

THE CODE OF CANON LAW AND THE SCRIPTURE: AN IGWEBUIKE PERSPECTIVE

IGBOECHESI, Emeka Stanley
Catholic Institute of West Africa
Port Harcourt, Rivers State
padrestantall@yahoo.com

DOI: 10.13140/RG.2.2.10431.12969

Abstract

The purpose of the canon law is to help Catholics live well as Christians in line with the teachings of the Holy Bible. This piece studies the relationship between the canon law and the Scripture. It adopts Igwebuike as an Igbo-African philosophy for a complementary relationship between these two disciplines of the Church and their unique contributions to the development of Igwebuike philosophy. It is employed as a transcendent complementary comprehensive systematic quest to penetrate the structure and dynamics of reality ultimately for the purpose of giving honest answers to fundamental questions or opinions to questions that arise within the arena of asking questions and questioning answers, and selfless enlightenment. In this search for truth, Igwebuike is, therefore, understood as an integrated systematic framework that strives beyond all forms of particularities, peculiarities, paradoxes and contradictions, and espouses the path of complementation, therefore, showing how realities can relate to one another in a mutually harmonized non-absolutistic mode. This piece discovers that there is a very strong connection between the Code of Canon Law and the Scripture, and that the two, when studied together, can be very enriching.

Keywords: Igwebuike, Philosophy, Code of Canon Law, Scripture, Church, Catholic

Introduction

Rules are needed whenever people work or live together. The Church has its own system of law, known as 'Canon Law.' The purpose of canon law is to help Catholics live well as Christians in line with what the Scripture teaches. In consideration of the relationship between the canon law and the Scripture, some schools of thought in their approach propound for a virtual identity of the two. Such an approach makes the study of canonical science not only dependent on

but subservient to theological discipline. This work, in accordance with the tenets of *Igwebuike*, seeks a more balanced relationship.

The Scripture in Canonical Texts

The Scripture is relevant to the development of the canon law. Gratian, the father of the study of canon law, suggested this in his first compilation. The opening *Distinctio* of Gratian's *Decretum* began by stating that the human race is ruled by two things, natural law and customary usages. Natural law consists of what is contained in the law and the gospel. The subsequent texts in the *Decretum* bear out this theoretical statement of the Scripture's legal importance. Scriptural passages were cited frequently. Professor Gaudemet's calculations put the number of references to biblical texts in the *Decretum* at between thirteen and fourteen hundred. Early commentators on the *Decretum* followed this lead, themselves citing passages from the Scripture with regularity (Helmholz, 1994).

It is, however, safe to say that the influence of the Scripture on the canon law diminished after 1200 in favour of a more purely legal science; the Bible was clearly not excluded altogether by later developments. The law of the Church became a subject distinct from theology in a way that it had not earlier been, but the division did not necessarily spell the end of the Bible's utility in the law. Canons included in the Decretals continued to cite passages from the Scripture. Despite the reduction of influence, it is certain that the use of scriptural citation in the creation of law was neither excluded on principle nor ended in fact by the separation of law from theology (Helmholz, 1994). Nevertheless, the Bible played a quantitatively smaller role in the formation of the law than it had in the twelfth and early thirteenth centuries, and this was true in the works of canonists as in the *Corpus iuris canonici* itself.

Canonical Understanding of the Scripture

When you think of law in the Scripture, it is apt to think of the detailed rules of conduct found in the Book of Leviticus or the Book of Deuteronomy. This, however, was not the approach of the Gratian, the father of canon law. He associated the Scriptures with natural law, a changeless source of law written on our hearts by God. This approach was also found in the writings of the canonists that followed Gratian (Helmholz, 1994). The attitude was amiable, even self-evident to them. They regarded the Bible and they used it, primarily as a way of showing what natural law required of the Church's legal system. The Bible

provided juridical norms that were useful in evaluating legislation and in providing guidance for positive law of all sorts.

From the medieval point of view, at least, the approach characteristic of canonists made perfect sense. They held that the Bible showed, in particular ways, and in particular episodes, how men and women ought to arrange their lives. It was up to them to understand its lessons and now apply them. These lessons the canonists sought to draw from scriptural texts. The Bible is rarely used as enacted law. Canonists do not treat biblical texts as direct sources or as statutes; they do not take passages from the Bible and call them a *canon* or *lex*. Instead, they draw legal lessons and legal principles from them.

Canon Law and Scripture: An Igwebuiké Perspective

Igwebuiké is an Igbo word that is characterized by three simple words. According to Kanu Anthony, the three words involved are identified and explained thus: *Igwe* is a noun which means 'number' or 'population', usually a huge number or population. *Bu* is a verb, which means 'is.' *Ike* is another verb, which means *strength* or *power*. Thus, put together, this means 'number is strength' or 'number is power;' that is, when human beings come together in solidarity and complementarity, they are powerful or can constitute an insurmountable force (kanu, 2017). From the etymological analysis, it is clear that the concept extends to solidarity, collectivism and interdependence.

In the light of the foregoing, many of the canons in the *Decretum* and some Decretals cited passages or events from the Bible as direct justifications for the rules enacted. A number of these were obvious. As a matter of fact, they were inevitable. The canons that dealt with the sacraments could not help but devote some attention to theological questions. Here, the universal appeal of *Igwebuiké* comes into play as Scripture is given an important role. No lawyer could deal with a theological question or with the sacramental life of the Church without reference to the Bible. For instance, in accordance with the prescription of canon 849, the correct baptismal formula is determined by the commands of Jesus as found in the Bible, "...baptizing them in the name of the Father and of the Son and of the Holy Spirit..." (Mt28:19). Jesus directed his followers to baptize in the name of the Father, the Son and the Holy Spirit. The words must refer to the Trinity of persons, both individually and in their unity. If one refers to the Trinity by such terms as "creator, sustainer and sanctifier," as used in some circles to avoid so-called 'sexist' language, such a formula will be invalid, since it does not

refer to the Three persons of the blessed trinity (Sheehy, 1999). No canonist or theologian could responsibly ignore the “proper form of words” as the Bible commands when discussing this subject in the canon law.

Under procedural law, the Book of Daniel chapter thirteen recounts the story of Susanna and the elders and how Daniel received testimonies in private and separate examination of each witness. According to the book, when Susanna resisted the advances of the elders, they resolved to revenge by accusing her of adultery with an imaginary young man. After Susanna had been condemned to death in an open trial, Daniel intervened. He questioned the two elders separately about the supposed crime. One of them placed her action under a yew tree, the other under a clove tree. Thus, their perjury was revealed and the life of the innocent woman was saved (Helmholz, 1994). Proceduralists see in this story a clear support for the system of canonical procedure. Canon 221 makes the point clear by insisting that procedural rights be respected in the penal process of the Church.

Genesis 3:9, “But the Lord God called to the man and said to him, “Where are you?” Thus, Adam was called to answer for his action. This passage is said to have established one of the basic elements of procedural law, the necessity of a sufficient summons (Helmholz, 1994). God knew where Adam was, yet He called out to Adam as if He was ignorant of Adam’s whereabouts. He did that to demonstrate that defendants must be summoned before they are lawfully punished (c.2221). Procedural justice must be accorded to all, even the manifestly guilty. As stipulated in canon 220, everyone has the right to good reputation.

Ecclesiastical penalties have their sources in the Scripture. The Old Testament lays procedures where grievous sins like adultery, apostasy etc., (cf. Gen 20:9; Ex. 32, 21; 1Kgs 2:17; Jer. 19:11, Lev. 4:2, 13 and 27) were proportionately punished with penalties like death, temporary exclusion from the community for omission of circumcision (Gen. 17:14; Num. 9: 1-3) or of the feast of expiation (Lev. 23, 19:30) (Kii, 2019). Following the pattern set by the Bible, canon 1311 states that the Church has its own inherent right to constrain with penal sanctions Christ’s faithful who commit offences.

Canonists sometimes see the admonition of Jesus in Mt. 22:21 and Mk.12:17, the things that belong to Caesar should be rendered to Caesar and things that belong to God should be rendered to God as an endorsement for ecclesiastical taxation (Helmholz, 1994). Canon 222 § 1 prescribes the obligation of Christ’s faithful to

provide for the needs of the Church. Canon 1263 goes further to state that the diocesan bishop, after consulting the finance committee and the council of priests, has the right to levy or tax juridical persons under his authority.

In the mind of a canonist, the biblical texts and examples rarely state straightforward legal rules. They are not laws in the sense of enactments that could be applied directly by a judge or lawyer. Instead, they demonstrate the existence of a norm or a basic legal principle. The passages of the Scripture where it appears that a literal rule of statute appears to have been laid down, are for the most part, not used and applied by canonists, but if ever used, they are used as apt illustrations for general legal standards rather than literal rules to be put into practice.

Conclusion

Canonists often consider their work to be more than human science. It is part of a divine plan for the world; hence, they must bear in mind at all times that the salvation of souls is the supreme goal (c.1752). Thus, the science of law in the Church is not simply a way of meeting societal needs. It is part of the unfolding of God's plan for mankind, a plan that is set forth preeminently in the Scripture. The philosophy of , therefore, provides a fundamental reason why canonists see no absurdity between biblical narratives and legal conclusions.

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