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Natural Law Theory and Biblical Precepts in Evolution of Ethical Systems: An Examination of the Nigerian Moral Conscience

Olalekan Moyosore Lalude
PhD Candidate,
Babcock University School of Law & Security Studies,
Ogun State, Nigeria.

Ayodeji J. Fatehinse
Lecturer, Faculty of Law,
Department of Jurisprudence and
International Law,
Redeemer's University, Ede
Osun State, Nigeria.

Nike Morenikeji Olawepo
Lecturer, Faculty of Law,
Department of Jurisprudence and International Law,
Redeemer's University, Ede,
Osun State, Nigeria.

Oridamilola Adaba Ijiwoye
Lecturer, Faculty of Law,
Department of Jurisprudence and
International Law,
Redeemer's University, Ede,
Osun State, Nigeria.

Abstract

The paper examined the natural law position that man's heart is branded with the divine law and that the divine law informs his conscience and reason. It critically appraised the position that the intersection at which biblical precepts and the natural law theory meet is a position that has often inspired human societies to make laws that seek to preserve ethical systems. The article engaged the question of whether natural law and biblical precepts influenced the ethical evolution of the Nigerian society through the normative doctrinal analysis, using content analysis to examine primary and secondary sources. It was argued in the article that although the Bible and the natural law school of thought have both contributed to the development of human-made laws by their impacts through their significant realization in the meta-narrative of human history, the Nigerian state has failed to engage its ethical system in accordance to the guidance of its moral conscience. The paper concluded that the Nigerian state had incurred a bad image from its ethical crisis. For its image to be redeemed, the moral conscience of the state and society must be the point of reference in political, legal, and social matters.

Keywords: Biblical precepts, Moral conscience, Natural law, Rule of law



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Introduction

The relationship between the natural law school of thought and biblical precepts has come a long way. Natural law and the biblical position on the evolution of law have often intersected at points where they both corroborate on why human-made law is morally informed. The thoughts that birthed the concept of natural law itself were thoughts that emerged from the theological and philosophical background, which first affirmed a theist premise. This means that the natural law theorists built the idea of law on the foundation of the belief in the existence of God. The Bible gives some support to the position of the Natural law theory when in Romans Chapter 2:12–16, it states, 'When Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts.'³⁹⁹ From what is written in Romans, it can be deduced that there is a biblical foundation for the natural law theory. From the story of the creation of man in Genesis, it could be argued that the creation of man from dust and infused with the breath of God himself signified the consciousness of God and of his laws in the human consciousness.

There are Christian perspectives to the natural law that draws from biblical precepts. There is an inclusion of natural law in God's general revelation of physical and moral laws. There is a Christian teaching that God's will or natural law can be perceived through our conscience and our inherent moral compass.⁴⁰⁰ From the Christian perspective, it is the instruction of God to man's heart. The Bible is very instructive as it derives from natural law, a position that shows the interaction of man's consciousness with rules that a divine Sovereign lays down. Natural law has often been reflected not just in biblical precepts but also in the early philosophical works of Suarez, Grotius, Hobbes, Cumberland, and Pufendorf.⁴⁰¹

Aristotle posited that what was "just by nature" was not always necessarily what was "just by law,"⁴⁰² that there was an existence of natural justice that remains valid everywhere with the same force and "not existing by people's thinking this or that," and that appeal could be made

³⁹⁹Faithlife, 'Biblia by Faithlife: God's Judgment and the Law' (Faithlife) <<https://biblia.com/bible/esv/Romans%202.12-16>> accessed 17 October 2019

⁴⁰⁰ R.C. Sproul, 'Is Your Conscience Captive to God?' (desiringGod, 23 January 2017) <<https://www.desiringgod.org/articles/is-your-conscience-captive-to-god>> last accessed 19 April, 2022

⁴⁰¹ Heydt, Colin, 'Natural Law in Early Modern Philosophy' (Routledge Encyclopedia of Philosophy 2016) <<https://www.rep.routledge.com/articles/thematic/natural-law-in-early-modern-philosophy/v-1>> last accessed 19 April, 2022

⁴⁰² The Editors of Encyclopedia Britannica, 'Natural Law' (Encyclopedia Britannica, 13 August 2019) <<https://www.britannica.com/topic/natural-law>> accessed 17 October 2019

to it from positive law.⁴⁰³ The Aristotelian position on natural law was majorly based on the observation of the Greeks in their city-states, who thought of women as subordinates to men, slaves to citizens, and "barbarians" to Hellenes. On the other hand, the Stoics conceived of an entirely egalitarian law of nature in alignment with logos (reason) that was inbuilt in the human mind.⁴⁰⁴

St. Augustine of Hippo, an early Christian theologian and Neoplatonic philosopher, agreed with Paul's conception of natural law in Romans Chapter 2:12–16. Augustine of Hippo advanced the notion of man having lived freely under natural law before his fall and subsequent oppression under sin and positive law.⁴⁰⁵ In the 12th century, Gratian, an Italian monk who initiated the study of canon law, equated natural law with divine law—that is, with the revealed law of the Old and the New Testament, particularly the Christian version of the Golden Rule.⁴⁰⁶ The following parts of this work will be an explication of the natural law theory. This paper will show how natural law converges with biblical precepts to contribute to the growth of the contemporary legal system.

The use of 'natural law' as a phrasal representation of philosophical views has been engaged in many discourses.⁴⁰⁷ Therefore, it would be necessary to properly situate the phrase 'natural law' in the appropriate context of moral philosophy in which this work would make arguments about the significance of natural law and its historical trend. Natural law has come a long way in its scholarship. Natural law has many variations in its scope of definitions by the earliest proponents. The variegated ethical theories of natural law seem to have two assumptions in common,⁴⁰⁸ one which is, 'that moral values and moral duties depend on the kind of being that man is'⁴⁰⁹ and also that man can be evaluated by the methods that are used in other fields of human knowledge.⁴¹⁰

The objection to the first assumption involves a challenge that no scientific methodology or evaluative processes can prove what would benefit man the most, the best course of action for

⁴⁰³ The Editors of Encyclopedia Britannica, 'Natural Law' (Encyclopedia Britannica, 13 August 2019) <<https://www.britannica.com/topic/natural-law>> accessed 17 October 2019

⁴⁰⁴ Adeshina Afolayan, 'Egalitarianism' in Henk ten Have (ed) *Encyclopedia of Global Bioethics* (SpringerLink 2015)

⁴⁰⁵ John O'Meara, 'Saint Augustine's Understanding of the Creation and Fall' (1984) 10 *The Maynooth Review* <<http://www.jstor.org/stable/20556975>> last accessed 19 April 2022

⁴⁰⁶ *Ibid*

⁴⁰⁷ Gerard J Hughes, 'Natural Law'(1967) 2(1) *J Med Ethics* , 34 <<https://www.jstor.org/stable/44945980>> accessed 17 October 2019

⁴⁰⁸ *Ibid*

⁴⁰⁹ *Ibid*

⁴¹⁰ *Ibid*

him or what a perfect man should be in an ethical context.⁴¹¹ There is also an unconsidered objection that man is of a polar ethical constitution, that there is a part of the nature of man that desires and passions.⁴¹² This part of man is the visceral part that attends to realizing emotional desires. This perspective of man comes from a description of justice that developed from answers to the Socratic questions in the Aristotelian *Nicomachean Ethics*.

Justice comes from a process of reason considered above passion.⁴¹³ In *Nicomachean Ethics*, Aristotle described justice from a foundational assumption that man was a moral being. He believed that man was capable of arriving at justice through reason.⁴¹⁴ Aristotle noted the limitation of man in his work, which he termed passion. This capacity in man to arrive at justice through reason is the position of natural justice inherent in the work of Aristotle. The capacity of man to revel in pleasure tends to override his sense of justice.

Hegelian Conception of Natural Law Theory

On the other hand, Hegel, writing on the morality of conscience, stated that man is a free individual who is wired to think independently.⁴¹⁵ He further opined that 'the essential basis of law and moral life' is the existent volition of the will to relate with the former, which is the law.⁴¹⁶ It is quite important to note Hegel's consistent reference to the will. The ability to make decisions between right and wrong and act independently in the exercise of volition makes the argument for the natural law theory so strong. Hegel saw natural law as a science. He further saw it as a philosophical science that 'consists of relations and mixtures of empirical intuition with the universal.'⁴¹⁷ That means that in the context of empirical intuition, there is the capacity for man to sense justice in a universal way.

The Hegelian perception of natural law further translates to the point that the universal interest of the society must necessarily be considered more important than the natural rights

⁴¹¹ Gerard J Hughes, 'Natural Law'(1967) 2(1) J Med Ethics, 34 <<https://www.jstor.org/stable/44945980>> accessed 17 October 2019

⁴¹² JL Stocks, 'Plato and the Tripartite Soul' (1915) 24(94) *Mind*

⁴¹³ *Ibid*

⁴¹⁴ Aristotle, *Nicomachean Ethics* (Translated with introduction and notes by CDC Reeve, Hackett Publishing Company 2014) 89

⁴¹⁵ GWF Hegel, *Philosophy of Mind* (William Wallace tr, Part Three of the Encyclopedia of the Philosophical Sciences)

⁴¹⁶ *Ibid*

⁴¹⁷ GWF Hegel, *Philosophy of Mind* (William Wallace tr, Part Three of the Encyclopedia of the Philosophical Sciences)

of individual persons.⁴¹⁸ This position has earlier been expressed in the social philosophy of Bentham but in a different context. Hegel's consistent emphasis on the universal interest is so recurrent that one is led to the conclusion that Hegel was convinced that there is no other end that justifies the case for natural law and its manifestations other than a universal quality to it.

It becomes even more apparent in Christian teachings, where the talk about discernment and where Jesus Christ told his disciples upon his departure that the Holy Spirit would come to continue his work. For natural law theorists like Thomas Aquinas, there is the consideration that natural law is the discernment of what is good and what is bad through the agency of reason.⁴¹⁹

In Aquinas's scholarship (which would now be referred to as the Thomist scholarship), he argued that man can automatically detect the principles that guide action through eternal law.⁴²⁰ He further clarified that this interaction between man and the eternal law is referred to as the natural law.⁴²¹ Aquinas, in his work, expressed such influences as 'elements of Platonism, Aristotle, Roman Law, the teaching of Stoics, the Church Fathers (especially Augustine), the feudal tradition, and the political practice of Holy Roman Empire and Italian cities.'⁴²² For one thing, Aquinas's background as a theologian also greatly influenced his work. Unlike the earlier Aristotelian position on the realization of justice through giving in to the dictates of reason, Aquinas's emphasis on the eternal law presupposes a theist perspective. Aquinas's position on the natural law theory confronts morality with the burden of a divine system that regulates it.⁴²³

Before Aquinas, moral philosophers had earlier regarded impliedly and expressly moral principles derived from the Holy Scriptures. Aquinas ideas of the structure of law come well-ordered in their theorization,⁴²⁴ The Eternal Law, Natural Law, Human Law, and the Divine Law.⁴²⁵ He viewed the eternal law as the plan of the universe. He saw natural law as man's automatic detection of the principles that guide action through eternal law. Human law to him was the engagement of natural law principles to use in certain human societies through

⁴¹⁸ GWF Hegel, 'On the Scientific Ways of Treating Natural Law, on its Place in Practical Philosophy, and its Relation to the Positive Sciences of Right' (H B Nisbet tr, Hegel 1803) <<https://www.marxists.org/reference/archive/hegel/works/nl/index.htm#n1>> accessed 18 October 2019

⁴¹⁹ Mark Murphy, 'The Natural Law Tradition in Ethics' (Stanford Encyclopedia of Philosophy 2019) <<https://plato.stanford.edu/entries/natural-law-ethics/>>

⁴²⁰ Dalia Marija Stanciene, 'The Ethics of Natural Law According to Thomas Aquinas' (2004) 2 *Verbum* VI 357

⁴²¹ *Ibid*

⁴²² *Ibid*

⁴²³ *Ibid*

⁴²⁴ *Ibid*

⁴²⁵ *Ibid*

'conclusions' and 'determinations.' While divine law was the one declared in the Old and New Testaments and which informs man's decisions on law and morality.⁴²⁶ It becomes clearer that Aquinas's thoughts on the natural theory and its development take a turn that revolutionizes its description and makes the convergence of biblical precepts and natural law theory more evident.

The workings of natural law can be made clearer if one were to observe the interaction between the human expert and artificial intelligence. One of the basis of artificial intelligence is the attribution of logic and the simulation of human reason to make the automated workplace smarter and more independent. The aspiration of man to increase productivity and to achieve more in the resolution of complex tasks brought about the development of artificial intelligence. The making of artificial intelligence starts from the first wave of symbolic artificial intelligence.⁴²⁷

Within the expert systems of artificial intelligence, a 'human expert' creates a structured set of instructions for the computer to follow, allowing a computer system to navigate complicated information.⁴²⁸ Humans' making of artificial intelligence gives a brilliant analogy of the workings of natural law. If one were to use the Thomist scholarship on natural law in relation to how the artificial intelligence systems respond to decision-making, one would look at the structure of the Thomist description of natural law. The processes in which the interaction of the Thomist natural law with the human mind could be likened to the artificial intelligence system are: The Eternal Law, Natural Law, Human Law, and the Divine Law, as earlier mentioned.

The human expert is like God, whose environment of eternal law, man has to function, just like the artificial intelligence, where the systems have to adapt to a set of programming protocols. The natural law is similar to the way artificial intelligence detects complicated commands. Just like the human law that comes from a place of intuitive discernment could be likened to how artificial intelligence has to create a sequence of coordinated responses that address a given task. The divine law could be likened to the precise instructions of the artificial intelligence engineer to which the artificial intelligence system gives interpretation through algorithms.

⁴²⁶ *Ibid*

⁴²⁷ Philip Boucher, 'How Artificial Intelligence Works' (2019) EPRS | European Parliamentary Research Service Briefing: Scientific Foresight Unit (STOA) PE 634.420 <<http://www.europarl.europa.eu/stoa/>> accessed 17 October 2019

⁴²⁸ *Ibid*

The Convergence of Natural Law and Biblical Precepts

The position of Christianity on the description of natural law and the conception of man's moral compass is summed up in the definition that it is: 'the view that there are certain precepts and norms of right conduct, discernible by all men.'⁴²⁹ This is further expressed in the book of Psalms, 'I delight to do Your will, O my God, and Your law is within my heart.'⁴³⁰ The author's expression in the Psalms affirms the position of the natural law theorists, who assert that the divine law is branded in the hearts of men. Immanuel Kant considered a man over all rational agents.⁴³¹ The Kantian position further conceded that the utmost sense of morality needs happiness to be realized.⁴³²

Kant completely refused to deconstruct man's moral objectives in the backdrop of the fulfillment of physical or psychological needs, emphasizing man's liberty and autonomy as moral values that must necessarily be acknowledged.⁴³³ The natural law school of thought position has a presumption that justice is a virtue that could be attained from engaging reason. This, which had been earlier on comprehensively examined in Aristotle's *Nicomachean Ethics*, becomes a position that is further developed by subsequent natural law theorists like Aquinas. Thomas Aquinas, a Dominican jurist, and theologian, adapted the teleological approach that Aristotle deployed in his explication of the integral theory of ethics, law, and governing.⁴³⁴

The Bible comes with instructions that inform deeply every aspect of human life. Its clairvoyant considerations and prophetic metaphors on futuristic events have confounded theological scholars on its eternal wisdom. Such works of fiction, like the movie, *The Book of Eli*, directed by Albert Hughes and Allen Hughes. The movie, which told of an apocalyptic time in the futuristic history of man, stresses the importance of the wisdom that the Bible has on its pages. In that movie, the protagonist called Eli, cast by Denzel Washington, had an objective to get the only Bible to a library where it would be safe. In the plot of the movie, the book could save humankind. He walked westward across North America for about thirty

⁴²⁹ James Childress and John Macquarrie, *A New Dictionary of Christian Ethics* (SCM Press 2013)

⁴³⁰ Solvus Lab, 'Holy Bible NKJV: Psalm Chapter 40, Verse 8' (Solvus Lab 2017)

⁴³¹ Gerard J Hughes, 'Natural Law'(1967) 2(1) *Journal of Medical Ethics*, 34 <<https://www.jstor.org/stable/44945980>> accessed 17 October 2019

⁴³² Gerard J Hughes, 'Natural Law'(1967) 2(1) *J Med Ethics*, 34 <<https://www.jstor.org/stable/44945980>> accessed 17 October 2019

⁴³³ *Ibid*

⁴³⁴ Dalia Marija Stanciene, 'The Ethics of Natural Law According to Thomas Aquinas' (2004) 2 *Verbum* VI 357

years⁴³⁵ on his journey through the grim landscape of destruction and against the dangers posed by the remnant of humanity.

He was a man who was obsessed with the protection of the leather-bound book that he carried. The man offered him anything for the book. One would have wondered why anyone would bother with an old bible in that setting, where survival should be the only objective. The man's expression of his thoughts on 'the book' about the Bible containing sufficient wisdom for human societies later expelled any doubts. The Bible has come a long way in its journey to what it is today. The movie emphasizes the influence and importance of biblical precepts in social ethics. There have been scholastic exegetical posits on the significance of the Bible's stories and their moral instructions for society. One of the manifestations of the divine law that Aquinas talked about is the Ten Commandments, otherwise known as the Decalogue. The emphasis on the Decalogue and their insistence even in modern systems of law signify a valid point that the Bible is an important document, with the kind of significance that gives effect to moral instruction in the society. The journey of the Israelites, as written in the Bible, from captivity in Egypt to the making of the Ten Commandments and their arrival in Canaan, showed the making of society and the model through which society should operate. It would seem that the story of the history of the Israelites as recorded in the Bible suggests that for society to be exemplary in its standard, it must be well instructed in the divine law. Concluding on the intersecting point between the natural law theory and biblical precepts, it would be safe to say that the precepts are enunciated in the Bible and can be summed up in the universally relevant definition of justice⁴³⁶ and the inclination of natural law are the same. Therefore, natural law, especially from a Thomist perspective, would be assumed to embody biblical precepts.

The Contribution of Natural Law Theory and Biblical Precepts

Human-made laws have ethical systems in which they are legislated.⁴³⁷ This would be deemed true if one were to follow the thought in the making of society from Locke's social contract. The thought in Locke's social contract entails that individuals in society allow the

⁴³⁵ Gary Whitta, 'The Book of Eli' (IMDb 2010) <[https://www.imdb.com/The%20Book%20of%20Eli%20\(2010\)%20-%20IMDb.html](https://www.imdb.com/The%20Book%20of%20Eli%20(2010)%20-%20IMDb.html)> accessed 17 October 2019

⁴³⁶ The universal definition of justice which is the content of the Golden Rule says, 'Do unto others what you want them to do to you.' The Golden Rule is also reflected in Mark 12: 30-31, and it says, 'You shall love your neighbor as yourself.' The charge of love reflected in the principles of natural law and the bible makes it clear that the foundation of justice is love.

⁴³⁷ Olalekan Moyosore Lalude, 'The African Moral Perspectives on Human Rights and Their Influences on Anti-Gay Laws in Nigeria and Kenya' (2019) 8(2) International Journal of Legal Studies and Research

institution of government to restrict the scope of their rights and to make certain decisions based on the investment of a general will in the institution of government. It concludes that the government makes laws, a group of people with a sense of moral conscience indoctrinated into a social-ethical system.⁴³⁸

In medieval Europe, the Church's history is a story of power and of immense influence. The papal authority in Rome had much influence even over kings, and the fear of excommunication was as great as the fear of death. Even during the time of Galileo, the Church controlled everything from knowledge to the institutions through which knowledge was gotten. This great influence of the Church in ordinary social life had much impact on England to the point that the Church of England had to be started to liberate England from the religious dictates of the papacy in Rome.⁴³⁹ A further movement of a group of people called the Puritans came up within the Church of England, seeking to reform the Church and create a middle ground between Roman Catholicism and the ideas of the Protestant reformers.⁴⁴⁰ This set of people wanted to liberate further the Church of England from the latent Catholicism in the structure and tradition of the Church.⁴⁴¹ When the persecution started against the puritans. Many of them had to leave Europe for what is now known as the New World.⁴⁴²

Upon the arrival of the puritans in North America, they started colonies, which was the establishment of a puritan foundation for the making of modern America. The puritan values of self-reliance, frugality, industry, energy, and attributes in America remained after the puritan political structure had given way.⁴⁴³ This was how the making of the American society drew from a religious movement guided by religious precepts.

A Dissection of the Moral Conscience of the Nigerian State

In Nigeria, moral conscience has faced many challenges, and it seems that passion often takes a superior consideration over reason many times in Nigeria. There is a huge moral crisis in the country, and it is evidenced in the politics and in the ethical makeup of society. There

⁴³⁸Jeremy Kleidosty and Ian Jackson, *An Analysis of John Locke's Two Treatises of Government* (1st edn Routledge 2017)

⁴³⁹ CNN Editorial Research, 'Episcopal Church Fast Facts' (CNN, August 19, 2021) <<https://edition.cnn.com/2013/10/28/world/episcopal-church-fast-facts/index.html#:~:text=The%20Anglican%20Church%20originated%20when,US%20Episcopal%20Church%20is%20one.>> last accessed 20 April, 2022

⁴⁴⁰ Ning Kang, 'Puritanism and Its Impact upon American Values' (2009) 1(2) *Review of European Studies* 148

⁴⁴¹ *Ibid*

⁴⁴² *Ibid*

⁴⁴³ *Ibid*

have been many attempts to proffer solutions to the corruption that has taken preeminence in the Nigerian society. This has been done through the making of laws, like the Corrupt Practices and Other Related Offences Act, Money Laundering (Prohibition) Act, and the establishment of institutions such as the Economic and Financial Crimes Commission, that attempt to arrest its progression, but these efforts have failed because corruption is still rife in the Nigerian public service and in the society.⁴⁴⁴ The question of corruption is a challenge to the Nigerian polity. Confronting corruption has often defied the most concerted of efforts because the inflammation of the Nigerian social fabric by corruption is more insidious than those who try to combat corruption think.

Nigerians even talk about corruption fighting back when there is an attempt to combat it.⁴⁴⁵ Corruption has often shaped the perception of politics in Nigeria. Candidates now assume that the aim of attaining political roles is to enrich themselves, their friends and their families, and maybe their cronies too. The Hegelian conception of natural law becomes a focal point in considering the problem in the ethical perception in the Nigerian political sphere. The Hegelian view on natural law, having stressed the universal interest of society, makes it compulsory that the view of many Nigerian politicians in the engagement of their duties is quite problematic. It then follows that if monetary gain or other associated benefits is the overall motivation of aspiring to public office and not the objective to serve community interests, then the purpose of leadership is lost.

The levels to which corruption has attained societal prominence are to the point of amorality. It seems that Nigerians cannot tell the difference between corruption and what is beneficial to them. Many Nigerians are either ignorant about the impact of corruption in society or do not appreciate the extent of the damage. If one looks at the ethical problem in Nigeria critically, one tends to wonder if there is ever an engagement of the natural law in the making of choices. Within the immediate Nigerian society, a certain amorality has been imbibed from the consistent indulgence in different vices, such as internet scams and voodoo rituals for money.

⁴⁴⁴ ME Ochonu, 'Bring Back Corruption' (Premium Times 13 August, 2016) <<http://opinion.premiumtimesng.com/2016/08/13/174342/>> last accessed 26 October 2019

⁴⁴⁵ Akinyemi, D 'Corruption has eaten deep into every fabric of the Nigerian society – Farida Waziri' (Vanguard 2016) <<http://www.vanguardngr.com/2016/04/demola-akinyemi-ilorin-former-chairman-economic-financial-crimes-commission-efcc-mrs-farida-waziri-thursday-urged-nigerians-partner-federal-government-ongoing-task/>> accessed 17 October 2019

Even in rural communities in the southern part of Nigeria, one might see young boys in adolescence talking about their scams on the internet. They talk about the white or foreign people who have fallen into their trap of fraudulent identities. Their aspirations are always towards making more money that would perhaps take them completely from within the risk of poverty. What makes this even more worrisome is that there is support at the family level for such kinds of vices as cyber-fraud.

It is interesting to note that the rot in the Nigerian society has brought much of an ethical collapse. The family unit, which is the base of societal structure, has its values corroded by the avarice. Parents now support children who engage in illegitimate livelihoods. They even provide the psychological, spiritual, and emotional support necessary for their children to engage in even more criminally daring means.

The obsession with poverty has taken a rather frightening dimension. People engage in different kinds of vices, and there is a romance with survival that seems to override any sense of ethical consciousness. The enablement of society in the glorification of an end-above-the-means approach to survival has even extended towards even the national perception of political oppression. Many people support public officials who might have been involved in the making of oppressive policies. The die-hard approach to political followership has often been a primary concern in the making of violent politics. It has often not been too clear why people would choose to die for political office holders who do not care about their well-being.

The anatomy of the ethical crisis in Nigeria shows that there is an absence of natural law applied to the conduct of social engagement. The problem of corruption in Nigeria has been diagnosed from a variety of perspectives. There are some people who say greed and corruption are responsible for the ethical crisis in Nigeria.⁴⁴⁶ For instance, the inclination of public officials to steal public funds when there is an exposure to the public treasury.⁴⁴⁷ Moses Ochonu, who had explored the popular will to fight corruption, wrote:

Sustaining everything from major real estate transactions to the patronage economies of petty retailers. . . [C]orruption generates secondary and tertiary ripples and transactional economies that benefit even the pepper seller in the market. . . [W]hile corruption flourished in the previous administration of Goodluck Jonathan, (the

⁴⁴⁶ Uzochukwu, P, 'Corruption in Nigeria: Review, Causes, Effects and Solutions' (Soapboxie, 2017) <<https://www.soapboxie.com/world-politics/Corruption-in-Nigeria>> accessed 26 October, 2016

⁴⁴⁷ *Ibid*

proceeds of) that corruption found (their) way in trickles to all the consequential corners of the economy, lubricating the sinews of an economy that depends, for good or ill, on the state's revenue mobilisation, spending, and leakage.⁴⁴⁸

Unfortunately, the Nigerian economy happens to be hinged on a monolithic description. The resource curse, which many economists have blamed for Nigeria's mostly non-value creating economy, and which has been blamed for the great levels of corruption, has hindered development and stymied growth. When a series of wrongs have been done, it becomes more difficult to act rightly to resolve the series of wrongs that have been done, so humans tend to want to do good only when it is convenient. This can be made to explain the Nigerian situation where the foundation of the state itself was built on corruption, and the administrative system was designed to be predatory. With this kind of arrangement in place, it had become difficult for successive governments to create change even if they wanted to. There have been consequences for the non-application of moral conscience in Nigeria.

Nigeria used to be a country that many African countries had great respect for, but today, Nigeria is known for drug peddling and complicated fraudulent schemes that are ingeniously executed. Nigeria's infamy on the international scene was further underscored by a Federal Bureau of Investigation (F.B.I.) discovery of a complex network of Nigerian fraudsters some years back.

The F.B.I. had gotten complaints from Unatrac, which was an international subsidiary of the Caterpillar company, Obinwanne Okeke, also known as Invictus Obi, had been able to breach the e-mail account of the company's chief financial officer and was behind a series of counterfeit invoices that were worth \$11 million.⁴⁴⁹ In another news, Aljazeera reported that: 'U.S. authorities have announced charges against 80 people, most of them Nigerians, in a wide-ranging fraud and money laundering operation that netted millions of dollars from victims of internet con jobs.'⁴⁵⁰

⁴⁴⁸ Ochonu, M E, 'Bring Back Corruption' (Premium Times 13 August, 2016) <<http://opinion.premiumtimesng.com/2016/08/13/174342/>> accessed 26 October 2019

⁴⁴⁹ Mildred Europa Taylor, 'New Details Emerge on Arrest of Forbes-Celebrated Young Nigerian Billionaire in the U.S. Over \$11m Fraud' (Face2Face Africa, 20 August, 2019) <<https://face2faceafrica.com/article/new-details-emerge-on-arrest-of-forbes-celebrated-young-nigerian-billionaire-in-the-u-s-over-11m-fraud>> accessed 20 October, 2019

⁴⁵⁰ Aljazeera, 'US Charges 80 People, Mostly Nigerians, in \$46m Internet Scam' (Aljazeera, 23 August 2019) <<https://www.aljazeera.com/news/2019/08/charges-80-people-nigerians-46m-internet-scam-190823071850782.html>> accessed 20 October, 2019

American authorities on Thursday unsealed a 252-count grand jury indictment charging those people in an operation that procured at least \$46m from victims of internet scam jobs.⁴⁵¹ The making of the Nigerian legal system had been an adopted process that bore the marking of England's godly past. From the backdrop of the creation of the English common law system, which was a human-made process, natural law came into operation in the form of equity, which they say 'is a gloss on common law.' The Nigerian legal system has never been exempt from the ethical crisis that has rocked state institutions.⁴⁵² The Rule of law, which is justice itself in any legal system, is often lacking in the Nigerian legal system.⁴⁵³ In the judicial circles, judges sell verdicts to the highest bidders. Unfortunately, there have been reports about great corruption in the Nigerian judiciary.⁴⁵⁴ The failure of the moral conscience in the Nigerian legal system from the collusion of some lawyers with some judges to pervert of justice has also assisted in the phenomenon of 'corruption fighting back'.⁴⁵⁵

The doctrines of equity are the contribution of natural law to the growth of society. The creation of justice which Aristotle had argued was mainly through the effort of human reason, follows this line of thought. The teleological processes of equity have manifested in Nigerian legal realism. The deviation of the judge from the mechanistic requirements of common law has often become a celebrated process. In the case of *Egbase v Oriareghan*,⁴⁵⁶ where the question of fraud stood in the face of the principle of *non est factum* (not my deed) offered by the Illiterate Protection Act to protect illiterates from non-consensual documentation, Karibi-Whyte J.S.C stated: 'The protection offered by law is to ensure that a person is not held bound by the terms of a document which he should not have signed, but signed due to fraud or mistake.'⁴⁵⁷ In that case, Karibi-Whyte held against the defendant on the ground that his plea of *non est factum* was fraudulent.

⁴⁵¹ Aljazeera, 'US Charges 80 People, Mostly Nigerians, in \$46m Internet Scam' (Aljazeera, 23 August 2019) <<https://www.aljazeera.com/news/2019/08/charges-80-people-nigerians-46m-internet-scam-190823071850782.html>> last accessed 20 October, 2019

⁴⁵² Olalekan Moyosore Lalude and Ayodeji Fatehinse, 'Economic Justice and Judicial Structure: Realizing Economic Growth in Nigeria' (2020) 2(1) Society & Sustainability

⁴⁵³ *Ibid*

⁴⁵⁴ Joseph Onyekwere, 'ICPC Corruption Verdict Unsettles Judiciary' (*TheGuardian*, 26 January 2021) <<https://guardian.ng/features/law/icpc-corruption-verdict-unsettles-judiciary/>> last accessed 21 April, 2022; Ebun-Olu Adegboruwa, 'Challenges of the Judiciary in Contemporary Nigeria (3): Judicial Corruption And Transactional Justice' (*Tribune*, 9 November 2021) <<https://tribuneonline.ng.com/challenges-of-the-judiciary-in-contemporary-nigeria-3-judicial-corruption-and-transactional-justice/>> last accessed 21 April, 2022

⁴⁵⁵ Bayo Akinlade, 'Corruption: Lawyers Should Stop Giving Bribes' (*TheGuardian*, 3 October, 2021) <<https://guardian.ng/opinion/corruption-lawyers-should-stop-giving-bribes/>> last accessed 21 April, 2022

⁴⁵⁶ *Egbase v Oriareghan* [1985] LPERLR-SC 156/1984

⁴⁵⁷ *Ibid*

The exercise of legal realism, which is based on the idiosyncratic impressions of the judge upon law, has given rise to a question as to how the emergent point of the intersection between natural law and biblical precepts has often influenced the interpretations of the law. To further understand the relationship between the making of law and the operation of justice, it should be noted that at the point of the making of laws, natural law interacts with the divine law, and the result of this interaction is human-made laws that reflect a conscience that understands perfectly well, the importance of justice.

Conclusion

The failed ethical system in Nigeria cannot be overlooked if the state has to grow both economically and socially. The problems of image perception that Nigeria has had to undergo have inhibited the state from many opportunities, especially in this age where the internet has become the primary vehicle for globalization. It would not be fair to say there can never be an application of moral conscience in the resolution of issues in the Nigerian polity. However, certain things would have to be considered for the Nigerian moral conscience to be revived. Firstly there would have to be a shift in the ethical interest. There is no doubt that the Rule of law is a creation of natural law, as the objectivity that the Rule of law challenges any legal system with is a reflection that there is a moral obligation on man to do what is right without exceptions. In all, the Rule of law is justice in itself. It is a discernment of how a man needs to apply the conscience of morality in natural law to human-made laws to arrive at a just end.