativism-subjectivism-objectivism>>accessed on 31 August 2020.

¹⁸ John J. T. 'Cultural Relativism' [2000] (22)(2)Human Rights Quarterly, Johns Hopkins University Press, page 520; Brian D. And Henry R. W. 'Utilitarianism, journal Medicine, Health Care and Philosophy' [2019](8) (1)pages10-11.

¹⁹ Darin C. G. 'Self-Interest, Ethical Egoism, and the Restored Gospel' [2016] (52)(2) *Journal of Brigham Young University Studies Quarterly* pages 6-7.

²⁰ Desmond Ravenstone'What is ethical egoism and what strengths does it poses?'<<https://www.quora.com/What-is-ethical-egoism-and-what-strengths-does-it-poses>>accessed on 31 August 2020.

is a general presumption that whatever is divine comes from God. In this instance, it is believed that whatever is good or relates to God or gods is morally right and that there is a connection between God's commands and morality because religion motivates or guides morality.²¹

- v. **Feminist Ethics:** This theory is subjected to women's response to care. The moralist under this theory opined that the feminist have moral emotions such as love, sympathy, legitimacy and closeness to people, hence feminine attitudes can only determine what amounts to good or bad conduct in the society.²²
- vi. **Utilitarianism:** This theory is synonymous to the consequential lists who are of the view that right and wrong can be determined through overall goodness in any consequence of an action. Any act that encourage or promote happiness for the larger number of people is morally right. Jeremy Benthan, one of the proponents of utilitarianism distinguished the difference in kinds of pleasures which may either be lower or higher but the higher pleasures determines good moral conduct.²³
- vii. **Kantian Theory:** This theory states that right and wrong are determined by what is universally recognized as duties to be performed by an individual. Thus, anything

²¹ Joseph Shaw 'Divine Commands at the Foundations of Morality' [2002] (32) (3)*Canadian Journal of Philosophy*, pages 425-426.

²² Selma L. S. 'The Morality of Feminism', [2017] (6)(2) *Journal by Hypatia, Inc.*, pages 173-191; Norlock, Kathryn, 'Feminist Ethics', The Stanford Encyclopedia of Philosophy <<https://plato.stanford.edu/archives/sum2019/entries/feminism-ethics/>>accessed on 31 August 2020.

²³ R. B. Brandt 'Utilitarianism and Moral Rights' [1984](14)(1) *Canadian Journal of Philosophy*, pages 5-7 <https://www.jstor.org/stable/40231349?seq=1#metadata_info_tab_contents>accessed on 31 August 2020.

short of universal acceptability is not morally right.²⁴ This theory supports the fact that what we do as reasonable or rational human being is what is morally correct or right as long as it has a corresponding required duty to be performed.²⁵

Morality as a concept cannot be viewed from just an angle because it operates both in subjective and objective ways to determine what is right or wrong.

1.2 A Brief Analysis of Religion

Religion is perceived as an acceptable doctrine which passes from the leaders to the followers with certain duties and corresponding rights.²⁶ Religion is one of the ways to determine the perspective of a man. Religion as a concept can be traced to the period of creation when God created Adam and Eve, placed them in a garden with the duty to worship him in accordance with the laid down instructions on things to do and not to do in the garden.²⁷ One of the major features of religion is that, it encourages leadership and followership. Various acts of leadership can be

²⁴ The Kantian Theory Of Ethics And Morality – Essay <<https://www.ukessays.com/essays/philosophy/the-kantian-theory-of-ethics-and-morality-philosophy-essay.php>>accessed on 31 August 2020.

²⁵ Friedrich Heubel and Nikola Biller-Andorno ‘The Contribution of Kantian Moral Theory to Contemporary Medical Ethics: A Critical Analysis’ <<https://link.springer.com/article/10.1007/s11019-005-0104-7>>accessed on 4 September 2020.

²⁶ Robin Horton, ‘A Definition of Religion, and its Uses’, [2011] (90)(2) *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* pages 201-202.

²⁷ See Gen 2:8; Nancy Guthrie ‘10 Things You Should Know about the Garden of Eden’ [2018] <<https://www.crossway.org/articles/10-things-you-should-know-about-the-garden-of-eden/>>accessed on 4 September 2020.

traced to the two Holy Books regarded by the Christians and Muslims.²⁸ Religion also connotes a set of rules believed to emanate from God which passes from the leaders to the followers. In the Bible, Moses was referred to as a great leader who made religious laws for mentorship. Also, Joshua and Caleb were religious leaders for the Israelite on their way to the Promised Land.²⁹

From the Bible, God was seen as the leader of Israelites until they requested for a King to rule them just like other nations.³⁰ This buttresses the fact that religion promotes sense of leadership in the society. Religion is a fundamental set of beliefs and practices generally agreed upon by a group of people which contains moral codes governing the conduct of human affairs.

It can be said that, from the creation, man has demonstrated a natural feeling towards faith and worships of anything that is misery or considered as superior being. The beliefs and instinct led to preparation of propitiations, rituals and some traditional programmes to a superior being whom they believe exist above by those who are culturally and traditional inclined with their beliefs. For example, the Yoruba people call God “Olodumare”³¹ etc. Religion is attributed to unity, friendship, oneness and fellowship with God and man. There is a belief among the Christians that God has a space in the heart of every man which can only be filled with the knowledge of God through the revelation of Jesus Christ. However, there are various types of religion such as Hinduism,

²⁸ The Holy Bible and Holy Quran which are written by the prophets through inspiration from God

²⁹ Joshua and the Israelites Enter the Promised Land See Joshua 1-5, 9.

³⁰ See the book of 1 Samuel 8 New International Version (NIV)

³¹ This means the Supreme Being who controls the universe.

Buddhism, Traditional religion, Islamic religion, and Christianity religion.³²

Religion in Christianity perspective can be assumed to originate in the Garden of Eden with God, Adam and Eve.³³ God had direct and personal relationship with Adam and Eve.³⁴ Abraham was called a friend of God and Father of faith,³⁵ the Bible recorded that God spoke to Moses face to face and King David was called a man after God's own heart.³⁶ Jesus summarized the true meaning of religion in a sentence that, to love your God with all your heart, with all your soul and with all your mind and to love your neighbor as yourself neighbour's as ourselves. Religion gains its validity from the laws of God, the source of religious teachings or laws (especially for the Christians) can be traced to the ten commandments of God written by himself and handed over to Moses on Mount Sinai.³⁷ Hence, one can perceive that the

³² David A. T. '18 Major World Religions-Study Starters' <<https://thebestschools.org/magazine/world-religions-study-starters/>> accessed on 4 September 2020.

³³ The book of Genesis Chapter 3 verse 8

³⁴ Tim Chaffey 'Did Adam and Eve Walk with God in the Garden?' [2014] <<http://midwestapologetics.org/blog/?p=1349>> accessed on 4 September 2020; Adam and Eve Before the Fall, For a Time, Adam and Eve had Dominion Over Creation and Relationship with God, <<https://www.sharefaith.com/guide/christian-ministries/adam-and-eve/adam-and-eve-enjoy-relationship-with-god.html>> accessed on 6 September 2020.

³⁵ See Genesis 18, Isaiah. 41:8. God called Abraham a friend

³⁶ 1 Sam. 13:14; Acts 13:22 God describe David as a man "after my own heart

³⁷ See Exodus 31: 8 When the LORD finished speaking to Moses on Mount Sinai, he gave him the two flat stones on which he had written all his laws with his own hand. He wrote on the tablets the words of the covenant, the Ten Commandments

commandments of God is centred on two major things that is, to love God and our fellow human beings. 410

Besides, God's commandment and religious roles in leadership can be perceived from the priests, prophets and prophetesses in the Bible who were seen as leaders and the intermediaries between God and men.³⁸ Under religious setting in the Bible, appointment of kings was done by the priest upon instructions from God.³⁹ Religion places a duty on a king to protect his subjects and lead them to war whenever such is inevitable. Thus, the concept of religion cuts across several areas of human existence in terms of relationship and worship.

The relation between religion and modern human control can be traced to the Chancery Court of Equity.⁴⁰ During that period, people experienced hardship in common law principles and as a result many litigants were referring their disputes to the Lord Chancellor being a religious leader to settle matters for them.⁴¹ Gradually, it was discovered then, that people were more comfortable with the decisions from the Lord Chancellor through the Court of Equity than what was obtainable in the Court of

³⁸ The book of Judges in the Bible shed more light on this point.

³⁹ See 1 Samuel 10 where Samuel Appoints Saul - Samuel took a jar of olive oil and poured it on Saul's head. He kissed Saul and said, "The LORD has appointed you to lead his people. See also See 1 Samuel 16 where Samuel Appoints David Samuel Anoints David

⁴⁰ Sharon K. D. 'Equity: The Court of Conscience or the King's Command, the Dialogues of St. German and Hobbes Compared' [1991](9)(1) *Journal of Law and Religion* page 135.

⁴¹ Richard Hedlund 'The Theological Foundations of Equity's Conscience' *Oxford Journal of Law and Religion*, [2015] (4)(1), Pages 125<<https://academic.oup.com/ojlr/article-abstract/4/1/119/1427556>> accessed on 6 September 2020.

Common Law. Thus, Common Law Court did refer matters to Chancery Court for settlement and the joint effort of the Common Law Court and Chancery Court led to their amalgamation through the Judicature Act of 1975⁴² and since then, religious way of leadership has been imbibed in legal process for the betterment of mankind in respective societies.

1.3 A Brief Analysis of Contemporary Law

Law is an instrument of specialized social control, familiar in modern secular and politically organized societies.⁴³ Law is a binding custom or practice of a community, a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority which is established through certain orders to protect the social living.⁴⁴ The concept of law especially the one we are used to in Nigeria can be traced to the Common Law of England.⁴⁵ In the past, the early scholars were inquisitive to know what was in operation as guiding rules in various communities in order to observe the differences. Thus, the itinerant judges were set in place to go from one community to another observing their ways of life and at the end they were able to discover some common attributes which were applicable in the entire places they

⁴² Sharon K. D. 'Equity: The Court of Conscience or the King's Command, the Dialogues of St. German and Hobbes Compared' [1991] (9)(1) *Journal of Law and Religion* page 130.

⁴³ Lon L. F. 'Law as an Instrument of Social Control and Law as a Facilitation of Human Interaction' [1975] (1975)(1) *Journal of Brigham Young University Law Review*, pages 91-92

⁴⁴ Webmaster Dictionary 'Definition of Law' <<https://www.merriam-webster.com/dictionary/law>> accessed on 6 September 2020.

⁴⁵ Jadesola Lokulo-Sodipe and Oluwatoyin Akintola and Clement Adebamowo 'History of the Nigerian Legal System, <<https://nigerianfinder.com/history-of-the-nigerian-legal-system/>> accessed on 8 September 2020.

visited. These common attributes in England and Wales were
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codified as written law which is generally regarded as the
Common Law.⁴⁶

Law can also be understood from the perspective of the various schools of thought especially the legal positivist school.⁴⁷ The legal positivist perceived law from the social factors and not on merit of what the law intends to serve. The legal system in operation depends on the presence of certain structures of governance. Law majorly is created for the purpose of regulating the conduct of the society with elements of sanctions.

John Austin defined law by saying that it is the command of the sovereign.⁴⁸ Austin opines that law is a command made by the sovereign that is, the uncommanded commander which must be obeyed by the subjects.⁴⁹ The proposition of what Law is according to Austin is what is in operation today at the domestic and international level. Laws are classified and codified with sanctions, a good example of that in Nigeria is the Criminal and Penal Codes

⁴⁶ Chris Short 'The Traditional Commons of England and Wales in the Twenty-First Century: Meeting New and Old Challenges' an online article <<https://www.thecommonsjournal.org/articles/10.18352/ijc.47/>>accessed on 6 September 2020.

⁴⁷ Qamar C. 'Schools of Jurisprudence: Theories & Definitions' [2018] <<https://study.com/academy/lesson/schools-of-jurisprudence-theories-definitions.html>>accessed 6 September 2020.

⁴⁸ John Austin's Theory of Sovereignty <<https://www.awamipolitics.com/john-austins-theory-of-sovereignty-7387.html>>accessed on 6 September 2020.

⁴⁹ Legal Positivism Internet Encyclopedia of Philosophy <<https://www.iep.utm.edu/legalpos/>>accessed on 6 September 2020; David D. H. 'The Legitimacy of Law' [2001] (20)(5) *Journal of Law and Philosophy*, pages 470.

which express various criminal acts with respective punishments when violated.

1.4 Do morality, religion and contemporary laws move in the same channel?

Human beings existence and conducts are usually governed on morality, religion or law for the purpose of interaction. There is no straight jacket and conclusive response to this question to whether morality, religion and contemporary laws move in the same channel. However, this question will be attempted by considering various common factors of the subject matter such as appointment and removal of leaders, peace keeping, law and sanctions, governance, leadership, orderliness and freedom.

i. Appointment and removal of leaders

The appointment and removal of leaders cut across the 3 concepts. Morally, in every recognized society or community, there is a presumption that without a codified law or religious law, people have a way of appointing and removing leaders. Appointment could be automatic especially in a situation where the first settlor was acknowledged by members of that society as their leader. However, whenever the appointed person lacks the required knowledge and skills to rule or lead, there are ways of removing them either by demonstration or through revolution. This idea is not strange in the appointment and removal of kings. This idea is further expressed in the Bible with respect to the laid down procedures for appointment

and removal of Kings especially for among the Israelites.⁵⁰ The idea of leadership shifted from the divine selection and appointment to mankind after the people of Israel clamored for a king to rule over them.⁵¹ Thus, various examples of appointment and rejection were seen in the Bible. For example, King Saul was appointed by Samuel though the inspiration of God and when he disobeyed he was removed,⁵² King Rehoboam was also appointed and when he listened to the advice of his fellow youth, his kingdom was divided.⁵³ It is not a gainsaying that appointment and removal of those in power is acknowledged under religious settings.

Furthermore, in contemporary laws, especially in the area of democracy, law provides for the procedures of appointing leaders who are responsible for smooth running of affairs through an election by the subjects. In addition to this, the law also provided for the ways to remove such, where the leader appointed has failed to deliver. Thus, it is important to state that irrespective of the way or manner of life practiced by any society, there are methods of appointing and removing leaders for the purpose of peaceful co-existence which can be observed morally, legally and religiously.

⁵⁰ Marvin A. S. 'The Rights and Duties of Kingship in Israel' <<https://www.bibleodyssey.org/en/passages/related-articles/rights-and-duties-of-kingship-in-israel>>accessed on 9 September 2020.

⁵¹ See, the book of 1 Samuel Chapter 8 verses 4-22.

⁵² See, the book of 1 Samuel Chapter 10 and 1 Samuel Chapter 15 verses 5-35.

⁵³ See 1 King 12: 8 Rehoboam forsook the counsel of the elders which they had given him, and consulted the young advisers the youth like him who advised him to be wicked to his subject and as a result his kingdom was torn apart.

ii. Maintenance of peace within and outside the territorial sovereignty

One of the major aims of morality, religion and law is to promote peaceful coexistence of mankind. While morality preaches peace, religion is centered on love while law promotes freedom and dignity. It can be said that, at creation of man, God deposited some moral conducts in man so as to discern between good and bad conducts and to prevent harm from one another. It is inherent in every moral agent being to pursue peace not only with his immediate people but with everyone who come along. In addition, the sole essence of religion is to preach the love of God to man and it can be explained that the ten commandments of God in the Bible⁵⁴ are centered on the love for God and man.⁵⁵ Peace keeping is also one of the objects of our contemporary law. Several treaties and conventions at the international level are majorly centralized on promoting peace, unity and avoidance of war. The 1999 Constitution of the Federal Republic of Nigeria provides that Nigeria is a circular state.⁵⁶ The purpose of the said provision is to accommodate many recognized religion in diversity, the Constitution also provides for various amicable ways of resolving disputes rather than going to war. It is not a gain saying that the 3 major concepts support peace keeping in

⁵⁴ See the book of Exodus Chapter 20

⁵⁵ Kaitlyn Sullivan 'Loving the Lord and Our Fellow Men: The Two Great Commandments' [2011] Religious Study Centre <<https://rsc.byu.edu/archived/byu-religious-education-student-symposium-2011/loving-lord-and-our-fellow-men-two-great>>accessed on 9 September 2020.

⁵⁶ Section 10 of the 1999 Constitution of the Federal Republic of Nigeria as amended.

iii. Respect for law and sanction:

As a moralist, it is presumed that one should act within the codes of conduct which are believed to be acknowledged by the people belonging to the same society. This reveals that, even without any written moral codes, an individual is expected to have respect for custom, value, norms and tradition of the particular settings he belongs to. Any contrary conduct or behavior against the acknowledged moral custom can bring sanctions such as banishment and ex-communication.⁵⁷ Religion has much relationship with obeying law and order especially from God. The Bible has revealed that consequences usually follow after disobedience especially among the Israelites.⁵⁸ Many Israelites suffered death as consequences of their disobedience for instance when they were in the wilderness after they left Egypt and during war with other nations.⁵⁹ God handed over the Ten Commandments to Moses on Mount Sinai to regulate the conduct of the Israelites, any disobedience or variation by them will attract sanction and punishment. A similar situation is what is applicable in our

⁵⁷ Katherine Beckett and Steve Herbert 'Penal Boundaries: Banishment and the Expansion of Punishment' [2010] (35)(1)*Journal Law & Social Inquiry* page 20.

⁵⁸ Often times when Israelites disobey God, God can inflict them with plagues or sickness or subject them under foreign nations who defeat them in battle and oppress them. See Bible passages, Leviticus 10: 1-3, Numbers 11: 1-3, 1 Samuel 4: 17-21, 2 Samuel 6:6-8 and so on.

⁵⁹ See the following Bible passages, Number 14: 2, Number 14: 29-35, Number 26: 65, Number 27: 3 and so on.

religious houses today with respect to various church doctrines, rules and regulations of which members of the church are expected to obey and abide with.

Legally, one of the purposes of law is to guide the conducts of an individual and his interaction with other people in the society. Law comes with sanction as posited by the legal positivists. When a law is made, every subject is expected to obey such law anyone who acts contrary to such law will be sanctioned by way of punishment.⁶⁰

In Nigeria, our criminal laws provide for many prohibited acts where any citizen fails to obey them, such a citizen would be punished. Thus, morality, religion and contemporary law aid respect for laws, sanctions, promotion of good governance, leadership and orderliness in the society.

iv. Freedom

Morality allows magnitude of freedom for an individual as long as the individual acts within the confines of the codes of conduct set for such particular society. In religious settings, freedom is one of the major gifts we received from God. Ability to discern what is good from bad, what to do and not to do, hence, religion does not preach compulsion or coercion everyone is at liberty to operate within the bounds of religious regulations.⁶¹ Thus, one is free to practice any religion of his or her choice without any

⁶⁰ Advik R. J. 'Can Law exist without Sanctions?'

<<https://originalpositionnluj.wordpress.com/2019/08/03/can-law-exist-without-sanctions/>>accessed on 9 September 2020.

⁶¹ Section 38 of the 1999 Constitution of the Federal Republic of Nigeria as Amended 2010

DELSU Law Review Vol. 7, 2021 constraint. The law also grant a lot of freedom by way of fundamental rights part of which is freedom of religion,⁴¹⁸ freedom of dignity, freedom of thought and conscience, communication, expression, movement, religion and so on are inherent rights provided by Chapter Four of the Nigerian Constitution.⁶² However, it is noteworthy that under the moral, legal and religious concepts, freedom is not absolute, the restriction or limitation depends on the extent at which such freedom can be exercised.

1.5 Limitations of Morality, Religion and Contemporary Laws

Morality, Religion and Contemporary laws have some areas where they conflict due to their peculiarities respectively. Thus, under this sub-heading this work will briefly examine divorce, abortion, euthanasia, murder and marriage.

i. Divorce

The Christian societies frown at divorce because it is prohibited by the Bible except on two grounds which are adultery and dissection by an unbeliever.⁶³ Morally, it appears every moral agent will prefer peaceful marital co-existence than separation and divorce. Thus, divorce under these two concepts is not totally supported. However, in contemporary law, marriage is perceived as a contract and as such can be terminated at any point in time provided the

⁶² See Sections 33 to 46 of the 1999 Constitution of the Federal Republic of Nigeria as Amended 2010

⁶³ Rebecca F. M. 'Scripture's guidance for Broken, Hurting marriages When Does the Bible Allow Divorce?' <<https://www.christianitytoday.com/women/2016/april/when-does-bible-allow-divorce.html>> accessed on 9 September 2020.

ground for dissolution is supported by the law of the state. The law further gives various grounds of divorce upon which anyone who can no longer cope in the marriage can rely on in order to terminate the marriage.⁶⁴ Thus, marriage is not perceived from the same point of view under morality, religion and law.

ii. Abortion

Morally and religiously, abortion is prohibited. Life is perceived to be sacred and in as much as life is a gift from God it must not be mishandled.⁶⁵ Thus, committing abortion is perceived to be tantamount to murder. However, under the contemporary law, commission of abortion is allowed on certain grounds. Thus, the conditions of the mother and the unborn child are the determinant factors whether abortion will be allowed or not.⁶⁶ It is not a gain saying that regulation of abortion depends on the laws of a particular country. In some countries, abortion has been legalized subjects to some conditions which differ from one state to the other.⁶⁷ Thus, it can be posited that the position of morality, religion and law are not the same on abortion.

iii. Euthanasia

⁶⁴ See generally Section 15 of the Matrimonial Causes Act, 2010

⁶⁵ Exodus 20 : 13, Sections

⁶⁶ The abortion laws of the Criminal Code are expressed within sections 228, 229, and 230. Section 228 states that any person providing a miscarriage to a woman is guilty of a felony and up to 14 years of imprisonment

⁶⁷ Tunisia (1973), Denmark (1973), Austria (1974), France (1975), Sweden (1975), New Zealand (1977), Italy (1978), the Netherlands (1980), and Belgium (1990).

DELSU Law Review Vol. 7 2021 Mercy killing is a dicey concept especially when it is viewed under morality, religion and the law. Moralists agents especially the narrative moral agents perceive the readiness to induce death for fear of pain in different ways.⁶⁸ While some narrative moralists are in support of euthanasia, others disagree. Under religion, life is special and any attempt to take it unduly amounts to sin. Thus, religion frowns at euthanasia and this is corroborated by the two Holy books.⁶⁹ With respects to laws, it depends on the legislation of the country in question. It is not new that many countries have legalized voluntary euthanasia and physician assisted suicide while some countries' laws prohibit such act. Thus morality, religion and law do not have a common ground on this.

iv. Murder

Morally and religiously, killing is forbidden; however, under the law, murder is forbidden except where a person is

⁶⁸ Currently, voluntary euthanasia and/or doctor-assisted suicide is legally available in Belgium, Canada, Colombia, Luxembourg, The Netherlands, Switzerland, and in six US States (California, Colorado, Montana, Oregon, Vermont and Washington Stat

⁶⁹ Exodus 20:13, Exodus 23:7 Have nothing to do with a false charge and do not put an innocent or honest person to death, for I will not acquit the guilty, Roman 13:9 ...You shall not murder..., 1 John 3:12 Do not be like Cain who belonged to the evil one and murder his brother. See also Q 6:151 which provides that do not kill the soul which Allah has forbidden [to be killed] except by [legal] right, Q 4: 29 Take not life which Allah has made sacred, Q 4:93 If a man kills a believer R intentionally, his recompense is hell to abide therein forever. See generally Chapter 27 of the Criminal Code Act, Cap C38 LFN, 2010, which deals with Homicide, Suicide, Infanticide, Concealment of birth and unlawful possession of human head.

guilty of an offence which attracts capital punishment⁷⁰In addition to this, killing is permitted by international law when there is war. In this situation, murder cannot be viewed from the same perspective under morality, religion and law.

v. Marriage

To rational moral agent and under religious concept, marriage is a voluntary union between a man and a woman who are of marriageable age to the exclusion of others. Thus, it is presumed under morality and biblically teachings, marriage can only be celebrated between a man and a woman,⁷¹ however, in contemporary laws today, things have changed. The law of a particular country will determine the meaning of marriage. For instance, the laws of some countries allow homosexuality, bisexuality, transgender marriage. Thus, the understanding of marriage is not the same under morality, religion and law.⁷²

⁷⁰ See Section 319 of the Nigerian Criminal Code Act

⁷¹ Genesis 1:27-28, it provides that God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them, and God said to them, "Be fruitful and multiply, and fill the earth and subdue it." Genesis 2:24 Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh. One can see from the Bible and the very biology of the human body that it is natural for a man and a woman to be together. God created woman because "it is not good for man to be alone" (Genesis 2:18). From the beginning of time, as recorded in the Book of Genesis, God planned for man and woman to unite in love and marriage for the continuity of his creation, the human family.

⁷² People of the world have perverted virtually everything God created. These are some of the countries where same sex marriage are legally performed and recognized Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland,

1.6 Authors' view on whether morality, religion and law move in the same channel

It is pertinent to observe the motive of the morality, religion and law in order to justify their relationship. Morality in an ideal setting is traced to natural school of law which opined that God has deposited some conducts in man during creation in order to know what is good and what is bad. These conducts are used to form codes of conduct as a guide for moral agents. Although, moral agents have been challenged that there is no certain or unified code because human being perceived things differently. An average human being who is reasonable will naturally know what is good or bad by instinct. Morality can be perceived to be linked with the natural school of thought and the latter also traced its source to a Supreme Being "God" whom the Natural School of Law proponents believe to be somewhere above. Thus, it will be right to say that the validity of morality emanated from religion.

Religious principles, rules and regulations derived their source from the recognized Holy Books. Thus, religious principles are based on the instructions from God through his holy prophets who were seen as leaders and intermediaries between God and men. Furthermore, God codified his instructions to them through the commandments he handed over to Moses on Mount Sinai. Thus, the ten commandments of God form the basis of all the religious principles even in this present generation.

Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain.

Contemporary laws on the other hand, emanated from the common rules, norms, values and custom of people who are subjects of the Supreme Being (God). To wit, the contemporary laws we have today such as international, regional or national laws derived their life, strength and sources from the ten commandments of God. It can be said that the Ten Commandments is all encompassing, a cursory interpretation or meaning of all the contemporary laws we have today have their origin in the Bible. In summary, the Ten Commandments can be divided into two sections. The first section comprises of the first to fourth commandment which are our services to God, while the fifth to tenth commandments are our services to fellow human beings ;that is, to love humanity and promote peace. For instance, God stated in His ten commandments not to kill, commit adultery, bear false witness, covet and steal.⁷³ It is submitted that these commandments cut across all the laws regulating the conducts of man today especially, the criminal laws emanating from international, regional and national level. The essence of God's laws, instructions and commandment is to foster and maintain peaceful relationship, good leadership, governance, orderliness and for love of one another in unity; this is not different from the purpose of the secular and contemporary laws we have today which (are) is meant to promote international peace, good relations, maintenance of law and order, peaceful co-existence and mutual love.

From the above, it submitted that morality, religion and law move in the same channel for the purpose of love, good relationship, peace and unity among other things.

1.7 Conclusion

⁷³ See the book of Exodus Chapter 20 : 13-17

Morality, religion and law are three major regulators in human being's life. These concepts are perceived from different senses. *DELSU Law Review Vol. 7 2021* 424

Morality is believed to be in accordance with the ability to detect what is good or bad because of the inherent wisdom God gave human being to discern evil from good. However, morality has been characterized as descriptive and normative respectively. While descriptive morality focuses on acceptable moral behavior in a society, narrative morality is based on what an individual feel. This article discussed that moral conduct might be difficult to ascertain in the midst of various ways of life since it is subjective in nature. Religious principle has been examined in this article to have emanated from the teachings of early religious leaders who received inspiration from God. Religious principles regulating the conducts of human being is further concretized with the presentation of the Ten Commandments of God which served as a mirror and a guide to regulate and maintain orderliness at all levels and with sanctions in case it is disobeyed.

The article has traced the moral concept to Natural School with the recognition of the Superior Being which is God who gave men the conscience to discern evil from good. Religion has been traced to the early Christian church where orders and principles were followed by them and they share the same believe and doctrine. Law is created by the state and it has been traced in this work to the Positivist School. However, the crux of this article as discussed is that morality derives it existences from God's deposited instincts. Religious principle got its source from God's instructions and the commandments, law has it origin and source from the common norms, values and customs of the people which can be traced to the ten commandments of God. Thus, the three concepts are from the same source with the sole purpose of promoting good relationship

between individuals, good governance, love, peace and unity amongst individual. This article concludes that morality, religion and law move in the same channel for their common purposes.