Limitations of Canon Law Jurisdiction in the Enforcement of Property Rights within Nigerian State Legal Jurisdiction

Vernatius Obinna Ndirimoha*

Smart Nwosu**

Abstract

This article examines the contentious area of Church-State relations concerning property disputes, highlighting the jurisdictional boundaries that exist between Canon Law and State Law. The relationship between religious bodies and the state has long been a central theme in legal and philosophical discussions, especially regarding matters of property rights and governance. Historically, the Church exercised considerable authority over its property in accordance with Canon Law, affirming its autonomy grounded in theological and ecclesiastical principles. With the evolution of secular legal systems, state law increasingly asserted its jurisdiction over property issues related to religious bodies, resulting in situations of overlapping authority and potential conflicts. This article examines the historical context regarding the management of Church property, the evolution of state power, and the points of contention where Canon Law intersects with civil law in property disputes. The main questions addressed are: What are the limits of Canon Law in cases where conflicts regarding religious property are resolved in secular courts? How do contemporary legal systems manage the equilibrium between the autonomy of religious bodies and the power of governmental authority? What factors do courts consider to determine jurisdiction in cases where religious and civil claims overlap? This study seeks to clarify the complex boundaries related to property disputes between the Church and State by examining the current legal principles. The article aims to provide insights that may guide future reforms and improve understanding of the impact of property law on the relationship between Church and State in modern societies.

Keywords: Canon Law, Jurisdiction, State Law, Property disputes, Church-State Relations, Ecclesiastical Property

I. Introduction

The interplay between religious organisations and governmental power has historically shaped the evolution of legal systems, administrative procedures, and social systems, especially in matters concerning property rights. Within the structure of the Catholic Church, Canon Law serves as the regulatory system that oversees its internal affairs, including the administration of property. This jurisdiction often interacts with the secular legal system, sometimes in a collaborative fashion and at other times in a more adversarial context, as the latter has its distinct regulations regarding property rights, taxation, and municipal administration. Canon Law stipulates that "the Church possesses an inherent right to acquire, retain, administer, and alienate temporal goods" to fulfil its divine mission.[1] The claim of inherent rights related to property represents a crucial aspect of ecclesiastical autonomy; nonetheless, it frequently encounters examination by governmental entities, leading to complex jurisdictional issues and disputes.

The development of the relationship between the Church and the State has been marked by a complex interaction of power, influenced by a range of political, social, and theological factors. John Witte Jr. contends in The Reformation of Rights that "The Reformation fundamentally altered the structure of legal authority, breaking down the Church's control over many aspects of civic life

* **Vernatius Obinna Ndirimoha,** BA(Philosophy), BST(Theology),MA(Canon Law),STL(Canon Law), Email-vernatiusmaria@gmail.com; +2348039490021.

** **Smart NWOSU,** MA(Canon Law), Dip. L, Catholic Institute of West Africa, Port Harcourt, Nigeria, smart.mwosu@gmail.com; +2348035801820.

[1] The Code of Canon Law: Latin-English Edition (Washington, D.C.: Canon Law Society of America, 1983), canon 1254 §1. Hereafter, the 1983 Code of Canon Law shall be referred to as CIC/83.

and shifting the legal landscape towards a more secular state."[2] This transformation led to a redefinition of ecclesiastical authority, particularly in the Nigerian context, where secular powers have increasingly asserted control over the temporal assets of religious bodies. The growing scrutiny of secular governments has resulted in the jurisdiction of Canon Law being largely restricted to issues on religious affairs. Nevertheless, the ownership of church property continues to challenge these boundaries, often requiring judicial intervention to clarify the distinctions between ecclesiastical authority and governmental authority.

In modern secular legal systems, property law is uniformly applied to all entities, including religious organisations, which may result in possible conflicts with Canon Law. Richard H. Helmholz notes in *The Spirit of Classical Canon Law* that "when the Church asserts jurisdiction over its property, it does so not only as a theological mandate but as a legal one, grounded in centuries of tradition."[3] This claim of authority stems from the Church's self-governance and the distinctive features of Canon Law. Nevertheless, state laws provide uniform standards that regulate property ownership and transactions, encompassing zoning, taxation, and inheritance rules, which are also applicable to religious organisations. Civil courts often encounter the responsibility of adjudicating these conflicts, while diligently attempting to avoid doctrinal complexities. This study will examine the distinctions between Canon Law and state law concerning property disputes involving religious institutions.

This work examines the intricate relationship between the Church and government authority in relation to property disputes, highlighting the boundaries of jurisdiction between ecclesiastical law and civil law. The study explores the historical evolution of these legal systems, the theological and legal foundations of ecclesiastical autonomy, and the secular principles that govern property rights. It also seeks to clarify the distinctions between Canon Law jurisdiction and State Law in applicable disputes by conducting a comprehensive analysis of relevant case law and jurisprudential principles. Furthermore, it seeks to examine the boundaries of authority between Canon Law and State Law concerning property disputes involving religious bodies. The aim is to provide a comprehensive examination of the interplay between Church autonomy and state authority, particularly in pluralistic societies like Nigeria where both legal systems claim jurisdiction. By so doing the work clarifies the parallels and distinctions between the two legal systems by examining historical developments, significant legal cases, and prevailing jurisprudential principles. Finally, it aims to analyse how courts approach these intersections, considering the significance of respecting religious freedoms in relation to the imperative of upholding civil legal standards and contributing to the ongoing discourse regarding the relationship between Church and State by offering insights that may inform legal reforms and promote a cooperative coexistence between these two spheres of authority.

2. Historical Context of Church and State Jurisdiction

2.1 Canonical Authority on Church Property

The Church's authority over its property is well-grounded in both canonical and ecclesiastical tradition, reflecting its mission and legal autonomy. Historically, Canon Law established a structured approach for the acquisition, management, and transfer of ecclesiastical property,

[2] John Witte Jr., *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2007). 48.

[3] Richard H. Helmholz, *The Spirit of Classical Canon Law* (Athens, Georgia, USA: University of Georgia Press, 1996), 173.

ensuring that these actions aligned with the spiritual objectives of the Church. The initial mandates issued by synods, notably those set forth by the Council of Nicaea in 325 AD, mandated the equitable distribution of Church revenues to support the clergy, ensure maintenance, and promote charitable activities. Canon 1254 §1 of the 1983 Code of Canon Law underscores this essential principle, affirming the Church's inherent authority to "acquire, retain, administer, and alienate temporal goods" to fulfil its divine mission.[4] The safeguarding of temporal goods associated with the Church highlights the moral obligation of those entrusted with Church property to uphold its integrity and designated function.[5]

During the mediaeval period, the interplay between secular authority and ecclesiastical power was instrumental in shaping the property rights attributed to the Church. The intricate nature of ownership claims present in feudal systems was tackled by the Gregorian Reform of the 11th century, which sought to re-establish ecclesiastical autonomy regarding property matters. Pope Gregory VII's *Dictatus Papae* asserted that the Church should retain exclusive control over its temporal goods, free from any secular interference.[6] This period saw the creation of definitive safeguards, which included the requirement for episcopal or papal consent for significant transactions, as outlined in the Code of Canon Law. The execution of these measures underscored the essential tenet that temporal goods owned by the Church are designated for spiritual purposes, rather than merely for financial profit.[7]

The governance of Church property in the 1983 Code of Canon Law is managed with a meticulous balance between centralisation and subsidiarity. The provision from Canons 1279 to 1289 outlines detailed directives for administrators, emphasising the necessity of transparency and accountability to prevent mismanagement. The principle of subsidiarity ensures that lower ecclesiastical authorities retain significant autonomy, while higher authorities safeguard the universal interests. Canon 1291 mandates that the transfer of property exceeding a specified value requires approval from higher ecclesiastical authorities to prevent possible abuses.[8] The provisions of this Canon 1291 demonstrate the Church's unwavering commitment to the prudent administration of its temporal goods, ensuring their alignment with ecclesiastical purposes.[9] Historically, the changing regulations concerning property in Canon Law reflect the Church's dedication to upholding its sacred mission in both temporal and spiritual domains.

2.2 Propriety rights of the church in the context of Nigerian law

The development of secular authority over church property reflects an evolving relationship between church and state, marked by legislative amendments and judicial decisions. Historically, churches often operated outside the purview of governmental regulation concerning property issues. Nonetheless, the emergence of modern nation-states resulted in the establishment of legal systems that enhanced secular governance over religious entities. In the early development of English common law, the church held lands indefinitely under the doctrine of mortmain, which established restrictions on the conveyance of property to religious organisations. The Mortmain

[4] The Code of Canon Law in English translation (with latest amendments) (Vatican City: Libreria Editrice Vaticana, 1983) republished and reprinted by (Brandra, Mumbai: St Pauls Publication, 2023).
[5] Raymond Smith, *Church Property and Mission* (Mahwah, New Jersey: Paulist Press, 2015), 45.
[6] Peter Jones, *Reforms of the Gregorian Era* (Oxford, England: Oxford University Press, 2019), 123.
[7] Thomas Brown, *The Church and Medieval Economics* (Cambridge: Cambridge University Press, 2016), 78.
[8] The Code of Canon Law (1983), Canon 1291. See also, Richard E. Hillman, *Church Property Management: Canonical and Pastoral Perspectives* (Rome: Gregorian University Press, 2012), 112.
[9] Kurt Martens, *Canon Law and Contemporary Ecclesial Administration* (Rome, Italy: Gregorian University Press, 2021), 102.

and Charitable Uses Act of 1736 in England marked a notable transformation, instituting limitations on the church's power concerning land acquisition and acting as a precursor for similar policies in colonial and post-colonial settings.[10] Following independence in Nigeria, this trend continued, with the Nigerian Constitution affirming the secular nature of the state while recognising the rights to freedom of religion and property ownership as outlined in sections 38 and 43.[11]

Judicial decisions have profoundly shaped the secular management of church property, particularly regarding disputes over ownership and use. In notable decisions like The Incorporated Trustees of Ladies of St. Mulumba Nigeria v Mr. Edeno Ekhator (2012),[12] the Nigerian judiciary began to assert its authority in adjudicating property disputes that pertain to religious organisations. This principle is established in Section 6 of the 1999 Nigerian Constitution, which grants judicial powers to the courts for the resolution of disputes. Moreover, it has been repeatedly upheld by Nigerian courts that religious property is subject to the same regulatory and statutory laws governing land as other entities. As highlighted by Ajayi, this approach ensures equitable treatment within civil law, promoting accountability and discouraging the misuse of property resources.[13] The role of the judiciary underscores the importance of balancing the respect for religious autonomy with the obligation to comply with national legal standards.

Recent legislative developments have expanded the scope of civil jurisdiction regarding ecclesiastical assets in Nigeria. The Land Use Act of 1978 created a centralised system governing land ownership, assigning authority to state governors and mandating that religious bodies obtain certificates of occupancy for the lawful use of the property.[14] This legislation, aimed at improving the effectiveness of land management, has also sparked debates concerning the degree of governmental involvement in issues related to religious matters. Opponents argue that these statutes could undermine the autonomy of religious organisations, whereas proponents emphasise their critical function in promoting social equity.[15] The recent advancements demonstrate the continuous development of secular legal systems that address the complexities of managing religious property in a diverse society, while also adhering to constitutional principles, including those outlined in Sections 42 and 44 of the 1999 Nigerian Constitution as amended.

3. The Scope of Canon Law on Property Right

3.1.1 Principles of Canon Law on Church Property

The principles of Canon Law regarding ecclesiastical property address issues of ownership, management, and transfer, all evaluated in light of the Church's mission and responsibilities. The management of Church property is specified in Canon 1256, which states that "the ownership of goods belongs to that juridic person which has lawfully acquired them."[16] This regulation ensures

[10] J. Smith. *Historical Land Laws and Church Property Rights* (Oxford: Clarendon Press, 2002), 34.
[11] Constitution of the Federal Republic of Nigeria 1999 (as amended), Sections 42, and 44. Hereafter, this citation shall be referred to as "The 1999 Constitution."
[12] The Incorporated Trustees of Ladies of St. Mulumba Nigeria v Mr. Edeno Ekhator, SUIT NO. B/486/2012 (Unreported).
[13] Mary-Ann Onoshioke Ajayi, *Legal Perspectives on Religious Institutions in Nigeria* (Lagos: Juris Publishing, 2010), 82.
[14] Asonzeh F.-K. Ukah, *Secularism and Religious Land Laws in Nigeria* (Enugu: Civic House, 2018), 45.
[15] Ifeanyi Eze, *Land Use and Religious Institutions: Analyzing the Nigerian Context* (Ibadan: Justice Press, 2015), 68.
[16] Code of Canon Law. Latin-English Edition (Washington, D.C.: Canon Law Society of America, 1983), Canon 1256.

that property is not owned personally by individuals; instead, it is overseen by juridic entities such as dioceses, parishes, religious institutes, societies of apostolic life, and so on, all contributing to the Church's universal mission. James A. Coriden asserts that this form of ownership is both collective and intentional, designed to promote worship, evangelisation, and charitable endeavours.[17] Through the obligation of ownership to legal entities, the Church establishes a system for accountability and continuity concerning its property, thus preventing personal misuse or mismanagement.

The management of Church property is a core principle that highlights the significance of stewardship, conservation, and moral obligation in its oversight. Canon 1284 of the 1983 Code of Canon Law requires that administrators demonstrate "diligence" in managing property. This encompasses the safeguarding of temporal assets, the upkeep of precise documentation, and the prevention of any detriment to the assets of the Church. William Woestman underscores that the stewardship of the Church's temporal assets transcends mere management, incorporating a profound sense of ethical obligation. He contends that Church property ought to be regarded as a sacred trust, committed to fulfilling the needs of the community as well as the objectives of the Church.[18] The proper administration of temporal goods requires collaboration with relevant Church authorities and adherence to civil laws, provided that these do not conflict with Canon Law. This ensures that temporal goods of the Church are utilised effectively to further the spiritual and pastoral mission of the Church.

3.1.2 Ecclesiastical Hierachy and Church Property Management

The administration of Church property is profoundly shaped by ecclesiastical authorities, such as diocesan bishops, superiors of religious institutes, superiors of societies of apostolic life, and superiors of any juridic person, who act following the mission and principles set forth by Canon Law. Canon 1279 assigns the duty of managing Church temporal goods to "those who immediately govern the juridic person to which the temporal goods belong," identifying the diocesan bishop as the primary authority within dioceses. The primary obligation for the use of Church property for purposes of worship, charitable activities, and the support of clergy lies with the Bishops. James A. Coriden emphasises that this duty is rooted in the bishop's pastoral role, contending that the bishop acts not only as an administrator but also as a steward of the diocese's spiritual and temporal goods.[19] The bishop must ensure compliance with both Canon Law and civil law in the management of the property assigned to him.

Thus, the Superiors of religious institutes and other juridic persons have a similar responsibility, though it exists within the unique context of their religious institutes or societies. Canon 634 recognises that religious institutes are acknowledged as juridic persons with the right to acquire, possess, and alienate property. The superior's responsibility is to ensure that resources are administered in a way that aligns with the charism and apostolic mission of the institute, as stipulated in its constitutions. William H. Woestman explains that the superior must balance the institute's spiritual priorities with the prudent and ethical management of its temporal goods.[20] It is essential for those in leadership positions to work together with financial officers and councils to ensure transparency and accountability, especially concerning significant financial decisions.

[17] James A. Coriden, *An Introduction to Canon Law*. Revised Edition (New York: Paulist Press, 2004), 219.
[18] William H. Woestman, *Ecclesiastical Office and the Stewardship of Church Property* (Ottawa: Saint Paul University Press, 1999), 85.
[19] Coriden, *An Introduction to Canon Law* (2004), 220.
[20] Woestman, *Ecclesiastical Office and the Stewardship* (1999), 102.

The administration by the ecclesiastical authorities also includes the alienation and transfer of Church property. Canon 1292 establishes that the transfer of property surpassing a designated value requires the consent of a diocesan finance council and, in specific cases, the Holy See. Richard E. Hillman emphasizes the importance of this canonical provision, suggesting that these protections reflect the Church's commitment to preventing imprudent choices that could endanger its patrimony.[21] By administering and implementing checks and balances, ecclesiastical authorities ensure that the management of Church property respects its sacred purpose and protects the rights of the faithful.

3.2 Limitations of Canon Law in Property Disputes

Canon Law delineates a comprehensive system that regulates the ownership, administration, and alienation of Church property, thereby guaranteeing that these assets are managed for the good of the Church. The Code of Canon Law emphasises that all temporal goods administered by the Church are meant to "order divine worship, provide decent support for the clergy, and exercise works of charity" according to Canon 1254 §2. Within ecclesiastical boundaries, disputes concerning Church property are regulated by Canon Law, particularly when such issues arise from internal governance or sacramental activities. The administration of parish assets, including revenue from donations and real estate managed by the Church, falls within the competent ecclesiastical authorities, as specified in Canon 1279 §1. Cases such as the Catholic Archdiocese of Lagos v Akinola[22] in Nigeria demonstrate the possibility for courts to consider Canon Law when interpreting internal property management policies, provided that there is no infringement of civil laws related to public welfare.[23]

Nonetheless, the limits of Canon Law become apparent when conflicts concerning Church property intersect with civil statutes or involve outside entities. Canon Law acknowledges the significance of compliance with state regulations in matters of civil affairs. Canon 1290 explicitly states that "the prescriptions of civil law concerning contracts" shall apply to Church property, as long as they do not contradict divine law. This provision ensures that all transactions undertaken by the Church, such as property leases or sales, comply with relevant local legal standards. In practice, civil courts in Nigeria have upheld this balance by recognising the authority of Canon Law within the Church, while retaining the jurisdiction to resolve issues involving external parties or violations of statutory regulations. The ruling in Okogie v Attorney General of Lagos State (1981) highlighted the imperative for religious organisations to adhere to Nigerian land tenure regulations when acquiring and managing property.[24] The dual compliance underscores the Church's duty to operate within the parameters of the state legal system, while simultaneously preserving its internal governance systems.

The jurisdiction of Canon Law within the Church is safeguarded by a distinct legal structure that includes its adjudicative entities. Ecclesiastical courts, such as diocesan tribunals, have the jurisdiction to resolve property disputes under Canon Law, often emphasising reconciliation and the preservation of ecclesiastical unity. The jurisdiction of these courts is delineated by Canon 1400 §1, which grants them authority over issues related to violations of Church laws or disputes

[21] Richard E. Hillman, *Church Property Management: Canonical and Pastoral Perspectives* (Rome: Gregorian University Press, 2012), 115.
[22] Archdiocese of Lagos v Akinola (2009) 1 NWLR (Pt. 1126) 452.
[23] Francis Okoro, *Church and Civil Law in Contemporary Nigeria* (Abuja: Church Legal Perspectives, 2021), 66.
[24] Okogie v Attorney General, Lagos State (1981) 2 NCLR 337; See, Paul Akinyemi, *Legal Systems for Religious Property in Nigeria* (Ibadan: Justice Press, 2020), 87.

concerning the spiritual and temporal assets of the Church. Nonetheless, the authority of Canon Law is limited by the superiority of state law in matters of public interest. Canon 1291 mandates that prior ecclesiastical approval is required for the alienation of significant Church property; however, this approval must also adhere to civil requirements, including taxation and registration laws.[25] The dual accountability enhances the interconnected yet distinct roles of Canon Law and civil law in regulating property disputes, both within and outside the Church.[26]

4. Nigerian State Law Jurisdiction over Church Property

4.1 State Property Laws and Religious Institutions

The statutes regulating property within a state create the essential structure for overseeing the ownership, transfer, and use of property within the boundaries of a nation. The laws confer upon governments the power to oversee all property situated within their respective jurisdictions, except for those properties safeguarded by international treaties or diplomatic accords. In Nigeria, the system governing property rights is delineated in the 1999 Constitution, which states, "Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria."[27] This provision underscores the regulatory function of the state in property affairs while reinforcing the principle of equitable access to property rights for all individuals and groups, including Churches. Oladele Abioye asserts that state jurisdiction over property includes the governance of ownership procedures, tax responsibilities, and the adjudication of conflicts, thus creating a thorough structure for the entitlements of individuals and entities concerning property.[28] Churches as legal entities, must adhere to these regulations to acquire and manage property, in line with the principles of equity and accountability outlined in state property laws.

The state is also expected not to act arbitrarily in this regard. In Registered Trustees of the Catholic Diocese of Awka v Anambra State Government[29], the Diocese challenged the government's compulsory acquisition of its land used for religious purposes. The court held that the state violated the Land Use Act (1978) by failing to establish an overriding public purpose for the acquisition. It ruled that land used for worship could not be arbitrarily taken without adherence to legal and constitutional safeguards. The court reinstated ownership to the Diocese, emphasizing the protection of religious institutions' property rights against unjust state actions under Nigerian law.

Religious bodies, particularly Churches, religious institutes, societies of apostolic life, and other canonically established juridic persons often acquire property to facilitate the construction of places of worship, educational institutions, apostolic activities, or charitable facilities. However, their recognition as entities capable of owning property is contingent upon their registration in compliance with relevant statutes, including the Nigerian Companies and Allied Matters Act (CAMA). This statute mandates that Churches and similar organisations designate themselves as trustees, thereby granting them a corporate identity that allows for property ownership. Gerald Ogbu observes that the legal standing of religious bodies safeguards their property rights, while concurrently subjecting them to the same regulatory systems applicable to other corporate

[25] John Paul Iwe, *Canon Law in the African Context: Challenges and Applications* (Enugu: Spectrum Books, 2018), 122.
[26] Chinedu Adigwe, *Ecclesiastical Jurisprudence and Property Rights* (Lagos: Supreme Law Publishers, 2019), 94.
[27] The 1999 Constitution, Section 43.
[28] Oladele Abioye, *Property Law and Governance in Nigeria* (Lagos: Lexis, 2020), 56.
[29] Registered Trustees of the Catholic Diocese of Awka v Anambra State Government (1991) 4 NWLR (Pt. 186) 170.

entities.[30] Moreover, zoning regulations and land use laws influence the use of Church temporal goods, ensuring compliance with public safety standards and urban planning policies. The state's regulatory system aims to ensure that religious freedom is not compromised, while simultaneously safeguarding the administration of the Churches' material goods in a way that promotes public welfare. However, conflicts may arise when governmental actions, such as land acquisition or the temporary use of goods for public projects, are perceived as violations of religious autonomy. In such circumstances, the established legal system provides avenues for resolution through negotiation or compensation mechanisms.

The relationship between state property regulations and Church property ownership demonstrates a nuanced balance between the practice of religious freedom and the authority of government. The 1999 Nigerian Constitution guarantees the rights to freedom of religion and association;[31] nonetheless, these rights must adhere to the established laws regarding property regulations. Churches are granted these constitutional protections to advance their goals while adhering to legal obligations concerning property acquisition and management. Uchenna Nwankwo contends that the safeguards established in the 1999 Nigerian Constitution concerning religious rights ensure that no faith community is unjustly stripped of the right to possess and use property in Nigeria.[32]

4.2 Judicial Approaches to Church Property Disputes

Disputes concerning church property are among the most contentious issues faced by the courts, often involving questions of doctrinal authority, ownership rights, and the interplay between secular law and religious organisations. Disputes of this nature are generally resolved by courts utilising two main doctrines: the "deference" approach and the "neutral principles of law." The deference approach requires that courts respect the hierarchical structure of religious organisations, allowing ecclesiastical authorities to determine property ownership based on church doctrine. In the matter of Serbian Orthodox Diocese v Milivojevich[33] in the United States. The Supreme Court upheld the ruling of a hierarchical church regarding property disputes, citing the First Amendment's protection of religious autonomy.[34] In a comparable context, Nigerian courts have occasionally deferred to ecclesiastical authorities, in alignment with Sections 38 and 46 of the 1999 Nigerian Constitution as amended, which affirm the tenets of religious freedom and the enforceability of fundamental rights. However, this approach has been subject to critique for engaging secular courts in matters of theological interpretation, an area where they lack the necessary expertise to render judgments.

Alternatively, the principle of "neutral principles of law" advocates for the resolution of disputes solely through secular legal systems, encompassing contract and trust law. This approach enables judicial bodies to address disputes while refraining from the incorporation of religious doctrines. In the matter of Presbyterian Church v Hull Church[35], the court examined title deeds and church charters to resolve a property dispute, intentionally disregarding any theological implications.[36] Nigerian courts have consistently upheld this principle in cases related to church schisms, placing significant emphasis on evidence including registered deeds and constitutional provisions. The

[30] Gerald Ogbu, *Churches, Governance, and State Regulation* (Enugu: Justice Publishers, 2017), 78.
[31] The 1999 Constitution, Sections 38 and 40.
[32] Uchenna Nwankwo, "Freedom of Religion and the State's Role in Nigeria's Legal System." *Nigerian Law Review*, vol. 12, no. 3, (2019), 134.
[33] Serbian Orthodox Diocese v Milivojevich (1976) 426 U.S. 696.
[34] David Smith, *Judicial Treatment of Religious Institutions*. *Harvard Law Review*, vol. 112, no. 3, (2010), 243.
[35] Presbyterian Church v Hull Church, (1969) 393 U.S. 440.
[36] Thomas Green, *Church Law and Property Rights* (Oxford: Oxford University Press, 2015), 175.

provisions outlined in Sections 43 and 44 of the 1999 Nigerian Constitution, which affirm the right to acquire and own property, often serve as the legal basis for such determinations. A notable case in Nigeria involved a contention over the ownership of a church building. The court's ruling was grounded in the principles of trust and the statutory system set forth by the Companies and Allied Matters Act (CAMA), which functions as an impartial, secular guideline.[37]

5. Jurisprudential Concerns in Church-State Property Disputes

5.1 Conflicting Jurisdictions: Canon Law vs. State Law

Conflicts arise between Canon Law and Civil Property Laws in instances where ecclesiastical governance interacts with state legal systems, particularly regarding the ownership, administration, and supervision of church property. The *Codex Iuris Canonici* (the Code of Canon Law) stipulates that Canon Law recognises the church's autonomous authority over sacred property, grounded in its divine mission to manage temporal goods for the glorification of God and the salvation of souls as mentioned in Canon 1254. In contrast, state statutes, including the provisions related to property and land use as delineated in the 1999 Nigerian Constitution, underscore secular legal principles. The 1999 Nigerian Constitution explicitly safeguards the property rights of its citizens, as stated in Section 43, which confirms that every citizen has the right to acquire and possess immovable property in any region of Nigeria. This constitutional assurance often conflicts with the demands of Canon Law, which asserts the church's exclusive authority over its temporal goods. This is particularly evident in situations where disputes arise between religious authorities and secular entities regarding property ownership and control.[38]

An additional issue arises in the resolution of disputes. The system of Canon Law is established through ecclesiastical tribunals, which hold the authority to resolve internal disputes concerning church property and governance. Nonetheless, the authority of ecclesiastical courts is not recognised under state law, as the 1999 Nigerian Constitution emphasises the principle of separation between religion and state in Section 10, which states that neither the Government of the Federation nor that of a State shall endorse any religion as a State Religion. This principle limits the use of Canon Law rulings in civil courts, as secular legal systems require evidence based on statutory law instead of religious principles.[39] In instances involving property disputes related to church lands, a civil court would prioritise the Land Use Act of 1978 over Canon Law, consequently reducing the impact of ecclesiastical authority.

Ultimately, the responsibilities of church administrators as specified in Canon Law may be at odds with state mandates regarding transparency and accountability. In accordance with Canon Law, it is incumbent upon bishops, superiors, and parish priests to execute their responsibilities as custodians of church property in conformity with ecclesiastical directives (Canon 1284). Nevertheless, the legal system in Nigeria establishes heightened fiduciary duties for trustees, requiring regular audits and financial disclosures. The distinctions often lead to disputes, as ecclesiastical authorities may view governmental directives as an unwarranted intrusion into religious affairs.[40]

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[37] Peter Johnson, *Religious Freedom and the Law: Nigerian Perspectives* (Lagos: Lagos Legal Press, 2020), 89.

[38] The 1999 Constitution, Section 43.

[39] Emmanuel C. Chukwu, *The Intersection of Religion and State in Nigerian Legal Jurisprudence* (Lagos: Lexicon Publishing, 2022), 89.

[40] Stella U. Okonkwo, *Church Property Administration: Balancing Ecclesiastical and Secular Expectations in Nigeria* (Ibadan: Horizon Books, 2020), 305.

5.2 Autonomy of Religious Institutions vs. State Authority

Religious institutions, including the Catholic Church, operate with significant autonomy as recognised by Canon Law, which grants them the authority to manage their internal affairs, particularly concerning doctrine, administration, and property management. Canon 1254 delineates that the Church holds the primary authority to acquire, retain, manage, and dispose of temporal goods necessary for the fulfilment of its mission. The autonomy of the Church is deemed essential for its capacity to function without undue interference from temporal authorities. Despite the stipulations outlined in the 1999 Nigerian Constitution, which guarantees the right to freedom of religion as stated in Section 38(1) – declaring that "every person shall be entitled to freedom of thought, conscience, and religion" – it is essential to acknowledge the corresponding duty of the state to monitor institutional practices, thus ensuring conformity with public policy and compliance with the rule of law.[41] This creates a delicate balance, as government intervention is often necessary to prevent the abuse of power within religious institutions. The Land Use Act of 1978 creates a centralised system for land ownership governed by state authority, which limits the ability of religious organisations to independently manage land while ensuring adherence to statutory regulations. This tension underscores a critical question concerning the degree to which the church can assert its autonomy within a secular state committed to upholding equality under the law.[42]

Moreover, disputes concerning financial transparency highlight the friction that arises between the independence of religious organisations and oversight by governmental authorities. Canon Law requires that administrators act as diligent stewards of Church property, as specified in provisions such as Canon 1284, with their decisions subject to review by internal ecclesiastical authorities. Nonetheless, the legal system in Nigeria requires more stringent adherence to laws related to transparency and accountability, particularly for entities identified as corporate bodies or trusteeships. The Companies and Allied Matters Act (CAMA) requires religious organisations to file annual financial reports, a requirement that some ecclesiastical authorities view as an infringement on their spiritual mission. Section 10 of the Nigerian Constitution explicitly prohibits the state from endorsing any religion, thereby prioritising state laws over religious directives and introducing additional complexity to the existing dynamic. This system often leads to conflicts when Catholic ecclesiastical authorities prioritise Canon Law over civil obligations, as demonstrated by cases where diocesan authorities resist state-mandated auditing requirements.[43] The current tensions underscore the ongoing discourse surrounding the balance between upholding religious freedoms and complying with legal structures designed to safeguard the public welfare.

5.3 Analysis of Case Studies On Canon Law and State Law

Disputes regarding property between the Catholic Church and the state often illustrate the intricate dynamics present in the interaction between Canon Law and governmental legal systems. A significant case in Nigeria centred on a disagreement concerning the sale of a church-owned piece of land in Lagos, where the diocesan bishop authorised a transaction without first consulting the local parish council. In alignment with Canon Law, specifically Canon 1292, all dealings related to church property must comply with specific requirements, including the obligation to seek counsel from relevant ecclesiastical authorities for property of significant worth. Nonetheless, the parishioners contended that this Canonical duty had been disregarded. The state court rendered a decision in favour of the bishop, citing the legal registration of the diocesan trustees as sole

[41] The 1999 Constitution, Section 38.
[42] Okonkwo, *Church Property Administration (2020*), 312.
[43] Chukwu, *The Intersection of Religion and State (*2022), 114.

proprietors in accordance with Nigerian corporate law, which supersedes internal ecclesiastical protocols when the property is designated as a corporate entity.[44] This case underscores the supremacy of state law, specifically the Land Use Act of 1978, over religious principles, thereby subordinating church regulations to the jurisdiction of state property laws, even when assertions of ecclesiastical autonomy are made.

A further case of importance occurred in the United States, which, although outside the jurisdiction of Nigeria, provides valuable insights for comparative analysis. The 1871 case of Watson v Jones[45] established the doctrine of "neutral principles of law," a precedent that remains influential in various jurisdictions worldwide. A conflict arose among different factions within a Presbyterian Church concerning the rightful ownership of church property, subsequent to theological disagreements. The U.S. Supreme Court ruled that civil courts must defer to the decisions of hierarchical church governing bodies, provided those decisions comply with state property laws.

In Nigeria, the judiciary has implemented a more rigorous standard by declining to recognise ecclesiastical rulings unless they are substantiated by civil law. The case of Diocese of Enugu v Agu in 2018 exemplifies this issue, as the Nigerian courts opted not to uphold a tribunal decision grounded in Canon Law concerning a disputed parish property. The court concluded that only decisions consistent with the Nigerian Constitution and statutory land laws possess binding authority, emphasising the principle articulated in Section 10 of the 1999 Constitution, which prohibits the elevation of any religious law within state matters.[46] The cases highlight the complex challenge of balancing respect for religious autonomy with adherence to civil law, as well as the tendency of state law to assert ultimate authority in property disputes.

6. Implications for Future Church-State Relations

6.1 Potential Legal Reforms and Clarity in Jurisdiction

To address conflicts stemming from property disputes between the Church and State, it is prudent to implement a range of legal reforms and establish more defined guidelines.

i. Codified Church-State Agreements**:** The creation of formal agreements, such as concordats or memoranda of understanding, can clarify the scope of authority possessed by both the Church and the state regarding property matters. The agreements may specify the areas in which the Church retains its autonomy (such as internal governance and the use of ecclesiastical property) while also acknowledging the importance of civil law concerning issues such as taxation, registration, and public safety. Such systems would reduce ambiguities and foster mutual respect.

ii. Specialised Mediation Tribunals**:** Establishing specialized mediation tribunals comprising experts in Canon Law and civil law would provide an efficient platform for the amicable resolution of disputes. The entities in question can act as intermediaries to address disputes before they escalate to civil courts, combining religious principles with legal requirements to attain fair and just outcomes.

iii. Enhanced Education in Law**:** Initiatives aimed at training clergy, Church administrators, and legal professionals on the interplay between Canon Law and civil law would reduce

[44] Chukwu, *The Intersection of Religion and State (* 2022), 132.
[45] 80 U.S. (13 Wall.) 679 (1871)
[46] The 1999 Constitution, Section 10; See, Okonkwo, *Church Property Administration* (2020), 248.

potential misunderstandings. Educating judges and solicitors about ecclesiastical legal systems and the importance of Canon Law in property management could result in more informed judicial decisions.

iv. Clear Statutory Guidelines**:** Amending the Nigerian Constitution to include specific provisions for resolving disputes involving religious organisations would create consistent legal references for the judiciary. This may involve the incorporation of procedures related to the administration, acquisition, and alienation of religious assets while maintaining compliance with both constitutional and ecclesiastical requirements.

v. Dual Accountability Mechanisms**:** Provisions within Canon Law, such as Canon 1290, recognise the imperative for compliance with civil law. The implementation of dual compliance in property transactions has the potential to reduce possible conflicts by strengthening these mechanisms. For instance, securing ecclesiastical approval for the transfer of Church property, alongside adherence to statutory obligations, can protect both spiritual and civil interests.

By implementing these reforms, governmental bodies and religious organisations can reduce the chances of jurisdictional disputes, thus fostering cooperation and respect for both constitutional and ecclesiastical systems.

7. Conclusion

This article explores the complex interplay between Canon Law and state law in property disputes, highlighting the challenges in defining jurisdictional boundaries. Canon Law, which underscores the spiritual mission and governance of the Church, primarily focuses on ecclesiastical matters, while state law deals with temporal and civil issues. The essential principles, encompassing the attributes of the subject matter, territorial jurisdiction, and the proportionality of rights, have been examined as tools employed by courts to resolve these disputes. Illustrations from Canon Law, specifically Canons 1254 and 1290, alongside relevant sections of the Nigerian Constitution, including Sections 10, 38, 42, etc. exemplify the complex balance necessary to protect the Church's autonomy while maintaining the supremacy of civil law. Proposals for reforms encompass the creation of more defined guidelines, the introduction of specialised mediation mechanisms, and the improvement of legal education, all intended to reduce conflicts and foster a cooperative relationship between Church and state. Therefore, the jurisdictional issues presented herein underscore the wider system of Church-State relations, demonstrating the ongoing negotiation between religious liberty and the rule of law in varied societies, like Nigeria.