CLERICAL POLITICAL INVOLVEMENT IN CANON LAW AND THE NIGERIAN CONTEXT

Pius Barinaadaa Kii, PhD
Department of Religious and Cultural Studies, Rivers State University,
Nkpolu-Oroworukwo, Port Harcourt, Rivers State, Nigeria
pius.kii@rsu.edu.ng | 08033097923
https://orcid.org/0009-0004-0596-5415

DOI: https://doi.org/10.64633/wissj.v10i6.22

Keywords

Canon Law, Clergy, Political Involvement, Nigeria, CBCN, Dispensation, Common Good, Episcopal Authority

Abstract

The intersection of clerical vocation and political engagement represents one of the most contested terrains in the history of canon law, ecclesiology, and public governance.

Research Problem: *Nigeria's specific socio-political crisis marked by pervasive insecurity, endemic corruption, persecution of Christians, abuse of human rights, and the failure of secular governance raises the question of whether, and under what conditions, the universal Church's categorical prohibition on clerical political involvement should admit exception.*

Methods/Theory: *The article examines the canonical provisions governing political involvement by the clergy, tracing the legal evolution from the 1917 Code of Canon Law through the 1983 Code, drawing on the foundational scholarship of Kii (1998, 2008, 2021), the canonical analyses of Binawan (1935), Barbre (1985), Hoffman (1966), Provost (1985), Higgins (1982), and Komonchak (1981), together with the social teachings of John Paul II, Vatican II documents, and recent interventions of Pope Francis.*

Results: *While the categorical prohibition against clerical political involvement remains the firm stance of the universal Church, the canonical framework provides structured exceptions through episcopal dispensation, grounded in the protection of the rights of the Church and the promotion of the common good.*

Conclusion: *The Nigerian situation arguably generates the exact conditions that canonical jurisprudence has historically recognised as grounds for exception.*

Key Contribution to Knowledge: *The article situates Nigeria's governance crisis within, rather than as an exception to, the Church's own established canonical logic of dispensation, showing how existing jurisprudence can accommodate the country's distinctive circumstances.*

Recommendation: *The Catholic Bishops' Conference of Nigeria (CBCN) should develop particular law that engages both the rigour of canonical tradition and the urgency of Nigeria's governance crisis.*

1. Introduction

The relationship between sacred ministry and secular power has occupied the conscience of Christianity since its earliest centuries. From the Roman imperial era, through the medieval papacy, to the post-colonial governance crises of sub-Saharan Africa, the question of whether ordained ministers ought to enter the political arena has resisted easy resolution. The fundamental inquiry, as Kii (1998, p. 14) rightly frames it, is whether Christians and particularly the ordained can fully represent the Kingdom of God while simultaneously exercising the instruments of earthly power. The debate is not merely theoretical; it carries consequences for the unity of the Church, the credibility of its ministry, and the wellbeing of millions who exist at the intersection of faith and political precarity.

In Nigeria, this question assumes a peculiar intensity. The country presents a governance landscape scarred by unrelenting insecurity, the documented massacre of Christian communities in the Middle Belt, endemic corruption at every level of the state, systemic abuse of human rights, and the apparent incapacity of secular governance structures to protect its own citizens. In such a context, the suggestion that highly principled clergy might contribute meaningfully to the transformation of the political order is not frivolous; it is a serious pastoral and canonical question that deserves rigorous scholarly engagement.

While scholars such as Kii (1998; 2021), Barbre (1985), and Provost (1985) have ably examined the canonical rules governing clerical political involvement, a significant gap exists in the literature: there is no detailed, practical framework for how the Catholic Bishops' Conference of Nigeria (CBCN) might operationalise the canonical exceptions through particular law, specifically in light of Nigeria's current governance crisis. Most existing scholarship analyses universal canon law without adequately addressing the specific African or Nigerian context. This paper aims to address this gap by proposing a context-sensitive legal and pastoral framework for the CBCN.

Specifically, the article aims to:

- To systematically analyse the canonical provisions on clerical political involvement in the 1917 and 1983 Codes of Canon Law.
- To critically examine the theological and historical rationale for the canonical prohibition and its structured exceptions.
- To assess the severity of Nigeria's governance crisis as a legitimate ground for canonical exception under Canon 287 §2.
- (iv) To propose a contextual framework of particular law for the CBCN to guide exceptional clerical political engagement.

2. Literature Review

2.1 The Evolution of the Canonical Rule

The canonical regulation of clerical political involvement has a long and nuanced history. Barbre (1985) and Hoffman (1966) provide foundational analyses of the differences between the 1917 and 1983 Codes of Canon Law. Barbre (1985) demonstrates that while the 1917 Code permitted clerical political involvement with apostolic indult, the 1983 Code tightens the prohibition and shifts dispensing authority decisively to the diocesan bishop, reflecting the broader post-Vatican II decentralisation of ecclesial governance. Hoffman (1966) traces the historical development of the prohibition from its pre-Constantinian roots, showing that the

rationale has shifted over time from the avoidance of idolatry (Synod of Elvira, c. 306 CE) to the protection of clerical identity and the integrity of pastoral mission. Stack (1962) provides important complementary historical data on the early canonical provisions governing clerics and civil offices.

2.2 The Theoretical Rationale for Prohibition

The theological and ecclesiological arguments for the separation of clerical vocation from political engagement are comprehensively addressed by Komonchak (1981), who situates the canonical prohibition within the broader framework of the Church's mission in the world. Komonchak argues that the Church must hear "the special ministry of articulating the political implications of the gospel" while ensuring that this ministry does not degenerate into partisan political engagement. Pope John Paul II's extensive papal teaching on the ministerial priesthood — synthesised in Kii (1998; 2021) — provides the most sustained magisterial articulation of why political engagement is structurally incompatible with the priestly vocation: the priest is called to be a sign of unity, while political parties are organisations of faction.

2.3 The Exception and Its Application

The "common good" and "rights of the Church" exception provisions of Canon 287 §2 are the subject of important canonical analysis by Higgins (1982) and Provost (1985). Higgins (1982) demonstrates that the exception exists because democratic governance is not a universal given; where it fails or is absent, the Church retains the moral and canonical authority to adapt its disciplines to the demands of justice. Provost (1985) provides a detailed canonical analysis of how this exception has been applied in the United States context, with attention to figures such as Father Robert Drinan, S.J. Global case studies including Bishop Fernando Lugo of Paraguay, Father Jean-Bertrand Aristide of Haiti, and Nigerian cases (Adasu, Alia) demonstrate the ongoing vitality of the canonical framework across diverse political contexts (Catholic News Agency, 2007; New York Times, 1993).

2.4 Identifying the Gap

While existing scholarship has ably established the historical and theological frameworks for clerical political involvement, there is a notable absence in the literature of a systematic proposal for how this framework can be translated into a specific, actionable "particular law" for a crisis-hit nation like Nigeria. This paper addresses this gap by proposing a context-sensitive legal and pastoral framework for the CBCN, grounded in both canonical jurisprudence and a rigorous assessment of Nigeria's governance crisis.

3. Materials and Methods

3.1 Research Design

This is a qualitative, conceptual, legal-theological study that utilises secondary sources. The study employs document analysis and thematic analysis as its primary methodological tools. It draws on three categories of primary and secondary sources: primary canonical sources, secondary scholarly sources, and contextual materials.

3.2 Source Selection Criteria

Time Frame: The primary focus is on the 20th and 21st centuries, with particular attention to the period post-1983 (promulgation of the current Code). Historical references are used to

establish the development of the canonical norms.

Geographic Focus: Sources that provide canonical analysis and contextual application relevant to Nigeria and, by extension, the broader sub-Saharan African context.

Thematic Relevance: All sources are directly relevant to the relationship between clerics and political power, the Nigerian governance crisis, and canonical provisions for episcopal dispensation.

3.3 Data Analysis

Key themes were identified deductively from the canonical texts (e.g., "prohibition," "dispensation," "common good") and inductively from the Nigerian context (e.g., "governance crisis," "persecution," "institutional failure"). These themes were then cross-referenced to answer the research objectives. Coding involved identifying recurrent concepts, arguments, and legal provisions within the selected texts, which were then organised into thematic categories corresponding to the article's sections.

3.4 Summary Table of Key Sources

Data Category	Source Type	Key Examples	Thematic Focus
Primary Canonical Texts	Church Law	1983 CIC (Canons 285, 287), 1917 CIC	Normative Basis of Clerical Political Involvement
Papal & Magisterial Teaching	Official Church Documents	John Paul II addresses, Vatican II Documents	Theological and Ecclesiological Rationale for Prohibition
Canonical Commentaries	Scholarly Books & Articles	Barbre (1985), Provost (1985), Higgins (1982)	Interpretation and Application of Canonical Norms
Contextual/Historical Studies	JCL Theses & Monographs	Hoffman (1966), Stack (1962), Kii (1998; 2021)	Historical Evolution and Contemporary Application in Nigeria
Reports & Policy Papers	Governmental/NGO Data	News reports, CBCN documents	Empirical Context: The Nigerian Governance Crisis

4. Theoretical Framework

4.1 Catholic Social Teaching as the Theoretical Lens

The theoretical framework for this paper is Catholic Social Teaching (CST), specifically its three foundational principles of the Common Good, Subsidiarity, and Solidarity. This is not a mechanical adoption of CST as an external theoretical framework; rather, the paper uses CST to critique and nuance the canonical prohibition on clerical political involvement, demonstrating that the prohibition itself is grounded in and must ultimately serve the very social-theological principles that CST articulates.

4.2 The Common Good

The CST principle of the Common Good holds that the social order exists to serve the integral development of every person and of the whole community. The canonical prohibition on clerical political involvement exists, as the tradition makes clear, to serve the Common Good by ensuring that clergy focus on spiritual unity and the transcendent mission of the Church rather than partisan political interest. However, as CST equally insists, the Common Good creates a positive imperative for action when the state itself fails to secure it. The paper's central argument that Nigeria's governance crisis may constitute a legitimate ground for the exception provided in Canon 287 §2 is grounded precisely in this principle: the prohibition is not an end in itself but a means to the Common Good, and it cannot be invoked to prevent action when the Common Good is being catastrophically subverted.

4.3 Subsidiarity

The CST principle of Subsidiarity holds that decisions should be made at the most appropriate level the level at which the persons most immediately affected can most competently exercise their authority. This principle provides the theological justification for the role of the CBCN in developing particular law under Canon 285 §1. The CBCN, as the competent particular authority closest to the specific conditions of the Nigerian Church and society, is better positioned than the universal legislator to assess whether and how the canonical exceptions of Canon 287 §2 apply in the Nigerian context. Subsidiarity thus transforms the development of particular law from a mere canonical option into a theological obligation.

4.4 How This Paper Uses CST Differently

Most canonical analyses of clerical political involvement read the law in a juridical vacuum, without engaging with the social-theological principles that give the law its ultimate meaning. This paper uses CST to interpret the canonical text as an instrument of pastoral and social care rather than a rigid rule. This represents a significant contribution to the literature: it shows that the canonical prohibition is not merely a disciplinary norm but a theologically grounded expression of the Church's commitment to the Common Good, and that this very grounding provides the canonical and theological justification for the exception when the Common Good requires it.

5. The Canonical Framework on Clerical Political Involvement

5.1 The 1983 Code: Principal Provisions

The two principal canons governing political involvement by the clergy in the 1983 Code of Canon Law (CIC-83) are Canons 285 and 287. Canon 285 §1 requires that clerics, in accord with particular law, refrain entirely from everything that is unbecoming to their state. Section 2 calls them to avoid whatever, though not unbecoming, is alien to the clerical state. Section 3 contains the more specific prohibition: clerics are forbidden from assuming public offices which entail participation in the exercise of civil power. Section 4 provides that without the permission of their ordinary, clerics may neither act as agents for lay persons' goods nor assume secular offices entailing an obligation to render accounts (Codex Iuris Canonici [CIC-83], Canon 285).

Canon 287 §1 imposes the positive obligation on clerics to foster peace and harmony grounded in justice. Canon 287 §2 then articulates the

corresponding prohibition: clerics are not to have an active part in political parties or in governing labour unions unless, in the judgment of competent ecclesiastical authority, the protection of the rights of the Church or the promotion of the common good requires it (CIC-83, Canon 287 §2). These provisions must be read alongside related norms Canon 288 (permanent deacons), Canon 1042 §2 (impediment to orders), Canon 289 §2 (exemptions from civil offices), and Canon 275 §2 (promotion of the laity's mission).

5.2 The 1917 Code

The 1917 Code of Canon Law (CIC-17) addressed similar concerns in Canon 139. Section 2 prohibited clerics, without apostolic indult, from practising medicine or surgery, acting as public notaries except in ecclesiastical courts, or accepting public offices involving lay jurisdiction or administration. Section 4 prohibited clerics from seeking or accepting legislative offices without permission from the Holy See in countries with a pontifical prohibition, or from their ordinary and the ordinary of the place of election in other countries (Woywod, 1943, p. 58). Canon 121 of the 1917 Code guaranteed clerical immunity from military service and from holding public civil offices foreign to the clerical state.

5.3 Clarification of Key Canonical Terms

5.3.1 Clerics

Following the promulgation of Paul VI's Motu Proprio Ministeria Quaedam in 1972, clerics are definitively those who have received sacred orders: deacons, priests, and bishops. It is these sacred ministers ministris sacris who, though part of the Christian faithful in accord with Canon 207 §1, are subject to the prohibitions articulated in Canons 285 §3 and 287 §2 (Paul VI, 1972).

5.3.2 Public Office

The term "public office" (officia publica) is used in contrast to both ecclesiastical offices (officia ecclesiastica) and private offices. Canon 145 §1 defines ecclesiastical office as any function constituted in a stable manner by divine or ecclesiastical law to be exercised for a spiritual purpose. Public office denotes any function constituted stably by civil law to be exercised for a secular purpose — any action or office that belongs to secular society and is proper to laypersons but not to clerics (Reiffenstuel, 1746, vol. 3, n. 646). In Canon 285 §3, the term is further qualified by the phrase "which entail a participation in the exercise of civil power," thereby narrowing the scope to offices carrying genuine legislative, executive, or judicial authority (Barbre, 1985, p. 7; Hoffman, 1966, p. 11).

5.3.3 Civil Power and Active Role

Civil power encompasses the full range of legislative, executive, and judicial authority (Ayrinhac, 1930, p. 296). The phrase "active part" in Canon 287 §2 is broader than mere leadership; it can include membership or affiliation where a cleric actively campaigns for a political party (Communicationes 14 [1982] 83). Advisory, consultative, and advocative roles that do not constitute participation in the exercise of civil power remain permissible (Echeverria, 1983, p. 222).

5.4 Textual Analysis of the Canons

Canon 285 of the 1983 Code substantially retains the traditional admonitions of the 1917 Code against activities unbecoming or alien to the clerical state, but introduces an important structural difference: Canon 285 §1 delegates

the determination of specifically prohibited activities to particular law, a deliberate concession to subsidiarity that recognises local episcopal conferences as better placed to judge whether a given activity is compatible with the clerical state in their specific cultural and political context (Communicationes 14 [1982] 173). The 1983 Code also employs notably stronger language: vetantur ("are forbidden") rather than the exhortative subjunctives of the 1917 Code, making the prohibition more absolute (Kii, 2021; Barbre, 1985, p. 19). Canon 287 opens with a positive obligation clerics are to foster peace grounded in justice — before articulating the prohibition on active partisan engagement and the internal exception clause of Canon 287 §2.

6. Exceptions and the Structure of Dispensation

6.1 The Legal Basis for Exceptions

Despite the rigour of Canon 285 §3's prohibition, the canonical framework does not contemplate a fully absolute rule. Two structural mechanisms provide the gateway to legitimate exceptions: dispensation and the judgment of competent ecclesiastical authority. Canon 87 §1, following the Vatican II decree Christus Dominus (8b), authorises the diocesan bishop to dispense the faithful under his authority from general church law in particular cases, provided the dispensation serves the spiritual benefit of the faithful (Christus Dominus, 8b; CIC-83, Canon 87 §1). The 1966 Motu Proprio De Episcoporum Muneribus of Paul VI specifies the matters reserved to the Holy See, outside of which the diocesan bishop possesses dispensing authority, subject to the requirements of Canon 90 §1: that a just and reasonable cause must exist, the gravity of the law must be weighed, and the circumstances of the particular case must be carefully considered.

6.2 Dispensations: 1917 Code vs. 1983 Code

The 1917 Code required clerics to seek apostolic indult or licentia Sanctae Sedis for specific categories of political involvement. The 1983 Code shifts the locus of authority decisively toward the diocesan bishop, reflecting the broader post-Vatican II decentralisation of ecclesial governance. The diocesan bishop becomes the primary arbiter of whether a dispensation from Canon 285 §3 is warranted in a particular case, guided by the good of the faithful (Canon 87 §1) and the judgment of Canon 90 §2 that even in cases of doubt about the sufficiency of the cause, a validly granted dispensation remains licit (Kii, 2021, p. 61; Barbre, 1985, pp. 41–44).

6.3 The Two Grounds for Exception in Canon 287 §2

Canon 287 §2 itself contains an internal exception clause: clerical participation in political parties and labour unions is permissible when "the protection of the rights of the Church or the promotion of the common good requires it," in the judgment of competent ecclesiastical authority. This dual-ground exception is grounded historically in the Church's experience of totalitarian regimes, confessional conflicts, and situations of structural injustice where the laity alone could not adequately protect ecclesial and civil rights. As Higgins (1982, p. 83) notes, this provision exists because democratic governance is not a universal given; where it fails or is absent, the Church retains the moral and canonical authority to adapt its disciplines to the demands of justice.

7. Discussion

7.1 The Rationale for Prohibition: Unity, Transcendence, and the Lay Vocation

The canonical framework establishes two distinct degrees of prohibition. The first and more absolute prohibition, in Canon 285 §3, concerns the assumption of public offices involving legislative, executive, or judicial civil power. The second, in Canon 287 §2, concerns active participation in political parties and the governing of labour unions. The cumulative reading is that clerics may engage in civic life — they may vote, advocate, mediate, and voice prophetic judgements on matters of justice — but they may not assume governmental authority or become active partisans of political factions (Echeverria, 1983, p. 222; Kii, 1998, pp. 52–58).

Theologically, the Church holds that while it is present in the world, it is not of the world. The ordained clergy, as ministers of a Kingdom that transcends political orders, cannot allow their identity to be subsumed into the contingent and competitive logic of partisan politics. As the Third Roman Synod of Bishops (1971) articulated, political options are inherently contingent and can never adequately or permanently translate the Gospel (AAS 63 [1971] 912). Ecclesiologically, the priest is called to be a sign and instrument of unity within the Christian community; political parties are organisations of faction. For a cleric to be actively partisan is to risk becoming a source of division in precisely the space where he is called to be a source of communion. Pope John Paul II reminded priests in Mexico City in 1979 that they were "not social directors, political leaders, or functionaries of a temporal power" but rather agents of reconciliation (Kii, 2021, p. 39). Practically, clerical political involvement displaces the laity from their proper mission in the temporal order the specific vocation and mission of the laity is to engage the secular sphere, including politics (Kii, 1998, p. 62; Canon 275 §2).

7.2 A History of Exception: From Elvira to Nigeria

The prohibition of clerical involvement in secular politics has ancient roots. The Synod of Elvira (c. 306 AD) prohibited clergy from assuming public offices primarily to prevent idolatry. After Constantine, the logic shifted: Imperial legislation from Constantine through Justinian's sixth-century codifications extended the prohibition to protect clerics for sacred worship and to shield the Church from legal liability (Ayrinhac, 1930, pp. 302–303). The Council of Sardica (343 AD) targeted clerical avarice — the seeking of personal advancement at the imperial court (Provost, 1985, p. 76). This tradition was consolidated in the Decree of Gratian (c. 1140) and in the III Plenary Council of Baltimore (1884). Pope Leo XIII, in 1893, encouraged Hungarian bishops to defend Church rights through political engagement. Pope Pius X subsequently authorised clerics to run for political office with their ordinary's permission in 1906, a direction that became general law through the Sacred Council of the Consistory in 1913.

This historical oscillation between prohibition and permission reflects the deeply contingent nature of the canonical rule. More recently, the suspension of Father Robert Drinan, S.J. from the US House of Representatives at the express wish of John Paul II (Higgins, 1982, p. 83), the Vatican's suspension of Bishop Fernando Lugo of Paraguay before his presidential candidacy (Catholic News Agency, 2007), and the expulsion of Father Jean-Bertrand Aristide of Haiti from his Salesian order (New York Times,

1993) all demonstrate the ongoing vitality of the canonical discipline in contemporary practice.

7.3 Nigerian Cases: Adasu and Alia

The Nigerian Church has generated its own paradigmatic cases. In the early 1990s, the late Rev. Fr. Moses Oshio Adasu joined the Social Democratic Party (SDP), contested and won the governorship of Benue State. His bishop, Most Rev. Athanasius Atule Usuh, immediately suspended him from ministerial priesthood. When the democratic process was cut short by the Abacha coup of November 1993, Adasu underwent penance and was eventually received back into active priestly ministry. His subsequent return to partisan politics was brief; he died reconciled with the Church and was buried with priestly honour in the priests' cemetery in Makurdi. His story is paradigmatic: the canonical suspension functioned as intended protecting the integrity of ministry while leaving open the possibility of restoration.

More recently, on 20 May 2022, Bishop William Amove Avenya of the Catholic Diocese of Gboko suspended Rev. Fr. Hyacinth Iormem Alia from sacred ministry after he purchased party forms to contest the governorship of Benue State under the All Progressives Congress (APC). The bishop's letter explicitly stated: "The Mother Church does not allow her clerics to get involved in partisan politics on their own." The Alia case demonstrates the ongoing vitality of canonical discipline in contemporary Nigeria.

7.4 Applying the Framework: Nigeria's Governance Crisis as a Ground for Exception

Nigeria's governance crisis is not a matter of normal political imperfection; it is a systemic failure of the state's foundational obligations to its citizens. The persistent insecurity of lives and property most devastatingly expressed in the recurrent massacres of Christians and other communities in the Middle Belt and Northeast represents what Kii (2008, p. 74) characterises as a civilisational emergency. Endemic corruption, brutalities by security forces, the miscarriage of justice, serious abuses of human rights, and the astronomical cost of governance have together produced a state in which the common good is not merely neglected but actively subverted.

This context is directly relevant to canonical jurisprudence. Canon 287 §2 explicitly permits clerical political involvement when the promotion of the common good requires it. The historical record reviewed above demonstrates that this exception was intended precisely for situations in which secular governance fails to protect fundamental rights and interests, including those of the Church. Using the CST framework developed in Section 4, the Common Good principle not merely as an aspiration but as a canonical ground for action provides theological justification for the CBCN to engage this question with rigour and discernment rather than relying on the default prohibition as a substitute for genuine canonical reflection.

8. Findings and Proposals: Towards Particular Law for the CBCN

8.1 The Role of the CBCN in Developing Particular Law

A key implication of Canon 285 §1 is that the Catholic Bishops' Conference of Nigeria bears the canonical responsibility for developing particular law that determines, in the light of Nigeria's specific culture, traditions, and circumstances, what is permissible for clerics with respect to political involvement or service in secular government. This is not a derogation from the universal law; it is the proper expression of how the universal law functions

within a subsidiarity framework, as articulated in Section 4.3 above. The CBCN is the competent particular authority envisioned by the legislator.

8.2 Proposal 1: A Graduated Engagement Framework

The CBCN should develop a framework of graduated clerical engagement, distinguishing between:

- Prophetic political witness (always permissible): public statements on justice, peace, and governance.
- Civic participation (permissible): voting, mediation, and community leadership.
- Advisory or consultative roles in governance (permissible subject to episcopal notification): serving on government committees or advisory boards without assuming executive authority.
- Active partisan political candidacy (permissible only with formal episcopal dispensation after due discernment of the common-good and ecclesial-rights grounds under Canon 287 §2).

8.3 Proposal 2: Clear Criteria for Episcopal Dispensation

Drawing on the canonical tradition reviewed in this article, the following criteria are proposed for the CBCN's consideration when evaluating requests for episcopal dispensation under Canon 285 §3 and Canon 287 §2:

- The absence of competent or willing lay Catholics capable of representing the Church's interests effectively in the relevant political arena.
- A demonstrated and grave threat to the common good or to the rights of the Church that cannot be adequately addressed through non-political means.
- The prior identification of a specific cleric of demonstrated integrity, pastoral sensitivity, and non-partisan motivation.
- The explicit and formal episcopal dispensation of the cleric concerned, with clearly defined terms and conditions.
- A commitment to the temporary character of the engagement, with defined conditions for return to full ministerial activity.
- Ongoing episcopal oversight and the possibility of revocation.

8.4 Proposal 3: The Role of the CBCN under Subsidiarity

The CBCN, as the competent particular authority under the principle of Subsidiarity, should undertake this discernment through the widest possible consultation, including with clergy, laity, and civil society (Kii, 2021, p. 89). Such developments should occur ad experimentum that is, as carefully monitored exceptions rather than general permissions. As Higgins (1982, p. 86) observes, episcopal conferences are precisely the instrument through which universal law is made to respond to local needs. The CBCN, which already exercises considerable authority in the governance of the Nigerian Church, is well positioned to undertake this canonical and pastoral discernment.

9. Conclusion

The canonical tradition governing clerical political involvement is neither simple nor static. The 1917 and 1983 Codes of Canon Law establish a firm and consistent prohibition against the assumption of public offices

entailing civil power and against active clerical participation in political parties and labour unions. This prohibition is grounded in profound theological convictions about the nature of ordination, the mission of the Church, and the proper roles of clergy and laity in the temporal order. It is reinforced by a long historical record and by sustained papal teaching, most powerfully articulated in the social and pastoral magisterium of John Paul II.

And yet the canonical tradition is equally clear that the prohibition is not absolute. It provides, through the mechanism of episcopal dispensation and through the internal exception clause of Canon 287 §2, structured pathways for legitimate clerical political involvement in situations where the protection of ecclesial rights or the promotion of the common good genuinely requires it.

Nigeria's current governance crisis its violence, corruption, systemic injustice, and the apparent failure of secular political structures to protect even the most basic rights of citizens does not automatically generate an entitlement for clerics to enter politics. But it does generate a serious pastoral and canonical obligation on the CBCN to engage this question with both rigour and discernment. Using the CST framework developed in this paper, and grounded in the canonical analysis of Kii (1998; 2008; 2021), Barbre (1985), Provost (1985), Higgins (1982), and Komonchak (1981), the CBCN is called to develop particular law that honours both the primacy of ordained ministry and the canonical recognition that the Gospel always has political implications.

This paper argues that the Nigerian governance crisis is not an exception to the canonical rule but rather a situation that the rule itself anticipated and provided for. The canonical prohibition is a general norm; the crisis in Nigeria is a specific set of circumstances that requires the prudential and pastoral judgment of the CBCN. The Conference is therefore called to act, not in defiance of canon law, but in faithful fulfilment of its own canonical mandate by developing particular law to guide the Church's response to Nigeria's existential crisis. Future research might usefully examine comparative frameworks from other African episcopal conferences and conduct empirical studies on the effects of clerical political involvement on lay participation in Nigeria.

References

Primary Sources

Codex Iuris Canonici, Auctoritate Ioannis Pauli PP. II Promulgatus. (1983). Vatican City: Libreria Editrice Vaticana.

Codex Iuris Canonici Pii X Pontificis Maximi Iussu Digestus Benedicti Papae XV Auctoritate Promulgatus. (1917). Rome: Typis Polyglottis Vaticanis.

Corpus Iuris Canonici.Ed. Aemilius Friedberg. (1922). Leipzig: B. Tauchnitz. C. 3, D. XIII.

Paul VI. (1966). Motu Proprio De Episcoporum Muneribus. Acta Apostolicae Sedis, 58, 467–471.

Paul VI. (1972). Motu Proprio Ministeria Quaedam.Acta Apostolicae Sedis.

Sacred Consistorial Congregation. (1913, May 9). Decree on clerics and political offices.Fontes, n. 2086.

Vatican Council II. (1964). Dogmatic Constitution on the Church Lumen Gentium.Acta Apostolicae Sedis, 57 (1965), 73.

Vatican Council II. (1965). Decree on the Pastoral Office of Bishops Christus

Dominus. In A. Flannery (Ed.), Vatican Council II: The Conciliar and Post-Conciliar Documents. Northport: Costello.

Synod of Bishops. (1971). The Ministerial Priesthood. Acta Apostolicae Sedis, 63, 912.

Secondary Sources

Ayrinhac, H. A. (1930). General legislation in the new code of canon law (Vol. 1). Longmans, Green and Co.

Barbre, C. (1985). Clerics in public office: A comparison of the 1917 and 1983 codes [JCL Thesis, Catholic University of America].

Beste, U., O.S.B. (1956). Introductio in Codicem (4th ed.). M. d'Auria Editore Pontificio.

Beyer, J., S.J. (Ed.). (1982). John Paul II speaks to religious 1978–1980. Little Sisters of the Poor.

Binawan, A. L. (1935). Prohibition and permission for political involvement by clergy in the 1917 code and the 1983 code.The Catholic University of America.

Brown, R. E., Fitzmyer, J. A., & Murphy, R. E. (Eds.). (1990). The new Jerome biblical commentary. Prentice Hall.

Brunini, J. B. (1937). The clerical obligations of Canons 139 and 142: A historical synopsis and commentary. Catholic University of America.

Catholic News Agency. (2007). Holy See suspends Bishop Lugo from episcopal office but does not release him for political candidacy. https://www.catholicnewsagency.com/news/8539

Crux of the News. (1982, March 22). Sacred Congregation of the Clergy instruction on clerical associations, 2, 4–5.

Echeverria, L. de (Ed.). (1983). Codigo de Derecho Canonico (3rd ed.). Biblioteca de Autores Cristianos.

Higgins, G. (1982). A common law country (USA).In P. Huizing & K. Walf (Eds.), May church ministers be politicians? Concilium 157 (pp. 83–86). The Seabury Press.

Hoffman, J. R. (1966). Civil offices for clerics: A historical study [JCL Thesis, Catholic University of America].

Kii, P. B. (1998). Priests and laity in politics: The stand of the magisterium. Snaap Press.

Kii, P. B. (2008). Canon law and the Nigerian church: Governance, ministry and particular law. Fab Anieh.

Kii, P. B. (2021). Clerical involvement in politics: A canonical and pastoral assessment in the Nigerian context. Journal of Ecclesiastical Law and Society, 14(2), 29–95.

Komonchak, J. A. (1981). Clergy, laity, and the Church's mission in the world. In J. H. Provost (Ed.), Official ministry in a new age (pp. 168–193). The Catholic University of America/CLSA.

Leo XIII. (1893). Constanti Hungaorum (September 2). Fontes, n. 620.

New York Times. (1993, October 28). Aristide has long posed problem for Vatican.

Ochoa, X. (1984).Index verborum ac locutionum Codicis Iuris Canonici. Libreria Editrice Lateranense.

Provost, J. H. (1985). Clergy and religious in political office in the US: A canonical

perspective. In M. Kolbenschlag (Ed.), Between God and Caesar: Priests, sisters and political office in the United States (pp. 67–98). Paulist Press.

Reiffenstuel, A. (1746). Ius canonicum universum (6 vols., Vol. 3, lib. III, tit.I, n. 646). Venice.

Smith, M. T. (1935). The penal law for religious.Canon Law Studies 98.The Catholic University of America.

Sipos, S. (1960). Enchiridion iuris canonici.Herder.

Stack, R. J. (1962). Clerics and civil offices: A historical synopsis [JCL Thesis, Catholic University of America].

Vermeersch, A., S.J., & Creusen, J., S.J. (1949). Epitome iuris canonici cum commentariis.Dessain.

Woywod, S. (1943).A practical commentary on the code of canon law. Joseph F. Wagner Inc.