Customary Law and Religious Ethics: A Dual Approach to Addressing Societal Decay in Nigeria

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Abstract

For centuries, customary law and religious ethics have served as foundational pillars in building morally upright societies. These two institutions provided structured guidance on acceptable behavior, instilled a sense of communal responsibility, and ensured justice was administered with moral considerations. In many traditional societies, customary laws, deeply rooted in cultural norms, regulated human conduct, while religious ethics reinforced these values by emphasizing divine accountability. However, in contemporary times, the abandonment of these moral frameworks has led to alarming societal decadence characterized by corruption, materialism, and moral erosion. The relentless pursuit of wealth and power, often at the expense of ethical values, has diminished communal harmony and increased crime rates. This research highlights the urgent need to reintegrate customary law and religious ethics into modern governance and social structures. The study adopts a doctrinal research methodology, relying on the analysis of legal and religious texts, scholarly articles, and historical perspectives to examine the role of customary law and religious ethics in shaping societal values. By exploring past societies where these principles thrived, this research draws lessons on their effectiveness in fostering order, justice, and ethical conduct. Findings reveal that societies that adhered to these principles exhibited lower crime rates, stronger communal bonds, and greater social stability. The paper recommends policy frameworks that incorporate religious and customary values into contemporary legal and social structures. Additionally, it calls for active involvement of religious institutions and traditional leaders in moral reorientation programs. In conclusion, restoring the influence of customary law and religious ethics is imperative in addressing the current moral crisis. The Church and traditional institutions must collaborate to rekindle moral consciousness, ensuring that society moves away from moral decay toward a more just and ethical future.

Keywords: Customary Values, Religious Ethics, Social Decay.

1. Introduction

In recent decades, Nigeria has witnessed a troubling rise in youth engagement in illicit activities aimed at quick wealth acquisition. This phenomenon fueled by social media glamorisation of wealth, poor moral upbringing, and a breakdown of traditional value systems threatens the very fabric of Nigerian society. Youths, rather than seeking legitimate means of livelihood, are increasingly drawn to internet fraud (locally termed *Yahoo Yahoo*), ritual killings, and cybercrime. This paper is a scholarly call to action; an urgent appeal to customary and religious institutions to return to their historic roles as custodians of morality and discipline in society. Nigerian youth now value wealth above integrity, discipline, and hard work. This paper argues that customary and religious institutions, as moral compasses of Nigerian society, have gone to sleep, resulting in this societal decay. Our churches and traditional institutions must intervene urgent**ly.**

2. **Problem Statement**:

The problem of the present Nigerian society is unimaginable. There is a glaring portrait of moral decline, youths are increasingly lured into illegal and unethical activities due to a combination of

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systemic failures, economic hardship, and cultural erosion. Academic institutions have not been spared, as students now view education as a secondary pursuit to monetary gain. The National Bureau of Statistics (NBS) reports a rise in youth involvement in cybercrime, particularly in urban areas[1]. Meanwhile, ritual killings, particularly by young people seeking wealth, have become disturbingly common, often with roots in misconstrued cultural beliefs and desperation[2]

3. Historical Framework & the Decline of Customary Law and Religious Ethics in Nigeria

Customary institutions in pre-colonial and early post-colonial Nigeria played key roles in instilling discipline, integrity, and communal values. Elders, age grades, and traditional councils functioned as moral educators and enforcers of communal norms. Available evidence has shown that pre-colonial Nigerian societies had a formal and organized system of government before the advent of colonialism[3]. In communities like the Yoruba of Southwestern Nigeria, traditional institutions imposed sanctions such as *ostracism*, public shaming, or spiritual cleansing for unethical behavior[4] These acted as deterrents to antisocial conduct. However, urbanisation, westernisation, and political interference have diluted their authority. The Non-participatory roles of traditional institutions in present Nigeria, compared to their role in the pre-colonial era, are majorly responsible for the current societal decadence in Nigeria. The Colonial masters used traditional institutions to govern most of their colonies through the indirect rule policy. The usefulness of the traditional rulers and customs to the Nigeria society both at pre-colonial and colonial eras cannot be overstated, local chiefs were used to maintain law and order through the customary laws. The British officials were merely supervising the administration of the traditional rulers.[5] At post-Independence, the political elites tremendously abridged the influence of traditional institutions in governance. Traditional institutions used to have a constitutional role. The 1960 and 1963 constitutions created a Council of Chiefs for them in the regions and some of them were even regional officials[6]. As the constitutions changed from one era to another, the role of the traditional chiefs in governance was abrogated. The current Constitution of the Federal Republic of Nigeria[7] did not make any provision for the traditional institutions to be represented at the Council of State unlike the 1979 Constitution. Moreover, the erosion of the moral authority once wielded by traditional elites has been significantly compounded by the actions of contemporary political elites. In post-colonial Nigeria, political actors increasingly sidelined traditional institutions, effectively displacing them from their historical role as custodians of communal values, discipline, and ethical instruction. Rather than fostering youth development through mentorship and value-driven engagement, many political elites have instead instrumentalized the youth as agents of political violence, commonly employed as thugs and enforcers during electoral campaigns. This not only alienates young people from constructive societal participation but also normalises violence, impunity, and materialism as

[1] National Bureau of Statistics, *Crime Statistics: Reported Offences by Type and State* (2021)https://nigerianstat.gov.ng Accessed on 17th April 2025.

[2] I Adebayo, 'Ritual Killings and the Quest for Money in Nigeria: A Study of Contemporary Trends' (2022) 4(2) *African Journal of Criminology* 17.

[3] A Garba, Traditional institutions and National integration for sustainable development. European Journal of Business and Management, Vol.10, No.33, 2018

[4] O Olaniyi, 'The Role of Traditional Institutions in Contemporary Nigerian Society' (2020) 15(1) *Nigerian Journal of Cultural Studies* 41.

[5] Abdullahi Garba….fn3

[6] Ibid

[7] 1999

acceptable routes to political relevance and economic advancement. The long-term consequence is a deepening of the prevailing moral and societal decay.

4. Reintegrating Customary Law and Religious Ethics for Societal Restoration.

To reverse the trend of moral decline, there is a pressing need to reintegrate both **customary law** and religious ethics into Nigeria's mechanisms of socialisation, youth development, and governance. These frameworks historically central to African societies served as informal institutions for transmitting societal values, shaping behaviour, and reinforcing discipline. Their progressive displacement by modern state structures has left a moral vacuum that must be consciously addressed. Orji and Olali[8], defined Traditional Institution as a cultural arrangement whereby leaders with proven track records are installed in line with the provision of their laws, norms, beliefs and customs. The purpose of the institution traditionally is to maintain and preserve the cultural norms of the people. They further asserted that a traditional institution can be viewed as a paramount institution or Natural institution which is ruled by beliefs and norms of a given community or village. It provides a basic system of leadership from which law, order and culture originated to ensure a stable day to day governance[9] Esekpa, opined more succinctly, that traditional institutions can also be viewed as the custodian institution of the people's customs, norms and beliefs practices, it is a symbol of native indigenous people's rights, traditions; laws, privileges and custom which include chiefs in council, elders, title holders, age grades, appointed based on their contribution to growth and development of various communities[10].

4.1. Customary Law as a Framework for Moral Instruction and Integration.

Customary law in Nigeria is a living and flexible system of norms that governs conduct within communities, founded on long-standing traditions and collective values. It transcends legal regulation to include ethical expectations, communal duties, and social sanctions for wrongdoing. Before colonial disruptions, traditional leaders, councils of elders, and age-grade associations served as the primary agents of socialisation and dispute resolution, particularly in matters concerning youth behaviour. For instance, among the Igbo, customary mechanisms such as *Umunna* (lineage groups) and village assemblies functioned as platforms where deviant youths were reprimanded, rehabilitated, or publicly sanctioned. The goal was correction, not punishment, and it was done in a way that reinforced communal norms and restored social harmony[11]. In the Yoruba context, age grades (*Egbe*) played critical roles in maintaining discipline, promoting collective responsibilities, and guiding young people toward maturity and service[12]. However, the role of these institutions has been undermined by state structures that offer limited moral guidance, as well as by political interference that strips traditional leaders of their legitimacy and independence. The reactivation of customary dispute resolution models, especially those grounded in restorative justice, would serve as culturally relevant mechanisms for rehabilitating young offenders and preventing moral decay. The relevance of customary law

[8] KE Orji, & ST Olali, "Traditional Institutions and Their Dwindling Roles in Contemporary Nigeria; The Rivers State Example' in T Babawale, A Alao and B Adesoji (eds), *The Chieftaincy Institutions in Nigeria* (Concept Publications Limited 2010) 201

[9] Ibid

[10] Esekpa, O Ibor & U Umuami, "Age grade as Traditional Institution and Cursor for Rural Development in Nigeria"; *Journal of Good Governance and Sustainable Development in Africa. Vol. 7 No. 2, 2022.p.5*

[11] O Agbu, 'Traditional Institutions and Conflict Resolution in Igboland: A Study of the Role of the Umunna' (2002) *Nigerian Journal of Social Sciences* 4(1) 22.

[12] AO Oba, *Customary Law and the Modern Legal System in Nigeria* (Nomos 2019) 97–104.

to the restoration of societal values cannot be over-emphasized. To appreciate this fact, the concept of customary law must be well-defined. 'Customary law is the norms, traditions and rules of behavior of the people. It is a law propelled by the views, beliefs, philosophies and value system of the people. In traditional societies, customary laws were largely unchallenged saved by compelling innovations that re-channeled aspects of the practices of the people and subsequently altered its traditions'[13]. Customary law, in the words of different legal scholars, is essentially a body of unwritten rules and norms that have been established by long-standing usage and tradition within a community and are recognized as binding by its members. It's a reflection of the community's values and way of life, governing relationships and regulating behavior within that community. Okany**[14]** described it as "a body of customs and traditions which regulate the various kinds of relationship between members of the community". Elias[15] defined Customary law as "the body of rules, which are recognized as obligatory by its members". Obaseki characterized it as "the organic or living law of the indigenous people... regulating their lives and transactions," emphasizing its dynamic nature and regulatory function[16]. Park viewed, Customary law as "a blanket description covering very many different systems" that are "largely tribal in origin"[17].

The most acceptable and comprehensive definition of customary law is the one given by the Supreme Court in *Nwaigwe v Okere***[18],** which goes thus:

> *Habit has acquired to some extent, elements of compulsion, and forces of law which reference to the community. And because of the element of compulsion which it has acquired over the years by constant, consistent and community usage, it attracts sanctions of different kinds and is enforceable. Putting in a more simplistic form, the customs, rules, relations, ethos and cultures which govern the relationship of members of a community are generally regarded as customary law of the people.[19]*

According to Black's Law Dictionary, common law is the body of law derived from judicial decisions, rather than from statutes or constitutions.[20] The common law is inarticulate until it is expressed in a judgment, just like the customary law in Nigeria which is not coded in any specific legislation. It is the court's decision upon it that gives it validity or force of law. Therefore historically, it can be said that the common law of England and Nigerian Customary law enjoy the same origin and history and none is superior to the other. This position finds support in *Nwaigwe v Okere*[21] where Onnoghen JSC, as he then was read the lead judgment which emphasized that we should not forget that English law also includes English common law

[13] E Akwu, Nature of Customary & Common Arbitration, https://independent.academia.edu/ElijahAkwu accessed on 8th January, 2020.
[14]Okany, The Role of Customary Courts in Nigeria Page 39
[15] Customary law, Practice and Procedure in Edo State Judiciary
[16] Obaseki J. S. C. In Oyewumi v Ogunsesan, (1990) 3 NWLR (Pt. 137) 182
[17] The validity of Customary law as a Source of Nigeria Law Available at < https://nigerianlawclass.wordpress.com/2014/07/26/the-validity-of-customary-law-as-a-source-of-nigerian-law-by-burabari-adule-nkor/< Accessed on 13th May, 2025>
[18] (208) 34 NSCOR 1325
[19] Per Niki Tobi J.S.C.
[20]Vibhute (n 6)
[21]Vibhute (n 11)

which does not enjoy a higher legal status than our customary law.[22] Every country of the world has some form of customary law and practice. Nigeria seems to abandon its customary laws for the English customary law called the common law. The ethical principles of the customary laws of the various communities of Nigeria must be reactivated in order to reverse the trend of moral decline. Many of the communities in Nigeria, have their unique way of detecting and punishing crime. The criminal justice system of Nigeria which presumes everyone innocent until the contrary is proved is incapable of restoring security, peace, integrity and crime free society. The way forward is the integration of customary norms and values through the application of customary rules.

4.2. Religious Ethics and the Reclamation of Youth Morality.

Religion continues to hold enormous sway in Nigeria, with Christianity and Islam shaping the beliefs and moral frameworks of millions. Both religions advocate virtues such as honesty, modesty, hard work, and empathy. However, in recent times, the rise of **prosperity doctrines** in some Christian circles and the emphasis on material success in certain Islamic communities have contributed to the distortion of these values, especially among impressionable youth[23].

4.2.1 The Role of the Church in Nation Building:

The Church plays a crucial role in nation-building by providing social services, and a platform for people to come together, offering resources for social and economic advancement, and serving as a catalyst for positive change. Churches can promote sustainable livelihoods, enhance social order, and empower individuals to participate in development activities. They also act as a force for social justice and can address issues like poverty, inequality, and exclusion. These roles are examined below.

4.2.2. The Role of the Church in Socio-Economic Development: Past Contributions and Present Realities.

The Church has historically played a pivotal role as a primary stakeholder in the provision of economic and social services across societies, particularly within the African context. During the colonial and early post-colonial eras, Christian missions were instrumental in establishing critical infrastructure for education, healthcare, and social welfare. These services often offered freely or at nominal cost—were driven by a dual commitment to spiritual and human development. Mission schools, for instance, not only provided quality education but were also renowned for instilling strong moral and ethical values. Likewise, mission hospitals were among the earliest providers of formal healthcare in many African communities.

However, the socio-economic landscape has changed significantly in recent decades. Many of the most prestigious and expensive educational institutions and healthcare facilities are now owned and operated by churches. Unfortunately, the commercialisation of these services has rendered them inaccessible to the very populations they once aimed to uplift—particularly the economically disadvantaged. The result is a deepening social divide, wherein the poor are increasingly excluded from institutions originally founded to serve them. Meanwhile, public schools, once a viable alternative, have deteriorated into underfunded spaces often plagued by cultism, criminality, and moral decay.

[22] Walter S.N. Onnoghen J.S.C.

[23] Apyewen Ande Utensati, Prosperity Gospel: Effects on Nigerian Christian Church and Society. International Journal of Social Science, 2022.

Beyond education and health, churches have also made significant contributions to economic empowerment through grassroots development initiatives. Faith-based organisations (FBOs) have grown into critical actors in the development sector, partnering with government agencies, non-governmental organisations, and international donors to implement community-focused projects in agriculture, micro-finance, vocational training, infrastructure, and disaster relief. These interventions are often more trusted and effective at the local level due to the Church's enduring presence and legitimacy within communities.

Belshaw et al[24]. contend that much of African Christianity has been shaped by missionary engagement with development, particularly through education, farming, and medical outreach. This legacy has positioned churches as vital actors in social transformation. Similarly, Omenya and Anum[25] acknowledge the transformative intent of early missionary societies, while also critiquing their failure to engage meaningfully with indigenous African cultures, a tension that continues to affect the Church's relevance in some quarters today.

Historically, colonial-era missionaries employed the Church as a vehicle not only for evangelisation but also for delivering public goods—such as roads, potable water, and basic healthcare—as part of a broader poverty alleviation agenda. In the contemporary era, the Church still possesses the moral authority, organisational structure, and resource base to significantly contribute to national development. Yet, several challenges hinder its full potential. These include internal governance issues, a growing commercial orientation, lack of strategic engagement with public policy, and declining public trust due to scandals and political entanglements.

To reclaim its prophetic and transformative mandate, the Church must recalibrate its mission to prioritise inclusive development. This requires a renewed emphasis on social justice, transparent stewardship of resources, stronger partnerships with civil society and government, and a reimagining of education and healthcare as public goods rather than commodities. Furthermore, theological education must evolve to incorporate socio-economic literacy, equipping clergy and lay leaders alike to engage in holistic ministry that addresses both spiritual and material dimensions of human life.

The Church has historically served as a cornerstone of development in Africa, particularly through its provision of education, healthcare, and social welfare. While it continues to play a significant role in contemporary development discourse, the Church must confront inclusivity, commercialisation, and cultural relevance challenges. The Church can be a powerful agent of holistic and sustainable development in Nigeria and beyond by reaffirming its social mission and embracing partnerships, capacity building, and advocacy.

4.3. **Contemporary Contributions and Emerging Challenges.**

In the post-independence era, churches in Nigeria and other parts of Africa have continued to play an active role in development. Faith-based organisations (FBOs) now operate schools, hospitals, orphanages, and support centres for the elderly and vulnerable populations. Churches collaborate with NGOs, government agencies, and international partners to implement

[24] D Belshaw, R Calderisi, & C Sugden, *Faith in Development: Partnership between the World Bank and the Churches of Africa* (Oxford University Press 2001).

[25] G Omenya and E Anum, 'Culture, Mission and Theological Education in Africa' in Chitando E and Bate S (eds), *Theological Education and Christian Mission in Africa* (Acton Publishers 2014).

community development projects in health, education, agriculture, and poverty alleviation. However, the increasing commercialisation of Church-run services has led to growing inequality. Many of the most expensive private schools and hospitals in Nigeria today are owned by churches, effectively excluding the poor who were once their primary beneficiaries. As public schools decline in quality and become associated with social vices such as cultism and crime, the original moral mission of Church education is increasingly called into question. This is a huge challenge to the Nigerian society which is currently causing societal decadence. Despite these setbacks, churches remain influential actors in community development. Their grassroots presence, moral authority, and organisational infrastructure allow them to implement development projects more effectively than some state institutions. Faith-based interventions continue to provide vocational training, scholarships, micro-credit schemes, and food relief, especially in underserved communities. The Church has historically served as a cornerstone of development in Nigeria, particularly through its provision of education, healthcare, and social welfare. While it continues to play a significant role in contemporary development discourse, the Church must confront inclusivity, commercialisation, and cultural relevance challenges. The Church can be a powerful agent of holistic and sustainable development in Nigeria and beyond by reaffirming its social mission and embracing partnerships, capacity building, and advocacy.

4. 4. The Role of Islam in Nation Building in Nigeria: Past and Present:

Islam, just as Christianity has played a significant role in Nigerian nation-building, both historically and in the present. In the past, it influenced state formation and law, while in the present, it continues to shape cultural practices, values, and political discourse[26], Muslim scholars played a crucial role in transmitting and preserving knowledge, contributing to the development of education and scholarly institutions in Nigeria. Islam continues to shape Nigerian culture, influencing family structures, community life, and ethical frameworks[27]. Islamic values and perspectives are prominently featured in Nigerian political debates, particularly in matters of social justice, governance, and religious freedom[28]. Islamic organizations and institutions play a role in providing social services, promoting education, and addressing issues of poverty and inequality.

A respected Muslim scholar recently observed that Muslim organisations are fundamentally founded upon the principles of belief (īmān) and righteous conduct (‘amalṣāliḥ)[29]. He emphasized that a high standard of moral and social interaction characterised by compassion, honesty, and integrity is not only integral to Islamic teachings but also represents the ideal vision of Islam and its adherents[30]. In essence, Islam, like other major religions, promotes a society grounded in ethical values and mutual respect. However, the scholar lamented the stark contrast between these religious ideals and the contemporary moral landscape, especially among the youth. He highlighted a troubling decline in moral standards, manifested in increasing levels of immorality, dishonesty, materialism, and disrespect for societal norms[31]. This contradiction raises a fundamental question of national and spiritual significance: How did we arrive at this

[26] Retrieved from < https://ascleiden.nl/< Accessed on 13th May, 2025.
[27] R Adebayo, Religion and Youth Moral Behaviour in Nigeria. International of Social Science and Education. 2(3) (2012)432
[28] BA Obiefuna and Onwueme, ‘Religion and the Crisis of Moral Decadence in Contemporary Nigerian Society’ *Unizik Journal of Arts and Humanities* 2(1) (2013) 123.
[29] Qur’an 16:90
[30] Abdur Rahman Doi, Shari’ah: The Islamic LawTa’Ha Publishers (1984)
[31] Ibid

point of societal decadence, despite the moral teachings upheld by major religious institutions in Nigeria?

5.1. Factors Responsible for Societal Decay in Nigeria

Several interrelated factors may explain this moral decline as follows:

1. **Weak Implementation of Religious Teachings:** While religious institutions continue to preach moral values, there is a widening gap between doctrine and practice. Many adherents profess religious identities without internalising or practising the corresponding ethical obligations.
2. **Erosion of Family and Communal Structures:** Traditional structures that once reinforced moral discipline such as the family, extended kin networks, and community elders, have weakened due to urbanisation, migration, and the decline of communal living.
3. **Materialism and Consumer Culture:** The pervasive influence of materialistic values, often fuelled by social media and popular culture, has led to a redefinition of success in terms of wealth and status rather than character and virtue.
4. **Failure of Role Models:** Political, religious, and social leaders who are expected to exemplify integrity often fall short, thereby undermining their moral authority and setting poor examples for the younger generation.
5. **Educational Gaps:** The formal education system in Nigeria often lacks a holistic moral curriculum that integrates religious ethics with civic responsibility, thereby failing to instill sound character development alongside academic instruction.
6. **Peer Pressure and Digital Influence:** Young people today are more exposed to global influences, including content that glamorises vice and criminality. Without strong moral anchors, many become susceptible to negative peer influences and digital subcultures.

Despite these challenges, it is important to note that religious institutions have not entirely abdicated their roles. Rather, there is an urgent need for them to recalibrate their strategies, engage more deeply with youth in relevant ways, and collaborate with schools, families, and the media to create a more values-driven society.

6. Recommendations and Way Forward:

To strengthen the customary and religious contribution to national development, the following recommendations are proposed:

a. **Reaffirm the Social Mission**: Government as well as Religious Institutions must re-centre their social mission, ensuring that education and healthcare services remain accessible to the poor and marginalized.

b. **Strengthen Partnerships**: Collaboration with civil society, government, and international agencies should be formalised and expanded to increase impact and sustainability.

c. **Promote Accountability and Transparency**: Financial and administrative transparency in Church-run development projects will enhance public trust and donor confidence.

d. **Capacity Building**: Invest in training clergy and staff in development management and community engagement. Promote and integrate cultural values to Governance and nation building.

e. **Tackle Youth Unemployment**: Unemployment remains a primary driver of youth involvement in criminal activities such as internet fraud (commonly referred to as "yahoo-yahoo"), kidnapping, and gang violence. The stakeholders should develop targeted employment programmes, vocational training centres, and entrepreneurship initiatives aimed at equipping young people with market-relevant skills. Addressing youth unemployment, not only contributes to national economic growth but also reinforces the role of Government and faith-based institutions in promoting peace, security, and moral regeneration in society.

f. **Engage in Policy Advocacy**: Religious institutions should participate in shaping public policy on education, health, and poverty alleviation, leveraging their moral voice for systemic change.

7. **In conclusion,** the moral decadence observed in contemporary Nigerian society is not merely a failure of religious doctrine, but rather a complex interplay of weakened moral enforcement, socio-economic pressures, and shifting cultural values. A revival of ethical consciousness must begin with a multi-stakeholder commitment to restore the integrity, discipline, and compassion that religions like Islam and Christianity have always championed.