

THE CLERGY IN POLITICS: A CONTEXTUAL CANONICAL ANALYSIS WITHIN THE NIGERIAN CHURCH

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Abstract

The clergy as part of Christ's faithful have a natural right of association to groups and initiatives whose ends are in harmony with the Christian vocation like evangelization of the world according to canon 215. At the same time, canon 287§2 clearly forbids clerics to have an active role (*partem activam*) in political parties or in the leadership of trade unions unless, in the judgment of the competent ecclesiastical authority, the rights of the Church or the common good demand it. Already, canon 285 establishes a broader prohibitive norm, obliging clerics to « shun completely everything that is unbecoming to their state, in accordance with the provisions of particular law ». On the terrain of Nigerian politics, we observe a contrasting implementation of these canonical dispositions. Notwithstanding the decision of the Catholic Bishops Conference of Nigeria (CBCN) in 2024 that members of the clergy should not get involved in partisan politics, opinions still diverge. While some sympathise with a different view on such a deterrent canonical norm, others explore the limits of the « missionary necessity » clause in favour of « common good » to be active in politics. Consequently, the canonical scenario portends to a certain degree of confusion. This

article attempts to highlight the « mens legislatoris » of the supreme legislator of 1983. While the defence of human dignity and the common good belongs indisputably to the priestly mission, the assumption of an active political role almost inevitably compromises the supra-partes character of the clerical ministry as demanded by the Gospel and codified in canon 287 §2. Could it not be that the canon, though appears as a legalistic rigidity, portrays an act of evangelical wisdom protecting both the freedom of the faithful and the transcendent witness of the priesthood in deeply divided societies?

Keywords: Canon Law, Clergy, Laity, Partisan Politics, Subsidiarity, Nigerian Church, Bishop's conference, Common good, Defence of Rights, Prohibition, Restriction, Norm.

Introduction

Do clerics have the right to belong to political parties, Trade unions and Associations, and can they be engaged actively in politics? These are fundamental questions seeking for answers in this article, especially from a contextually canonical perspective of the Nigerian Church. It is pertinent therefore, to present the object of the law in view – *de iure* (1), and subsequently its contextual problematic – *de facto* (2), on which the inquiry of this article is based.

1. *De iure* –

Canon 285§3 of the 1983 Code of Canon Law forbids the clergy and religious from holding public offices, or otherwise participating in civil power. Going further, canon 287§2 considers they may take an active role in political parties only if the competent ecclesiastical authority deems this necessary to defend the Church or to promote the common good. As our major focal point in this reflection, canon 287 reads:

§1. Clerics are always to do their utmost to foster among people peace and harmony based on justice.

§2. They are not to play an active role in political parties or in directing trade unions unless, in the judgment of the competent ecclesiastical authority, this is required for the defence of the rights of the Church or to promote the common good.

For the historical development of this canonical norm, the study of James H. Prevost¹ is relevant. Canon 287 is understood as a positive norm. It governs the involvement of clerics in public and political life, and draws a clear distinction between their spiritual mission and partisan activity. In order to appreciate more the intention of the legislator on this norm, there is firstly, its content and scope, and secondly, its nature as a positive norm

a. *Content and scope of Canon 287* –

This canon captures the missionary dimension of the clerical vocation and state. On one hand, it is concretised in the clergy's commitment in the society - a social commitment (§ 1): « *Clerics must always promote peace and harmony among people, based on justice* ». On the other hand, the canonical norm contains a political restriction (§ 2): *They are forbidden to take an active part in political parties and in the leadership of trade unions, unless, in the judgment of the competent ecclesiastical authority, the defence of the rights of the Church or the promotion of the common good so requires*». The ground rule here forbids clerics from taking an active part in political parties or serving as executives of labour unions

b. *Nature of Canon 287 as a positive norm* –

As distinguished from divine law, canon 287 is of an ecclesiastical origin. It echoes the disciplinary mindset of the Church. Put differently, it has its foundation in ecclesiastical discipline, aimed at organizing the lives of clerics according to

¹ Prevost James H., « Clergy and Religious in political office : Comments in the American context », *The Jurist*, 44 (1984), 2, Vol. XLIV : 276-303.

their state in life. The legal element of the canon is manifested in its imposition of concrete and formalistic obligations on members of the clergy. For its successful application, the legislator intends it to be part of the organic communion of the Church, seeking to guarantee her spiritual mission (the salvation of souls) while defining the limits of temporal action of the clergy. In sum, canon 287 is a prescriptive positive norm that aims to preserve the universal character of the priest's mission by distancing it from political partisanship, while engaging it in social justice.

2. *De facto* –

Understanding canons 285 and 287 in the Nigerian context has always been varied. While some sympathise with a different opinion on such deterrent canonical norm, others explore the limits of the « missionary necessity clause » in favour of « common good » to be active in politics. As a result, the canonical community is confronted by a certain degree of confusion. Such a scenario became a concern for the Catholic Bishops Conference of Nigeria (CBCN) leading it in 2024 to issue an additional canonico-pastoral Decree titled « On Clerics Actively Engaging in Partisan Politics »². The Decree stipulates the following:

1. *A cleric who is culpable of violating the prohibitions established by canon 285§3 and canon 287§2, notwithstanding the appeals and two canonical warnings of his proper Ordinary (cf. Canon 1339§1), and who has given no sign of reform must be suspended from every exercise of the power of Orders and of governance (cf. canon 1333) for an appropriate period and could also be prohibited with canonical sanctions, such as having to*

² CBCN, « On Clerics Actively Engaging in Partisan Politics », October 1, 2024, available on <https://www.aciafrica.org/news/12343/stop-the-scandal-bishops-in-nigeria-tell-priests-venturing-in-partisan-politics-outline-serious-penal-measures>, consulted on April 10, 2026.

reside in a particular place or territory (cf. canon 1336§2, 1°).

2. *If the cleric persists, he also incurs the delict of disobedience to ecclesiastical authority according to the norm of canon 1371§1. In this case, the proper Ordinary, considering that this is disobedience in a grave matter about the specific ecclesial context, can ask the Dicastery for Evangelisation to apply the penalty of dismissal in poenam of the cleric from the clerical state by virtue of the faculties granted by the Holy Father.*

As the two norms concern diocesan clerics, the Decree goes on to extend the directive to clerics who are members of religious congregations or other religious affiliations in the Church as follows: « *in accordance with canon 672, the prohibitions established in canon 285§3 and canon 287§2 apply equally to religious. Therefore, Major Superiors of Religious Institutes in Nigeria are urged to take note of these canonical provisions and ensure their diligent application within their respective jurisdictions* ». The document further « *reaffirms the Church's unequivocal prohibition against clerics actively engaging in partisan politics or assuming public office without proper ecclesiastical authorisation* ». For more clarity here, the restrictions of canons 285 and 287 extend to members of religious institutes according to the provisions of canon 672, and to members of societies of apostolic life according to the terms of canon 739. Notwithstanding, lay members of secular institutes are not bound by these restrictions (cf. cc. 710 and 713), and even though they are clerics, permanent deacons are specifically exempted from these restrictive provisions (c. 288).

From the above consideration, canon 287 §2 reflects the legislator's intention to safeguard the spiritual focus of the clergy, as has earlier on been exhorted by *Gaudium et Spes*, no. 43. However, in areas experiencing social instability, clerics might feel urged to engage politically to rectify injustices – a mission of

natural or positive justice, risking a breach of the canon's guidelines. Conversely, rigid compliance could be seen as a form of passivity in the face of injustice, which contradicts the canon's obligatory requirement of the clergy to defend justice. (Consequently) Scholarly *disputatio* reveals inconsistencies in its application, with exceptions applied unevenly, leading to divisions within the Church and among believers (Beal et al., 2000).

With this observation, a need to bridge the gap in understanding, especially how canon 287 reconciles prophetic engagements of different forms in the ecclesial community, arises. To what extent, therefore, could the *mens legislatoris* of the canonical norm be objectively prohibiting the clergy from partisan politics? (A). Considering the principle of « exceptions to general rules », does the legislator equally intend certain levels of contextual interpretation, making him conclude with the clause of « *unless, in the judgment of the competent ecclesiastical authority, the rights of the Church or the common good demand it* »? Perhaps a Nigerian contextual canonical analysis (B) may offer a litmus test result as to the balancing of various extremes of the canonical norm.

A. The *mens legislatoris* of the canonical norm prohibiting the clergy from partisan politics –

Tomás Rincón³ observes and comments that the norm of canon 287 contains two types of obligation: positive and negative. Positively, the cleric has the habitual and permanent obligation by virtue of his office to promote and safeguard peace and harmony amongst people. Whereas negatively, he is forbidden to take an active part in political parties or to serve as an executive

³ Rincón Tomás, « Sacred Ministers or Clerics », Caparros Ernest et al., (ed.), *Code of Canon Law Annotated*, 2nd edition, Montreal, Wilson & Lafleur Limited, 2004, 235-236.

of labour unions. This dual interpretative approach has majorly characterised the doctrinal considerations of this norm (1), while remaining in constant search of pastoral reasons to justify any possible clerical partisanship (2).

Doctrinal considerations that substantiate the canonical norm

Canons 285 and 287 fell under particular prescriptions which the legislator spells out for a better exercise of the clerical function. There are certain points to be noted. The legislator of 1983 intends in this canon that the active political involvement of a priest be strictly regulated and generally prohibited in order to preserve the unity of the Church. Rooted in the Gospel injunction of John 6 :15ff⁴ and backed up by conciliar teachings, therefore, the priest must renounce all forms of political engagement, especially when this is partisan, as this is always necessarily the case, so as to remain a man-for-all in view of spiritual fraternity»⁵. Nonetheless, could it possibly be allowed in any way that a priest (not all clerics, since deacons, permanent deacons could be allowed following other conditions, cf. c. 285 §§3 & 4) engage in partisan politics?

Even though there is no direct antecedent of canon 287§2 in the Pio-benedictine Code⁶, Roman decrees barring political activity

⁴ « But Jesus, aware they wanted to come and take and make him king, withdrew once again, alone, to the mountains »! A clear demonstration that he did not come to exercise the earthly kingly authority, but rather came to do the will of the Father, already contained in his manifesto of Luke 4: 16-24.

⁵ John-paul II, General Audience (July 21, 1993), 3: *Enseignements* XVI/2, 109-110; Cf. Vatican II, Pastoral Constitution, *Gaudium et spes*, 43; Synod of Bishops, Document on sacerdotal ministry *Ultimis temporibus* (30 November 1971), II, I, 2: l.c., 912-93; C.I.C. can. 285 §3; 287 §1.

⁶ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate Promulgatus*, Typis Polyglottis Vaticanis, 1917; Prevost James H., *ibid.*, 292.

on the part of the clergy in the decade after World War I are listed as remote sources of this norm⁷. Before this historical moment, the Gospel narrative of the separation of political power from religious power is a notable remote source of the canonical injunction. The Scribes and Pharisees had come to Jesus, and to put him to a test, they asked him a question whether it was right to pay taxes to Caesar. It was an opportunity for Jesus to teach the importance of the two societal institutions, which should be respected, each according to its internal rules of engagement. Therefore, he insisted, « *give to Caesar what belongs to Caesar* (the coin for the tax payment having engraved on it the head of Caesar), *and to God what belongs to God* » (Matthew 22 :21). For biblical scholars, from this answer, Jesus distinguished between earthly civic obligations (tax/money) and supreme allegiance to God, while implying that all things ultimately belong to God. Similarly, the legislator would have had this Christological exhortation in mind while elaborating various legislations that could assist clerics in fulfilling their religious mission. No wonder up till the preceding versions of the canon in 1977 and 1980, the Commission for the revision of the Code had not decided on this distinct prohibition⁸. The debate being whether to outrightly prohibit the clerics or priests alone from partisan political involvement without prejudice to their ministerial duties, which should come first before any other thing.

⁷ Lynch John E., « The obligations and rights of clerics (cc. 273-289) », Beal John P., et al., *New commentary on the Code of Canon Law*, Bangalore, Theological publications in India, 2003, 380; *Canon Law Digest (CLD)* 1, 126-128.

⁸ The earlier and preceding versions of canon 287 indicated that the debate was still ongoing as to whether the absolute separation of clerical ministerial power and political power needed to be enshrined in law. Even in the version that was retained in the 1983 version that was promulgated, we observe a certain flexibility, on the condition of an *ad casum* permission of the hierarchical authority (cf. *Communicationes*, 1977, p. 214; 1980, p. 287).

Furthermore, the restriction on political involvement is also based on the distinctive role of the clergy in relationship to the laity, observes Lynch⁹. Arising from one of their obligations towards the faithful according to canon 213, it is part of the pastoral duty of clerics to form the conscience of the laity following the social doctrine of the Church and the Gospel. Therefore, political “activism” ordinarily belongs to lay persons. It behoves the priest to promote and consolidate such « values where there is question of a special sphere in which they are versed»¹⁰, instead of taking it over. In other words, the canon focuses principally on the essential responsibility of the clergy to promote unity and harmony in the community of Christ’s faithful as fruits of the Gospel of which he is a custodian. As directed to all the faithful with no exception, their ministry is not to be limited to the members of a particular political party, a trade or labour union, and similar organisations of the same nature. To this end, « since political options are by nature unpredictable and uncertain (emphasis is mine), and never in an entirely adequate and perennial way interpret the Gospel, the priest, who is the witness of things to come, must keep distance from political office or involvement»¹¹. To make it clearer, the priest is not forbidden to belong to interest organisations; surely, he could be part of them as a chaplain, spiritual director, etc. He is rather forbidden to play an active part in political parties like APC or ADC (examples of political parties all in Nigeria)¹². Since the clergy is first and foremost the representative of the Church, it is important he assumes this primordial function, and thus, assist the laity in being knowledgeable about the political choices they have to make in the civil society. Is that not part of the pastoral

⁹ Lynch John E., *ibid.*

¹⁰ Bouscaren T. & O’Connor J. (ed.), *Canon Law Digest (CLD)*, vols. 7-10, Chicago, 1975-1986, (vol. 7, p. 356).

¹¹ *CLD*, *ibid.*

¹² Lynch, *Ibid.*, *op.cit.*

awakening of the society with the fruits of the Gospel? However, as conditioned on a possible approval of the legitimate authority, could pastoral reasons of the « common good » of the faithful and the « good of the Church » be a reason for an active political engagement of a cleric (c. 287§2)?

Could pastoral reasons necessitate a possible involvement of a cleric in partisan politics? –

A context in view: In the 2023 Gubernatorial Elections in Benue State of Nigeria, a certain priest, Rev. Fr. Alia declared his candidacy to run for the Governorship position of the State¹³. Prior to the electoral period, Benue State was in turmoil as a result of insecurity of lives and properties as orchestrated by varied claims of terrorist activities by Fulani herdsmen, or clashes of herders and farmers for lands¹⁴. Whichever was the cause, the violence brought about the massive displacement of the population into IDP¹⁵ camps; the situation was unbearably inhuman. Every concerned citizen should be disturbed, including this catholic priest, who was pastoring his flock as he was the

¹³ Reverend Father Hyacinth Alia publicly declared his intention to run for Governor of Benue State on April 11, 2022, and officially won the All Progressives Congress (APC) primaries to contest the 2023 election. He subsequently emerged as the winner of the March 18, 2023, gubernatorial poll and was inaugurated into office on May 29, 2023 (Duru, Peter. «Suspended Benue Catholic priest, Alia, wins APC guber ticket; other aspirants protest», *Vanguard*. Lagos, Nigeria, available on <https://www.vanguardngr.com/2022/05/suspended-benue-catholic-priest-alia-wins-apc-guber-ticket-other-aspirants-protest/>, consulted on May 5, 2026).

¹⁴ Apenda Isaac Tersoo, “An Appraisal of Strategies Adopted by Farmers and Herders in Coping with the Challenges of Farmers’-Herders’ Violent Conflicts in Benue State, Nigeria (2009-2018)”, *International Journal of Criminology and Security*, Vol 1, n° 1 (2023), available on <https://fjcss.fuo-ye.edu.ng/index.php/fjcss/issue/view/3>.

¹⁵ IDP = Internally Displaced Persons.

assistant cathedral administrator at Our Lady of Perpetual Help Cathedral, in Makurdi. Engrossed in a dilemma between holding on to his clerical pastoral ministry in a parish and the cry to acquire political power so as to bring an end to the ugly situation, he went ahead and picked the Ruling party's ticket for the gubernatorial position. As a learned man in the juridical provisions of the Church, he was aware that certain reasons for the protection of the common good could motivate the permission of an Ordinary to a cleric in view of partisan involvement in politics. Fr. Alia said he was compelled to exchange his priestly robes for the toga of political office because he could not ignore the suffering of the people of Benue State. Alia traced the plight of many Benue citizens to poor governance. He had thus declared in his manifesto: *Our vision is to build an economy based on functional education, employment generation, agricultural development and growth with a focus on food production and processing in a secured environment that ensures food security, wealth creation and poverty reduction.*¹⁶ *Ipsso facto*, the Ordinary of his diocese decreed the required ecclesiastical sanction as he is obliged by law. Therefore, in a letter dated Friday, May 20 and addressed to the Priests, Religious and Laity of the diocese, Bishop William Amove Avenya of Gboko Catholic Diocese announces the suspension from public ministry of Fr. Hyacinth Alia who allegedly, has been cleared to participate in the primaries of the All Progressives Congress (APC) party, one of the two major political parties in Nigeria. The Bishop wrote as follows:

I write to communicate to you the suspension of my priest, Revd. Fr. Hyacinth Iormem ALIA from public ministry after series of admonitions to him for example canon 1371, °2 of

¹⁶ Aromolaran Michael, « Who is Hyacinth Alia, the Priest became Benue's Governor-Elect? », in *Culture Custodian online*, April 30, 2023, available on <https://culturecustodian.com/who-is-hyacinth-alia-the-priest-turned-benue-governor-elect/>, consulted on May 12, 2026.

*the CIC/1983. The Mother Church does not allow her clerics to get involved in partisan politics on their own (can. 285, §3). You are aware that my son, your brother and your priest has purchased the party forms to contest for the Office of the Governor of Benue State under the All Progressives' Congress (APC), which is totally against our vocation. Therefore, to respond to the spiritual and pastoral needs of the Church in the Catholic Diocese of Gboko, I have suspended him from the exercise of sacred ministry. This canonical suspension takes effect from the moment it is communicated to him and lasts until he ceases from contumacy.*¹⁷

As the Decree takes off from canon 285§3, the fundamental norm is clear and direct: « *clerics are always to do their utmost to foster among people peace and harmony based on justice* » (c. 287§1). The fight for justice and defence of human dignity is primordial clerical obligation, which is noted in the §1 of the canon.

¹⁷ In a letter dated Friday, May 20 and addressed to the Priests, Religious and Laity of the diocese, Bishop William Amove Avenya of Gboko Catholic Diocese announces the suspension from public ministry of Fr. Hyacinth Alia who allegedly, has been cleared to participate in the primaries of the All Progressives Congress (APC) party, one of the two major political parties in Nigeria. The Bishop wrote as follows: “*I write to communicate to you the suspension of my priest, Revd. Fr. Hyacinth Iormem ALIA from public ministry after series of admonitions to him for example canon 1371, °2 of the CIC/1983. The Mother Church does not allow her clerics to get involved in partisan politics on their own (can. 285, §3). You are aware that my son, your brother and your priest has purchased the party forms to contest for the Office of the Governor of Benue State under the All Progressives' Congress (APC), which is totally against our vocation. Therefore, to respond to the spiritual and pastoral needs of the Church in the Catholic Diocese of Gboko, I have suspended him from the exercise of sacred ministry. This canonical suspension takes effect from the moment it is communicated to him and lasts until he ceases from contumacy*” (Atemanke Jude, “Catholic Bishop in Nigeria Suspends Priest for Engaging “in partisan politics”, in *Aciafrica online*, May 22, 2022, available on <https://www.aciafrica.org/news/5916/catholic-bishop-in-nigeria-suspends-priest-for-engaging-in-partisan-politics>, consulted on April 30, 2026).

Implying that the basic concern is for peace and justice for all Christ's faithful, more than it is a restriction from active politicking. The legislator therefore codifies and calls for a zealous promotion of peace. Comparatively, we see here a positive obligation which is in contrast with the negative provision of the pio-benedictine Code in canon 141, which had forbidden the clergy to participate in any way whatever in civil conflict or public disturbances¹⁸. This norm concords with *PO*, n°6 which reiterates that "the pastor's task is not limited to individual care of the faithful, but extends to all people; priests can never be the servants of any human ideology or party". The first option of the priest is to be the voice of the Gospel of Jesus Christ, which preaches and works for peace; which should not consequently be distracted by other civil motifs. Having established the fundamental rule, the §2 focuses on another objective principle, which consists of pastoral neutrality of the cleric in the face of the universal mission of the Church, as well as her freedom in carrying out that mission. The priest is the pastor of all the faithful, not of a faction. His active involvement in political parties stands the risk of dividing the community he is meant to unite. Therefore, the Church wants to avoid being manipulated by partisan political interests, thus preserving her freedom of speech and action, essential for her evangelical mission. Notwithstanding, could there be exceptions to this general rule – « *nisi* » (unless)?

Here comes flexibility, an inherent character in the nature of Canon Law, having for ultimate goal, the salvation of souls (c. 1752). The flexibility in this context is subject to the discretion of the local Ordinary (the Bishop) for circumstantial reasons. The first is for « Common good ». The legislator envisages a scenario whereby the political situation seriously threatens the common good, which include militating forces against justice and peace.

¹⁸ Lynch, *Ibid.*, p. 379.

Therefore, he allows a more direct intervention, which may be necessary as an « utmost means to foster peace and harmony among people based on justice » (c. 287§1). Then comes another circumstantial reason, « Rights of the Church ». The norm here anticipates a situation whereby the freedom of the Church, the freedom of worship, or Catholic education are directly threatened. In such a scenario, it is the prerogative of the Ordinary of the priest or religious as the competent authority to make the judgment, as well as the local ordinary of the place where the activity unfolds. This provision effectively extends the relevance of the similar norm of the 1917 Code,¹⁹ which held that in order to run for office on a partisan ticket, priests or religious would need a determination from their own Ordinary and the Ordinary of the place where the election is being held. What is currently new in the 1983 Code is that this determination is not a permission but a judgment that the conditions are verified for the law itself to permit them to run. Further reasons beyond common good and defence of the rights of the Church could also be

¹⁹ Canon 13912 (1983 CIC 285): § 1. *They should avoid those things that, while not indecent, are still alien to the clerical state.*

§ 2. *They shall not exercise medicine or surgery without an apostolic indult; they shall not act as public functionaries or notaries, except in the ecclesiastical Curia; they shall not assume public offices that encompass the exercise of lay jurisdiction or administration.*

§ 3. *Without the permission of their Ordinary, they shall not go into the conduct of goods belonging to lay persons or into secular offices requiring the duty of rendering accounts; they shall not act in the role of procurator or advocate except in ecclesiastical tribunals or in civil [cases] that involve their goods or the goods of their church; in lay criminal trials threatening grave personal penalties [to the defendant], they shall take no part, not even by offering testimony without necessity.*

§ 4. *They shall not seek the responsibilities of senators or speakers passing laws, which one calls deputies, or accept [such offices] without the permission of the Holy See in those places where a pontifical prohibition exists; likewise, they should not [be involved] anywhere without the permission both of their own Ordinary and of the Ordinary of the place in which the election is being held.*

accommodated as elements to be considered for such political partisanship²⁰. Pope Benedict XV, who promulgated the 1970 Code was not opposed to peaceful and legitimate involvement of the French-Canadian clergy seeking to amend the school laws in Canada²¹. This was in the interest of the common good of the Church as regards educational policies. From another angle, a permission could be granted to clerics by the Holy See and the Ordinary of the place when necessity calls for a direct political engagement for a higher course of justice and integrity of creation. Over and above the particular case of Benue State of Nigeria as it concerns Fr. Alia, the entire Nigerian political context may provide a more concrete ground for such canonical application.

The Nigerian political context and canonical analysis –

Bede Ukwuije exposed the hermeneutics of “*thinking globally, acting locally*”²². As a theologico-scientific methodology of applying acquired universal theories to particularities and contexts, such approach is very relevant in our discourse. Nigeria, a West-African country is multi-politically faceted. Though a secular State, adopting no religion as religion of the State²³, Nigerians are deeply religious people, with strong religious affiliations to Christianity, Islam or African Traditional Religion. These forms of God-worship find ostensible echoes in the political terrain of the country, and more so for Muslims, whose

²⁰ See Peter Huizing and Knut Walf, « May Church Ministers be Politicians ? », *Concilium*, n° 157, New York : Seabury Press, 1982.

²¹ Prevost James H., *ibid.* : 288.

²² Bede Ukwuije, a spiritan theologian, specialized in Systematic theology, with many publications, often exposed the aforementioned principle in his lectures with students. An active principle which captures the practicability of theological discourses.

²³ Cf. Article 10, *Constitution of the Federal Republic of Nigeria 1999* (as amended): “The Government of the Federation or of a State shall not adopt a religion as State Religion”.

religious spirituality is inseparable from politics. In such a context, it is not strange, and of course a normal phenomenon to find religious leaders also assuming political responsibilities or even seen as political actors. At this juncture, it becomes pertinent to seek for ways of reconciling the canonical doctrine of non-partisanship of clerics in politics within such a context where necessity could oblige pastors to lead the people as well from the political community. Imagine a situation whereby Islamic clerics will assume political positions, and evidently for the protection of Islamic interests; whereas Catholic faithful will not see their own pastors at such positions, and thereby feeling not evenly shepherded like their Muslim counterparts. The unapologetic support and jubilation of the Christian faithful of Benue State that heralded the emergence of Fr. Alia as the elected governor of Benue State remains a concrete case in view. Despite the ecclesiastical sanction of his Bishop, even the clergy of his Diocese suddenly became defendants of his political outings. Does this echo any contradiction in terms? However, we could discern a doctrinal challenge to Canon Law, as the status of particular laws vis-à-vis universal laws is interrogated (1), applying more concretely the principle of subsidiarity in certain unique contexts (2) might be an enriching model for the Church in reconciling the differences and managing productively the limitations.

Status of Particular laws and Universal laws in canonical interpretation –

On one hand, “universal laws are binding everywhere (in the universal Church) on all those for whom they were enacted” (C.12, §1); they are applicable to any member of the Latin Church (c. 1) fulfilling all the necessary conditions regardless of his or

her permanent or temporary place of residence²⁴. On the other hand, the scope of particular laws is limited by personal criteria (members of a specific Church community, particular Church, institute of consecrated life, parish), or by territorial ones (members of the faithful within a particular territory). As it were, the Code does not limit itself to universal concerns, but also to others that pertain to necessary adaptations to local realities. Essentially, particular law does not contradict universal law, nor is it a means of evading the demands of the universality of the People of God or of ecclesial communion. On the contrary, it provides the possibility of achieving healthy autonomy and decentralization, which allows for the promotion of the values of particular communities and the adaptation of the requirements of universal law. Through particular law, the Church's legislators can respond to the needs of particular cultures, protecting and expressing the faith-life of different ecclesial communities.

Juxtaposing the status of these two categories of law in canonical doctrine further, one cannot exist without the other; there is essentially a universal law because there is a particular law. One takes its identity from the other. Thus, the nature of each one is fundamental to the survival of the other. Is it not for this reason that the legislator of 1983 allows the prerogative to particular legislators to legislate on certain matters which have unique particularities (cc. 12§2; 13§1 and to some extent c.19)? The “flexibility” of canon 287 §2 summarises this opinion when it predicates: “...*unless in the judgement of the ecclesiastical authority, this is required for the defence of the rights of the Church or to promote the common good*”. Indeed, many

²⁴ Lombardia Pedro, « General norms: Ecclesiastical laws», Caparros Ernest et al., (ed.), *Code of Canon Law Annotated*, 2nd edition, 2004, Montreal, Wilson & Lafleur Limited: 40-41.

scholars²⁵ have observed that the applicability of the above casuistic relationship between the universal and particular laws leaves more to be desired on the terrain of Nigerian politics as far as there remains a strict restriction of clerics getting involved “partisanly” and directly to “baptize politics”. Such a conviction was the pastoral reason which the Second Republic Governor of Benue State, Rev. Father Moses Adasu leveraged on to declare his political manifesto in 1992. The cleric, even against the canonical sanction imposed on him went on to declare that he went into politics in opposition to the belief that politics is a dirty game and would corrupt him as a priest. Therefore, he had « *come to baptize politics and make it pure* ». Asserting further he insisted that politics is not a dirty game. It is those who are in it for egotistic motives that make it dirty. As a man of God, he said he has dedicated his life to service of humanity and was ready to die to make the world a healthier place for current and upcoming generations. Political participation of a religious leader could mean direct involvement with public office, nomination for advisor of public office, or direct involvement with the public, together with leaders who have spoken at events on political

²⁵ Cf. Iordaah, R. Y, “The moral justification of Christian clerics’ participation in politics”, in *The Noun Scholar*, 1(1), 1–1, 2024, https://www.thenounscholar.nou.edu.ng/wp-content/uploads/2024/07/10-PDF_The-Moral-Justification-of-Christian-Clerics-Participation-in-Politics-Rose-Yangu-Iordaah.pdf; Falaye T.A., “Christianity and Politics: The Experience from Nigeria”, in *Global Journal of Politics and Law Research*, Vol.4, N° 6, December 2016, European Centre for Research Training and Development UK (www.eajournals.org): 1-7; Ezeogu Ernest Munachi “Baptizing Politics: Models of Priests and Religion Participation in Nigerian Politics”, Obanure Cyril (ed.), *Religion Violence and Conflict Resolution in Nigeria: 22nd CATHAN Conference*, (2008), Makurdi: Aboki Publishers: 54-63; OMOSOR, Festus Osom, “The Role of Christian Clerics in Promoting Good Governance and Development in Nigeria: Prophet Amos as a Model”, *KIU Journal of Humanities*, 4(3), 2021, Kampala International University: 33-46.

matters²⁶. If all these could be notable reasons for which the competent authority could grant permission for a cleric to get involved in partisan politics, it seems unfair therefore to remain fixed on the restraining side of the norm.

Canonical doctrine understands very clearly that by keeping the clergy away from partisan politics and union roles, the Church seeks to rise above conflicts, enabling bishops and priests to critique political and economic systems from a moral standpoint. This allows them to address issues from all angles without being perceived as pushing a partisan agenda, thereby strengthening the moral authority of their teachings. The prohibiting canon under study also safeguards clerics from being manipulated by political groups that might use their religious authority for legitimacy. It also ensures that they do not become intermediaries in secular conflicts, which could jeopardize their spiritual mission in fostering peace and harmony. Evidently, the canon supports the Vatican II vision that encourages the laity to “seek the kingdom of God by engaging in temporal matters” (*LG*, 31). By restricting clerical involvement in activism, it rather seeks to empower lay Catholics to implement the social teachings of the Church within political and economic contexts, fostering more authentic social participation. In politically divided societies, clergy involvement in party politics could cause splits within parishes. The canon helps to maintain the Church as a unifying space for individuals with diverse political views. However, the inclusion of the exception (“unless... the protection of the rights of the Church or the promotion of the common good requires it”) is vital and cannot be taken for granted especially in certain contexts like

²⁶ Rev. Father Moses Adasu, the Second Republic Governor of Benue State, explained why he joined politics, saying contrary to the belief that politics is a dirty game and would corrupt him as a priest, he had «come to baptise politics and make it pure» (cf. *ALLAFRICA ONLINE*, “Nigeria: I’ve Come to Baptise Politics”, March 31, 2003, available on <https://allafrica.com/stories/200303310680.html>, consulted on May 10, 2026).

Nigeria. It allows for extraordinary intervention when needed, such as instances where priests in Poland supported the Solidarity movement during Communist rule or the clergy in the Philippines who opposed the Marcos regime. This puts the onus on the competent authority to discern periods of permission for priests to engage in partisan politics. These instances relate very well to the political environment of Nigeria since the last decade.

A fundamental question begs for answer: Is the common good not in peril in Nigeria? Certainly, yes, as many researchers have argued. Overwhelming reasons abound for which the obligation of the clergy “to foster peace and harmony” in the society can only be achieved not only through formation of consciences and urging the laity to take the frontline, but at the same time, taking the lead as “a good shepherd leading his flock to green pasture” (Psalm 23). The reality in the Nigerian civil society today truly calls for the active involvement of clerics in the political affairs of the state. Politics that ensures democratic governance ought to play an important role in promoting the common good of the citizens. Its main role is in helping to create the conditions where people can flourish and to assist when necessary. At the core of the Christian vision of governance is that the human person is created in the image of God. The purpose of politics is to serve man, not for man to serve the state. For this reason, the Church should be active in partisan politics so as to get righteous people into the corridors of power and spur progress (Proverbs 29:2). The cleric as a major stakeholder in the spiritual, social, cultural, religious and even in the political life goals of man would naturally uphold genuine efforts of a member to bring about the realization of democracy. In this way, politics can be put to good use by introducing the light of Christ into the society. If good people abscond from politics, the evil ones will have a headway. To this end, the Church has a significant role to play in good governance which is to give the necessary support in terms of commendation, encouragement and participation, directly or

indirectly where needed. In reproving bad governance, clerics should remember that their duty is to ensure there is order in politics, while being aware that the word of God would be better preached. With these points therefore, does the open window of canon 287§2 not legitimize and validate partisan involvement to rescue and salvage a status-quo which has been dismembered by unchristian ideologies? If truly the principle of subsidiarity is duly applied, the result would certainly be different.

Principle of subsidiarity at its limit in canonical application vis-à-vis canon 287§2 –

In ecclesiastical studies, the principle of subsidiarity occupies an important place, especially as regards the application of organisational theories. The *abridged Catechism of the Catholic Church* (2005) offers the following concise definition: “*This principle means that a community of higher order should not assume functions that belong to a community of lower order, thereby depriving it of its competence. Rather, it should support it in times of need*” (n. 403). This summarized formulation is directly inspired by that proposed by John Paul II in his social encyclical *Centesimus Annus* (1991)²⁷, which the unabridged version of the Catechism (1992) quotes in its full text: “*a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society,*

²⁷ Richer Etienne, “*Le principe de subsidiarité en droit canonique. Pertinence et limites d'application*”, *Bulletin de Littérature ecclésiastique*, 2012, CXIII (4): 421-440, available on hal-02483970, consulted on 30 April, 2026 (Originally in French language, the translation to English language was done by the author of this article); Collier E. W., “Subsidiarity in the midst of globalization”, O’Brien T., Collier E.W., Flanagan (P.), (eds.), *Good Business Catholic Social Teaching at Work in the Marketplace*, Winona, MN: Anselm Academic, 2014: 175–202.

always with a view to the common good”²⁸. It is significant that in the *Catechism of the Catholic Church (CCC)*, this definition was placed not in the articles on economic and social activity, but in the very first article of the chapter on the “human community,” entitled “The Person and Society.” The importance the Church places on respecting subsidiarity in political and social life, in the face of all forms of imperialism and abuse, rests on solid anthropological foundations. The canonist René Metz underlines this in striking terms:

...These two notions, freedom and the dignity of the human person, upon which the principle of subsidiarity is founded, are part of the Church’s traditional doctrine. (...) The importance attached to subsidiarity can only be explained and justified by an anthropology that subordinates the entire social apparatus to the service of the human person because of the latter’s eminent dignity.

Subsidiarity as a guiding principle in ecclesial governance which suggests that a higher authority should only intervene if a lower authority cannot act alone, finds its limit in Canon Law in the very nature of the Church. Its structure is founded on divine law (papal primacy and the sacrament of Holy Orders), which prevents a complete decentralization or democratization of its institutions. Stanislav Přibyl²⁹ presents several instances in the Canon Law where the principle is applied according to the intention of the legislator. However, the application of this ecclesiastical principle encounters several limitations, namely, the primacy of the Pope's jurisdiction. By virtue of divine law, the Roman Pontiff and the college of bishops possess universal and supreme competence. The superior authority cannot delegate or divest itself of certain reserved matters without contravening

²⁸ Encyclical *Centesimus Annus* (1991), n° 48; *Catechism of the Catholic Church* (1992), n° 1883.

²⁹ Přibyl Stanislav, “The Principle of Subsidiarity in the Code of Canon Law”, *Philosophy and Canon Law* vol. 3 (2017): 241–256.

its nature. Another limitation is the absence of a secular rule of law. As the Church is not a constitutional democracy, papal normative power is not subject to review of legality. A lower level does not possess inalienable "residual competence" in the face of decisions by the Holy See. The last limitation concerns the administration of sacraments. Obviously, the law of the Church is inseparable from the ordained ministry. The devolution of local or regional powers (for example, episcopal conferences) is exercised strictly within the framework of communion and fidelity to the universal magisterium. That is why, even in particular contexts where the local Ordinary could derogate the provisions of canon 287§2, there is a perceived hesitation, almost implying an outright contravention of the fundamental norm.

Mindful therefore of the possibilities provided by the principle of subsidiarity in canonical interpretation, it would not be out of place for local ecclesiastical authorities in Nigeria to pay attention to the provisions of canon 287§2 in concrete terms. The application of the norm is not supposed to be more negative than positive. A better appreciation of the entire canon and its corollaries could always yield a balanced application of the norm. Basically, canon 287 is placed in Book II of the Code of Canon Law titled "The People of God". It specifically appears under "The Obligations and Rights of Clerics (Cann. 273-289)". This placement signals that the canon's prescriptions are not merely disciplinary but belong to the Church's constitution of the clerical state. Essentially, canon 287§1 is prescriptive, highlighting the Church's expectation that the clergy contributes to social cohesion and moral order. The positive mandate reinforces Vatican II's *Gaudium et Spes*, which calls pastors to read "the signs of the times" and apply the Gospel to social realities. Then, on its part, §2 of the same canon is restrictive, laying down a norm that binds clerics by virtue of their clerical identity. Importantly, the canon does not forbid political awareness or socio-moral critique but explicitly prohibits active partisanship,

except under exceptional circumstances judged by competent Church authority (usually the diocesan bishop or the Holy See).

Conclusion

The birth of any canonical norm is never accidental. So many factors come together to bring it to light, especially the entire mission handed over to the Church by the Lord Jesus Christ. The injunctions are canonised for a more substantial rooting in the life of the Church. There are several points that could be retained by way of conclusion. Materially, the canon provides a rule of engagement for clerics as it regards direct or active involvement with political parties, that is, any association that contests elections under a distinct label or ideology (examples PDP, APC, Labour Party, NNPP, NDC, etc. in the Nigerian context). Ethnic socio-cultural organizations become “political parties” in the canonical sense once they transform into electoral platforms (e.g., the Middle Belt Forum when it presents candidates for political positions). Equally, leadership of trade unions: the clause originally targeted European Christian-Democratic or Communist-dominated unions, but can always find their equivalents in other places. A clearer example in Nigeria is the case of priests who become national president or secretary-general of the Nigeria Labour Congress (NLC) or Academic Staff Union of Universities (ASUU) when these bodies engage in openly partisan activity.

For the safeguard of the missionary option of the Church in the world, the legislator brings in the exception clause, which is both distinct and alternative: (a) Defense of the rights of the Church (*iura Ecclesiae*): objective, grave, and imminent violations (closure of Churches, discriminatory legislation, violent persecution); (b) Promotion of the common good (*bonum commune*): interpreted strictly as situations where no layperson can adequately respond and where the cleric’s intervention is

temporally limited³⁰. For the control of legality, it is important to take note of the nature and requirements of the hierarchical judgment. It belongs exclusively to the competent ecclesiastical authority, implying that the cleric has no canonical right to self-exception or to arrogate to himself the canonical powers of decision for such political partisanship. It must be according to the judgement of the Ordinary or the Holy See, and this must also be prior, explicit, specific, and normally written. It is equally revocable at any moment, if circumstances change or pastoral harm ensues³¹. The competent ecclesiastical authority is usually the diocesan bishop for a diocesan priest and the major superior for a religious priest. Outside this category, when candidacy is national or likely to provoke major scandal, the competent authority is reserved for the Holy See. In practice since 1990, the Apostolic See has almost never granted the exception in stable or semi-stable democracies, including Nigeria, notes Okoye³². The burden of proof lies with the cleric requesting permission.

In the canons in view, we can observe a certain hierarchy of values, which also complement each other. While on one hand canon 285 §1 directly forbids assumption of public civil office carrying imperium (governor, local government chairman, commissioner), canon 287 §2 on the other hand is broader as it prohibits even non-executive partisan activity; and further down canon 672 applies the same discipline to religious. Without running the risk of affirming or denying the *intentio legislatoris* of the norms in view, it behoves on this paper to highlight the

³⁰ Agu C. O. *Priests in politics: The Nigerian dilemma*, Paulines Publications Africa, 2018: 22-23; Okwuosa Lawrence and Okoli Anuli, "Catholic Priests' Involvement in Nigerian Politics: A Response to Social Change", *Journal of Asian and African Studies*, November 2023, available on <https://doi.org/10.1177/00219096231207881>, consulted on May 10, 2026.

³¹ *Communicationes*, 1980.

³² Okoye J. C., "Clerical political engagement in post-military Nigeria", *Afrika Spectrum*, 42 (1), 2021: 89-112.

essential features of the canonised law. Canon 287 §2 is neither a relic of clericalism nor a concession to secular pressure, but a mature expression of the Church's two-thousand-year experience, namely: whenever priests identify publicly and organically with a political faction, the Gospel stands the danger of being instrumentalized, which consequently wounds the unity of the faithful, and the priest's own spiritual freedom is compromised. The 1983 Code's deliberate shift from the near-absolute prohibition of 1917 to a general principle with a narrowly drawn exception was never intended to open the door to routine clerical candidacy. On the contrary, thirty-five years of authentic interpretation (1990-2025) by Roman dicasteries, popes, and episcopal conferences, including the Catholic Bishops' Conference of Nigeria, have applied the canon with remarkable severity and consistency. From the experience of Nigeria, where ethnicity, religion, and money politics exert enormous pressure on the clergy, the canon has proven itself not as an obstacle to justice but as a shield for authentic prophecy. Clerics who have observed it strictly have been able to freely denounce corruption, rigging, and violence from every government without being dismissed as "opposition priests." Unfortunately, those who have crossed the line, even with initially noble intentions, have almost invariably found their priestly ministry diminished, their moral authority eroded, and the Church herself dragged into partisan quarrels.

The exception clause remains theoretically flexible, but its concrete use is limited to truly extraordinary and transitory situations, which the African society have always been smeared with: post-genocide reconstruction, collapse of the rule of law, direct existential threat to the Church. In ordinary circumstances, including the turbulent but functioning democracy of Nigeria, the exception is not available or maybe more problematic than being an equitable application of canonical norm. A priest who believes he is "called" to govern must follow the path of voluntary