



A Jurisprudential Reflection of Law, Justice and the Possibility of Social Harmony

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Abstract

This study sought to examine the extent to which law can genuinely function as an instrument of social harmony when separated from substantive and procedural considerations of justice. The study proceeded from the problem that legal systems can secure compliance through coercion without necessarily producing legitimacy, trust or peaceful coexistence. Drawing on positivist, natural law and contemporary jurisprudential perspectives, it critically examined the relationship between legal validity, justice, legitimacy, reciprocity, equality and social cohesion. The study argued that law cannot generate enduring harmony merely by regulating conduct or suppressing disagreement. Rather, its harmonizing capacity depends upon the extent to which legal institutions operate through fair procedures, reciprocal obligations, equal protection, accountability and meaningful responsiveness to those subject to legal authority. The Nigerian legal experience is used to demonstrate the practical limits of law where access to justice is uneven, institutional actors disregard legal constraints and citizens lose confidence in formal mechanisms of dispute resolution. The study further contended that empathy, although incapable of replacing legal principle, remains an important human disposition for preventing justice from becoming detached from lived

experience. It concluded that genuine social harmony is not simply the absence of conflict but a condition of just and reciprocal coexistence in which citizens can recognize legal authority as legitimate and regard obedience not merely as compelled submission but as compatible with dignity, equality and shared civic responsibility.

Keywords: Equality, Justice, Law, Legitimacy, Social Harmony.

Introduction

Law can exist, operate, and command obedience even where justice is absent. A legal system may possess statutes, courts, sanctions, procedures, and institutional authority while simultaneously producing exclusion, arbitrariness, or unequal treatment. The existence of law, therefore, does not settle the question of whether its authority is worthy of allegiance. Contemporary jurisprudence continues to expose this difficulty: the positivist/non-positivist divide remains fundamentally concerned with whether the normative character of law can be understood independently of morality (Atiq 32). Recent scholarship has likewise returned to the problem of legal legitimacy, arguing that the authority of law cannot be adequately understood merely through the fact of its institutional existence (Izunwa 54). The more demanding jurisprudential question is consequently not whether law produces order, but what kind of order it produces and whether that order can command the moral confidence of those subject to it.

The distinction between order and harmony is crucial. Order may be secured through coercion, surveillance, punishment, or the predictable enforcement of rules; harmony, by contrast, presupposes a social relationship in which competing interests can coexist under conditions regarded as sufficiently fair and legitimate. A society can therefore be orderly without being harmonious. Indeed, law may suppress disagreement, without addressing the injustice that generates it. This is why, legal legitimacy cannot be reduced to the mere existence of valid rules. Dworkinian jurisprudence, for instance, insists that, legal interpretation inevitably engages questions of political morality, while contemporary scholarship continues to defend the significance of this interpretive relationship between law and moral principle (Jenkins 131). Similarly, recent research on legal socialization in Nigeria demonstrates that perceptions of procedural unfairness, abuse of authority, and corruption are associated with diminished perceptions of legal legitimacy and increased legal cynicism (Akinlabi, Amagnya, and Bello 67). The implication is profound: where citizens experience law as domination rather than reciprocal governance, legal compliance may survive while social trust deteriorates.

Justice therefore, enters this conversation, not as an ornamental moral ideal appended to law after the fact, but as a condition that bears directly upon the possibility of durable social cohesion. A society does not become harmonious merely because disputes are legally settled; the manner in which disputes are settled, the accessibility of institutions, the equality with which rules are applied, and the extent to which citizens are treated as persons of equal worth all affect whether legal order becomes socially legitimate. Recent jurisprudential work on participation and legal authority reinforces this point by challenging accounts of law that overlook the relationship between participation and legitimate authority, particularly within the Nigerian legal experience (Şóyemí 491). Similarly, Fuller's jurisprudence is especially instructive here because it conceives legality through principles that structure the relationship between legal authority and those subjected to it; contemporary scholarship has further reconstructed this dimension of Fuller as an interactional conception of legal ordering grounded in reciprocal social relations (Balganesh 240). The argument is therefore, not that, justice is merely an external moral standard by which law may be praised or condemned; rather, justice is implicated in the conditions under which law can function as a shared framework rather than an instrument of unilateral power. It is against this backdrop that, this paper argues that, law and justice can promote social harmony, but neither, does so automatically.

Conceptualising Law, Justice and Social Harmony

Law, in jurisprudential terms, cannot be reduced to a collection of commands backed by sanctions. It is also an institutional practice through which a political community orders conduct, distributes authority, settles disputes, and determines the permissible boundaries of individual and collective action. Its significance therefore lies not merely in its coercive capacity but in its claim to regulate human relations through publicly recognisable standards. Hart's distinction between primary and secondary rules, remains important here because, a functioning legal order requires not only rules imposing duties but also institutional rules governing their recognition, alteration, and adjudication (79). Yet the existence of such an institutional structure does not itself answer the question of legitimacy. A legal system may be orderly, efficient, and formally coherent while producing outcomes that citizens reasonably regard as oppressive or exclusionary. This is where justice becomes indispensable. Justice, interrogates the distribution of rights, duties, opportunities, burdens, and institutional power within the legal order.

Rawls's account of justice as fairness, for example, places fair terms of social cooperation at the center of political morality, while contemporary theories continue to debate whether justice should be understood principally through equality, capabilities, recognition, participation, or the protection of basic rights (Rawls 4; Sen 18-19). Law therefore supplies the institutional architecture of social order, but justice

asks whether that architecture treats those who inhabit it as persons entitled to equal moral consideration. Justice, however, should not be understood exclusively as the mechanical application of an impartial rule. Such an understanding risks confusing formal correctness with substantive justice. Two persons may be treated according to the same rule and yet the application of that rule may reproduce a profound injustice if their circumstances, vulnerabilities, or institutional positions are materially different. Recent jurisprudential discussions of equality have consequently questioned whether equal treatment alone adequately captures what justice requires, particularly where legal institutions operate within conditions of structural disadvantage (Fredman 4).

The significance of empathy emerges precisely at this point. Consider a classroom demonstration in which a professor expelled a student and insisted that she should not return to his class. When the remaining students were subsequently asked whether the decision was just, they condemned it as unjust; yet the professor challenged them for having remained silent while the affected student was still present. The philosophical force of the demonstration lies in its exposure of moral distance: the students could recognize injustice once it was presented as a question, but they had not responded to it when another person was actually experiencing its consequences. Empathy, therefore, can be understood not as a substitute for reason or legal principle but as a disposition that enables the agent of justice to apprehend the claims of another beyond the limits of personal interest. Nussbaum's work on emotions is pertinent here because it resists the sharp opposition between emotion and rational judgment, showing how emotions can embody evaluative judgments concerning human vulnerability and flourishing (Nussbaum 7).

This conception becomes particularly important when justice is connected to social harmony. Harmony is not the absence of disagreement; it is the capacity of a society to manage disagreement without reducing difference to domination. A community may achieve outward stability because its weaker members have learned to endure injustice, but such stability is closer to submission than harmony. Fraser's critique of justice as redistribution alone is useful because it draws attention to recognition and participation as dimensions of a just social order; persons must not only receive fair treatment but must also be positioned as equal participants in the social arrangements that affect them (Fraser 27). More recent scholarship similarly emphasizes relational dimensions of justice, directing attention toward the quality of social and institutional relationships rather than merely the distribution of material goods (Fourie, Schuppert, and Wallimann-Helmer 9).

The concepts of law, justice, and social harmony can therefore, be placed within a single jurisprudential relationship. Law establishes the framework, within which social relations are regulated; justice evaluates the fairness and legitimacy of that framework; and social harmony represents the possibility of living together

under conditions in which legal authority is not experienced merely as coercive power. This relationship also explains why empathy should occupy a modest but significant place in the argument. Justice cannot be reduced to empathy, because legal judgment requires principles, evidence, consistency, institutional competence, and procedural safeguards.

Yet, justice without any capacity to perceive the standpoint of the other can become abstract, formalistic, and indifferent to the human consequences of legal decisions. The challenge, therefore, is to develop a conception of social harmony in which law is sufficiently authoritative to restrain arbitrary conduct, sufficiently just to command legitimate allegiance, and sufficiently attentive to human vulnerability to prevent the suffering of others from becoming socially invisible. On this understanding, the possibility of harmony depends not upon eliminating conflict but upon creating legal and moral conditions in which persons can recognise one another as equal participants in a shared normative order.

The Jurisprudential Tension between Law and Justice

The relationship between law and justice becomes most contentious when jurisprudence asks whether the validity of law, can be separated from its moral quality. Legal positivism answers, in its core form, that, the existence of law is fundamentally a matter of social facts rather than moral merit. Hart's account of law as a union of primary and secondary rules separates the question of what the law is from the question of what the law ought to be, thereby allowing an unjust rule to remain legally valid without necessarily being morally defensible (Hart 187). Yet, this separation does not make morality irrelevant to legal practice. Hart himself, recognised that a legal system may incorporate moral criteria through its rule of recognition, while contemporary positivist scholarship, continues to debate whether morality can function as a criterion of legal validity without abandoning positivism (Costa-Neto 76).

The significance of the positivist position for the present argument is therefore double-edged: it protects conceptual clarity by refusing to identify legality with justice, but it also leaves open the difficult question of why citizens should regard legally valid but seriously unjust rules as deserving obedience. Recent jurisprudential work, has accordingly returned to the problem of law's authority, particularly the tension between law as an institutional fact and law as a claim to legitimate governance (Gallego 458). If legality can exist without justice, the possibility of social harmony cannot be inferred merely from the existence of a functioning legal order.

The natural-law tradition approaches the problem from the opposite direction by insisting that law's normative significance cannot be entirely detached from justice. Aquinas's classical formulation treats law as an ordinance of reason directed

toward the common good and promulgated by legitimate authority, thereby making the purpose and moral orientation of law central to its character (I-II, Q. 90, art. 4). Contemporary non-positivist jurisprudence develops this intuition in more sophisticated forms. Dworkin, for example, rejects the view that legal reasoning is exhausted by rules whose validity derives from identifiable social sources; principles of political morality can form part of the grounds on which legal rights are determined (Dworkin 14-15).

Fuller approaches the problem differently. Rather than making the substantive morality of every legal rule a condition of legality, he locates morality within the requirements of legality itself: law must aspire to generality, publicity, prospectivity, clarity, consistency, practicability, stability, and congruence between official action and declared rule (Fuller 39). Recent scholarship has reinforced the significance of this position by arguing that, Fuller's internal morality provides an account of legality capable of illuminating the authority of law without simply collapsing jurisprudence into conventional natural law (Gallego 456). The tension, then, is not simply between "law" and "morality," but between competing accounts of what makes legal authority capable of claiming allegiance. Positivism protects the distinction between legal validity and moral evaluation; natural-law and interpretivist approaches, insist that the moral intelligibility of law cannot be treated as jurisprudentially incidental.

The more defensible position for a theory of social harmony lies neither in treating every enacted rule as just nor in assuming that moral disagreement automatically destroys legal validity. What matters is whether the legal order possesses the institutional and normative resources through which claims of injustice can be identified, contested, and corrected. This is where Fuller and Dworkin become especially significant. Fuller demonstrates that, legality itself contains a relational dimension: the ruler who governs through intelligible, public, prospective, and relatively consistent rules treats citizens as participants capable of orienting their conduct around law rather than as objects of administrative manipulation (Fuller 81). Dworkin goes further by arguing that, adjudication involves principles that express the moral commitments of the political community and that rights cannot simply be displaced by majoritarian preference (Dworkin 224). The implication for social harmony is decisive: a legal order promotes harmony not merely when it settles disputes, but when its procedures and principles provide citizens with reasons to regard those settlements as legitimate. Justice consequently functions as the bridge between legal order and social harmony.

Law, Justice and the Conditions of Social Harmony

If the preceding discussion establishes that legality and justice cannot simply be collapsed into one another, the next question is more demanding: what must be

present before law can become an instrument of social harmony, rather than merely an apparatus of social control? The answer begins with legitimacy. Citizens are more likely to accept adverse legal outcomes when they believe that the institutions producing those outcomes are impartial, transparent, and responsive to reasons that can be publicly defended. This is why the authority of law cannot rest indefinitely upon coercion. Şóyemí argues that, participation matters to the authority of law because a legal order that excludes those subject to it from meaningful forms of participation weakens the grounds on which its authority can be regarded as legitimate.

Similarly, recent Nigerian research, associates perceptions of procedural unfairness and institutional misconduct with diminished legal legitimacy and greater legal cynicism (Akinlabi, Amagnya, and Bello). The practical significance is visible in the judiciary itself. In *Ele gbe v. HP International Schools Ltd.*, the Supreme Court's 2026 decision, illustrates the judiciary's continuing role in determining whether legal power is exercised within the boundaries of constitutional and institutional justice. The deeper point is not simply that courts must reach correct outcomes; they must give citizens reason to believe that legal power is exercised according to standards that apply to the powerful as well as the powerless. A law that demands obedience while institutions routinely disregard the constraints imposed upon them may preserve authority formally, but it progressively consumes the legitimacy upon which harmonious coexistence depends.

Legitimacy, however, cannot survive without reciprocity. Why should citizens accept restrictions imposed by law if the institutions imposing those restrictions do not regard themselves as equally bound by legal obligation? The relationship between the governed and governing institutions must therefore be reciprocal: citizens owe compliance with legitimate law, while public authorities owe fidelity to the legal conditions under which their authority is exercised. This is precisely where Fuller's conception of legality acquires contemporary force. Law ceases to function as a genuine framework of social cooperation when governmental action becomes unpredictable, secretive, contradictory, or indifferent to judicial restraints. The Nigerian experience offers a particularly sharp illustration.

In Ibe and Zakari, "Executive Disobedience to Court Orders and Anarchy in Nigeria," the authors document how repeated executive disregard for judicial orders undermines confidence in judicial independence and the rule of law. Their concern is not merely institutional etiquette; when a government can demand obedience to law while disregarding binding judicial decisions, it effectively converts law from a reciprocal framework into an instrument of unilateral authority (Ibe and Zakari 36). The question is therefore fundamental: can a society remain harmonious where the state asks citizens to respect law but reserves for itself the practical option of disregarding it? The answer must be negative. Reciprocity is what prevents legality

from becoming domination. It transforms law from something imposed upon citizens into a normative relationship in which both public authority and private persons occupy positions of juridical responsibility.

Yet, legitimacy and reciprocity remain insufficient, if law does not confront inequality in the distribution and experience of legal protection. A rule may be formally universal while operating within social conditions that make its burdens radically unequal. Justice therefore, requires more than equal words in legislation; it requires institutions capable of recognizing when formally identical treatment produces substantively unequal consequences. The significance of equality here is jurisprudential, rather than merely administrative. If the law protects one citizen effectively and leaves another to endure the same violation without meaningful remedy, can both reasonably regard themselves as members of one just legal community? The phenomenon of mob justice offers an even more disturbing answer.

The Limits of Law as an Instrument of Harmony

The preceding argument becomes more compelling when tested against the Nigerian legal order, where the difficulty is not principally the absence of law but the distance that can arise between legal prescription and lived justice. The constitutional commitment to equality, dignity, personal liberty, fair hearing, and access to judicial remedies establishes an important normative foundation, but the effectiveness of these guarantees depends upon institutions capable of giving them practical force. This is precisely where the jurisprudential distinction between law in books, and law, in operation becomes significant. A legal system may formally recognise a right, while institutional practices make the enjoyment of that right uncertain, delayed, or inaccessible. The consequence is more serious than administrative inefficiency. When citizens repeatedly encounter a gap between what law promises and what institutions deliver, the credibility of law itself is weakened.

The problem becomes sharper where state power and individual rights collide. The rule of law requires government to exercise authority through publicly ascertainable legal constraints; it does not authorize the state to treat legality as a shield against accountability. Nigerian constitutional jurisprudence has repeatedly confronted this tension. In *Director of State Security Service v. Olisa Agbakoba*, the Supreme Court affirmed the importance of judicial protection against unlawful interference with fundamental rights, demonstrating that governmental authority remains subject to constitutional limitations. Such decisions matter because they demonstrate what law can accomplish when judicial institutions operate as genuine checks upon power.

This is where the earlier argument concerning reciprocity becomes decisive. The state cannot credibly demand obedience to law while weakening the institutional conditions under which citizens can invoke law against the state. Social

harmony requires confidence that legal protection is not a privilege distributed according to political influence, economic capacity, or institutional proximity. The Nigerian experience therefore demonstrates the central limitation of law as an instrument of harmony: law can regulate conflict, but it cannot by itself generate the trust, fairness, and civic responsibility upon which peaceful coexistence depends.

Conclusion

The study has argued that the relationship between law, justice and social harmony cannot be reduced to the assumption that the existence of law necessarily produces a peaceful society. Law can restrain violence, regulate disagreement and provide institutional mechanisms for resolving competing claims, but its capacity to generate enduring harmony depends on the quality of the legal order within which it operates. The jurisprudential tension between positivism and natural law demonstrates why legality alone is insufficient: a rule may satisfy the conditions of legal validity while remaining substantively unjust or socially alienating. compliance.

The Nigerian experience makes this distinction particularly urgent. Where citizens encounter delayed justice, unequal access, institutional impunity, disregard for judicial authority or ineffective protection of rights, the legal system may preserve formal order while progressively losing the trust necessary for social cohesion. The study therefore concludes that social harmony must be understood as just and reciprocal coexistence, not simply the absence of open conflict. Such harmony requires law to operate through legitimacy, reciprocity, equality, accountability and a degree of human responsiveness that enables institutions to recognise the lived consequences of their decisions. Empathy, properly understood, does not replace legal reasoning; it prevents legal reasoning from becoming indifferent to the human beings whose lives it regulates. The ultimate task of jurisprudence, therefore, is not merely to ask whether law produces obedience, but whether the legal order gives citizens sufficient reason to regard obedience as compatible with dignity, justice and shared membership in a common political community.

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