

RE-APPRAISING THE NEXUS BETWEEN LAW AND MORALITY: A PHILOSOPHICAL AND LEGAL INTERVENTION IN THE NIGERIAN JURISPRUDENCE

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Abstract

The romance between law and morality constitutes timeless contested terrain in legal philosophy, showing the foundational chasm between natural law theory and legal positivism. While this argument has birthed voluminous scholarship in Western jurisprudence, its application to postcolonial legal systems particularly Nigeria's hybrid common law tradition remains under theorised. This paper undertakes a philosophical intervention on the question of law and morality within the Nigerian legal system. Drawing on classical and contemporary jurisprudential thought, the study first conceptualises law and morality via naturalist and positivist lenses. It then critically assesses the separability and inseparability theses, arguing that despite the analytical utility of the positivist distinction between "law as it is" and "law as it ought to be", a complete divorce of law from morality is theoretically problematic and practically untenable. The paper demonstrates through a systematic analysis of recent Nigerian legislative instruments including the Criminal Code Act (as amended 2025), the Same-Sex Marriage (Prohibition) Act 2013, the Sexual Harassment in Tertiary Institutions Prohibition Act, anti-corruption statutes (EFCC, ICPC), and subnational dress code regulations that the Nigerian legal system necessarily and pervasively enforces moral norms. The reflections reveal that morality serves not merely as an external check on positive law but as a constitutive source of legislative guidance and a substantive criterion for legal validity in Nigeria. The paper concludes by advocating for a dynamic, dialogical understanding of the law and morality nexus, one that recognises law as both a product of moral reasoning and a mechanism that shapes moral consciousness within the specific socio-legal context of contemporary Nigeria.

Keywords: Morality, Law, Legal Positivism; Natural Law; Nigerian Legal System; Legal Enforcement of Morality.

1. Introduction

To raise the question of the nexus between law and morality, and their respective imperatives within a legal system, is to provoke a subject of enduring jurisprudential arguments. Since the revival of the scientific study of jurisprudence, the relationship between these two normative domains has been extensively debated, with little prospect of final settlement (Iwe, 2003, p.12). Scholarly opinion has ranged from the extreme doctrine of John Austin, which posits that for the purposes of jurisprudence, law is independent of morality, to the almost opposite position held by natural law theorists that law and morality are inextricably one (Austin, 1995, p. 150; Fuller, 1964, p.33). From the ancient to the

modern era, numerous scholars and jurists have attempted to define these concepts, often encountering formidable conceptual obstacles (Lloyd, 2001, p. 45). Indeed, the relationship between law and morality remains one of the most enduring problematic of jurisprudence. Its *raison d'être* lies in its position as the locus of the dispute between natural law and legal positivism, triggering a variety of arguments concerning the proper scope of legal enforcement (Marmor, 2011, p. 68).

The Nigerian state has been characterised by a profound paradox despite a growing body of environmental, gender, and criminal legislation, the realities of corruption, social exclusion, and moral decay persist across the country. This diagnosis suggests that the failure of legal enforcement in Nigeria is not merely a technical or institutional deficit but a deeper moral crisis that demands a philosophical intervention into the very foundations of the Nigerian legal system. Foraging on contemporary studies, this paper advances a dynamic and dialogical understanding of the law and morality nexus that recognises law as both a product of moral reasoning and a mechanism that shapes moral consciousness.

To achieve this aim, this paper first conceptualises law and morality from the general perspectives of legal positivism and natural law theory, synthesising classical formulations with contemporary developments. It then proceeds to unravel the philosophical intervention on the question of law and morality by analysing specific legislative acts within Nigeria such as the Criminal Code (including its 2025 amendments), anti-corruption laws, the Same-Sex Marriage (Prohibition) Act, the Sexual Harassment in Tertiary Institutions Act, and institutional dress code regulations as instances of the legal enforcement of morality. The thesis statement is that while analytical distinctions are valuable, the Nigerian legal system demonstrates a practical and necessary interdependence between law and morality, wherein moral principles substantively inform, guide, and validate legal norms.

2. Conceptualising Law and Morality

The conceptualisation of law and morality within jurisprudence is predominantly gleaned from two opposing schools of thought: the naturalists and the positivists (Uduigwomen, 2006, p. 45). These two traditions have shaped the contours of legal philosophy. Historically, in the ancient Greco-Roman world, the terms *nomos* and *ius* (the latter standing for the Latin *lex* and the English “law”) were understood as the norms regulating human relationships (Iwe, 2003, p. 15). In antiquity, *ius*—the root of law—was notoriously rooted in ethics and morality, connoting that which is commanded, just, or due. Iwe elucidates three principal connotations of *ius*: (a) its objective sense as the object of justice; (b) its subjective formal sense as a moral or legal power or faculty (rights); and (c) its causal or normative sense as a regulator of behaviour embodied in written or unwritten codes (Iwe, 2003, p. 16-17). This etymological grounding reminds us that the separation of law from morality is a relatively modern development in Western legal thought.

Morality, on the other hand, is defined by Fagothey as “the quality in human acts by which we call them right or wrong, good or evil” (1976, p. 12). Iwe sees morality as a standard of human conduct, of which man is conscious through his natural moral faculty/conscience. Iwe adds that morality can be gleaned/examined from three perspectives: moral standards

with regard to behaviour; moral responsibility referring to our conscience; and moral identity of one who is capable of right or wrong action (2003,P.56). Both law and morality are thus normative systems that control and regulate behaviour (Lloyd, 1999, p.57). However, Adaramola clearly states a distinction that law is a coercive order enforced by external power (the state), while morality is a persuasive system enforced by internal force (conscience. Law connotes rights and protected liberties, whereas morality lies in the realm of bare liberties, imposing obligations primarily through internal conviction (2008, p.80).

Natural Law Theory

The natural law school theory upholds that law is grounded in reason. This school of thought concerns itself with what law ought to be. Natural law thinkers have consistently considered the principles of morality as a higher law, regarding man-made law with suspicion when it deviates from these moral precepts (Finnis, 1980, p. 23). The tradition traces its roots to Aristotelian and Stoic philosophy, systematised by Thomas Aquinas in the medieval period, and has been revitalised in contemporary jurisprudence by scholars such as John Finnis, Lon L. Fuller, and, more contemporarily, Elizabeth Anscombe (Wilkinson,2025,p. 3).

For Thomas Aquinas, law is nothing less than “an ordinance of reason for the common good, promulgated by him who has care of the community” (qtd. in Iwe, 2003, p. 56). From this perspective, law is a product of practical reason, emanating from legitimate authority, directed towards the common good, and grounded in principles of justice. Njoku elaborates that law should be seen as a product of practical reason or reason in action, coming from the leader who has concern for or is in charge of a community, in which he exercises practical reasonableness propelled towards the common good of human beings in all its constituent parts (2007,p.79). In the twentieth century, Lon L. Fuller developed the concept of the “internal morality of law,” which unveils procedural moral principles—generality, promulgation, clarity, non-contradiction, constancy, and congruence—that make law possible (Fuller, 1964, p. 33-38). Fuller's argument strengthens the inseparability thesis by illustrating that even the structure of legal systems presupposes adherence to certain moral standards. More recently, Elizabeth Anscombe's philosophy of law has provided a unique intervention into the debate. Wilkinson explains that distinction between the rights internal to a practice and the external justification of said practice avoids the traditional objections to both legal positivism and natural law theories (2025, p.5). For Anscombe, a legal system is a practice in which civil authority commands obedience of the people on pain of punishment, yet the practice is externally justified by the state's task of protecting those in society which serves a human good (Anscombe, 1981, p. 140). Anscombe's philosophy is thus a natural law theory insofar as the legal system is grounded on ethical considerations, but the distinction between internal rights and external justification enables it to avoid many of the typical objections to both legal positivism and natural law theories (Wilkinson 8).

The New Natural Law (NNL) School, propounded by Germain Grisez, John Finnis, and Robert George since the late 1960s, has further refined the classical natural law tradition by focusing on basic human goods and practical reasonableness .Finnis's reinterpretation of

the classical natural law tradition has suggested a new criterion in distinguishing between legal positivism and natural law theory, focusing not on the ontological status of law but on the normative grounds for legal obligation (Finnis, 1890, p. 90).

Legal Positivism

In contrast, legal positivism perceives law as social facts. This school of thought seeks to insulate legal theory from moral considerations. Championed by Jeremy Bentham and John Austin in the nineteenth century, the positivists deliberately keep morality outside the purview of the legal system (Austin, 1995, p. 150). This mechanistic or formalistic temperament is concerned with law as it is (the “isness” of law), focusing on its source and implementation, rather than law as it ought to be (Marmor, 2011, p. 75). The positivist legal system is anchored on the conscious and deliberate act of law-making by a recognised sovereign authority. As Austin asserts, the existence of law is one thing; its merit or demerits is another (1995, p. 158).

In the twentieth century, H. L. A. Hart significantly refined legal positivism through his concept of the “rule of recognition”—a secondary rule that provides criteria for identifying valid law within a legal system (Hart, 1961, p. 94). Hart's rule of recognition brought about the internal differentiation within legal positivism circles, distinguishing between inclusive and exclusive positivism (Green, 2008, p. 1038). Inclusive positivists (or soft positivists) argue that while law and morality are not necessarily connected, a specific legal system's rule of recognition may choose to incorporate moral criteria as a condition for legal validity. Exclusive positivists, such as Joseph Raz, hold a stronger version, asserting that the recognition and identification of law must never depend on moral arguments because the primary essence of law is to provide authoritative guidance that bypasses moral disagreement (Raz, 1979, p. 50).

As one recent study of legal positivism notes, “the main tenets of legal positivism and natural law theory have focused on the ontological status of law, but I believe that the conflicts between them have weakened since Hart asserted the denial of the obligation to observe evil laws” (Priel, 2024, p. 22). This observation is crucial even Hart, a leading positivist, acknowledged that there is a minimum content of natural law necessary for social existence, and that evil laws impose no moral obligation to obey (Hart 189).

Priel projects political dimensions of legal positivism as he argues that, “Most legal positivists today hold that legal positivism is a morally neutral and the purely descriptive account of the nature of law,” though this claim remains contested. The debate continues between those who assert that judges should interpret law without recourse to morality and those who maintain that legal positivism has not favoured any particular methods of interpretation (Priel, 2024, p. 10).

The Jurisprudential Nexus: Separability versus Inseparability

The question of the interconnection between law and morality is intensely practical. Both concepts are normative, employing terms such as “ought” and “must” to prescribe

behaviour (Lloyd, 2001, p.57). As Lloyd articulates, the close parallelism between codes of morals and law is projected by the similar normative language that each employs: both law and morality are concerned to lay down rules or norms of conduct for human beings, expressed in terms of obligations or duties, of what is wrong or right. The precise nature of their affinity is crystallised in two competing theses. let's take turn to examine them.

The Separability

The separability thesis is said to be the positivists claim. It serves as the definitive hallmark of legal positivism (Marmor, 2011, p. 68). This thesis posits that there is no necessary or conceptual link between the existence of law and the dictates of morality (Green, 2008, p. 1038). As a comprehensive re-appraisal explains, the analysis “revisits key moments in legal philosophy where moral reasoning has shaped, constrained, or legitimised legal authority, while acknowledging that the assumption that legality and morality are either distinct or inherently intertwined remains contested. Exclusivist positivists, such as Joseph Raz, hold a strong version of this thesis, asserting that the recognition and identification of law must never depend on moral arguments because the primary essence of law is to provide authoritative guidance that bypasses moral disagreement (1979, p. 45). On the other hand, inclusive positivists support a weak version, arguing that while law and morality are not necessarily connected, a specific legal system's “rule of recognition” may choose to incorporate moral criteria as a condition for legal validity (Spaak, 2024, p. 47). For Austin, as cited by Marmor, the separability school of thought serves as the definitive signage of legal positivism, asserting that there is no necessary link or romance between the existence of law and the dictates of morality. At its foundational level, says Marmor, the thesis posits that the existence of law is one thing; its merit or demerits is another.

Leslie Green refines this line of thought by distinguishing between the social existence of law and its justified normativity. Green would have us believe that while law purports to give us reasons for action, its status as law is determined by social facts such as enactment by a legislature or recognition by a court rather than by its moral correctness (2008,p.85). The normativity of law examines why individuals feel a sense of duty to obey legal commands. The apologists of the separatist school are of the opinion that if law is conceptually separate from morality, its normativity must be predicated on something other than moral obligation. Some scholars suggest that legal normativity is a unique species of social normativity where law creates exclusionary reasons for action based on its authoritative status alone (Spaak, 2024, p. 58). In the words of Van, the separability thesis constitutes the legal positivists' solution to the jurisprudential antinomy i.e. the idea that there is a fundamental distinction between law and morality (2022, p.43). Kelsen, for instance, is of the opinion that the definition of law must be entirely free from moral notions (Kelsen, 1967, p. 67). Generally speaking, separability school proponents put forth several arguments for the chasm between law and morality such as; (a) law derives its source from external authority, while morality is self-imposed; (b) law is relative but morality is universal in its fundamental principles; (c) morality can thrive without law; (d) there are many offences which morality may condemn but which law may permit (e.g., certain forms of immorality such as prostitution, fornication, concubinage); (e) law can be traced to a definite date of enactment, while morality evolves organically; and (f) law and morality do

not pursue the same aim—morality aims to make men more virtuous, while law's primary aim is to ensure peaceful co-existence (Uduigwomen, 2006, p.69-70).

As plausible as the above distinctions may appear, Coleman argues that the separability thesis cannot shoulder the philosophical burdens that it has been asked to bear (2001, p. 581). According to him, legal philosophers have focused primarily on the question of whether law and morality are necessarily related, whereas common sense should ask how law and morality are related. The question should be directed this way because the relatedness of law and morality poses huge philosophical significance, since many of the most interesting of these will be necessary relations (Coleman, 2001, p. 583). Consequently, the separability thesis does not imply that law and morality are unrelated in practice; rather, it maintains that their relatedness is contingent and historical rather than essential or conceptual (Gardner, 2019, p. 120).

Inseparability Thesis

The inseparability doctrine directly attacks the positivist claim. It asserts that law cannot be fully understood or sustained without reference to moral principles (Fuller, 1964, p. 33). Those from this jurisprudential divide assert that law and morality are usually depicted as two overlapping social orders. Both use the same normative language. They are concerned to lay down norms of human conduct, and this is expressed in both moral and legal language in terms of what is right and wrong (Uduigwomen, 2006, p. 69). Leslie Green corroborates this viewpoint when he asserts that the inseparability thesis is most forcefully articulated via the argument that legal systems inherently embody moral considerations, whether overtly or covertly (2008, p.1040). “There is a necessary connection between law and morality,” including the idea that law is “morally fallible and morally risky,” thereby indicating that moral evaluation is inseparable from legal analysis (Green, 2008, p. 1041). Lon L. Fuller's notion of the “internal morality of law” unveils the procedural moral principles that make law possible, strengthening the inseparability thesis by illustrating that even the structure of legal systems presupposes adherence to certain moral standards (Fuller, 39).

The inseparability argument surges on as can be seen in Kantian interpretations of law. Drawing from Kant's philosophy, one can argue that law reflects moral autonomy and rationality, such that legal obligation mirrors moral obligation (Kant cited in Carlson, 2023, p. 40). Carlson captures this vividly, saying that the “internal point of view” in legal theory is central to Hart's template reinterpreted as analogous to moral self-legislation, thereby crumbling the wall between law and morality (Carlson, 2023, p.41).

From a wider jurisprudential prism, as acknowledged by Idowu, the inseparability thesis is strongly supported by contextual and cultural analyses. African legal theory, for example, re-echoes the communalistic and humanistic foundations of law, voicing that law and morality function in a complementary and interdependent manner. In such circumstances, any effort to separate law and morality is seen as inconsistent with the indigenous legal

traditions, where norms are inherently moral and socially embedded (Idowu, 2016, p.124). This reinforces and fortifies the universality of the inseparability thesis across diverse legal cultures.

Interestingly, Coleman suggests that even where law appears institutionally distinct from morality; it unavoidably triggers moral consequences and relies on moral assumptions. Legal systems aim to regulate behaviour, resolve disputes, and promote social order. In a way, the claim that law is entirely independent of morality is too simplistic; hence it overlooks the normative purpose that law serves (2001, p. 585).

Synthesis: A Dynamic and Dialogical Understanding

The preceding analysis reveals a sustained movement away from strict legal positivism toward a more integrated understanding of law and morality. Whereas the separability thesis stamps its analytical distinction, the inseparability thesis demonstrates that, in praxis and theory, law and morality are deeply interwoven. Little wonder, Green asserts that the mutuality between law and morality only thrusts to the front burner the enduring relevance of moral philosophy in legal theory, apparently highlighting the limitations of attempts to divorce law from its ethical foundations (2018,p.1045).

Some scholars in their recent study conclude that the challenge for contemporary jurisprudence is to move beyond traditional dichotomies by engaging with modern pluralistic societies and their complex moral landscapes, their paper questions the adequacy of traditional dichotomies between moral and legal normativity. It further considers how moral pluralism, human rights discourse, and globalisation challenge the conventional boundaries of legal reasoning (Okonkwo and Adeyemo,2024). This dynamic understanding is seen as one that recognises law as both a product of moral reasoning and a mechanism that shapes moral consciousness. This is particularly relevant for postcolonial legal systems like Nigeria, where the inherited colonial legal framework interacts with indigenous moral traditions, religious norms, and contemporary human rights discourse (Nwagwu & Okafor 2025). The nexus between law and morality becomes more evident as both are concerned to impose certain standards of conduct without which human society would hardly survive. In many of these fundamental standards, law and morality reinforce and supplement each other as part of the fabric of social life (Iwe, 2003, p. 56). For Lloyd, if we do not refrain from physical assault on others and from misappropriating what belongs to others, there can be no security of life or of the transactions which further life and well-being in human society (1999,p.57). Therefore, moral codes, by recognising that we ought generally to refrain from such acts, supplement the force of the law which equally forbids them. For Lloyd, the moral reprobation which such acts inspire is reinforced by the criminal and other sanctions imposed by the law (1999, p.58).

The Imperative of Law and Morality in the Nigerian Legal System

In the Nigerian context, the abstract jurisprudential debate assumes a concrete and urgent imperative. Law and morality act as mutually inclusive concepts that control and regulate

behaviour to allow for peaceful and harmonious relationships (Idowu, 2016, p. 120). Law compensates for the functional weakness of morality, while morality tempers the mechanical implementation of positive law through doctrines such as mens rea (guilty mind) (Adaramola, 2008, p. 82). As Raghunadha posits, morality is the foothold of law; moral principles are the lifeblood of law (2007, p.194). Nigerian lawmakers and judges do not operate in a vacuum but are guided by the moral values recognised within Nigerian society. The legal enforcement of morality in the Nigerian legal system is evident in several key legislative and judicial developments, many of which have been updated or challenged in recent years as shown below.

The Criminal Code Act and Recent Moral Reforms

The Criminal Code Act (Cap C38, Laws of the Federation of Nigeria, 2004) has long served as the primary vehicle for the legal enforcement of morality in Nigeria. Sections 214 to 216 prohibit offences against morality, including rape, sodomy, bestiality, procuring the seduction or prostitution of a girl child under sixteen years, child abuse, and indecent treatment of boys under fourteen years (Criminal Code Act, secs. 214-216). Conviction for these acts attracts severe penalties, including imprisonment for up to fourteen years. This codification of sexual morality demonstrates the law's role in reinforcing fundamental moral prohibitions. In a significant development, the Nigerian Senate in October 2025 passed amendments to the Criminal Code Act that prescribe life imprisonment for anyone convicted of defiling a minor, removing the option of fines (Criminal Code (Amendment Bill 151). Key changes include: life imprisonment (with no fine) for anyone found guilty of defiling a minor, regardless of gender; a ten-year minimum sentence for rape—redefining it to include both male and female perpetrators; deletion of the statute of limitation on defilement (Sections 218 and 221), making such offenses prosecutable regardless of when they occurred; and removal of gender bias in the definition of rape (Section 357), ensuring that both men and women can be prosecuted under the same statute (Criminal Code (Amendment) Bill, 2025, sec. 5-8).

Furthermore, a bill introduced in the National Assembly in 2025 seeks to modernise the Criminal Code Act more comprehensively. As summarised in the bill's abstract, it aims “to modernize its provisions, eliminate out dated colonial-era definitions, decriminalize mental health-related offences, align morality-based offences with human rights norms, and update definitions of cybercrime, sexual offences, and terrorism” (Criminal Code Modernisation Bill, 2025, abstract). This bill reflects a growing recognition that while law must enforce morality, the morality it enforces must be aligned with contemporary human rights standards and constitutional obligations (Okonkwo & Adeyemo, 2025).

The Same-Sex Marriage (Prohibition) Act as Legal Moral Enforcement

The Same-Sex Marriage (Prohibition) Act (SSMPA) of 2013/2014 represents one of the most explicit instances of legal enforcement of morality in contemporary Nigeria (Oguamanam, 2018, p. 45). The Act criminalises same-sex marriage and displays of affection between people of the same gender, imposing a 10-to 14-year prison sentence on

anyone who registers, operates, or participates in gay clubs, societies, or organisations, or who directly or indirectly makes public show of same-sex amorous relationships (SSMPA, sec. 3-5). Global Rights Reports notes, “The Same-Sex Marriage (Prohibition) Act 2013 criminalises same-sex relationships, with penalties up to 14 years in prison in the southern regions and the death penalty under Sharia law in the north” (Global Rights Report 7). The Act has been described as marking “a significant deterioration in the legal landscape for LGBT people in Nigeria,” violating the human rights of the LGBT community while simultaneously reflecting the moral convictions of a predominantly conservative Nigerian society (Human Dignity Trust 12).

The Act continues to generate legal and political developments. In September 2025, the Kano State Governor sent a bill to the state House of Assembly to criminalise same-sex marriage and other practices considered immoral in the state, including practices locally referred to as Madugo and Liwadi—this despite Nigeria already having a federal law on the matter (Kano State Bill 2025, preamble). This subnational legislative activity demonstrates how the legal enforcement of morality is not merely a federal but also a state-level phenomenon in Nigeria's federal system (Nwagwu & Okafor 34).

Human rights defenders have documented the real-world consequences of this legal moralism: “The Same-Sex Marriage Prohibition Act (SSMPA) of 2014 provides for prison sentences of up to 14 years for public displays of same-sex relationships and prohibits the work of LGBTQ+ organisations” (Amnesty International 5). Rights defenders claim that the law has led to job losses, rising attacks, and increased extortion and violence against LGBTQ+ people (Amnesty International 7). This case illustrates the tension inherent in legal moralism: while law can legitimately enforce certain moral norms, it may also violate fundamental human rights when the morality it enforces is contested or when enforcement mechanisms lead to abuse (Okonkwo & Adeyemo, 2025).

Anti-Corruption Laws as Moral Legislation

The Economic and Financial Crimes Commission (EFCC) Act, the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, and the Money Laundering (Prohibition) Act are legal frameworks designed to promote moral values and sanctity in public and private institutions (EFCC Act, 2004; ICPC Act, 2000). These laws amplify the moral principle that one should not reap where one has not sown, transforming ethical expectations into legally enforceable duties (Ogbu 218). The Supreme Court of Nigeria, in a landmark judgment delivered in November 2024, upheld the constitutionality of the laws establishing the EFCC, ICPC, and the Nigerian Financial Intelligence Unit (NFIU) (State Governments v. EFCC, 2024). As a report notes, “The Supreme Court's ruling aligns with this position, reaffirming the essential role of independent anti-corruption institutions in promoting transparency and curbing misuse of state resources” (Premium Times, “Supreme Court Upholds EFCC” 2). The judgment was widely welcomed as “sending a strong message that no one is above the law and that mechanisms to check corruption and promote good governance must be protected” (ThisDay, “Judgment on Anti-Graft Laws”

1).

However, the effectiveness of these anti-corruption laws has been questioned. As Nwagwu and Okafor observes, “For a country ranked high on the global corruption index, nobody should dispute whether Nigeria needs such laws or not. The country needs them” (2025). Yet the same analysis notes that the debate has shifted to whether due process was followed in making these laws and whether they are being enforced effectively (Nwagwu & Okafor, 2025). This highlights a crucial dimension of the law–morality nexus: formal legal prohibition of immoral conduct (such as corruption) is necessary but insufficient if the enforcement institutions themselves are compromised by the very moral deficit they are meant to correct.

The Sexual Harassment in Tertiary Institutions (Prohibition) Act

The Sexual Harassment in Tertiary Institutions (Prohibition) Act represents a targeted legislative intervention to address a specific moral evil: the abuse of power by educators over students in Nigeria's higher education institutions (Sexual Harassment Act, 2016). The Act, which was passed by the National Assembly after years of advocacy, “aims at implementing comprehensive measures to prohibit and penalize sexual harassment committed by educators in tertiary institutions with penalties including up to 14 years in prison (Sexual Harassment Act, sec. 4).

The Act explicitly defines prohibited conduct in comprehensive detail, including: grabbing, hugging, rubbing, or stroking, or touching or pinching the breast or hair or lips or buttocks or any other sensual part of a student's body; displaying, giving, or sending by hand, courier, electronic or any other means naked or sexually explicit pictures or videos; and whistling or winking at a student or screaming or exclaiming or joking or making sexually complimentary remarks about a student's physique (Sexual Harassment Act, sec. 3) these provisions are meant to promote morality in the tertiary institutions setting to ensure a healthy environment devoid of unholy sexual communism.

Recent advocacy has called for all tertiary institutions to adopt anti-sexual harassment policies to prevent the menace, punish offenders, and deter those nursing the evil thought. The Independent Corrupt Practices Commission (ICPC) has also developed a model for anti-sexual harassment policy suitable for tertiary education institutions, acknowledging that “the rate of sexual harassment in tertiary education institutions was alarming” (ICPC Model Policy 3). The highlighted that the right to female education free from any form of sexual harassment is a fundamental given that cannot be redefined or taken away by lecturers in position of trust set by state or private entities.

Legal Ethics as Moral Regulation of the Legal Profession

Finally, the legal profession itself is regulated by ethical standards that constitute a form of professional moral enforcement. Black's Law Dictionary defines legal ethics as “standards of professional conduct applicable to members of legal profession” (Garner, 2001, p. 976). In Nigeria, the Rules of Professional Conduct for Legal Practitioners enshrine duties of

confidentiality, competence, diligence, and integrity (Rules of Professional Conduct, 2023). These rules are legally enforceable, with disciplinary consequences for violations (Legal Practitioners Disciplinary Committee, annual report 2024).

Recent discourse has emphasised the importance of rebuilding the ethical foundation of the legal profession. As former Vice President Yemi Osinbajo declared at the 2025 Annual Law Lecture of the Faculty of Law, University of Lagos, “Law must be an instrument of liberation and development, not control. True reform must empower Nigerian lawyers, promote ethics, and restore public confidence in justice (Osinbajo, 2025, p. 2). He further emphasised the ethical foundation of leadership, governance, and the legal profession must be rebuilt, calling for law to be seen “not merely as a means of livelihood, but as a moral calling. (Osinbajo, 2025, p. 4). This call for moral rebirth within the legal profession recognises that the law–morality nexus cannot be merely external but also be internalised by those who administer justice

Conclusion

This philosophical intervention has examined the relationship between law and morality and its imperative within the Nigerian legal system. While the analytical distinction championed by legal positivism (the separability thesis) provides a useful tool for understanding law's formal characteristics, it proves inadequate in explaining the practical operation of the Nigerian legal order. The inseparability thesis, reinforced by natural law theory and evidenced by a range of Nigerian statutes—from the Criminal Code (including its 2025 amendments) to anti-corruption laws, the Same-Sex Marriage (Prohibition) Act, the Sexual Harassment in Tertiary Institutions Act, and subnational dress code regulations—demonstrates that law and morality act and react upon each other.

Morals have filtered and interpenetrated the very fabric of Nigerian law, informing the principles of justice, equity, good faith, and conscience (Iwe, 2003, p. 56). The Nigerian legal system does not merely coexist with morality; it actively enforces it. However, the analysis also reveals the tensions inherent in legal moralism in modern pluralistic societies and their complex moral landscapes. In a religiously and ethnically diverse society like Nigeria, the morality that law enforces cannot be assumed to be monolithic. The question is not whether law should enforce morality, but rather which morality, whose morality, and how far enforcement should extend.

This study strongly advocates for a dynamic, dialogical understanding of the law–morality nexus, one that recognises law as both a product of moral reasoning and a mechanism that shapes moral consciousness within the specific socio-legal context of contemporary Nigeria. Any future legal reforms in Nigeria must be attentive to this interdependent relationship, ensuring that positive law remains grounded in the moral values of the community it serves, without sacrificing the certainty and predictability that are the hallmarks of a mature legal system, and without violating fundamental human rights in the name of moral enforcement.

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