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**The Interplay of
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A Bi-disciplinary
Approach to Peaceful
Co-existence in
Nigerian Society**

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The Interplay of Philosophy and Law: A Bi-disciplinary Approach to Peaceful Co-existence in Nigerian Society

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Abstract

This paper examines the nexus between philosophy and law as a bi-disciplinary approach to peaceful co-existence in contemporary Nigerian society. It acknowledges that a harmonious interplay of philosophy and law enables peace from single individuals to the entire society. As philosophy shapes human mind and offers man wider horizon to understand life and act according to his true nature as a peaceful creature, law commands practical reasonable actions in his daily life and experiences for maintenance of peace in the society. The paper discovers that in relation to philosophy, reason is the 'life-wire' of law that guides its precepts and regulative goal towards good human behaviours for peaceful co-existence. It also establishes a strong tie between law and moral philosophy as normative sciences that set standards of human conducts and guide people towards their choices between right and wrong behaviours. It reveals too that philosophy which ensures that legal precepts are based on critical reasoning depend on true human nature and are practical as it mediates the relevance of law across ages and in concrete situations of life especially as it concerns common laws that have acquired their binding powers and legitimacy through lengthy usage. Interestingly, it divulges that positive laws are valid in so far as they are derived from objective moral principles, otherwise they become unjust laws and as such lack the character of law and by implication lack the binding authority for which no citizen is obliged to its obedience. Finally, the paper recommends that practical education and human empowerment which are valid for the contemporary Nigerian society be implemented to shape the sacred course that philosophy and law jointly champion for healthy living, secure and peaceful co-existence in the society.

Key Words: Philosophy, law, bi-disciplinary approach, interplay, peaceful co-existence, Nigerian society.

Introduction

Peaceful co-existence is very essential in human life for optimal developments of both the individuals and the wider society. Therefore, at the root of every logical human craving lies peace. That is to say, that every reasonable human person implicitly or explicitly longs for peace. So do every human society. The importance of peace in man's life and in human society in general cannot be overemphasized. In the recent years, Nigerian have been through series of perilous conditions that threaten their peaceful co-existence and endanger their life in general. Against this background, one may swiftly ask, is true peace and harmonious co-existence realizable again in our world today and in Nigerian society in particular? However, Egbekpalu (2021 p. 15) hints that "to live is to struggle through the challenges of existence." Explaining further, she (Egbekpalu, 2022, p. 35) insists,

Though most people are so physically and emotionally distressed, traumatized, confused, and exposed to untold hunger and general hardship, insecurity and uncertainty of even the moment, yet life must be lived purposefully because man's natural force in life (Frankl, 2012) is to find meaning as to why of his existence through the events of life and existential values. The ugly experiences of the recent years in all spheres of human life call for urgent remedies in order to restore hope and salvage human dignity.

Corroborating this position and within the context of harmonious interplay of philosophy and law, one may boldly respond in the affirmative. The matters of fundamental human right, justice, order and realization of peaceful human society have been major concerns of both philosophy and law and they occupy eminent positions in philosophical and legal discussions for the good of man and for the society in general. With regard to fundamental human rights, legal precepts keep every citizen on the same *niveau* and on track with respect to life in the society.

Philosophy and law impact so much on the individuals and the larger society in ensuring peace. For (Eneh, 2015) what is the usefulness of our thought (philosophy) if not to aid man realize the fullness of his being and live peacefully. Again, Edeh's (1985) metaphysical and existential implication of man's nature as the 'good that is' portrays a very serious ontological quality of human relations as members from the same creative source who should live harmoniously. The true African notion of man that Edeh's philosophical anthropology captures (Purissima, 2011 November 21), clarifies at the same time the intention of the founding fathers of African society that has at its base peaceful co-existence, respect and care for life for it is sacred.

During the World Philosophy Day, the Director-General of the United Nations Educational, Scientific and Cultural Organization Bokova (2002, November 21) emphasizing on 'building peace in the minds of men and women' delineates:

The practice of philosophy is a process benefiting the whole of society. It helps to build bridges between peoples and cultures and heightens demand for quality education for all...Philosophy, is the

exercise of critical thought and freedom of expression, is vital in the search for lasting responses to the challenges of peace and development.

Philosophy embraces all aspects of human existence that concretely leads to peaceful development. It shares a very close tie with law in bringing peace and order to the society. Often through intercultural dialogue, cultivation of logical, creative and critical insights into human problems that illumines and liberates the society, philosophy enables peaceful co-existence. Above all, it shapes human mind, broadens the individual's knowledge and disposes him to grasp the ultimate truth about human life and existence as it offers clearer sense of direction for better decisions and ethical behaviours. Intercultural philosophy is a practical approach to overcome cultural differences in responding positively to the famous expression of 'unity in diversity' that avails peaceful co-existence in the society. Elucidating how intercultural philosophy avails peaceful co-existence, Demenchonok and Wang (2014, pp. 18-19) state,

Freedom of cultural self-identification presupposes a responsibility for respecting same freedom for others, thus promoting mutually beneficial intercultural relations through dialogue. Dialogic relationships are an indispensable means for progression toward a more harmonious world. Unless mutually respectful dialogic interrelations among culturally diverse people prevail, the continuation of historical patterns of culture wars and clashes of civilizations will be even more devastating in the globalized world. Freedom of cultural self-identification presupposes a responsibility for respecting same freedom for others, thus promoting mutually beneficial intercultural relations through dialogue. Dialogic relationships are an indispensable means for progression toward a more harmonious world. Unless mutually respectful dialogic interrelations among culturally diverse people prevail, the continuation of historical patterns of culture wars and clashes of civilizations will be even more devastating in the globalized world.

Socratic dictum has it that "knowledge is virtue" because in his understanding, he who knows acts rightly. In this case, philosophy offers adequate knowledge and deeper understanding about life and disposes man through critical rationality to act humanly in relation to others in the society. Law is always made for man. As such, every law that concerns man should be reasonable. Philosophy and law are intertwined. Philosophy sees to it that legal precepts depend on true knowledge and nature of man and are practicable within given times and conditions. Legal contents often depend on fundamental issues about life for which philosophy concerns itself mainly with. In fact, philosophy of law engages itself with the legal practice of man's life. In the study of law, philosophy plays very significant roles in critical themes of law such as analytic, normative and jurisprudence. It is an application of philosophical principles to law that aid legal bodies to take meaningful legal decisions. Philosophical approaches to legal issues include enhancement of legal capacities to analyze legal concepts, organize ideas and build arguments that deal with essentials

of human values, promotion of human worth and human life in general. Philosophy (Leiter & Sevel, 2016) helps to distinguish law from other normative systems as well as enabling the articulation and defense of both general and abstract propositions about law. On the other hand, law governs human society and sustains philosophical reflections.

Like philosophy, the practice of law reflects in man's daily life experiences and it is very important in maintaining peace in the society. It implies necessary actions from the command of practical reason. Law naturally connotes justice, fairness, equity, equality, etc. and punishment for the offenders (retributive justice) which are pre-requisites for peaceful living. Law has the major purposes of establishing standards of living, protecting individuals' rights and freedom, resolution of conflicts and maintenance of peace and order in the society. Law has a very close relationship with ethics which also sets standard for human conducts. Philosophical principles shape the analytical and normative nature of law. Jurisprudence which is the science of law concerns itself with application of such principles to legal precepts that in turn commands its peaceful impacts on man within himself and with regard to life in the society.

Philosophy and Peaceful Human Co-existence

Philosophy stands to protect human dignity. Oladipo (2006, p. 135) declares, "philosophical enterprise is a human, indeed a humane, enterprise." Egbekpalu (2019, p. 151) convinces that "philosophy is an indispensable disciple for the good life of man. It is humanistic and existential in nature in that all its activities are anthropocentric and touch the core existential issues of man." The application of philosophical principles significantly regulates human conducts in our changing society. She (Egbekpalu, 2019 pp. 153-154) further asserts,

Over the years, philosophical systems, theories and movements were very instrumental for shaping the lives of the people and the affairs of the society as they often emerged to address peculiar situations of particular periods and at given places. Philosophical enterprise challenges philosophers at various epochs. This spurs them to propound philosophical ideas that help to respond to the needs of the time. Consequently, every philosophical theory is in fact a product of a particular culture, experience, time and even place where is proposed.

Iwuagwu (2016, p. 249) rightly endorses, "Every individual or society operates by a particular philosophy of life even when they are not conscious of it. The behaviour of every person is inspired by a certain philosophical perspective which colours his vision of reality and propels his values and responses to the events, problems and challenges of the world." Azenabor (2008, p. 38) further avers,

Philosophy is important in the process of raising human personality to the highest level, which it is capable of

attaining, developing all that is finest and noble in it and turning out first class human beings. It follows that without some tincture of philosophy a man is an imperfect human being.

The philosophical teaching of ecumenism encourages inter-relationships in grappling with the realities of life in the light of faith so that conscious and deliberate efforts are made in responding to the challenges of life and faith for the promotion of good human relationships and peaceful co-existence. The golden maxim of Kantian (1959 p. 47) ethical categorical imperative “*act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only*” serves as a good framework for peaceful human behaviours in the society. Recalling many perilous experiences of man especially in the recent times, Bokova (2002, November 21) buttresses that, “all of these events call on us to bolster our efforts to provide everyone, the young and the less young alike, with the means for understanding our rapidly changing societies... rally the whole human sciences community to whet their appetite for philosophy.”

Law as a Measure of Human Conducts in the Society

The socio-political philosophers made us to understand that law regulates human behaviours for good of man and for the larger society. Rosseau (Munro, 2021, July 23) contends that, “the state of nature, is a morally neutral and peaceful condition in which (mainly) solitary individuals act according to their basic urges (for instance, hunger) as well as their natural desire for self-preservation.” According to the French political philosopher, man’s original state is benign and peaceful safe for his fundamental right to preservation of his life through radical struggle for access to common natural resources. Similarly, Locke believes that in the state of nature men are naturally endowed with equal rights to life, liberty, and property which make life relatively peaceful. In his words (Blatter, 2018 December 17), “all mankind are equal and independent, no one ought to harm another in his life, liberty, or possessions.” Unlike both Rousseau and Locke, in Hobbes (Blatter, 2018 December 17) man has a natural antagonistic nature. So, he disputes,

The state of nature was one in which there were no enforceable criteria of right and wrong. People took for themselves all that they could, and human life was “solitary, poor, nasty, brutish and short.” The state of nature was therefore a state of war, which could be ended only if individuals agreed (in a social contract) to give their liberty into the hands of a sovereign, on the sole condition that their lives were safeguarded by sovereign power. For Hobbes the authority of the sovereign is absolute, in the sense that no authority is above the sovereign, whose will is law. That, however, does not mean that the power of the sovereign is all-encompassing: subjects remain free to act as they please in cases in which the sovereign is silent (in other words, when the law does not address the action concerned). The social contract allows individuals to leave the state of nature and enter civil society, but the former remains a threat and returns as soon as governmental power collapses. Because the power of Leviathan (the political state) is

uncontested, however, its collapse is very unlikely and occurs only when it is no longer able to protect its subjects.

Though with divergent notions about the natural state of man, Rousseau, Locke and Hobbes generally concur that the survival race through the equal rights to natural resources exposes man to violent acts that resulted in “a war of all against all” which necessitated regulation of man’s actions. Here, comes the issue of law in play. On this note, law becomes the standard of behaviour towards peaceful co-existence except in situations where law fails to assure man’s safety. Against this background, the essence of the rule of law is to lay down the standard of behaviours through fundamental and consequent applications of philosophically guided legal principles that direct human actions for cordial human relationships in the society in respect of fundamental rights of others. Law now serves as a central authority to regulate man’s conduct in the society for maintenance of peace. In other words, as the rule of law fosters equal respect for all, which implicitly restrains the individuals from invading others’ rights, it maintains a regulative goal for peaceful co-existence. Again, all the above mentioned socio-political philosophers underscore the rational nature of law and man’s consent to it, his conscious knowledge of and consequent adherence to it.

Through the laid down precepts, rational philosophical knowledge could practically lead man to rightful actions and good life in the society. Hence, the societies that are grounded in the rule of law develop far better than those based on personal interests. The notion of dispensing with the law in particular cases has behavioural implications that negatively affect human society. In his reaction to the age-long debate as to whether the best person or the best law rules the state and in emphasizing the dire need to adhere strictly to the rule of law, Aristotle who claimed that ‘law is a sort of order’ submits for the ‘best law’ as against the Platonian ‘best man’ with the argument that law has impartial and objective qualities which no man ordinarily can attain despite his goodness for he has strong natural inclinations to passion and desires. According to him (Leiter & Sevel, 2016 October 6), “man, when perfected is the best of animals, but when separated from law and justice, he is the worst of all.” This understanding explains his view of the Divine origin of law. Thus (Leiter & Sevel, 2016 October 6), “he who asks God to rule is asking God and intelligence and no others to rule, while he who asks for the rule of human being is importing a wild beast too. Law is intelligent without appetite.”

Validating this position, Boethius (1999, p. 94) declares, “When a man abandons goodness, and ceases to be human and being unable to rise to a divine condition, he sinks to the level of being an animal.” He (Boethius, 1999 p. 99) further states,

Indeed, the condition of human nature is just this, man towers above the rest of creation so long as he realizes his own nature, and when he forgets it, he sinks lower than the beasts. For other living things to be ignorant of themselves is natural; but for a man it is a defect.

The English philosopher, Hobbes acknowledges too the animal nature and the evil mind in man which are often displayed as egoistic, selfish, wicked, wolf unto another when he argues that man requires the rule of law to control these excesses. According to Cicero, “true Law is right reason in agreement with nature.”

Plato (Leiter & Sevel, 2016, October 6) was the first to clearly advance the philosophical claims with respect to the establishment of standard of human acts. His *Dialogue* then serves as originating enduring ideas in philosophy of law such as superiority of law over the subjects and the obligation of the later towards obedience and strict adherence to the former for peaceful life in the society as well as its rejection by the same subjects when it fails to assure their safety. However, Aristotelian position which availed more systematic ideas about law offered a very smooth framework of regulations that constitutes a society which retrains political powers and selfish interests of those in authorities, while championing the common interest of all in the society.

Philosophy and Law as Bi-disciplinary Approach to Peaceful Co-existence in Nigerian Society

There is an ontological nexus between philosophy and law. Studies have established that philosophy concerns life in general. As the mother of all sciences, it connects with all disciplines of life including law to reflect upon and raises critical questions about phenomena of life and existence especially those that directly and indirectly confront human beings. Characterized by fundamental issues about life, it deals with basic nature of man, his place and duty in the universe, the nature of the society in which he lives, individual rights and privileges, standards of judgement of right and wrong behaviours that guide human society, etc. Philosophy rationalizes and critically examines given ideas, beliefs and values of given people within given times and cultures in order to guide the conduct of human affairs. As such philosophical principles are said to shape the nature of law which regulates human conducts in the society.

Specifically, philosophy of law is that applied field of philosophy otherwise known as jurisprudence or science of law that examines the nature of law with regards to human worth and values. It (Blackburn, 1996 p. 213) “concerns itself with questions about the nature of law and the concepts that structure the practice of law.” On the other hand, law is normative in nature and it is (Blackburn, 1996 p. 213) “a system of rules that justifies demands for conformity, and the idea of legal duty is one of being bound by a rule, whether or not it is likely that suffering will follow upon failure to comply.” There is often a considerable overlap between philosophy, law, ethics, epistemology, metaphysics, anthropology social, political and existential philosophy among others as they deal directly with man in the society and the social behaviours that concern the communal life of man. For examples, philosophical anthropology engages itself mostly with the nature of man, the cultural issues surrounding him and his relationship with other beings. Social philosophy on its own addresses a wide range of social behaviours from the functions of daily actions to their socio-cultural effects on both man and the wider society. Political philosophy involves fundamental issues regarding justification of power, governance, social obligations, normative aspects of political theories and practices, the source and extent of governmental authorities and

how best to arrange the society for man's optimal development and authentic living. Existential philosophy engages itself with the concrete experiences of man as he lives in the society with others. Law also shares a very intimate relationship with ethical also known as moral philosophy as both of them deal with standards of judgement of human conducts with major themes around rights and wrongs of human actions, human values, justice, liberty, freedom, autonomy, peace, etc. within the contexts of human safety and well-being.

The matters of fundamental human right, justice, order and realization of peaceful human society have been major concerns of both philosophy and law and they occupy eminent positions in philosophical and legal discussions for the good of man and the society in general. With regard to fundamental human rights, legal precepts keep every citizen on the same *niveau* and on track with respect to life in the society.

The relationship between philosophy and law manifests itself still clearer when it comes to practical applications of law to novel concrete situations of life. For the fact that law has a general universal character that serves all times, it sometimes becomes obsolete in concrete present condition in which case philosophical intervention becomes very relevant. According to Leiter & Sevel (2016, October 6),

Every philosophical theory is in part a product of the time, place and culture in which it is developed...A law (e.g., a statute) is by nature universal in form: it is a standard of conduct that applies generally, in respect of both the classes of persons and the types of conduct it governs. Because of its universal nature, a law can sometimes fail to apply, or apply only indeterminately, to a novel case unforeseen by the legislator. The problem here, Aristotle said, is not in the law or in the lack of foresight by the lawmaker but rather in the "nature of the case." In such cases, what is required is a corrective exercise he called "equity," which involves speculating about how the deficient law would have applied had the lawmaker considered the novel case and then applying the law accordingly.

Based on Aristotelian framework, Aquinas furthered the relationship between philosophy and law. He postulated that law is 'ordinance of reason'. That is, law is man's ability to reason properly. He also acknowledged that the major aim of law is to render peaceful service to the society which possibly cannot be realized through any other means. Extending the notion of law to incorporate moral dimension, he established the thesis that positive laws which are valid can only be derived from objective moral principles otherwise they become 'unjust' laws and lack the necessary character of law. In effect, it will be devoid of the binding authority such that citizens are not obliged to its obedience. Again, this close tie between law and morality questions the suitability of legislators; the authorities of law-makers and the obligation of laws to govern a given society.

Aquinas equally elucidated that legitimate law-makers are propelled by the concern for the common good of the society. Hence, any law outside this motive is at variance with justice which in turn invalidates it. This leads automatically to command theory of law which generally concede

that a law is valid when it is promulgated by a suitable person and it is directed towards persons who are free and are able to act reasonably. It goes to explain that mere existence of law is not enough feature to guarantee its validity.

Another dimension of law that evidences philosophical character clearly is the field of common law theory. Here, philosophy of law helps to advance the theory of adjudication which involves the theory of what a judge who is considered as a 'living oracle' of the law (only in terms of its mouthpiece and never as its source- *judex est lex loquens*) should do in concrete situations. It highlights the relevance of 'reason in law as the life-wire of law'. The theory of common law requires that legal professionals acquire certain intellectual skills to integrate the relevant customs of given community into a coherent set of common law principles for judgement of cases. In this very stance, the long-standing usage of certain rules by certain communities automatically lends them authority and legitimacy. In effect, common law which depends essentially on people's custom requires an extensive study and experience before one could attain the knowledge of it.

In sum, legal ideas which were first proposed by classical Greek philosophers have always been maintained by philosophical minds down the ages. The application of philosophy to law not only examines the content nature of law but importantly too mediates its relevance across ages and in concrete situations of life.

Recommendations and Conclusion

To conclude, philosophy and law are interwoven and they aid to maintain peace and order in the society. While philosophy offers law the critical and reasoning tools that shape legal precepts, law sustains philosophical reflections as it governs human society. Realistic education that addresses the current needs of the people and human empowerment are *conditio sine qua non* in ensuring peace and accelerating developments at diverse spheres. Hence, Nigerian society should encourage philosophical and legal studies as well as respect for legal institutions for the common good of all and peaceful co-existence. In so doing, Peace (Egbekpalu, 2013 November 3) which is a seemingly impossible project will become naturally possible, for according to Edeh's (2007) philosophical elucidations; the education of the mind to understand that all men are good natured and peaceful beings who actualize and preserve the essence of their beings through collective responsibility of brotherly care, love and respect for one another has consequential effect of true peaceful *convivum*.

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