

# The Interaction of Law and Religion in Central Nigerian Societies

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## Abstract

This paper examines the interaction of Law and Religion in the central societies of Nigeria. Legal and religious orientations are inseparable as they both deal with the maintenance of order despite struggle for power and disputes, how rights are enforced and wrongdoing are redressed. The legal and justice system in the community derives its power and authority from the religious belief of the people. The elders of the community are the custodians of the legal and judicial matters of the society. The indigenous judicial system believe in the immediate punishment of a culprit of an offense while for the foreign religions punishment are believed to come later in life or after death.

**Keywords:** Law, Religions, Central Societies, Western civilization, Nigeria

## Introduction

Law and religion constitute an integral part of human society that assists to maintain peace, stability and progress among people in human society. It raises human consciousness and subconscious fear with regard to punishment in the community and the hereafter<sup>1</sup>. Legal and religious orientations are inseparable as they both deal with the maintenance of order despite struggle for power and disputes, how rights are enforced and wrongdoing are redressed. In Africa, the pervasive influence of religion is an important factor regulating the behaviours and conduct of people in society. Legislation is administered in interpersonal disputes, civil and religious offences against the customary traditions of the community<sup>2</sup>.

Law and religion is a central feature of a pluralistic society to maintain equity, social justice, fairness and equality among people of diverse ethnic, social and religious groups<sup>3</sup>. Legislative and religious orientation allows for differing notions about the laws of the land and the supposed sanctions given to offenders irrespective of customary practice and belief systems. The legal structure of most African society encourages freedom of association and right to belong to a particular religion<sup>4</sup>. This study in this article therefore focuses our understanding of the religious views on legal and illegal matters with distinct nature and normative values and principles among ethnic dwellers and religious group in central Nigeria.

Faith communities and legal systems promote the idea of resolving disputes and conflict through mechanisms provided by customary practices or religious injunctions. This is achieved through the settlement of disputes by deliberation and discussions rather than by force. The correction of wrongdoing is sanctioned with payment of fines, public flogging, and singing of disgraceful songs to the culprit except for serious offences like murder, incest, adultery and homicide which is sanctioned ritual reparation<sup>5</sup>.

The peoples of central Nigeria covered in the scope of this study comprises of the Tiv, Igala, Idoma, and the Ebira groups living in the Niger-Benue confluence in Nigeria. The inhabitants of the region are divided between Christians and Muslims. As at date, there is paucity of relevant historical information concerning the interaction of law and religion among these peoples. Perhaps, this is due to the fact that the people of Niger-Benue confluence have received less attention among Nigerian historians. This therefore makes it imperative to investigate the cultural practices of the people with regard to punishment, maintaining social order and control, Nature of civil and criminal offences and the influence of religion and law in the communities. For convenience, the paper is divided into eight sections. The first provides an introduction and general background on the interaction between law and religion and scope covering the study. The second deals with the overview of law and religion in Africa. The third examines religions and belief systems in Central Nigeria. The fourth discusses the traditional political system in central Nigeria. The fifth highlights the moral principles and social control of deviants.

The sixth deals with the interrelationship of Law and beliefs system in central Nigeria. The seventh examines law and faith communities in Central Nigeria. The eight analyses the influence of foreign religion on cultural belief systems and summarizes the discussion on the interrelationship between law and religion in Central Nigeria.

## **Overview of Law and Religion in Africa**

Law and religion are inseparable. Both are essential to regulate people's behaviour and conduct in the society. It is structured for the purpose of maintaining peaceful coexistence and healthy social relations within the community<sup>6</sup>. It is predicated on the principles and practice of good governance in the polity. It covers all aspects of sanctions, procedures and judicial pronouncement on actions that are frowned upon in the belief system of the people as well as other behaviours that are unacceptable and not supported by the tradition of the community. The laws regulating the behaviours of the people have no written code as we can observe in the English and Islamic legal system<sup>7</sup>.

However, it is embedded in the oral testimonies and traditions of the people in songs and proverbs, as well as in their religious belief. Actions that are considered to be abominable and unacceptable forms of behaviour have been well documented by Bohannan in his classic study, *Justice and Judgement among the Tiv*. His study provides a summary of laws and customs guiding the Tiv people before the advent of the British legal system. Examples of some of the laws mentioned in the book include laws regulating kidnapping, illegal marriage, bigamy, kidnapping, assault, stealing, fighting, arson, gambling, fraud, robbery, slander, adultery, and murder. All these offenses have different sanctions and punishment<sup>8</sup>. For example, among the Igala, Nupe and Ebira, the penalty for theft was referred to the ancestors or gods for punishment. Such punishments include illness, paralysis and partial blindness. In many cases the gods revealed the thieves publicly or forced them to confess. The culprits could return the stolen property to avoid further punishment and a propitiatory sacrifice would be offered to cleanse the thief and the society. Witches and wizards were stoned to death. In the case of adultery, the gods will inflict the woman with a strange illness. If she confesses, appropriate sacrifice will be made to cleanse her from the illness to make her recover.

The perceived purpose of punishment is to prevent crime within the community and discourage the escalation of crime to a greater proportion. Punishment involves intentionally inflicting deprivations on persons by someone with authority to do so<sup>9</sup>. It is regulated by the state, the family and the community participating in upholding the punishment of the offender. This is similar to western societies where the purpose of punishment is to vindicate the law, crime prevention, and offender rehabilitation<sup>10</sup>. The people view punishment as a socially acceptable practice to prevent criminal tendencies, maintain the law but not necessarily deal with the rehabilitation of offenders.

This is hardly found among the people of central societies in Nigeria<sup>11</sup>. Punishments that are handled by the state cover abominable practices that are against religious ideals of the community and the fear of the society against supernatural disaster which may befall the community if proper atonement is disobeyed.

For example, in certain families, If a woman married to husband but became pregnant due to promiscuous behaviour with another man, the woman may find it difficult at childbirth during labour unless she confesses her deed and appropriate atonement will be made on her behalf before she can successfully deliver the baby. At this point, the question may be asked: Are punishment in Nigeria generally seen as just or not? The debate whether punishment is “just” or “not” cannot be stated with precision. However, among the people punishment is observed as a consequence for wrongdoing or actions breached by individuals in the society. Punishment is considered as sacrosanct and permanent threat that regulates social behaviours of people. It is an indispensable incentive to obey the law. It is inescapably entrenched in the cultural belief of the people to provide social order, crime prevention and a religious duty<sup>12</sup>. Similarly in western cultures punishment is perceived as “symbols or projections of societal concerns for a violation of the collective conscience” which are a crime<sup>13</sup>. This point presupposes the notion that every society reacts to deviant behaviours that are detrimental to the value system of their community. It is therefore against this background that the notion of punishment as “just” is individually determined and may not be adjudged culturally or universally acceptable as “just” or not<sup>14</sup>.

Law and religion are laid down for the guidance of an intelligent being by a supreme being who has power over human. This view implies the existence of a political sovereign whom people in an organized political society are in the habit of obeying; on pain of punishment. However, it should be noted that it is not in all cases that a community that lacks a sovereign commander, an army of uniformed policemen an imposing prison house is a lawless society. The mechanism for securing law and order may not necessarily be institutionalized in order that the rules of human behaviour may be regarded as law<sup>15</sup>. Examples of non-institutionalized policing that assists in securing order popularly referred to as “vigilante” among the people. This group acts as security guards to the neighborhood to ensure that goods belonging to traders in the market places and properties belonging to household are protected against theft or armed robbery within the neighborhood. These groups rely on charms, cutlass and light weapons for their defense against armed attacked by criminals. Usually, when some of these armed robbers were caught they were mercilessly beaten with bob action by the community on a mere alert that an armed robber had been caught in the neighborhood. These non-institutionalized police include Odua People’s Congress among the Yoruba (OPC), The Bakksassi Boys among the Igbo, and Dogara among the Tiv and Nupe group in the central societies of Nigeria. These groups were unauthorized legitimately by the state to apprehend criminals but the civilians were engaged in these act because of their loss of confidence in the Nigerian Police Force in the performance of their duties.

## **The People and Religions of Central Nigeria**

The people of central Nigeria comprises of those commonly described by historians as “stateless societies”<sup>16</sup>. These people do not perceive their descriptive status by historians as “stateless” or seems to equate it with anarchy as it is construed in Western perspective. The people of the society look upon the family, clan and the kinship structure to regulate social order and maintain public peace within the community. In the words of J.F.A Ajayi, the most basic unit of the society is the family that the people experience authority. The families have been modified according to the needs of different ecologies, occupation and evolving cultures. Some communities reared goats and cattle, while some took to fishing, some to planting root crops in the forest areas and others cultivating cereals in the savannah<sup>17</sup>.

Within the family, the males inherited property through the male line, a few through the female line. These different factors affected the size of the extended family and the pattern of authority. In these societies authority was dispersed among clan and lineage heads. Within the extended family, there are some common features which influences the concept of authority without the action of the state to secure order and maintain peace. Within the political system, the eldest male of the lineage or clan is generally recognised as the head of the family. He is deserved to be respected and be obedient to when he gives instructions<sup>18</sup>.

His authority is conceived usually as divine and paternal. The clan and lineage heads were the eldest considered nearest to the ancestors, wisest and the most objective and impartial members of the society. The bases of authority lie in hands of the elders and lineage heads of the clan. The head of the clan is recognized as the representative of the ancestors. He retained his authority as long as he fulfilled his obligations to the ancestors of the community and treat all members of the family with fairness and justice. Belief system provided the most essential backing for his authority. He therefore lost his bases of authority if he failed in his duties to the ancestors or he became corrupt, partisan or consistently unjust in his dealings with members of the family<sup>19</sup>.

Rarely did the family unit remain separate and sovereign among the people. Families extend into clans and group of clans extended into villages or village groups. Village groups evolved new social and religious associations and patterns of authority extending beyond the family level. Such new authorities evolved from the need for offence and defense, marketing and exchange of agricultural produce or the sharing of sacred shrines. The power and functions performed by the state is non- centralized. It involves vesting authority on the kinship structure of the family lineage for the common interest of the society. Authority for the community was never personified in the state nor an army or a police to checkmate peoples’ behaviour. The oldest member of the compound presided over matters relating to conflict or disagreement between members of the clan. In theory, the eldest member of the compound exercise authority in the lineage clan due to his personality, ability and power of persuasion. Undue autocratic exercise of power was not acceptable among the people<sup>20</sup>.

If an individual feels oppressed by patriarch; he/she will flee to his/her maternal kinsmen, for protection and establishing him or herself as a “sister’s son” within their compound. If the lineage head attempt to for his will upon the community as a whole, his advice may simply be ignored. In an extreme case such action might lead to break up of the kin lineage, the offending elder being left to ‘sit alone with such counteraction, the community is able to impose limitations on the power of the compound head<sup>21</sup>.

Political power is more diffused at the kindred which is the minimal segment of the lineage system in which all the agnatic descendants of a single ancestors which their compounds and farms (form)... a single territorial bloc. These groups varies in population from 150-1500 covering an area from two to twenty square miles and comprises from four to fifty compounds. The authority within the kindred rests in the hands of the council of elders and patriarchs of the composite compound. The patriarch heads of composite compounds usually summon a meeting to discuss matters affecting the kindred as a whole especially on issues relating to wars, territorial disputes and exchange of marriages. Agreements are reached by consensus and the council is powerless to impose its will upon individual compound<sup>22</sup>.

Nigerian historians agreed that this practice is traceable genealogically to the founders of the tribe and ethnic groups found in these societies. There is no evidence that the genealogical stages and segments beyond the kindred level normally do not assume a political entity. In the polity, the lineage system provides the framework for defining social opposability, determining loyalties and supports in disputes between kindred of different lineages. Nevertheless, it is instructive to note that the larger lineage segment rarely function as a political unit<sup>23</sup>. These groups have been described by historians as stateless society due to the fact that there is little concentration of authority and power. It is difficult to point to any individual or limited group of persons as the ruler or rulers of the society<sup>24</sup>. The wielding authority of the political class is virtually unknown and were it seemingly exist, its power is limited to a rather sector of lives of those subject to them either as wives, children or the enslaved<sup>25</sup>.

Among the people, the units which regulates or settle disputes according to agreed rules of social norms and behaviours is relatively small or non - existent<sup>26</sup>. Prominent among the people of central Nigeria includes The Tiv, The Jukun, the Idoma, The Igala, The Ebira, The Igedde, The Bassa, komo, The Gade, The Afo (or Eloyi) and Alago<sup>27</sup>. These groups are numerous and politically described by modern historians as the minority groups of the people found around the Niger-Benue confluence area in central Nigeria. This does not explain why the minority are being described by historians as “stateless” These groups are independent social entity who speak different languages, shared some common features in their religious orientation with variation in the judicial and legal procedure in the process of handling and punishing offenders in their society. As at date, the factual level of demography is uncertain.

However, to suggest that the demographic level of the people of central Nigeria is demonstrably more pluralistic than other regions may be difficult to ascertain. Perhaps this is because, among the various regions that make up Nigeria, several other ethnic groups exist. The people are predominantly farmers and are found in the forest and savannah areas in Nigeria. The farmers in the forest areas are mostly concerned with root crops while those in the savannah are mostly concerned with root crops. The people depend on land as their basic means of livelihood<sup>28</sup>.

The people of the central regions of Nigeria believe in the existence of the Supreme Being popularly known as God in English usage. The name “God” is understood and perceived in the different society that makes up central Nigeria in different ways. People from different ethnic groups in Nigerian society call God with different names. For example, among the Yoruba, It is known as Olohun, The Igbo as Chineke, The Tiv as Aondo, The Ibibio as Abasi, The Idoma as Owoicho, The Igala as Ojo, The Ebira as Ohomorihi and the Nupe as Soko. In other words, it is a common belief that all the various ethnic groups found in the region believe in the existence of a self-existent being who is believed to be responsible for the creation and maintenance of heaven and earth, of men and women, and who also has brought into being divinities and spirits who are believed to be his functionaries and serve as intermediaries between human and the Supreme Being<sup>29</sup>.

In Central Nigerian societies, everything people do is guided by expectation of fears based on imparted moral codes. This is based on the fear of the society sanctioned by divine authority and against supernatural danger. In practice, everyday life is pervaded by thoughts that are directed by taboos and the sacred. Religion and belief system is the key to the people’s way of life. It informs the choice to choose between what is right or wrong and why different societies have different do’s and don’ts<sup>30</sup>. Religion offers a sense of brotherhood, which promotes understanding and harmony. Religion and belief system of the people has the ability to transform people’s behaviour. Among the Igala, for example, it is believed that oracles possess supernatural powers to punish offenders. Indeed, oracles were important instruments in oath taking and in judicial matters. They were consulted for mediation when conflict arose between individuals or communities and were consulted before going to war<sup>31</sup>.

Oracles are the metaphysical source of inquiry for offenses committed by individuals in the community. It is used to ascertain the veracity of evidence in traditional African dispute settlement proceedings. It is embedded in the religious and customary practices and belief system of the society. The oracle is consulted when a misfortune befall an individual in the community to know the cause of the trouble. When the sufferer of an harm consults the oracle he/she thinks of people who have cause to wish him/ her harm and puts their name to the oracle<sup>32</sup>. A typical oracle consists in a giving substance, collected and prepared with many taboos. It is administered to test the validity of an accusation of persons who commits murder, two individual in conflict, witchcraft and adultery. Within the community, oracles were consulted when there were doubts about the identity of the offender. The council of elders submits names of suspects to the diviner.

The diviner after some incantations, would tell the enquirer the person who committed the offense. The common characteristics of the oracles and their operations were shrouded in a strict code of secrecy and an institutionalized intelligence service. They were consulted among various ethnic groups in central societies of Nigeria<sup>33</sup>. In the Tiv culture, oracles are represented with emblems symbolized with a small cooking pot filled with ashes, camwood and two sorts of leaves. This pot is usually used in the act of swearing. The pot is made to touch the feet, the belly, and the head of a witness during court proceedings. It is generally believed among the people that if the witness has taken such an oath and then testifies falsely, his feet and belly will swell, his head will ache and he will die<sup>34</sup>.

The source of the power of the oracle is mystical and may be difficult to explain. However, it is regarded as conventional customary practices entrenched in the peoples philosophical ideology. It transcends most African societies in different names. Notable among such names in the Igbo culture include 'the Agbala of Awka, the Igwe-ka-ala of Umuonoha, the kamalu of Ozuzu. The ibiniUkapabe of Aro-Chukwu(the long juju) the mkpokitiabiri kite of Umunze and the Haba of Angulu.theTiv as Ukpehewuo In Yoruba culture it is known as Ifadivination, to mention a few<sup>35</sup>.Religious beliefs over the ages have assisted people to cope with the mundane challenges of their natural environment by appealing to god through sacrifice for assistance during seasons of drought, famine or other unforeseen occurrences that happens to nature. It is believed that religion assuage persons for supernatural protection, welfare and provision of his material needs<sup>36</sup>.

The people in the society hold a strong belief in both physical and spiritual entities. Thus, beliefs in ancestor spirits, deities, sacred rivers, hills, mountains and trees give meaning to their social order and cultural interaction with one another<sup>37</sup>. This is evident in the prevailing belief of the people that ancestors constitute cohorts of supernatural and never failing law enforcing agent whose eternal role was to detect and punish crime wherever it occurred and without fear or favour. One illustration of how ancestors are involved in the system of justice system in Africa can be seen in a story involving members of a nuclear family were an unapproved sexual intercourse occurred between a father and his biological daughter. When this happens and a pregnancy developed. All the family members will meet at the house of the clan head to discuss the offence traditionally invoking the spirits of their forbears as witness at the meeting<sup>38</sup>.

The father and the daughter who are the offenders in this case would be subjected to swearing by the family tutelary divinity. When this happens, it is believed among the people that the ancestors will punish the offender of the abominable offense seen to be against the tradition of the family. But, when confessions are made, then propitiation and sacrifice will be made by the family head or priest of the society to the ancestors with either an amount of fine or the sacrifice of an animal and kolanut. This will be used by the priest to make atonement for the sin committed to the ancestors. It is only after this is done that the father and daughter may experience peace.

Ancestral involvement in the justice system among people is transcending with mystical powers and authority<sup>39</sup>. The belief in the involvement of the ancestors in the justice system is not only found in the central societies of Nigeria but ubiquitous to Africa<sup>40</sup>. Among the people of Igala for example, it is believed that the dead lives and contributes actively in the lives of the living. This is reflected in the observance of the social rituals and veneration of the land especially during the Ibegwu festivals practiced in Igala society.

According to Miachi, ancestors are believed to have authority, which can be used coercively over the living. They are believed to have dynamic functions to perform in the society, especially in the life of their living kinsfolk. Similarly, the ancestors played significant roles in the entrenchment of checks and balances in the society and therefore superintend over the affairs of their immediate family and even that of the community<sup>41</sup>. The masquerades which usually performs during hegemonic festivals in the town are recognized in the culture of the people as their “ancestor” who visit the living annually. The Masquerades are likened to the ancestral spirit that is adored and well respected. Whenever the masquerade appears to the public the elders usually surrounds the masquerades with songs of praises and incantation to pacify it. In turn the masquerade dances and later prayed for the living family members for long life, prosperity and success. The Egwu Afia masquerade is the popular masquerade that features during the Ibegwu festival among the Igala in Central Nigeria<sup>42</sup>.

According to Kopytoff, they retain a functional role in the world of the living, specifically in the life of their living kinsmen; Indeed African kin groups are often described as communities of both living kinsmen; indeed African groups are often described as communities of both the living and dead. Commenting on the nature of ancestors being involved in the justice system, Anthropologists Igor Kopytoff has this say--- The ancestral relationship with the kinsmen is ambivalent, as both punitive and benevolent and sometimes even capricious. Ancestral benevolence is assured through propitiation and sacrifice, neglect is believed to bring about punishment. Professor Kopytoff noted that ancestors in Africa seem to be normally ambivalent, inflicting punishment to demonstrate the legitimate authority and exercising benevolence when appealed to. Indeed, ancestors are believed to participate in restoring amity within the lineage clan<sup>43</sup>.

In addition, oath taking is also another way through which the ancestors are invoked in the justice systems of African societies. Oath taking is precipitated on the belief that falsehood and violation will be punished by the supernatural powers that mediates the process. The invitation of the supernatural powers binds the statement or promise being made and when this is violated. It is believed that the offense will be punished. Usually the statement of an oath is outside ordinary speech or the use of coded language. Thus, the statement of an oath is believed to be laden with authority, which is derived from the supernatural power of the ancestors<sup>44</sup>.

Besides the traditional belief system, the adherents of Islam and Christianity have been visible elements of belief system among the people living within the region. Muslim and Christians maintain public order through their religious teachings to promote good behaviour and respect for constituted authorities in the land. The alien religion of Islam and Christianity set standards of perfection towards which people must strive to attain to reach divine potentials<sup>45</sup>.

## **Indigenous Political Systems**

The nature of the political system of the people of central Nigeria varies from one ethnic group to another. However, they share several common characteristics. Pre-eminent among these is the political fragmentation alongside linguistic and cultural heterogeneity. The socio-political structure is small and the highest political level of the community is the clan and village authority. The lineage clan of the village is a non-centric social system in which component units are equal and free in character. This equality and freedom are buttressed by the absence of a centrally organized force. Among the people of these societies, social order and equilibrium are maintained by the lineage, kinship and ritual ties<sup>46</sup>. The political landscape of the minority settlers in central Nigeria has been described in a largely fragmentary compared to linguistic and cultural heterogeneity. The sources and reasons for this shall be examined subsequently.

In these societies, there is no permanent ruling class, no permanent aristocracy and there are no permanent power elite. This implies that the political systems are based on the principle that all people are equal and deserve equal rights and opportunities. Therefore, there was no significant social group to wield power over the society. In the same vein, there are no strong individuals that hold authority over the lineages and the clans. The elders in the society are the only recognize group who possess minimal power and exercise minimal authority over their respective lineage or clan. This arrangement in the central societies comes out truly in decision-making process<sup>47</sup>. The lineage meeting is a meeting of seniors representing the families to solve group problems, the lineage elders engage in discussions and negotiations. At the end of the discussions, decisions are arrived at by consensus. While it is true that the chairman of the meeting is the oldest man in the group or by a representative of the oldest family, the chairman has no over-riding power or authority. The clan assembly manifests the same process of indigenous democracy where all lineages are represented by their elders<sup>48</sup>.

The responsibility of solving group problems and making group decisions lies on the shoulders of the clan elders. It is guided by the principles of discussions and consensus. The Tiv are one of the largest ethnic group among the peoples of central Nigeria<sup>49</sup>. The clan make choices in their decisions to enable them meet the challenges of their existence. The clan assembly chairman legitimizes its authority of decisions reached at the meeting through ritualistic symbols in order to induce compliance with group decisions<sup>50</sup>.

For example, this can be explained by the belief that the graveyard of the ancestors of the family will be visited and a curse will be placed on anyone who disobeyed the group decisions of the family clan. The structural features of the political system manifests in the ways in which conflict are handled among family members, inter- lineage or inter clan, the process of resolution ranges from negotiation for peace reprisals and organised violence<sup>51</sup>. When the group mobilizes their forces, the entire community reveals its point of cleavages and conflicts. These reveal themselves in disputes over rights to property inheritance of children within the family household, land disputes, and chieftaincy matters. These disputes manifest power dynamics and power differentials. The tense and unstable situation of conflict is resolved in Tiv, Idoma, Igala, Ebiraland and the Jukun culture either by escalation or by negotiated peace. In the escalation of conflict, the political system becomes an expansive web of alliances, the structure which depends on the geometric lineage relationships<sup>52</sup>.

The indigenous political system of the central societies appears to be an uneasy coexistence of cooperation, compromise and conflict. It is not static and regimented with a particular social order<sup>53</sup>. It manifests short run shift from equilibrium to disequilibrium. The political system is based essentially on kinship democracy, typifying the freedom of equality of all families in lineage affairs<sup>54</sup>. There was freedom and equality of all lineages in village or clan government. Every basic social unit in the system has the freedom and equality to participate in the collective affairs of the town<sup>55</sup>. There are no organized state institutions like the police to regulate aggressive behaviours and conduct. Despite this shortcoming, it is instructive to note that the people of central Nigeria maintain significant social order based on morality and social values. Kinship ties are bonded with common rituals and common gods. These factors provide the foundation for social equilibrium in the sustenance of the society<sup>56</sup>.

## **Ethics, Values and Social Control of Deviants**

Ethics, as understood by Olatunji, signifies a general pattern of ways of life. It seeks for principles or reasons upon moral positions could be justified and a set of rules of conduct. The word ethics is conceptualized as the philosophical study of right and wrong modes of behaviour, the natural meaning of moral predicates, propositions, values and judgements. In addition, it also clarify moral terms as well as analysis of the structure of moral claims<sup>57</sup>. Ethical practice in this sense, attempt to formulate codes and principles of moral behaviour and it is recognized as a necessary feature of human cultures. Moral codes are useful human creations, sets of customs and conventions which make social life possible<sup>58</sup>. The moral culture of the central societies of Nigeria and their religious beliefs were fused with moral values to form a single whole. This view point buttresses the fact that ethical principles in the society cannot be divorced from the religious culture of the community<sup>59</sup>.

On the other hand, it is also believed that ethical behaviours are anchored on the natural right of reason with conscience playing a central role. More importantly, it is based on human welfare and the common good of all persons in the society irrespective of age, clan or dialect. Put differently, Ayantayo avers that ethical practices in the central societies of Nigeria are essentially interpersonal and associated with religious teachings<sup>60</sup>. Ozumba described this form of “ethics as an impressive pillar of humanism” This is particularly true in the sense that the welfare and well-being of the people is the main thrust of the societal ethics<sup>61</sup>. Humanism in African philosophy and religion is useful to understand the philosophical tradition that is centered on the autonomy of persons as a dignified, rational being, possessing the ability to distinguish between what is right or wrong. Humanism in African philosophy of religion entails the appeal to human reasoning based on what is allowed or not allowed. It rely on traditions and conventions of the people as agreed in their belief in the power of reason, freedom of choice and indigenous value system<sup>62</sup>.

Ethical practices in plural societies deal with how people ought to behave, and why it is wrong to behave in certain other ways, and right to behave in certain other ways. It explains the reasons why certain kinds of actions are morally wrong and why others kinds of action are morally right and commendable<sup>63</sup>. The classic issues or ethical problems in Nigerian ethics include corruption, religious bigotry and ethnic chauvinism<sup>64</sup>. In addition, the well-being of each individual society depends on the preservation or restoration of one’s relationship with his other family members or community. <sup>65</sup>. Among the people of central societies in Nigeria, ethics places considerable value on conformity of the individual to the social group in order to preserve the unity of human relationship. Besides moral or ethical codes, central Nigerian societies promote social unity as well as mutual co-existence among the various lineages and clans in the community<sup>66</sup>. This can be explained in the sense that the people of central Nigeria do not belong to single ethnic or cultural groups. These groups of people are independent of each other in terms of political structure, religious orientation and language. Within the various clans in the community is relatively easy to promote social cohesion among the people.

Values in the context of this study entail a general and acceptable code of conduct, beliefs and orientation of the people in their community. These values are of different kinds in most societies of the world. An example of these values includes family values and cultural values. Family values among the people of central Nigeria entails the role of parents as model shaping the behaviours and attitudes of members of the same family. It encourages individual families to cooperate with one another to solve problems and pass essential skills necessary to cope with life transactions. In the different societies that make up the central Nigeria, family values are rooted in each individual culture, thus making the values different from one society to another. Just as culture changes over time in response to the prevailing economic, political and cultural developments so also, “family values” vary from one household to another and generation to generation<sup>67</sup>.

More importantly, family values among clans and kinship in central societies in Nigeria are based on the strong personal belief about what is good and what is bad; what is right or what is wrong. Every kinship clan has different set of values that are meaningful to them. Some families count honesty and friendship as important values. It gives meaning and direction to every part of family life. Values within a family develop through living in a specific family and culture. Generally, as children grow within a family setting, they are exposed to desired family values of all persons which entails love, care, intimacy, acceptance, commitment and share responsibility within a micro family level<sup>68</sup>. The family is considered as the basic genealogical unit of the society within the lineage system<sup>69</sup>. The Tiv word for family is *tsombur* (umbilical cord). The umbilical cord is treated with respect because it symbolizes the union between mother and child. Before birth, the child is joined to the mother through *tsombur*. What is implied by this metaphor is therefore that family members are joined together in a sort of organic unity and are made up of one common blood? It normally consists of a man, his wife or (wives) and children. The extended family system is also a significant feature of the people of central societies in Nigeria. This include men, their wives, children, son's wives and their children. A collection of family groups would then become the lineage, kinship or extended family. The family lineage as usually shares its resources with less fortunate members<sup>70</sup>. The Tiv have been largely described as one of the dominant ethnic groups found among the people of central societies in Nigeria. Cultural values are the set of the people's beliefs, customs and tradition of the community. It is a group identity of ethnic or social behaviours acceptable as standard for the community. It covers the religion, habits and identity of the group. It is guided by rules of behaviour in specific situations and what is regarded as good or bad in a community. It demonstrates the abstract ideals striven for by means of specific behaviour that is necessary for the survival of the people<sup>71</sup>.

Social control as contextualized in this study refers to the procedures used in the regulation of people behaviour and conduct within their socio-cultural environment<sup>72</sup>. The basic institutions of social control that are responsible for human integration into the society are the family, religion and the State. The family plays an important role in maintaining social order and preserving the functioning of the family. It acts as a regulator upon undesirable kinds of behaviour and eliminates the damage that such behaviours may cause by its existence to the kin and family members<sup>73</sup>. Religion also plays vital role in the maintenance of group cohesion and promotes good behaviour to establish peace and stability within the society. Their ideas about what is right or wrong are detected by the gods and the Supreme Being. Everything they do is guided by the hopes and fears of not only the living but the departed, the gods or divinities and the omnipotent being<sup>74</sup>. The State is responsible for the protection of life and properties of citizens in the community. It was seen as the moral agent that performed the important functions of maintaining religious laws and sanctions<sup>75</sup>. Any individual who violate the law of the land are given appropriate sanctions and punished with imposition of fines, banishment from the community or inflicted with dangerous ailment as a form of punishment from the gods and divinity of the land<sup>76</sup>.

In the central societies of Nigeria, the basic means of social control were related to folk customs, traditions, manners, laws, and social regulations. For the maintenance of social order proverbs, songs, lyrics and wise sayings were employed to promote stability, peace, progress and social harmony among the people. For instance, satirical songs in the day to day activities of the people were used to castigate, ridicule and make mockery of the perpetrators of wrongdoings in the land. These songs were useful to help in sustaining a disciplined, upright, stable and peaceful society<sup>77</sup>. Among the Igala ethnic group, there are some from proverbs that extol societal ethics. Examples of some proverbs that extol ethics include character defines a person. *Ali maka ma kunyn* - It is character that matters, not beauty. People may behold and admire beauty, but it is seen as something temporal and deceptive. But *Ali dabuefueny, alinumajan* - A person's character is like pregnancy, it cannot be hidden for too long; *Ali nygbchenychewlawchebinchewlaw*- Character is a god, it supports you according to your behavior. And good character entails giving helping hands to neighbours, knowing one's capacity and having the readiness to take on responsibilities accordingly. *Iko k gbeiongbeilaw* - One good turn deserves another; *n kibilj ale-iwhom the cap fits, wears it; n kiatenewnkitaniki* - whoever wants what is on the ground must bend. *Uchukinibeaklawnmoli* – Good nature is never hidden<sup>78</sup>.

The people frowned at wrongdoings especially in cases relating to adultery, taking of another person's wife through force, seduction or persuasion to engage in an illicit sexual relationship. Besides, mistrust and betrayal of mutual agreement between two persons of same or opposite sex could be unacceptable and it is believed that a woman of a reasonable age but is yet to be married does not deserve any form of respect. Similarly, parents who indulge their daughters to remain single or the married ones to desert their husband for pecuniary gains are most times regarded as object of ridicule. It is believed that among the people, that a man who snatches someone else's wife due to handsomeness or other frivolities should be despised publicly and ridiculed for this debasing act<sup>79</sup>.

## **Interaction of Law and Belief System**

Law and belief system among the people of central Nigeria are inseparable. Law is the basis of power and authority. Belief system played a major role in the political system by providing guidance for the kinship of the society. The people relied on their belief system as a measure to having relative peace and stability in the society. Laws made by the society is not only a political matter, it is connected to belief system to achieve its desired goals. Belief system which shapes the lives of the kin greatly determines their conduct and behaviour<sup>80</sup>.

Traditional belief system was employed as an instrument of providing and legitimizing security for the people. Individuals and families were expected to be loyal not only to the elders but also to the religious regulations and societal norms. A breach of religious or societal laws was punishable with sanctions, punishment by ordeal, banishment or imprisonment.

Actions considered as deviants in the community were anti-sacred and not secular; whatever belief system disapproved, the society also condemned<sup>81</sup>. In the words of Tamuno there is no observable distinction between criminal and civil law that is between felonies (serious crimes) and misdemeanors. For example, people who commit abominable offences such as incest, killings of deified animals, murder, adultery, rape were punished with payment of fines, rejection or banishment from the community, mockery in cases relating to theft and stealing<sup>82</sup>.

The legal and justice system in the community derives its power and authority from the religious belief of the people. This is unlike in western societies in Europe and America, which had more antagonistic relationships between religion and the state. In Western societies, the secular state fears corruption by religion, and religion fears corruption by the secular state. The elders of the community are the custodian of the legal and judicial matters of the society. In the dispensation of justice, the elders are responsible to restore ill feelings and rancor among disputants' individuals in the society<sup>83</sup>. Moreso, strong emphasis was placed on reconciliation and peace keeping in the traditional legal system<sup>84</sup>. At this point, the question may be raised, what happens, if in case the intervention of the elders in the community does not provide the desired feelings of maintaining peace?

## **Foreign Religions and Western Civilization in Central Nigeria**

At this point, it will be necessary to justify the claim that both Islam and Christianity are foreign and imported religious practices brought to the people of central Nigeria. The vast majority of the people of central Nigeria practice African traditional religions while the adherents of the imported religions combined made up less than a quarter of the population. Islam and Christianity are both foreign and imported religious belief system imported from the East, in Arabia and the West from Europe respectively. These belief systems were imported to Africa through exploration, commerce and later evangelization. The Roman Catholic Church, the Baptist, The Church Missionary Society, the Presbyterian churches dominated the scene in the nineteenth century to evangelize and preach the gospel to the benighted Africans. With the influence of colonialism, Christianity and western education was allowed to thrive in the Southern Nigeria while in the Northern part, it was discouraged due to the agreement made by the colonial authorities with the leaders of the Northern region in Nigeria. The agreement signed by both parties was based on the desire of the people that churches, Christianity and western education would not be allowed in the interior part of the Northern region<sup>85</sup>.

According to J.F.A. Ajayi, Islam was introduced into Bornu and the Hausa society in the 14<sup>th</sup> and 15<sup>th</sup> centuries, it spread informally at first as a set of ideas about God and worship, accommodated within the converts monarchical and social customs. It became a fashion associated with the court and the military, mercantile and literate classes.

This fashion later produced the learned as teacher and political or medical adviser; the widely-travelled Muslim trader as customer and informant; even immaterial things like charms and amulets, court music, styles of dress, and architecture as symbols of status and power. The spread of these led to the wider coverage of practicing the Islamic religion, down the Niger into Nupe and Igala and across the Niger into Yorubaland in the South. While, Christianity, on the other hand, was introduced to Nigeria in 1842 by the Church Missionary Society in the South<sup>86</sup>.

The desire of the inhabitants of the Yoruba society to embrace Christianity was due to their desire to have western education brought by the Christian missionaries. The education received through the missionaries no doubt increases the consciousness and belief system of the people with regard to the teachings of the foreign religions. Muslims consciously observed the need to learn Arabic while the Christians ensured for themselves to be able to speak and write in English languages. These two languages are indeed both foreign. As Christianity and Islam gained converts, their population soared, the number of indigenous traditional worshipper dwindled. Gradually, some of the African indigenous cultural and religious practices were eradicated. Although, some religious rituals continued to be practiced among the people as part of their investiture, many of these rites were no longer perform openly. For example, the practice of invoking deities to an unfaithful wife to the husband has been greatly declined.

Foreign Religions and Western civilisation have greatly shaped the legal practice in the region. The duo foreign religions brought new type of education that institutionalized its legal orientation in the people's legal culture as a way of life<sup>87</sup>. According to O. Adewoye, Christianity and western education served to foster personal freedom and individualism, thus gradually, but surely, eroding a major anchor of the traditional judicial system- that is the fear of the unseen<sup>88</sup>. For example, both foreign religions do not accept the view that is enshrined in the customary legal practice of the people that ancestors believed to be in the spirit world participated in the judicial process of human community to maintain peace, order and stability in the society. In addition, the foreign religions discourages the personification of evil. The indigenous cultural belief system of the people often blame witches or sorcerers for attacking their life and causing illness or other harm while they protect themselves with ritual acts, sacred objects and traditional medicines. The use of these means as methods of protection gradually became eroded with the influence of foreign religions an western beliefs.

Furthermore, the influence of foreign religions and western civilization have greatly reduced the respect and values attached to maintaining good behaviour among the people. This is arguably correct because before the advent of these foreign religions violators of religious and societal laws received heavy penalties such as affliction with terrible diseases, financial ruin (on individual or collective bases through poor harvests), and barrenness for women or even death. There is a strong belief among the people that the ancestors and gods often rewarded good behaviour or compliance with the law with longevity, peace, prosperity and freedom from sickness. The fear against this terrible punishment and desire to have peace and prosperity from the ancestors made the people to comply to the religious and societal laws of the people. No such fear is now popular with the coming of foreign religions and western civilization.

With the influence of Islam, particularly in Nupe and Ilorin society, the Islamic legal system became adopted as one of the principles of governance. With the introduction of Sharia, new perspectives to punishment were introduced to the society. Examples of these punishments include amputation of the hand of someone who steals, stoning women who commit adultery to death whipping and flogging both offenders for offenses of fornication, death for culpable homicide, flogging for drinking intoxicating liquor, and death sentence for those who are living Islam for another faith. At this point, it is instructive to note that only the ethnic groups of Nupe and Ilorin in the central Nigeria were Muslims are dominated accepted these new forms of punishment. Others such as the Igala, the Birom, the Ebir, the Jukun and the Idoma are the Christian dominated area in the region.

Apart from religion, western beliefs also influenced the indigenous legal system of the people. For example, since the introduction of colonialism, the English law have since been adopted in the judicial process with little or no interest shown to indigenous cultural practices. It is instructive to note that that the English system of law and justice is contrasting in many ways with the notion of justice held by the local inhabitants. For instance when there is disagreement between the natives and the Europeans strict adherence to the rules of the English law would be maintained. Indeed, the western influence ensured the subordination of customary law to English law. The English law was aimed at protecting British commercial interest in Nigeria. These laws were based on treatise signed by the British trading companies and the rulers of the community. These laws concentrated on themes related to peace and friendship with Britain, freedom of trade, assistance to British subjects in times of difficulties and freedom for the propagation of Christianity. The laws introduced by the westerners was indispensable to avoid economic exploitation, currency regulation, protection of British capital, the tapping of the territory's economic resources and the organization of its external trade- all these and other aspects of economic development involved the application of the law.

## **Conclusion**

It has been shown in this paper that the interaction law and religion are inseparable in the central societies of Nigeria. Law and Religion regulates the people's behaviour and conduct in the society. The family and kinship structure is the bases through law and order were regulated to achieve peaceful co-existence within the community. Traditional Religion imposes fear on the people due to punishment that may be incurred when actions considered abominable have been committed. The indigenous law in Central Nigeria was largely religious and metaphysical. The offences in pre-colonial period are viewed as affronts to the deities or the ancestral spirits, who will bring disaster to the entire community if violations are not properly dealt with? Death, protracted illness and expulsion are the common mode of punishment for the serious crimes of sorcery, witchcraft, sacrilege and other magico-religious offenses.

While the imported religions from the West and East relied heavily on the law to regulate social behaviours. With the influence of colonialism, the Europeans established courts, the police force and the prison departments. Unlike the traditional legal system, coercion certainly played a crucial role in the control of Central societies of Nigeria. The western law operated with the use of certain degree of 'force' to weaken the resistance of the conquered territory in Africa. Although, the use of force guaranteed effective physical subjugation, it did not provide harmonious cooperation between Africans and the West in an orderly and peaceful state of affairs that is needed for economic and social development.

At this point, it is clear that both indigenous traditional and foreign religions have a degree of force to enable people to comply and obey the law of the society. The fear of being affected with illness, barrenness or expulsion made people to obey the regulations of the town, so also the fear of being imprisoned or in the police custody or the courts made people to obey colonial laws. Religious syncretism is a commonly found practice among Muslims and Christians in central Nigeria. There is a general belief among the people that the protective power of charms or amulets is effective for usage as a people. Many ethnic dwellers in the region consult traditional healers when someone in their household is affected with a strange illness. Besides, the people also participate during festive ceremonies by identifying with their ancestors during feasts and celebrations in the town. Commenting on the power of the indigenous versus foreign religions system, the indigenous judicial system believe in the immediate punishment of a culprit of an offense is immediate while for the foreign religions punishment are believed to come later in life or after death. The forgoing statement makes it clear that foreign religions have greatly repugnance African society to a level that people no longer have fear of punishment even though they acknowledge what they are doing as wrong. This therefore opened the door for other questions on the efficacy of punishment as a way to reducing criminal tendencies

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