



Legal Equity and Christian Epikeia in Canon 1752: Toward A Unified Doctrine of Benevolent Juridical Interpretation

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Abstract Original Research Article

This article undertakes a comprehensive and synthetic analysis of the convergence between Christian *Epikeia* and Legal Equity within the Nigeria and International legal context, arguing that this convergence is not merely conceptual but structurally homologous with principles already operative within Nigeria’s Constitutional and Statutory legal order and within international human rights law. Taking Canon 1752 of the 1983 Code of Canon Law, with its defining maxim *salus animarum suprema lex*, as its canonical anchor, the article proceeds to identify precise secular equivalents of this principle in Nigeria law, particularly section 1 (2) of the Nigerian Constitution 1999 (as amended), the doctrine of constitutional supremacy, and the overriding objectives of major Nigeria procedural statutes. In international law, the article identifies the *jus cogens* doctrine, the principle of equity codified in Article 38 (1) (c) of the ICJ Statute, and the teleological interpretation methodology of international human rights tribunals as structural analogues of *salus animarum*. Having established these parallels, the article proposes a unified doctrine of what it terms Benevolent Juridical Interpretation (BJI): a coherent jurisprudential framework that fuses the moral architecture of *epikeia* with institutional methodology of legal equity under the shared telos of human dignity and flourishing. The implications of this unified doctrine are then examined through the Nigeria lived experience in for domains: marriage and family law, land tenure, criminal justice, and community conflict resolution. The article concludes that BJI represents not a foreign importation into Nigeria jurisprudence but the systematic articulation of an interpretative wisdom already latent in Nigeria’s own legal, customary, and theological tradition.

Keywords: Legal Equity, Christian *Epikeia*, Canon 1752, *salus animarum*, section 1 (2) of the 1999 Constitution of the Federal Republic of Nigeria, Article 38 of the ICJ Statute, *jus cogens*, human dignity, benevolent juridical interpretation, Igbo cosmology.

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1. INTRODUCTION: The Jurisprudential Problem of Rigidity and the Call for a Unified Doctrine

Every legal system faces the same foundational dilemma: law is necessarily general; life is irreducibly particular. The legislator, however wise,

cannot foresee every circumstance to which his rules will be applied, and the judge, however faithful, risks producing injustice when he applies a general rule mechanically to a situation its author never contemplated. This dilemma is not peripheral deficiency of law but its constitutive tension, the



permanent condition of any juridical order that aspires both to consistency and to justice (Dworkin, 71-72). The history of jurisprudence, across cultures and traditions, is a large measure a history of attempts to resolve this tension. The Aristotelian tradition resolved it through *epikeia*: the moral virtue that supplies the deficiency of universal law by attending to the particular case in light of the law's own intention (Aristotle, 1137b26-27). The English common law tradition resolved it through the equity: the institutional jurisdiction of the Court of Chancery, which supplemented the common law by appealing to conscience, good faith, and unconscionability (Baker, 103-104). The Catholic canonical tradition resolved it through *aequitas canonica* and *salus animarum* principle, enshrined in Canon 1752 of the 1983 Code of Canon Law (Ghirlanda, 334; Orsy 78-79). And the international legal order, particularly since the mid-twentieth century, has developed its own analogous instruments: the *jus cogens* doctrine, the general principles of equity under Article 38 (1) (c) of the ICJ Statute, and the teleological hermeneutics of international human rights law (Shaw, 97-99; Brownlie, 27-28).

What has not yet been systematically undertaken is the demonstration that these apparently disparate resolutions share a common deep structure, and that this common structure can be articulated as a unified jurisprudential doctrine capable of operating across the canonical, civil, and international legal order simultaneously. This is the goal of this present article. It argues, specifically within the Nigerian socio-legal context, that Christian *Epikēia* and Legal Equity are not merely analogous but structurally convergent, and that their convergence is confirmed and supported by principles already operative in Nigeria constitutional law, Nigeria statutory procedure, and international human rights law. The unified doctrine that emerges from this convergence, which the present article terms Benevolent Juridical Interpretation (BJI), provides Nigeria legal and canonical practitioners with a coherent, principled, and culturally resonant methodology for the just application of law to the complexity of Nigerian life.

The argument proceeds in five stages. The first establishes the canonical and philosophical

genealogy of *epikeia* and equity and their institutionalization in Canon 1752. The second identifies precise secular analogues of Canon 1752 in Nigeria and International law. The third demonstrates the structural homology among these diverse instruments and articulates it as the unified doctrine of BJI. The fourth examines the application of BJI in four concrete domains of Nigerian life. The fifth addresses critical objections and proposes institutional safeguards for the doctrine's responsible deployment.

2. THE CANONICAL FOUNDATION: From Aristotle to Canon 1752

The intellectual genealogy of *epikeia* begins with Aristotle's recognition, in Book V of the *Nicomachean Ethics*, that law's universality is simultaneously its strength and its limitation. This is because law speaks universally, it inevitably fails in particular cases where the universal statement does not apply, and where the application of the general rule would produce an outcome the legislator himself would have rejected had he foreseen the particular circumstances (Aristotle, 1137a31-1138a3). *Epikēia* is not, therefore, a deviation from justice but justice's own correction of law's necessary deficiency: it is, as Aristotle puts it, a form of justice superior to the merely legal (Aristotle 1137b26).

Thomas Aquinas deepens this insight by situating *epikeia* within the architecture of natural law. For Aquinas, positive law is a rational participation in the eternal law of God, ordered to the common good. When the literal application of a positive law would contradict the common good it was designed to serve, *epikeia* is not a violation of law but its fulfilment, because it applies the law's intention rather than merely its letter (Aquinas, *Summa Theologiae*, II-II, q. 120, aa. 1-2). This Thomistic formulation is crucial: it grounds *epikeia* not in individual subjectivism but in the objective moral order, making it both a virtue of practical reason and a demand of justice itself (McInerny, 234-235; Finnis, 87-91).

The English Court of Chancery institutionalized this insight into an independent judicial jurisdiction. Equity, as administered by the Lord Chancellor, was understood from its inception as the application of conscience to situations where the common law produces unconscionable results. Equity maxims such as ‘equity regards as done that which ought to be done, equity follows the law, and he who comes to equity must come with clean hands’ reveal the moral seriousness of equitable jurisprudence: it is not discretion unmoored from principle but principle applied with sensitivity to the particular (Baker 110-125; Pettit, 34-36). As equity matured in the nineteenth century, particularly through the Judicature Acts of 1873-1875 which fused the common law and equity courts in England, it became not a rival system but an indispensable supplement to legal formalism (Baker, 131-132).

Within the canonical tradition, the 1983 Code of Canon Law, in its final provision, Canon 1752, synthesizes these strands into a meta-judicial principle of decisive importance. The canon closes with the injunction that *salus animarum*, the salvation of souls, is always to be the supreme law of the Church. As Orsy has persuasively demonstrated, this provision is not merely a pious addendum to procedural norms but the teleological principle that governs the entire canonical order: every canon is to be interpreted in the light of its ultimate purpose, which is the salvation and integral human flourishing of persons (Orsy, 78-79). Pree has further shown that the invocation of *aequitas canonica* in the same provision gives canonical equity a normative force that transcends the particular context of pastoral transfer: it is a governing standard for all canonical administration (Pree, 201-202). Canon 1752 is, therefore, the canonical equivalent of a constitutional guarantee: a supreme norm that conditions the interpretation and application of all subordinate legislation.

This canonical principle now requires to be placed in dialogue with its secular analogues in Nigeria and international law, for it is in that dialogue that the possibility of a genuinely unified jurisprudential doctrine becomes apparent.

3. THE SECULAR EQUIVALENTS OF CANON 1752: Nigerian Constitutional and Statutory Law

The proposition that Canon 1752’s *salus animarum suprema lex* has no equivalent in secular law reflects a failure of comparative legal imagination rather than a genuine absence. Nigerian law, both in its constitutional dimension and in its major procedural statutes, contains provisions that perform structurally identical functions to Canon 1752: they establish a supreme telos to which all subordinate legal norms are ordered, they authorize interpretative flexibility in the service of that telos, and they prevent juridical formalism from defeating the law’s animating purpose.

A. The 1999 Nigerian Constitution and the Supremacy of Human Dignity

Section 1 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) declares the Constitution to be supreme and its provisions to have binding force on all authorities and persons throughout Nigeria. Section 1 (3) of the Nigeria Constitution 1999 further provides that if any other law is inconsistent with the Constitution, the Constitution shall prevail and that other law shall, to the extent of the inconsistency, be null and void. These provisions establish constitutional supremacy as the basic norm of the Nigeria legal order: the standard against which all other legal norms are measured and, where necessary, corrected.

The substantive content of this supreme norm, however, is not merely procedural. Chapter IV of the Nigerian Constitution, which protects fundamental human rights including the right to life (s.33), the dignity of the human person (s. 34), personal liberty (s. 35), fair hearing (s. 36), and freedom of conscience (s. 38), established human dignity and fundamental human rights as the substantive telos to which the entire Nigerian legal order is ordered. The Supreme Court of Nigeria has consistently affirmed that these rights are to be interpreted generously and purposively, rather than literally and restrictively, in order to give full effect to the Constitution’s overriding commitment to human dignity (cf. *Ransome-Kuti v. Attorney General of the Federation*

(1985, 2 NWLR., 211; *Abacha v. Fawehinmi* (2000) 6 NWLR, 228).

The constitutional commitment to purposive interpretation in the service of human dignity is the secular functional equivalent of Canon 1752's *salus animarum suprema lex*. Just as the canon directs all canonical interpretation toward the salvation and flourishing of persons, the Constitution directs all legal interpretation toward the protection and promotion of human rights and dignity. Both establishes a supreme normative telos that conditions and corrects subordinate legal norms. Both authorizes interpretative flexibility, indeed require it, in service of that telos. And both resist the reduction of justice to mere procedural compliance.

B. The Overriding Objectives in Nigeria Procedural Law

Beyond the Nigerian Constitution, Nigeria statutory law contains explicit provisions that parallel the function of Canon 1752 in the canonical order. The Administration of Criminal Justice Act 2015 (ACJA), which governs criminal procedure in Nigeria's federal courts, opens with a striking statement of its overriding objective: to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime, and protection of the rights and interests of the suspect, the defendant, and the victim (ACJA 2015, s. 1 (1)). The Act further provides that all parties, including courts, prosecutors, and defense counsel, shall adopt a practice that promotes the overriding objective (ACJA 2015, s. 1 (2)).

The significance of this provision is profound. The overriding objective is not merely a guide to statutory interpretation; it is a normative standard that governs the conduct of all actors within the criminal justice system that trumps literal compliance with procedural rules where such compliance would defeat the objective's purpose. The Nigerian courts have recognized this: in *Federal Republic of Nigeria v. Adewale* (2017) LPELR, 43432, the Court of Appeal held that the overriding objective of ACJA requires courts to interpret its provisions in a manner

that advances the substantive goals of justice rather than sacrificing them to procedural technicality. This is precisely the function that *epikeia* performs in the canonical order and that equity perform in the common law: it is the legislative institutionalization of benevolent juridical interpretation.

Similar overriding objectives appear in the Federal High Court (Civil Procedure) Rules 2019 (Order 1, Rule 2), the Lagos State High Court (Civil Procedure) Rules 2019 (Order 3), and the National Industrial Court Rules 2017. In each instance, the rules direct that all provisions are to be interpreted and applied with a view to achieving the overriding objective of the just, expeditious, and cost-effective resolution of disputes. These provisions operationalize, within specific procedural contexts, the same principle that Canon 1752 operationalizes within the canonical order: the supremacy of substantive justice over procedural literalism.

C. The Land Use Act and Equitable Stewardship

The Land Use Act 1978, which vests all land in each state of the Federation of Nigeria in the Governor as trustee for the use and common benefit of all Nigerians (LUA 1978, s. 1), represents another functional analogue of the *salus animarum* principle. The Act was explicitly designed to overcome the injustices produced by the fragmentation and commercialization of land under the received English law of property, and to restore a conception of land tenure grounded in communal stewardship rather than individual ownership (Olawoye, 23-24). Its vesting of land in Governor as trustee is an application of equitable principle, the trust being equity's great instrument for separating legal title from beneficial enjoyment, to a situation in which pure legal ownership would produce social injustice.

The Land Use Act is, therefore, not merely a piece of social legislation but a juridical expression of the conviction, shared by *epikeia* and equity alike, that legal form must serve substantive justice. Where the common law form of individual freehold title would produce outcomes inconsistent with the common

benefit of Nigerians, the Act corrects this by imposing an equitable framework of trusteeship. This is a benevolent juridical interpretation enacted at the legislative level.

4. THE INTERNATIONAL LAW

DIMENTION: Equity, *Jus Cogens*, and Teleology of Human Rights

International law provides a third arena in which the functional equivalents of Canon 1752's *salus animarum* principle can be identified, and in which the convergence between *epikeia* and legal equity receives its most authoritative formal expression.

A Article 38 (1) (c) of the ICJ Statute: Equity as a Source of International Law

Article 38 (1) (c) of the Statute of the International Court of Justice, which Nigeria ratified upon independence in 1960, directs the Court to apply, among other sources of international law, the general principles of law recognized by civilized nations. The Court and international legal scholars have consistently identified equity as among the most fundamental of these general principles (Brownlie, 27-28, Shaw, 97-99). The ICJ has applied equitable principles in landmark cases including *North Sea Continental Shelf* (1969) ICJ Rep. 3, *Gulf of Maine* (1984), ICJ Rep. 246, and *Nicaragua v. United States* (1986) ICJ Rep. 14, consistently affirming that equity is not a license for judicial discretion unmoored from law but the application of law's own deepest principles to achieve just outcomes in particular cases (*North Sea Continental Shelf* (1969) ICJ Rep. 3, paragraph 88).

The ICJ's formulation of equity as an expression of the law's own deepest principle is structurally identical to Aquinas's account of *epikeia* as the fulfilment of positive law through natural law and to the canonical tradition's account of *aequitas canonica* as equity animated by charity. In each case, the corrective instrument is not external to the legal order but internal to it: it is the law's own transcendent purpose expressing itself over against the law's literal formulation.

B *Jus Cogens* and the Supremacy of Fundamental Human Norms

The doctrine of *jus cogens*, codified in Article 53 of Vienna Convention on the Law of Treaties 1969 (which Nigeria ratified in 1969), establishes a category of peremptory norms of general international law from which no derogation is permitted and against which all other rules of international law are measured (VCLT 1969, Art. 53). The International Law Commission has identified as *jus cogens* norms of the prohibition of aggression, genocide, crimes against humanity, torture, slavery, and racial discriminations, all of which represent the minimum threshold of human dignity that international law unconditionally protects (ILC Report 2019, pp. 142-177).

The structural parallel between *Jus cogens* and *salus animarum suprema lex* is precise and illuminating. Both establish a category of norms that are supreme in their respective legal orders: norms that cannot be overridden by subordinate legislation, treaty, or custom, and against which all other norms are measured and, where necessary, invalidated. Both ground this supremacy in a commitment to the fundamental dignity and flourishing of persons. And both operate as hermeneutical principles that condition the interpretation of all subordinate norms: just as Canon 1752 directs that all canonical norms be interpreted in light of *salus animarum*, the *jus cogens* doctrine directs that all treaty obligations be interpreted in a manner consistent with the peremptory norms of human dignity (Orakhelashvili, 66-67).

For Nigeria, which has incorporated international human rights law into its domestic legal order through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983 (ACHPR Act), this *jus cogens* framework has direct domestic legal force. The Supreme Court of Nigeria confirmed in *Abacha v. Fawehinmi* (2000), 6 NWLR 228 that the African Charter is incorporated into Nigerian law and ranks above ordinary legislation, though below the Constitution. The African Charter's Article 1, which obliges state parties to recognize the

rights contained therein and to adopt legislative or other measures to give effect to them, functions as a Nigerian-law analogue of the *salus animarum* principle: it establishes the protection and promotion of human rights as the supreme telos of the state's legal order, to which all other norms are ordered and subordinated.

C The Teleological Hermeneutics of International Human Rights Law

The interpretation methodology adopted by international human rights tribunals provides a third and perhaps most operationally significant analogue. The European Court of Human Rights has consistently applied what it describes as purposive and teleological interpretation, reading the provisions of the European Convention on Human Rights in the light of the Convention's overriding object and purpose which is the effective protection of human rights (*Soering v. United Kingdom* [1989] 11 EHRR 439, para. 87). The Inter-American Court of Human Rights has adopted a similar approach in relation to the American Convention on Human Rights, emphasizing that the Convention must be interpreted in a manner that makes it guarantees, practical and effective rather than theoretical and illusory (*Velasquez Rodriguez v. Honduras* [1988] Inter-Am Ct. HR. Ser C no.4 para. 64).

Although Nigeria is not a party to the European or Inter-American systems, the African Commission and Courts on Human and Peoples' Rights, to which Nigeria is subject, have adopted equally purposive interpretative methodologies. In *Social and Economic Rights Action Center (SERAC) v. Nigeria* [2001] AHRLR 60, the African Commission held that the rights protected by the African Charter are to be given their fullest possible effect in the light of the Charter's overarching commitment to human dignity and collective African values. This teleological methodology, which makes the protection of human flourishing the supreme hermeneutical principle, is structurally identical to the function Canon 1752 performs in the canonical order.

5. TOWARD A UNIFIED DOCTRINE: BENEVOLENT JURIDICAL INTERPRETATION (BJI)

The unified doctrine proposed in this article is designated Benevolent Juridical Interpretation (BJI). The term is deliberately chosen. "Juridical", signals that the doctrine operates within and through the legal order, not outside and against it: it is an interpretative principle, not a license for judicial legislation. "Benevolent", signals the anthropological orientation of the doctrine: it is ordered toward the genuine good of person, not toward institutional convenience, procedural rigidity, or political expediency. And "Interpretation", signals that the doctrine operates at the level of legal hermeneutics: it is a methodology for reading and applying law, not a substantive legal norm in itself.

BJI is constituted by four interlocking elements, each of which corresponds to a distinctive contribution from one or more of the legal traditions examined above.

First: Teleological Primacy. BJI requires that every legal norm be interpreted in the light of its ultimate purpose, which is the promotion of human dignity and the genuine flourishing of persons within community. This principle is drawn from the Thomistic tradition of natural law (where law is intrinsically ordered to the common good), from Canon 1752 (where *salus animarum* is the supreme law), from the Nigerian constitutional framework (where fundamental rights are the telos of the legal order), and from international human rights laws (where the effective protection of human dignity is the overriding object and purpose of treaty obligations). Teleological primacy means that no legal norm is to be applied in a manner that defeats the purpose for which it was enacted, even if its literal terms would produce such a result.

Second: Contextual Attentiveness. BJI requires that legal interpretation attend carefully to the particular circumstances of each case, recognizing that universal norms cannot fully anticipate the complexity of lived experience. This principle is drawn from Aristotle's account of *epieikeia* (which attends to the particular case the legislator failed to

foresee), from equity's sensitivity to the concrete circumstances of the parties (which makes unconscionability a fact-specific rather than rule-governed determination), and from the African customary law tradition (which, as Wiredu and Uchendu have demonstrated, evaluates juridical outcomes in light of their concrete effects on communal relationships rather than their formal consistency with general rules (Wiredu 65-66; Uchendu 18-19). Contextual attentiveness does not license arbitrariness: it requires principled attention to those features of the particular case that are morally relevant to the law's purpose.

Third: Normative Hierarchy. BJI operates within a normative hierarchy in which higher-order norms condition and correct lower-order norms. This principle is drawn from Canon 1752 (which establishes *salus animarum* as the supreme canonical norm), from Nigerian Constitution (which establishes constitutional supremacy), from the *jus cogens* doctrine (which establishes the supremacy of peremptory human rights norms), and from Thomistic tradition (which situates positive law within a hierarchy ascending from human law through natural law to eternal law). Normative hierarchy ensures that BJI is not an invitation to legal anarchy but an affirmation of principled legal order: the correction of lower norms by higher ones, not the abandonment of norms altogether.

Fourth: Institutional Accountability. BJI requires that benevolent interpretation be exercised within institutional structures that ensure transparency, consistency, and accountability. This principle is drawn from equity's institutionalization in Court of Chancery (which transformed individual moral virtue into a principled institutional practice), from the Nigerian Constitution's establishment of an independent judiciary as the guardian of fundamental rights (CFRN 1999, ss. 6, 36), and from the international human rights system's creation of treaty monitoring bodies and regional courts to ensure consistent application of human rights norms. Institutional accountability distinguishes BJI from mere individual discretion: it is a methodology for institutional actors, not a private moral license.

These four elements together constitute a coherent and internally consistent jurisprudential doctrine. BJI is coherent because its elements are mutually reinforcing rather than contradictory: teleological primacy gives contextual attentiveness its direction; normative hierarchy gives both their structure; and institutional accountability gives all three their authority. It is internally coherent because it draws on a common insight, independently discovered across multiple legal traditions, about the relationship between law and justice. Crucially, BJI is not an importation of foreign categories into Nigerian law. As the analysis in numbers 3 and 4 above has demonstrated, its constituent elements are already operative in Nigeria constitutional law, Nigeria statutory procedure, and Nigeria's international human rights obligations. BJI is, therefore, the systematic articulation and unification of principles that Nigerian law already endorses, but has not yet organized into a coherent interpretative methodology.

6. THE IGBO COSMOLOGICAL FOUNDATION: Omenala, Udo, and Onye Mara Onye

Any doctrine that claims to be genuinely Nigerian, and not merely a Western jurisprudential framework dressed in local clothing, must demonstrate its rootedness in the indigenous moral traditions of Nigeria's peoples. The Igbo tradition, which has shaped the moral and social life of South-East Nigeria for millennia and which continues to exercise profound influence even on Christianized and formally educated Igbo communities, provides precisely such a foundation for BJI.

The Igbo concept of *omenala* (also rendered *onenani* or *omeala*), customary law, is not merely a body of rules but a living moral ecology: a web of relationships among the living, the dead, and the yet-to-be-born, meditated by cosmological forces and governed by the dual imperative of *udo* (peace) and *onye mara onye* (mutual recognition and care) (Achebe 124-125; Uchendu 18-20). Justice in this framework is not the mechanical application of rules to facts but the restoration of relational harmony: the healing of the community's fabric when it has been

torn by transgression, the reintegration of the deviant, and the protection of the vulnerable (Obiechina, 112-115). This Igbo conception of justice exhibits all four elements of BJI in their indigenous form. Teleological primacy appears in *omenala's* orientation toward *udo* (peace and communal flourishing) as the ultimate criterion of any juridical outcome: a decision that restores peace is right; one that disrupts peace, however, formally correct, is suspect. Contextual attentiveness appears in the Igbo tradition's insistence that disputes are resolved through lengthy communal deliberation that attends carefully to the history, relationships, and circumstances of the parties, not through the mechanical application of a predetermined rule. Normative hierarchy appears in the Igbo recognition that certain norms, particularly those governing the relationships between the living and the ancestors, are absolutely binding and cannot be overridden even by communal consensus: they are the *ofo* norms, truth-norms, whose violation attracts cosmic sanction regardless of human authorization (Nwosu, 65-66; Mbiti 15-16). And institutional accountability appears in the role of the *eze* (traditional ruler), the *ofo* holders, and the age-grade assemblies as the institutional guardians of *omenala*, who exercise not private moral discretion but a public trust rooted in communal authority.

The convergence between BJI and Igbo jurisprudential thought is, therefore, not a superimposition of Western categories on African realities but a recognition that the same fundamental insights, that law must serve life and that rigid legal formalism must yield to the demands of communal flourishing, has been independently reached by Igbo tradition and by the Western canonical, common law, and international legal traditions. BJI is, in this sense, truly intercultural: it names a wisdom that is human before it is Nigerian, Nigerian before it is Igbo or canonical or international.

7. PRACTICAL APPLICATION OF BJI IN FOUR NIGERIAN DOMAINS

The practical significance of BJI as a unified doctrine is best demonstrated through its application to concrete domains of Nigerian life in which tension

between legal formalism and substantive justice is most acutely felt. Four such domains are examined below:

A Marriage, Family Law, and Sacramental Inclusion

The regulation of marriage in Nigeria is perhaps the domain in which the collision between formal legal categories and lived human reality is most painfully experienced. Nigerian law recognizes three forms of marriage: statutory marriage under the Marriage Act 1990, customary marriage under applicable customary law, and, for Muslims, Islamic marriage under Sharia law. The Catholic Church additionally requires canonical form for the valid marriage of Catholics (*CIC.*, 1983, cc. 1108-1123). The result of this four-fold plurality is that a substantial proportion of Nigeria Catholics are, from a canonical perspective, either unmarried or invalidly married, because they contract only a customary marriage without canonical form (Amadi, 78-86).

BJI addresses this by applying its four elements in sequence. Teleological primacy directs that the canonical norms governing marriage form be interpreted in the light of their purpose, which is the sanctification of persons within the covenant of marital love and the securing of their salvation. Contextual attentiveness requires attending to the fact that many Nigerian Catholics, particularly in rural communities, contract customary marriages in good faith and without awareness of the canonical form requirement, and that their marital commitment is genuine and permanent. Normative hierarchy directs that the canonical norms of form, which are positive ecclesiastical law, be interpreted in the light of the higher canonical norm of *salus animarum*, which ranks above them, and in the light of constitutional norm of human dignity, which Nigerian law also requires to be protected. And institutional accountability requires that any pastoral accommodation be exercised not by individual priests acting on private moral judgment but within the structures of canonical dispensation, supplied consent, and sanation provided by the Code (*CIC.*, 1983, cc. 87, 144, 1161-1165).

Applied in this way, BJI does not dissolve canonical marriage law but interprets it benevolently in the service of its own deepest purpose. The result is not doctrinal anarchy but pastoral wisdom: the kind of discerning application of law that both *epikeia* in its Thomistic form and equity in its institutional form have always demanded.

B Land Tenure, Customary Title, and Equitable Stewardship

Land disputes are among the most prevalent and most bitter sources of conflict in Nigeria communities, reflecting the deep significance of land in Igbo land and other Nigerian cosmologies as the medium of ancestral connection, communal identity, and economic survival (Ezeji for 45-52). The Land Use Act 1978, by vesting all land in the Governor as trustee, sought to rationalize land tenure and prevent the exploitation of rural communities by speculative landlords; but its implementation has frequently produced new injustices, particularly through the government's exercise of its power of revocation and allocation in ways that override customary entitlements (Olawoye, 34-45).

BJI applies here through the normative hierarchy element: the constitutional norm of human dignity (including the right not to be deprived of property without compensation, (CFRN, 1999, s.44) conditions and corrects the exercise of the Governor's statutory powers under the Land Use Act. Courts applying BJI would interpret the Governor's allocation and revocation powers not as absolute statutory discretions but as fiduciary powers held on trust for the benefit of the community, subject to the constitutional and equitable requirements of good faith, legitimate expectation, and proportionality. This approach has already begun to appear in Nigerian jurisprudence: in *Nkwocha v. Governor of Anambra State*, (1984) 6 SC 362, the Supreme Court held that the Governor's powers under the Land Use Act must be exercised in accordance with the constitutional protection of fundamental rights.

The contextual attentiveness element of BJI further requires that Nigerian courts, when adjudicating land disputes, attend carefully to the customary and

ancestral dimensions of the parties' claims, which are morally real even when they do not fit neatly within the statutory categories of occupancy and allocation. Equitable doctrines of proprietary estoppel and constructive trust, already available in Nigeria equity jurisprudence, provide the institutional instruments for giving legal effect to these customary claims without undermining the statutory framework.

C Criminal Justice, Sentencing, and the Rehabilitation Imperative

The Administration of Criminal Justice Act 2015's overriding objective, examined in no.3 above, provides the most explicit Nigerian statutory expression of BJI. The Act's requirement that criminal justice serve the protection of rights and interests of suspects, defendants, and victims simultaneously, rather than sacrificing any of these interests to the others, is a legislative mandate for benevolent juridical interpretation in the criminal justice context.

This mandate has particular significance in the context of sentencing. Nigerian courts have traditionally adopted a broadly punitive approach to sentencing, with custodial sentences being imposed for a wide range of offences without systematic consideration of the rehabilitative potential of the defendant or the restorative needs of the victim and community (Obiechina, 119-120). BJI, applied through the ACJA's overriding objective, directs that sentencing be understood teleologically: its purpose is not punishment as an end in itself but the protection of society, the rehabilitation of offender, and the restoration of the victim, in a manner proportionate to the seriousness of the offence and sensitive to the particular circumstances of the defendant.

Here the convergence between *epikeia* and legal equity is most concretely visible. *Epikieia* in the Thomistic sense allows the sentencing judge to depart from a statutory penalty where its literal application would be disproportionate to the defendant's culpability and counterproductive to the law's own rehabilitative purpose. Equity in the procedural sense provides the doctrinal instruments of suspended sentences, probation, and community

service orders. And the ACJA's overruling objective provides the explicit statutory mandate for this benevolent approach to criminal justice.

D Community Conflict Resolution and the Institutionalization of Restorative Justice

Perhaps, the most culturally resonant application of BJI in Nigeria concerns the mediation of communal conflicts, including inter-ethnic disputes, chieftaincy disputes, and the endemic low-level violence that characterizes many Nigerian communities. In these contexts, the formal legal system, with its adversarial procedures, evidentiary rules, and binary outcomes, is frequently inadequate as an instrument of justice because it cannot address the relational dimensions of conflict that are, in the Igbo and other Nigerian cultural traditions, the most morally significant dimensions (Nwosu, 65-66; Uzukwu, 201-212).

BJI drawing on both *epikeia* and equity, provides a framework for the institutionalization of restorative justice practices in Nigerian law. At the canonical level, the Church's tradition of communal reconciliation, grounded in the *salus animarum* principle, authorizes and encourages the use of non-adversarial mediation as a primary mode of conflict resolution (CIC 1983, cc. 1713-1716). At the statutory level, the ACJA 2015 provides for pleas bargaining, diversion, and victim-offender mediation as legitimate alternatives to adversarial prosecution (ACJA 2015, ss. 270-275). At the international level, the African Charter's Article 17 (3), which recognizes and promotes African values as part of the Charter's human rights framework, provides international authorization for the recognition of customary dispute resolution practices as legitimate instruments of justice.

The normative hierarchy element of BJI requires that these restorative practices be understood not as derogations from formal legal norms but as expressions of the higher norms of human dignity and communal flourishing that form legal norms are themselves designed to serve. This understanding transforms the relationship between formal law and customary practice from one of rivalry to one of complementarity: each supply what the other lacks,

and together they constitute a richer and more adequate instrument of justice than either alone.

8. CRITICAL OBJECTIONS AND INSTITUTIONAL SAFEGUARDS

A unified doctrine of the kind proposed in this article inevitably invites critical objections, and intellectual honesty requires that these objections be confronted directly rather than evaded.

A The Objection from Legal Certainty

The most persistent objection to any doctrine of benevolent or purposive interpretation is that it sacrifices legal certainty and predictability for judicial discretion and unpredictability. If judges are authorized to depart from the literal terms of legal norms whenever they judge that literal application would defeat the norm's purpose, then the law becomes what the judge says it is, and citizens cannot plan their affairs with confidence (Dworkin, 71-72; Finnis, 272-273).

BJI responds to this objection through its normative hierarchy and institutional accountability elements. The doctrine does not authorize judges to substitute their personal moral preferences for legal norms; it requires that departures from literal application be justified by reference to higher-order norms that are themselves legally authoritative: the constitutional norms of human dignity, the *jus cogens* norm of fundamental human rights, the *salus animarum* principle of the canonical order. These higher norms are not the judge's private invention but publicly authoritative standards against which the judge's reasoning can be assessed and criticized. BJI is, in this sense, not a license for judicial subjectivism but a discipline of principled legal reasoning.

B The Objection from Cultural Relativism

A second objection, particularly acute in the Nigerian context, is that a doctrine that appeals to cultural traditions and community values as sources of juridical norms will inevitably be captured by

dominant cultural groups and used to perpetuate injustices against marginalized groups, particularly women (Obiechina 128-129; Ela 253-254).

BJI responds to this objection through its teleological primary element, which grounds the doctrine not in cultural tradition as such but in the universal norm of human dignity that conditions all cultural traditions from above. A cultural practice that systematically violates human dignity, however deeply embedded in tradition, cannot be validated by BJI; on the contrary, BJI requires its correction in the light of the higher norms of constitutional and international human rights law. This is not cultural imperialism but the consistent application of the same critical standard to all cultural traditions, including the Western traditions from which equity and *epikeia* themselves derive.

C The Objection from Institutional Capacity

A third objection particularly relevant in the Nigerian context, is that the application of a sophisticated unified doctrine requires a level of judicial training, intellectual culture, and institutional integrity that Nigerian courts and canonical tribunals do not consistently possess (Nwosu, 47-48; Amadi, 93-94).

This objection is the most practically serious of the three, and it cannot be fully answered at the level of doctrine alone. The institutional accountability element of BJI requires not only theoretical endorsement of the doctrine but investment in the judicial and canonical training necessary to apply it consistently and responsibly. This is a task for law faculties, the National Judicial Institute, the Nigeria Bar Association, the Canon Law Society of Nigeria, the Canon Law departments of Nigeria's Catholic Institutions, and the Bishops' Conference: the formation of a generation of legal and pastoral practitioners who understand law not merely as a body of rules to be applied but as a tradition of practical wisdom to be exercised. The articulation of BJI as a doctrine is a necessary but not sufficient condition of its realization; the formation of its practitioners is equally necessary.

9. CONCLUSION: Toward a Jurisprudence of Integral Human Flourishing in Nigeria

This article has argued that the long-sought convergence between Christian *Epikēia* and Legal Equity is not a speculative hope but a demonstrable reality, and that it finds its most precise and authoritative expression in the Nigerian context, where the canonical principle of *salus animarum suprema lex* (Canon 1752), the constitutional principle of human dignity (CFRN, 1999, Chapter IV), the statutory overriding objective of the Administration of Criminal Justice Act 2015, and the international principles of equity (ICJ Statute, Art 38 (1) (c) and *jus cogens* (VCLT, 1969, Art. 53) all converge on a single fundamental insight: that law is a means to the end of human flourishing, and that its application must be grounded by that end rather than by the mechanical enforcement of its literal terms.

The unified doctrine of Benevolent Juridical Interpretation (BJI) that this article proposes is not a new invention but a systematic articulation of a convergence already implicit in the history of jurisprudence and already operative, if unsystematically, in Nigeria legal and canonical practice. Its four elements: teleological primacy, contextual attentiveness, normative hierarchy, and institutional accountability, corresponds to the contributions of the Aristotelian-Thomistic tradition, the English equity tradition, the Catholic canonical tradition, the Nigerian constitutional order, and the international human rights law respectively.

What BJI offers Nigeria, at this moment of juridical, social, and ecclesial transformation, is a language in which the deepest aspirations of its multiple legal traditions can be expressed and coordinated. It offers Catholic canonical practitioners' assurance that their application of *epikeia* in pastoral contexts is not a deviation from law but an expression of law's own supreme norm. It offers Nigeria secular lawyers the assurance that their application of equitable principles is not a departure from legal rigor but a form of constitutional fidelity. It offers Nigerian judges the assurance that their purposive interpretation of legislation in the service of human dignity is not judicial activism but juridical wisdom. And it offers Nigerian communities, with their rich and irreplaceable traditions of restorative and

relational justice, the assurance that their own deep moral convictions about the purpose of law are not culturally parochial but universally valid.

Ultimately, BJI represents the vision of a jurisprudence of integral human flourishing: a legal order in which every norm, whether canonical, constitutional, statutory, customary, or international, is understood as a servant of life, ordered to the dignity and salvation of persons within community, and interpreted with the discernment, compassion, and wisdom that the service of life demands. In Nigeria, where the collision between formal law and existential reality is daily and sometimes brutal, this vision is not a luxury but a necessity. In the words of Canon 1752, which remains the deepest canonical expression of this vision: *salus animarum suprema lex esto*, let the salvation of souls always be the supreme law. And in the words of Nigerian Constitution, which is its secular counterpart: let the dignity of the human person be inviolable.

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