



Religion and Law as Instruments of Social Control: A Comparative Study

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Abstract

There are as many definitions of religion as there are scholars. These definitions reflect the scholar's discipline. There is therefore, no unanimous agreement amongst scholars on the definition of religion. The same could be said of the concept of law. Any attempt to define law is likely to expose the philosophical and/or ideological leaning of the author which is historically polarized into two major camps: advocates of natural law doctrine and protagonists of legal positivism. On the contrary, it is almost an unanimous agreement amongst scholars that religion and law are instruments of social control. However, while some like Marx and Lenin lay emphasis on the negative impacts of religion and law on the society, others emphasize on the positive impacts. It is against the above backdrops that this paper attempts a comparative analysis of religion and law in order to see the different ways in which they affect and/or control the activities of man as a social being. It is observed that as instruments of social control, there are areas where religion and law diverge and as well, converge in directing the affairs of citizens in a society. This research submits that religion and law have both negative and positive influence on the society. Nevertheless, because they have come to stay, more attention should be placed on their positive contributions to the society. So that, rather than dehumanize the masses, religion and law should serve as tools to enhance humanity.

Keywords: Religion, Law, Positive Law, Natural Law, Society, Social Control.

Introduction

Religionists are of the opinion that the divine beings have a great measure of control over the life of every member of different religious communities in their daily activities as an individual and as a group. Most definitions of religion given by different scholars attest to this. However, revered scholars like Ludwig Feuerbach, Karl Marx, Vladimir Ilich Lenin, Emile Durkheim, etc., see religion as the creation of the society (or human creation). On another note, lawyers emphasize on the necessity of law for peaceful co-existence of citizens in a given community. In contemporary societies therefore, the importance of religion and law cannot be overemphasized. While Durkheim, for example, opines that the society which created religion uses it as an instrument of control, Karl Marx sees both religion and law as social construct.

But the concepts of religion and law are understood differently by different scholars. In fact, an attempt to answer the questions: “what is religion?” and/or “what is law?” is likely to expose the discipline (or as regards the latter), the philosophical and ideological leaning of the inquirer. Consequently, this paper x-rays as much as possible, various definitions of religion and law as proffered by several authors before looking into the nitty-gritty of this research – which is *a comparative study of religion and law as tools of social control*. While scholars disagree on the definitions of “religion” and “law,” it is almost an unanimous agreement that these two concepts are instruments of social control. On this note, this work chiefly attempts a comparative analysis of the concepts at hand in order to decipher both their negative and positive impacts on the society; and where religion and law, as effective tools of social control, diverge and where they converge.

Conceptualizing Religion

There are as many definitions of religion as there are scholars. Jerry Obi-Okogbuo (2004) wants us to be weary of these definitions “because they give so much latitude that almost every other human endeavor qualifies as religion” (p. 92). Corollary, Oliver Uche and Martina Uche (2013) posit that some of these definitions reflect the scholar’s discipline or presuppositions (or beliefs) – that is why one can talk of philosophical, anthropological, sociological, theological, psychological, historical, biological definitions of religion. The above caveat notwithstanding, let us begin with the etymology of religion. Even in the etymological derivation of the concept in question, authors vary: According to Olukayode Oyenuga and Oluwatosin Akintan (2021), religion is etymologically derived from the Latin word *religare* which means “to bind back” or “to rebind.” For them, these imply that religion, etymologically speaking, “entails a process of reconnecting by worship, a missing or broken intimacy between God and

worshippers” (p. 3). Citing Omoregbe (1996), Toluwalase Ajayi (2007) and Sunday Adenrele (2008) posit that religion is etymologically derived from three Latin words: *ligare*, which means “to bind,” *relegere* which means “to unite or link” and *religio*, which means “relationship.” Religion therefore, “means a relationship, a link established between two persons, namely, the *human person* and the *divine person* believed to exist, it is something that links or unites man with a transcendent being, a deity, believed to exist and worshiped by man” (Omoregbe, 1996, as cited in Ajayi, 2007, p. 95; Adenrele, 2008, pp. 10-11; and Omoregbe, 1993, pp. 2-3).

Joseph Omoregbe (1993) further sees religion as a bi-polar phenomenon. “On the one end is man (the religious man) while on the other end is the transcendent being, the deity he believes to exist and which he worships” (p. 3). Now, in as much as the religious man really believes in the existence of the deity, it is immaterial whether such a deity really exists or is simply his figment of imagination. The above premise, Omoregbe (1993) thinks, makes the concept of *diety* an essential concept of religion. Therefore, for him, “where a belief in a deity is lacking, there can be no religion since religion as we have said, is essentially a relationship established between man and a deity, that is, a transcendental personal being, believed to exist” (p. 3). According to Obilor (2003), religion is derived from the Latin noun *religion* which is closely allied to other three Latin verbs: *religere* which means “to turn to constantly” or “to observe conscientiously,” *religari* which means “to bind oneself (back),” and *reeligere* which means “to choose again” (as cited in Ihuagwu & Amolo, 2013, p. 136). A closer look at these verbs, Obilor continues, shows that they point to three religious attitudes. This means that etymological probe can reveal much about religion and can equally help to resolve most of the difficulties often associated with the concept of religion. Despite the plethora of definitions of religion which, as observed above, reflect the scholar’s discipline, none is universally accepted. This implies that none of the definitions could claim to have a complete view of religion. Be that as it may, it is pertinent to consider some of them.

In a sociological context, Oyenuga and Akintan (2021) define religion from attitudinal point of view. Therefore, they agree with Akinola who conceives of religion as being “associated with the role of preaching the moral principles and rules that are expected to govern societies and the lives of its members” (p. 4). This implies that religion is a social creation aimed to control its members. It further shows why religion is such a powerful force in the society – which also explains the continuous struggle for supremacy among different religions. Arinze Agbanusi (2009) defines religion as the belief in God or gods and the activities connected with this belief. A particular religion, he continues, is a system of faith that is based on the belief in the existence of a god or

gods. For him, this belief in god or gods is a universal phenomenon. Therefore, in most (if not all) societies, there is one form of religious worship or the other. He quickly pointed out that theism represents belief in the existence of God or gods which is classified into monotheism – belief in the existence of one God and polytheism or pantheism – belief in the existence of many gods. Pantheism has a slight difference with polytheism. The former is the belief that God is present in all natural things. Atheism – unbelief in God’s existence, for Agbanusi, is a form of religion – in that disbelief in the existence of God or gods constitutes a religious belief. Since the Atheist expresses an opinion about God’s existence, he/she is invariably religious. This can equally be said of the Agnostics – who express the opinion that they are not sure whether God exists or not, or that one cannot know whether or not God exists.

Clifford Geertz describes religion “as a system of symbols which acts to establish powerful, pervasive and long-lasting moods and motivations in men by formulating conceptions of general order or existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic” (Geertz, as cited in Linus Okika, 2013, p. 100). Faith Okobia et al. (2016) cited Madu’s definition of religion as “an institutionalized system of symbols, beliefs, values and practices focused on questions of ultimate meaning” (Madu, 1996, as cited in Okobia et al., 2016, p. 152). In another work, Okobia (2013) single handedly gave the following definitions:

- Religion is the feeling of absolute dependence on a supernatural being believed to direct the course of nature and human life (Ubrurhe, 2000).
- Roy (1996) sees religion as man’s search for supernatural assistance in achieving a sense of security. One can observe the closeness between this definition with that of Ubrurhe above.
- For Nmah (1998), religion is a unified system of beliefs and practices related to sacred things set apart or forbidden; beliefs and practices that unite one single moral community called church and all those who adhere to them (Okobia, 2013, p. 124).

Ajayi (2007) elucidates on the concept of religion with the help of the following authors: James sees religious experience as the feeling, acts, and experiences of individual men in their solitude, so far as they apprehend themselves to stand in relation to whatever they may consider the divine. On the other hand, Bouquet sees religion as a fixed relationship between the human self and some non-human entity, the sacred, the supernatural, the self-existent, the absolute or simply, God. Omoregbe (1993) is not comfortable with Bouquet’s definition of religion:

A. C. Bouquet's definition of religion ... is alright as far as it goes, except that it leaves out the aspect of belief which is essential to the concept of religion. For the non-human entity, the transcendent being or deity which the religious man worships may not exist, it may be nothing other than the figment of his imagination. Yet as long as the religious man *believes* that such a deity actually exists and he worships it, he is practicing religion even if the deity actually does not exist. Hence our own definition of religion as 'a relationship established between man and a transcendent personal being, a deity, believed to exist,' is more accurate. (p. 3)

Ajayi, after articulating definitions of some scholars posits that religion is a system of beliefs, rituals, and practices or a code of moral conduct involving the recognition by man of a supernatural power which has control over his destiny and which is entitled to obedience, reverence and worship. According to Omoregbe, as captured by Ajayi, religion is inseparable from culture. It is an expression of the cultural worldview of a people. Omoregbe strongly affirms that it is impossible to understand any religion without understanding the culture within which it grew; for instance, it is impossible to understand Christianity without understanding the Jewish-Greco-Roman culture. Similarly, it is impossible to understand Islam without understanding the Arabic culture nor can one understand the Hindu, Buddhist, or Jainist religion without understanding the Indian culture (Ajayi, 2007, pp. 95-96). Religion, Ajayi continues, does not only concern itself with gods, spirits, ancestors and supernatural beings, it equally tries to provide explanation for man's origin, destiny and power beyond his control. Authentic religion, therefore, according to Ajayi, cannot operate without a sound convincing practical philosophy. Adenrele (2008) agrees with Uche and Uche that religion means different things to different people. He then, lists the following definitions of religion as put forward by scholars of different fields:

- Karl Marx: "religion is the opium of the masses."
- Feuerbach: "religion is man's alienation; it is the means by which man strips himself of his own essence, his best qualities, and reduces himself to nothing."
- Salmon Reinach: "religion is an assembly of scruples impeding the free exercise of faculties."
- Schleiermacher: "religion is a feeling of absolute dependence on God."
- C. A. Campbell: "a state of mind comprising belief in the reality of a supernatural being."
- Emile Durkheim: "religion is the creation of the society" (p. 11).

After highlighting the etymological meaning of religion, Stanley Ihuagwu and Hope Amolo (2013) attempted to define religion. They cited Gilbert (1980) and Obilor (2003). The former defines religion as “any system of values, beliefs, norms, and related symbols and rituals, arising from attempts by individuals and social groups to effect certain ends, whether in this world or any future world, by means wholly or partly supernatural.” The latter defines religion as “the whole complexus of attitudes, beliefs, practices, gestures, rituals, emotions, convictions, and institutions through which we express our deep fundamental relationship with reality and not excluding the created order” (p. 136). Obilor may have been under the influence of Richard McBrien (1994) who conceives religion as: “the whole complexus of attitudes, convictions, gestures, rituals, beliefs, and institutions by which we come to terms with, and express, our most fundamental relationship with Reality (God and the created order, perceived as coming forth from God’s creative hand)” (p. 364). Religion, Ihuagwu and Amolo continue, has to do with the whole of human existence, and not merely a certain aspect of it. Obilor further defines religion as the composite of all those feelings of duties towards the transcendental being. Note that Kant conceives religion as the recognition of all our duties as a divine command.

Albert Einstein gave a definition of religion devoid of the supernatural. For him, “religion is the age-old endeavor of man to liberate himself from the fetters of selfish desires; it is the preoccupation with thoughts, feelings and aspirations, which have super-personal values. One is religious and devout when one is not in doubt, even without rational justification, of the significance and loftiness of these super-personal objects and goals.” Here, religion is not only perceived as “a sense of mystery,” it is also seen as a “a way of orienting oneself in life.” In this non-theistic sense of religion, Obi-Okogbuo (2004) asserts, Taoism and Buddhism qualify as religion; and scientists like Einstein, philosophers like Spinoza and sages like Budha can be classified as religious persons. Although for him, this non-theistic sense of religion does not really define religion (pp. 92-93). Usman Abbas quoting Adewole defines religion as: “The phenomenon that describes man’s relations as a creature with God as his Creator. As such, man deserves to obey his Creator. It is the link between God and man. It deals mostly with beliefs that are beyond human reasoning but which are accepted by believers in faith.” Abbas also quoted *Collins English Dictionary* which defines religion as “worship of, or obedience to a supernatural power or powers considered to be divine or to have control of human destiny. Abbas then, defines religion as “belief in a superhuman power or powers to be worshipped; any specific system of belief or worship” (Abbas, n.d., p. 1).

Uche and Uche (2013) brought our attention to the fact that most of the above definitions and statements about religion are weakened by their emphasis on man-god relationship, while leaving out man's relationship with his neighbour. A good definition of religion should include the man-to-man relationship with his neighbour as well as man's connection with his God; emphasis should be laid on both the vertical and horizontal importance of religion. They, in accordance with Nabofa, define religion as man's effort in satisfying certain emotional needs by establishing and maintaining cordial relationship between himself and the supersensible world, and his fellow man. Uche and Uche came to a conclusion that "Religion is universally acclaimed as an affixed relationship between man and God, between man and his neighbor" (p. 132). At this juncture, let us turn to some of those definitions which claim to be philosophical as put forward by Ewere Atoi et al. (2020): Philosophically, religion is seen by Manus (2006) as the belief in the "form of the Good," a divine mind and will which is central to the existence of the universe and hold a moral relation with mankind. The renowned German philosopher, Immanuel Kant delineates religion as "the recognition of all our duties as divine commands."

J. B. Pratt, as recorded by Idowu (1973), sees religion as "the serious and social attitude of individual or communities towards the power or powers perceived as having ultimate control over their interests and destinies." For Emile Durkheim as captured by Adogbo (2000), religion is "a unified system of beliefs and practices which unite into a single moral community." Adogbo also recorded James Frazer's definition of religion as "the propitiation and conciliation of powers superior to man which are believed to direct and control the cause of nature and human life" (Atoi et al., 2020, p. 116). In addition, Chad Meister (2009) posits that "a religion involves a system of beliefs and practices primarily centered around a transcendent Reality, either personal or impersonal, which provides ultimate meaning and purpose to life" (p. 6). It is doubtful, according to Meister (and we concur), whether any of the above definitions really capture the complete meaning of religion. However, time is ripe to have a quick glance at the concept of law.

Definitions and Conceptions of Law

Simeon Eboh (2004) observes that the answer to the question "what is law?" depends to a certain extent, the philosophical and ideological leaning of the inquirer – which historically speaking is divided into two broad-based streams of thought: the exponents of natural law doctrine and protagonists of legal positivism. Legal realism, for Eboh, and Omoregbe (1994) is only a branch of legal positivism which has its roots in America and Sweden (Eboh, 2004, pp. 1-3; Omoregbe, 1994, pp 126-129). It is pertinent

to note that positive law is so called because it is posited or laid down. Unfortunately, there is no straightforward answer to the question “what is law?” Perhaps, Kant is right when he says that this question cannot be answered from empirical stance. For him, the answer must be approached from the metaphysical perspective – “it requires an *a priori* and not *a posteriori* approach” (Omogbe, 1994, p. vi). However, to tackle this problem of definition of law, it is not out of place to begin with its etymology. Etymologically, the word “law” hails from the Latin word *lex* which according to Nwoke Cheche et al. (2008) means “to tie or bind something” (p. 3). For them, the essence of law is to produce a rule of action – which binds and ties. Law in this etymological sense signifies a body or collection of various laws peculiar to a given nation or people.

This is similar to the definition given by *Oxford Advanced Learners Dictionary*: Law is the whole system of rules that everyone in a country or society must obey. Another similar definition is recorded by Colin Padfield (1978). For him, to speak of the law of a state, one is constrained to use the term “law” in a special and strict sense, hence, law may be defined as “a rule of human conduct, imposed upon and enforced among, the members of a given state” (p. 1). But the notion of law as a “system of rules” of a given state may not go down well with Dworkin, Omogbe and the natural law theorists as we shall later see. Cheche et al. (2008, pp. 17-19) enumerated the following definitions of law as suggested by different scholars. A careful observation reveals the philosophical and ideological leaning of the scholars: Salmond’s definition, according to Cheche et al., is practical: it is “the body of principles recognized and applied by the state in the administration of justice” (also cited in Vidya Mahajan, 2013, p. 372). Law, for Kant, is the aggregate of the conditions which the arbitrary (subjective) will of one individual may be combined with that of another under a general inclusive law of freedom. Thering has it that law is the sum of the conditions of social life in the widest sense of the term, as secured by the power of the state through the means of external compulsion. For Austin, law is a rule laid down for the guidance of an intelligent being by an intelligent being having power over him.

Thomas Aquinas defined law as “an ordinance of reason for the common good, promulgated by him who has the care of the community” (*Summa Theologica*, I-II, q. 90, a.4, as cited in Fagothey, 1959, p. 162; Cheche et al., 2008, pp. 17-19; Eboh, 2004, p. 2). The implication of the above definition is that law “must be mandatory in form, reasonable in content, community-serving in purpose, knowable in manifestation, and authoritative in source.” (Fagothey, 1959, p. 168). Any law that lacks any of these characteristics is not genuine and cannot impose moral obligation. Furthermore, Aquinas in accordance with Isidore of Seville describes a good law thus: “Law shall be virtuous, just, possible to nature, according to the custom of the country, suitable to

place and time, necessary, useful, clearly expressed, lest by its obscurity it leads to misunderstanding; framed for no private benefit, but for the common good” (Gratsch, 1985, p.129). In addition, Francis Suarez, as captured by Eboh (2004), posit that law is “a common, just and stable precept that has been sufficiently promulgated” (p. 2). From the foregoing, one agrees with Edward Gratsch (1985) that law not only pertains to reason, it also directs our actions to a goal usually known as the common good. For instance, “sanitation laws seek to preserve the health of the community, and traffic laws seek to preserve the safety of the community. It is then obvious that;

... the making of laws is the responsibility of the person who is in charge of the community, whether that person be one or more than one. A law must be promulgated; it must be made known to those whom it binds, for only in this way can they observe it. It does not make much difference how a law is promulgated, as long as it is effectively brought to the attention of the community. Thus, a law is a reasonable and authoritative directive, given by the person who is in charge of the community for the common good, and promulgated. Law as an authoritative directive, supposes the guidance of the intellect, the motive force of the will, and the notification of those who are to be ruled by it (Gratsch, 1985, p. 126).

Omoregbe (1994) grappled with this issue of “concept of law” in the introduction of his work on *Philosophical Jurisprudence*. Perhaps, more insight on the issue at hand may be derived from Omoregbe’s work: As observed earlier, Omoregbe is not comfortable with the positivist, *a posteriori*, empirical approach to the study of law. For instance, Legal Positivists, especially Jeremy Bentham and his disciple, John Austin, maintain that law is essentially a (man-made) command backed by sanction or threat or punishment. This implies, according to Omoregbe, that any issue of a command, including that of an armed robber which is backed up with force or the threat of punishment is, *ipso facto*, law. Another group of Legal Positivists, Kelsen and Hart maintain that law is essentially a system of norms (or rules) in which one norm derives from another and is justified by it. Consequently, the legal validity of one law derives from another law within the same legal system. But Kelsen tells us that the entire legal system derives its validity from the “grand norm” which is outside the legal system itself. For Kelsen, the “grand norm” is the foundation of the entire legal system. With this, Kelsen crossed over to the metaphysical realm. In other to account for the validity of a positive (manmade) legal system, Kelsen was obliged to move beyond the empirical

realm into the metaphysical realm. With his concept of “grand norm” which is outside the positive legal system, Kelsen brought back through the back door the natural law concept which he had earlier thrown out through the front door.

Unlike Kelsen, Hart remained within the positive legal system so as not to re-introduce “natural law” in disguise. For him, legal system is validated by the mere fact of its having been accepted or acquiesced by the people and is used by court officials. It does not matter whether the law is draconian, tyrannical, wicked, so long as it has been acquiesced to by the people and is being used by court officials, it is valid. What then, Omoregbe queries, is the essential feature of law? Omoregbe asserts that *Obligation* is the essential feature of law. For him, it is not sanction (as claimed by Bentham and Austin) nor is it “system of rules” (as claimed by Kelsen and Hart). Obligation, Omoregbe continues, is of a moral nature, and it derives from the natural law; for the foundation of all laws is the natural law. Fuller corroborates further; that law is inseparable from morality; to separate law from morality as advocated by the legal positivists, is to strip law of its sacred and obligatory features and cut it off from the natural law which is its foundation. And when this happens, law becomes a naked command backed by brute force like the command of an armed robber; it automatically ceases to be law. Although, man is obliged to obey law, but not when it becomes a naked command backed by brute force.

What is Natural Law (Law of Nature)?

Law of nature has prescriptive and descriptive meanings. The “law of nature” in its prescriptive sense, is a universal precept (a universal rule/principle or command) intended by nature to regulate human behaviour. It is a universal law which orders all human beings to do good and refrain from evil. This prescriptive meaning of “law of nature” is synonymous with Kant’s “Moral Law”; for the law of nature (in its prescriptive sense) is a moral law, and it only applies to human beings – who are rational and free beings (Omoregbe, 1994, pp. x-xi). The descriptive meaning of “natural law” or “law of nature” refers to the description of the regularity with which certain things happen uniformly all over the world under certain conditions. Examples: the law of plenary motion, law of relativity, law of gravitation, etc. Law of nature in this sense only describes and informs us of the way things do actually happens – which is discovered by careful observation. It does not prescribe the conduct of human behaviour. It is customary, Austin Fagothey (1959) observes, to call the physical laws the *laws of nature* and reserve the term *natural law* for the natural moral law (p. 167). Although this usage is not always kept. Lastly, while the above definitions given by Kant, Aquinas and Suarez may be said to belong to the Natural Law Tradition, others could be said to

belong to the Legal Positivist School – i.e., those of Austin, Thering (and Salmond – which depicts Legal Realism, an offshoot of legal positivism). It is now time to juxtapose religion and law in order to see how they are used as instruments of social control.

Religion and Law as Instruments of Social Control: A Comparative Study

It is indubitable that religion and law are effective instruments of social control. However, they can be positively and/or negatively used. Not only that their usage is understood differently, they (religion and law) are used differently as tools of social control. Again, there are areas where (as instruments of social control) religion and law diverge and areas where they converge. Karl Marx's understanding of religion and law as effective tools of social control is our point of departure. Marx sees religion and law as ideologies which the few bourgeois capitalist exploiters adopt in exploiting the poor masses. For Marx, ideology is a distorted and false perception of reality in a capitalist society. Religion, for him, is used by the said exploiters to sedate the people. The exploiters, as affirmed by Omoregbe (1994), use religion to keep the people calm and prevent them from revolting against the exploiters. With this acceptance of to their (i.e. the people) exploitative condition, hoping to reap their reward in heaven, the exploiters then feel at home in their exploitative escapade with the assurance that the people will not rebel against them. Thus, religion is an effective tool of social control, though in this sense, negative. This is because religion instead of helping to uplift the poor man, did diminish and dehumanize him. Religion was indeed: *das Opium des Volkes* – i.e., the opium of the masses (Pantaleon Iroegbu, 2002, pp. 76-77). Lenin pushed it farther when he posited that religion is more than "opium of," but it is "opium for" the people, which means that religion was purposely constructed with the aim of dehumanizing the masses. However, Marx and Lenin had been heavily criticized.

Similarly, Marx recognized law as an ideology codenamed, the "Bourgeois Philosophy of Law." According to Marx, this ideology presents the people with a distorted and false perception of the world as a world of "law and order," which is maintained by means of the coercive force of law. This "Philosophy of Law" was adopted by the bourgeois to rip off the poor masses. Having convinced the poor masses with this ideology that the world is a world of "law and order" which is maintained via the coercion of the law, the capitalists continued to oppress and exploit the masses with the coercive force of law. Thus, for Marx, religion and law are effective instruments of social control in the hands of the capitalist exploiters. One may not overlook the negative aspects of religion and law as tools of social control, but it is fallacious not to recognize the positive aspects of religion and law, especially in the promotion of social justice and human dignity. Again, with respect to social control, religion and law should

not be reduced to ideological connivance of the bourgeois capitalist as postulated by Marx. As regards law, Gratsch (1985) opines that law should bind all subjects equally without exception. However, although one is obliged to observe the letter of the law; "but in some instances, he or she should not observe it, in order to insure the common good intended by the lawgiver." For instance, "a traffic law forbids one to park her car in the middle of the road; but she may do so, if it is necessary to protect injured persons from oncoming cars. Often the lawgiver will give a dispensation from the law to protect an individual from harm in a particular instance (p. 129). On another note, Durkheim as captured by Adenrele (2008) sees religion as the creation of the society:

It is the society which created and uses religion as an instrument of control. It is ... people that engage in religious life to celebrate the awesome power of their society. The society uses religion as the instrument of control and means of moulding their minds so that it may be able to direct their thinking. The society exercises such a powerful influence on its member that the latter personifies its force into divine entity. What religious people also call the commandments of God is nothing other than the moral demands of the society. (p. 12)

Away from Durkheim's and the Marxists' conceptions of religion and law, there are areas where the two concepts diverge as they play the role of social control: It could be said that religion aims at making man virtuous. Law, on the other hand, is said to primarily aim at the peaceful co-existence of citizens and not necessarily to make them virtuous. In other words, although law could command actions which are virtuous, it does not command virtue for its own sake. Omorebge (1994) stresses further that it is not because such actions are virtuous that they are commanded by law, rather they are commanded because the non-performance of such actions would be detrimental to peaceful co-existence of the citizens.

Secondly, while most religions are concerned more with the internal, law is concerned more with the external forum. For instance, while Christian religion is concerned with the sin of lust in the mind, law often limits itself to the action of rape. Another example is the difference between pre-meditated murder and manslaughter; while the former is sinful, the latter is not. But in law, for the fact that the act of killing occurred (externally) in both, they are unlawful. However, the gravity of "murder" is much higher than "manslaughter." It is equally sinful even if the "pre-meditated murder" is not carried out. But this time, it is not unlawful because no act of killing occurred.

Another point of divergence between religion and law is that while the former concerns itself more with the transcendent, and therefore, both the vertical and the horizontal relationship between God and man is considered in religion, law is only centered on the horizontal interpersonal relationship between man and his neighbour. Again, violators of religious precepts are often threatened with punishment in the afterlife, while law focuses on this physical world and threaten to punish offenders here in this world. At this juncture, let us see the few areas of convergence between religion and law.

Morality stands as a judge to both religion and law: as morality is the yardstick with which true religion is differentiated from false religion, it is equally a yardstick with which to differentiate a just law from an unjust law. Again, as religion differ from one society to another, law also differ from one society to another. Lastly, religion like law is a two-edged sword, which can be used to cut either way. Religion, likewise law, can be used to maintain justice as well as to perpetuate injustice. They can also be used as instruments of enslavement as well as instruments of liberation (Omoregbe, 1994).

Conclusion

From the forgoing, one can deduce that religion is construed as a mechanism for controlling human moral conducts and social life in the universe. Religionists opine that the divine being has a great measure of control over the life of every member of different religious communities in their daily activities, both as individual and as a group. Little wonder, religion is given a pride of place in many societies of the world today. In other words, the values and importance attached to religious beliefs and practices in contemporary societies cannot be overemphasized. Furthermore, this paper agrees with Rakodi who sees religion as important source of values and beliefs that influence the way in which people see the world and live their lives (Rakodi, 2010, as cited in Atoi et al., 2020, p. 116).

Similarly, law (as earlier observed) is a serious aspect of the society, especially in the area of enhancing a peaceful co-existence of the citizens. Also, its importance in contemporary society cannot (like religion) be overemphasized. In fact, both religion and law are given a pride of place in nowadays societies. However, care must be taken so that, as instruments of social control, they don't dehumanize and diminish man. Rather, they should serve as tools used to maintain justice, liberate and above all, uplift the welfare of man.

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