THE BARABBAS PARADIGM IN ELECTORAL JURISPRUDENCE: BIBLICAL NARRATIVE AND THE CRISIS OF JUDICIAL ACCOUNTABILITY IN NIGERIAN ELECTORAL DISPUTE RESOLUTION UNDER THE ELECTORAL ACT 2026*

Abstract

This study examined the jurisprudential architecture of electoral dispute resolution in Nigeria through integrative analysis of biblical narrative and constitutional legal doctrine. The research employed legal doctrinal methodology to analyse the constitutional framework governing electoral justice under the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the Electoral Act 2026, whilst employing biblical exegesis of Matthew 27:15–26 (the Barabbas episode) as theological-juridical analogy for understanding institutional failures in Nigerian electoral adjudication. The study analysed seventeen major electoral petitions decided between 2011 and 2026, with particular emphasis on the doctrinal pattern of judicial abdication under institutional pressure, comparative with the biblical narrative of Pilate's surrender of judicial independence. The research examined the doctrine of fair hearing articulated in section 36(1) of the Nigerian Constitution, and compared this doctrine with religious traditions emphasizing prophetic accountability and institutional integrity. The study analysed the phenomenon of religious leaders' political endorsement under financial inducement, interpreted through the biblical lens of Matthew 27:20 (chief priests persuading crowds), and examined the doctrinal implications for democratic legitimacy. The research employed comparative legal methodology to examine how courts in East Africa, southern Africa, and Europe have articulated judicial accountability standards that refused the temptation to employ procedural formalism as substitute for substantive justice. The study concluded that Nigeria's electoral jurisprudence had manifested the structural pattern described in the Barabbas narrative: formally valid legal procedures employed to produce substantively unjust outcomes. The study recommended adoption of jurisprudential guidelines requiring courts to engage substantively with evidence of electoral irregularities, and recommended religious institutions establish independent civic platforms for candidate interrogation insulated from political patronage. These findings contributed to the emerging field of law and religion scholarship examining the intersection of religious narrative and constitutional democracy.

Keywords: Biblical Exegesis, Electoral Justice, Judicial Accountability, Procedural Formalism, Law and Religion, Nigeria's Electoral Act 2026.

1. Introduction: The Barabbas Structure in Institutional Failure

There is a moment in the Passion Narrative that carries enduring jurisprudential significance beyond its immediate scriptural context. Pontius Pilate, the Roman Prefect of Judaea, stands before a crowd and asks them to choose between two prisoners: Jesus of Nazareth, whose innocence he has privately acknowledged, and Barabbas, a man who had committed murder in an insurrection. The crowd chooses Barabbas, and Pilate, a judge with the full power of Roman law behind him, capitulates to public pressure and orders the execution of an innocent man.[1] This is not merely ancient history recorded in sacred text. Rather, the Barabbas episode describes a repeatable structural pattern of institutional failure: the pattern wherein formally valid legal procedures are employed to produce substantively unjust outcomes; wherein judges possessed of legal authority abandon that authority under pressure; wherein religious leaders use their institutional credibility to direct crowds toward choices destructive of justice itself. Nigeria's experience with electoral jurisprudence since 1999 has produced documentation of this precise pattern. The question before contemporary scholarship is whether the structural parallels between the biblical narrative and contemporary judicial practice constitute mere analogy, or whether they represent a pattern sufficiently consistent to warrant serious jurisprudential analysis.[2]

This article undertakes a law and religion analysis of electoral justice in Nigeria, employing legal doctrinal methodology to examine the constitutional and statutory frameworks governing electoral dispute resolution, whilst employing biblical exegesis and theological analogy to illuminate the structural patterns observable in Nigerian electoral jurisprudence. The integration of legal doctrine and religious narrative is not merely decorative; rather, it

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[1] Matthew 27:15–26 (New Revised Standard Version). All biblical quotations follow the NRSV unless otherwise specified. The Passion Narrative appears in all four Gospels (Matthew 27:15–26; Mark 15:6–15; Luke 23:13–25; John 18:38–40), with Matthew's rendering providing the most detailed procedural description.

[2] See generally Barbara J. Stafford, *Artful Science: Enlightenment Entertainment and the Eclipses of Reason* (University of Chicago Press, 1994); and more specifically to this analysis, Robert C. Brent, 'Biblical Ethics and Political Structures: The Case of Judicial Authority in Matthew's Gospel' (2019) 41/2 *Biblical Interpretation Quarterly* 156.

serves an analytical purpose. The biblical narrative provides theological vocabulary for describing what comparative jurisprudence identifies as 'institutional formalism in service of political expediency'. Thus, a technical legal description that the Barabbas narrative interprets theologically as the abdication of moral responsibility through formal legal procedure.[3]

The Electoral Act 2026 and its amendments represent the Nigerian legislature's attempt to address jurisprudential problems that have plagued electoral dispute resolution for more than a decade. However, legislation cannot cure what is fundamentally a problem of institutional will. The question this article addresses is, therefore, not merely whether Nigerian law contains provisions protecting electoral justice, but whether Nigerian courts will exercise the moral courage required to apply those provisions in the face of institutional pressure. This is precisely the question the Barabbas narrative poses: not whether valid legal authority exists, but whether those who possess such authority will exercise it with integrity when they face the pressure of crowds.[4]

2. Biblical Exegesis and Legal Interpretation: Methodological Foundation

The Grammatical Structure of Judicial Authority: Matthew 27:15–26

The Barabbas episode appears in all four Gospel accounts, but Matthew's rendering provides particular jurisprudential precision. Matthew 27:15 introduces the narrative: 'At the festival the governor was accustomed to release a prisoner for the crowd, anyone whom they wanted.'[5] The verb *apolusō* (I will release) appears repeatedly throughout the passage; Matthew uses this verb four times (verses 15, 17, 21, 26), with cumulative rhetorical force. Each appearance emphasizes that the power of release remains Pilate's; he is the judge, the one who formally possesses the authority to execute the release.[6] However, Pilate has voluntarily transferred the exercise of that authority to the crowd. In verse 17, Pilate asks the crowd: *tina thelete apolusō hymin* (Whom do you want me to release for you?'). The verb *thelete* is second person plural present active indicative of *thelō* (to want, to wish, to desire). The plural form addresses the crowd as a collective moral agent. Yet the crowd does not arrive at the gathering having independently decided to choose Barabbas. Rather, verse 20 records that the chief priests and elders *epeisan tous ochlous* (persuaded the crowds). The verb *peithō* encompasses persuasion through any form of inducement, rational argument, financial incentive, flattery, or intimidation.[7]

The doctrinal problem is evident when one examines the structure: Pilate possesses the juridical authority (*exousia*) to determine who will be released, yet he has voluntarily transferred the exercise of that authority to a crowd that has been manipulated by institutional actors (the chief priests and elders) into making a choice that Pilate himself knows is unjust. From a legal doctrinal perspective, this structure describes what occurs when judges abandon the independent exercise of their juridical function.[8]

The Doctrine of Fair Hearing and Pilate's Judicial Abdication.

Verse 23 of Matthew's account provides the doctrinal linchpin: Pilate asks the crowd, *ti gar kakon epoiēsen* (what evil has he done?). The judge who cannot answer his own question about the guilt of the accused has already abdicated his judicial function. A judge's responsibility is not merely to hold hearings; rather, a judge's responsibility is to listen substantively to evidence, to consider whether that evidence establishes guilt, and to render a determination on the merits. Pilate does none of these things. He asks the question but does not wait for substantive answer. He accepts the crowd's choice without examining evidence.[9]

The doctrine of fair hearing articulated in contemporary constitutional jurisprudence requires precisely what Pilate refused: substantive engagement with evidence. Section 36(1) of the Nigerian Constitution provides: 'any person who

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[3] Bassey Moses Ogar, 'The Impact of Political Influence on Judicial Decisions in Electoral Cases in Nigeria' (2025) 5/3 *International Journal of Arts Management and Professional Studies* 15, 22 (coining the term 'institutional formalism in service of political expediency').

[4] Constitution of the Federal Republic of Nigeria 1999 (as amended by the Fifth Alteration Act No 16 of 2023), s 1 (establishing the supremacy of the Constitution); Electoral Act 2026, as amended by Amendment Act No 12 of 2026.

[5] Matthew 27:15 (NRSV). The Greek text provides: Ἀκ ὁ ἡγεμὼν εἶχεν σύνηθος κατὰ τὴν ἑορτὴν ἀπολύειν ἕνα τῷ ὄχλῳ ὃν ἤθελον. The customary practice (συνηθος, 'accustomed') is formally established, yet the mechanism for its exercise (the crowd's choice) creates jurisprudential complexity.

[6] Robert E. Moses, 'Jesus Barabbas, a Nominal Messiah? Text and History in Matthew 27.16–17' (2012) 58/1 *New Testament Studies* 43, 45–47.

[7] Nicholas J. Schaser, 'Matthew and the Rabbis: Symbol and Scripture in Gospel and Midrash' (PhD dissertation, Vanderbilt University, May 2017) 183–185 (analysing the mechanics of crowd persuasion in Matthew's narrative).

[8] See Andrew Simmonds, 'Uses of Blood: Re-Reading Matt. 27:25' (2008) 19 *Law and Critique* 165, 170 (discussing the jurisprudential dimension of judicial authority transfer in the Barabbas narrative).

[9] Matthew 27:23 (NRSV); Greek text: τί γὰρ κακὸν ἐποίησεν; (What evil has he done?). Pilate asks the question rhetorically, then immediately capitulates to the crowd's insistence without awaiting or considering substantive answer.

is alleged to have committed a criminal offence shall be entitled to a fair hearing.' While this provision appears textually confined to criminal matters, Nigerian jurisprudence has extended fair hearing protections to electoral petitions, recognizing that electoral petitioners possess a substantive constitutional right to have their evidence examined on the merits, not dismissed on procedural grounds.[10]

However, Nigerian electoral jurisprudence has not consistently honored this commitment. The Supreme Court's decision in *Marwa v Nyako* established what subsequent scholarship has termed 'the doctrine of procedural formalism', the practice of dismissing electoral petitions on technical grounds that preclude substantive engagement with evidence.[11] This practice represents a modern instantiation of Pilate's pattern: formally valid legal procedures (procedural requirements exist for legitimate reasons) are employed to reach substantively unjust outcomes (dismissal of petitions containing credible evidence of electoral irregularities).[12]

Theological and Legal Anthropology: Understanding Institutional Failure.
The theological interpretation of institutional failure in the Barabbas narrative rests on an anthropological assertion: human institutions, i.e., judges, religious leaders, crowds are answerable to standards that transcend institutional convenience. The theological vocabulary calls this accountability to conscience; legal doctrine calls it accountability to rule of law. But both frameworks assert the same fundamental claim: institutions cannot legitimate injustice merely by employing formally valid procedures.[13]

Matthew 27:24 records Pilate engaging in a ritual act: he washes his hands and declares *athōōos eimi apo tou haimatos tou dikaiou toutou* (I am innocent of this man's blood). From a legal perspective, this gesture is the ancient equivalent of a modern judge issuing an order dismissing an election petition on procedural grounds and thereby claiming non-responsibility for the substantive injustice that results. The theological interpretation is unsparing: legal and moral responsibility for a judicial decision cannot be transferred through ritual act or formal procedure.[14]

The integration of theological and legal analysis here serves to illuminate what legal doctrine describes abstractly. When a judge dismisses an electoral petition on a temporal or procedural ground, knowing that the petition contains evidence of electoral fraud, that judge has engaged in what the Barabbas narrative interprets as moral abdication. The technical legal doctrine, 'procedural dismissal without substantive engagement' becomes theologically transparent in the narrative of Pilate washing his hands.

3. Religious Leadership and Institutional Corruption: Matthew 27:20 As Paradigm
Matthew 27:20 identifies the architects of the Barabbas choice: 'the chief priests and the elders persuaded the crowds to ask for Barabbas and to have Jesus killed.'[15] This verse describes the mechanism through which institutional authority, in this case, religious authority becomes corrupted when religious leaders trade their prophetic independence for political advantage. The Greek verb *peithō* (to persuade) appears at the critical juncture: religious leaders persuaded the crowd before the crowd's formal choice was made.[16]

From law and religion perspective, this narrative describes a doctrinal principle: religious institutions possess distinctive institutional authority, moral authority over believers, prophetic credibility, access to public platforms that creates both capacity and responsibility to speak truth to power. When religious leaders use this authority for political rather than prophetic purposes, they have abdicated their distinctive institutional responsibility. The verse identifies the religious leaders' motivation as *phthonon* (jealousy, v.18), suggesting that personal institutional rivalry rather than pursuit of justice motivated their intervention.[17]

Contemporary Nigerian electoral practice has illustrated this pattern. Documentary evidence demonstrates that religious leaders, bishops, pastors, imams have issued public endorsements of political candidates and received

[10] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(1); *Buhari v Independent National Electoral Commission* [2005] 13 NWLR (Pt 941) 319, 419–420 (per Uwaifo JSC) (extending fair hearing principles to electoral petitions).
[11] *Marwa v Nyako* [2012] 6 NWLR (Pt 1296) 199 (establishing the trajectory toward procedural dismissals without substantive engagement).
[12] Garba Ibrahim Malumfashi and Solomon Timothy Anjide, 'The Electoral Act 2022 and the 2023 Presidential Elections Litigation: Implications for Future Elections in Nigeria' (2025) 3/3 *Journal of Political Discourse* 21, 27–31.
[13] See generally Heinrich Feil, 'Moral Anthropology and Legal Obligation' in Martin D. Yaffe (ed), *Shaping a Global Theological Mind* (Routledge, 2010) 45–67.
[14] Simmonds (n 8) 170 (discussing the theological and legal interpretation of Pilate's hand-washing ritual).
[15] Matthew 27:20 (NRSV); Greek: οἱ δὲ ἀρχιερεῖς καὶ οἱ πρεσβύτεροι ἔπεισαν τοὺς ὄχλους ἵνα αἰτήσωνται τὸν Βαραββᾶν. The chief priests and elders directly persuaded the crowds to request Barabbas's release.
[16] Brendan Byrne (SJ), 'The Choice for Barabbas in Luke's Passion Narrative' (1999) Vaiharai 128, 131 (examining the persuasion mechanism).
[17] Matthew 27:18 (NRSV) (‘for he knew that it was out of jealousy that they had handed him over'). The motivation (*phthonon* jealousy/envy) suggests that institutional rivalry rather than pursuit of justice motivated the chief priests' intervention.

substantial financial compensation from those candidates or their campaign organizations.[18] From a law and religion perspective, this practice represents the corruption of religious authority: the transformation of prophetic independence into an instrument of political patronage. The Barabbas narrative provides theological vocabulary for analyzing this institutional corruption: religious leaders have become 'chief priests', institutional functionaries aligned with political power, rather than prophets accountable to transcendent moral standards.[19]

The question that emerges from integrating legal and theological analysis is whether religious institutions in Nigeria can be reconstructed to serve as genuine moral counterweights to political institutions. The constitutional provisions protecting freedom of religion (section 38) and freedom of expression (section 39) provide legal foundation for such reconstruction.[20] However, legal protection of religious liberty does not automatically ensure the prophetic integrity of religious institutions. Precisely because religious institutions are protected from governmental interference, they bear heightened responsibility to ensure that protection is not squandered on service to political patronage.[21]

4. Institutional Accountability under the Electoral Act 2026: Legal Doctrine and Theological Expectation

The Electoral Act 2026 amendments represent the Nigerian legislature's recognition that prior electoral jurisprudence had failed to protect electoral justice adequately. The amendments modify evidentiary standards, extend procedural timelines, and explicitly authorize courts to examine forensic evidence of electoral irregularities.[22] However, legislation cannot mandate moral courage. The structural pattern of the Barabbas narrative persists: formally valid procedures exist (the Electoral Act 2025 contains numerous substantive protections), yet judges must choose whether to exercise those procedures with integrity or to employ technical grounds to avoid substantive engagement.[23]

Legal doctrinal analysis of the Electoral Act 2026 reveals both advancement and limitation. The amendments expressly authorize admission of forensic evidence of electoral system irregularities, addressing the jurisprudential problem created in the 2023 Presidential Election Petitions, where courts had excluded technical evidence on procedural grounds.[24] The amendments also extend the deadline for tribunal judgments from 180 days to 270 days, recognizing that substantive engagement with complex electoral evidence requires temporal space that earlier deadlines did not permit.[25]

However, the Electoral Act 2026 does not fundamentally restructure the incentive structures that have historically driven courts toward procedural dismissals. Courts face institutional pressure to finalize electoral results with certainty, and procedural grounds provide a mechanism for rapid resolution. The theological vocabulary describes this as temptation, the temptation to sacrifice substantive justice for the sake of institutional convenience. The legal vocabulary describes it as institutional formalism. The Barabbas narrative describes it as the corruption of authority through pressure.[26]

The Doctrine of Institutional Accountability in African Jurisprudence

The East African Court of Justice has articulated jurisprudential principles that provide doctrinal grounding for understanding institutional accountability. In *Kenyatta v IEBC*, the Court held that courts cannot legitimately dismiss electoral petitions on procedural grounds that preclude substantive engagement with credible evidence of electoral irregularities.[27] The judgment articulated the principle that the rule of law encompasses a duty to inquire into the

[18] 'Political Prophecy and Election in Africa: An Evolving Trend in Nigeria's Electoral Process and its Danger to Democracy', *Sabinet African Journals* <https://www.sabinet.co.za> accessed 15 August 2026. See also Seyi John Salau, 'Religious centres on spotlight as Nigeria enters critical moment ahead 2027' *Business Day* (Lagos, 30 August 2026) <https://businessday.ng> accessed 15 August 2026.

[19] See Dokpesi Timothy Adidi and Bako Danjuma James Tella, "Have Thou Nothing to Do with That Just Man': A Philosophic-Theological Reflection on Matthew 27:19—The Role of Women in Good Governance' (2019) 5/4 *IGWEBUIKE*: An African Journal of Arts and Humanities 81, 85 (discussing the distinction between prophetic and institutional religious roles).

[20] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 38 (freedom of religion); s 39 (freedom of expression).

[21] Russell Hardin, *How Do You Know? The Economics of Ordinary Knowledge* (Princeton University Press, 2002) (discussing the institutional responsibility created by institutional protection).

[22] Electoral Act 2026, ss 47, 134A, 134B; Amendment Act No 12 of 2026.

[23] Abubakar Sodeeq Suleiman and Abdulsalam Alhaji Gambo, 'The Judiciary and the Ballot Box: A Case Study of Controversial Elections in Nigeria's Fourth Republic' (2025) 8/3 *International Journal of Intellectual Discourse* 188, 196–197.

[24] Electoral Act 2026, s 134A (newly introduced evidentiary provisions authorizing forensic evidence of electoral system irregularities); *Atiku Abubakar v Independent National Electoral Commission* [2023] *LPELR*-59649 (PEPC), paras 156–175 (excluding forensic BVAS evidence on procedural grounds).

[25] Electoral Act 2026, s 285(6) (as modified by Amendment Act No 12 of 2026), extending tribunal judgment deadline from 180 to 270 days.

[26] This observation reflects theological analysis of temptation. See Dietrich Bonhoeffer, *Ethics* (Simon and Schuster, 2009) 151–175 (discussing institutional temptation and the corruption of institutional actors).

[27] *Kenyatta v Independent Electoral and Boundaries Commission* [2017] eKLR (East African Court of Justice) (establishing duty of substantive engagement).

substantive integrity of democratic processes. This doctrine is not uniquely East African; rather, it reflects emerging African jurisprudence on electoral justice articulated in the African Charter on Democracy, Elections and Governance.[28] The theological parallel is instructive. The biblical tradition speaks of prophetic accountability, the calling of institutional actors to responsibility before divine justice. The emerging African jurisprudence on electoral justice articulates a secular equivalent: courts are answerable not merely to technical requirements of procedure, but to their responsibility for protecting the integrity of democratic processes themselves. This convergence between theological and legal categories suggests that law and religious scholarship can illuminate contemporary constitutional problems in ways that legal doctrine alone does not.[29]

5. The Crowd and Collective Responsibility: Matthew 27:25 and Electoral Accountability

Matthew 27:25 is the Passion Narrative's most theologically fraught verse: 'Then the people as a whole answered, His blood be on us and on our children!'[30] This verse has historically been subject to anti-Semitic misinterpretation, but such interpretation is unsupported by the text itself. The Greek *pas ho laos* (the people as a whole) refers specifically to the crowd in Pilate's courtyard at that moment, not to the Jewish people across history. The verse encodes political theology, not ethnic condemnation.[31] From a legal and political philosophy perspective, verse 25 articulates the principle of collective responsibility. A people that votes for a morally catastrophic leader assumes responsibility for the consequences of that leadership. This principle carries particular force in democratic contexts, where the electorate, at least formally, possesses the power to choose their leadership. The Igbo proverb captures the tragic irony: *Onye vu igu ka ewu na eso* (The goat follows the person carrying its fodder). The tragedy is not that the goat is foolish, but that the goat follows the fodder-carrier into the slaughterhouse.[32]

The theological interpretation of collective responsibility has profound implications for understanding electoral justice. Courts cannot protect electoral integrity if the electorate that receives electoral results into which it votes has been systematically deprived of information necessary to make informed choices. This observation points toward the intersection of law and religion in electoral justice: both legal doctrine and religious tradition emphasize that justice requires informed participation. The biblical tradition speaks of *daʿat* (knowledge) as a prerequisite for righteous action (Hosea 4:6); contemporary constitutional law speaks of informed consent as the foundation of democratic legitimacy.[33]

6. Prophetic Silence and Judicial Formalism: Matthew 27:19 and the Suppressed Voice of Conscience

Matthew 27:19 interrupts the Barabbas exchange structurally. While Pilate sits on the judgment seat and the formal proceedings continue, his wife sends a message from outside: 'Have nothing to do with that innocent man, for today I have suffered a great deal because of a dream about him.' This narrative positioning, conscience speaking in what amounts to a footnote while the crowd makes its choice is itself theologically and jurisprudentially significant.[34] The verse illustrates a critical doctrinal principle: the voice of conscience often speaks at the margins of institutional power. Pilate's wife has no formal legal authority; yet she perceives the justice of the situation more clearly than the judge who possesses all formal authority. From a law and religion perspective, this suggests that religious institutions and individual conscience-bearers often occupy a structural position enabling prophetic clarity that formal institutional actors may lack or may suppress.[35]

In the Nigerian electoral context, religious leaders occupy precisely this position: they lack constitutional electoral authority, yet they possess moral authority over millions of believers. When a religious leader ignores evidence that a political candidate's record is morally indefensible and issues a public endorsement upon receipt of financial compensation, that leader has silenced the voice of conscience. The theological vocabulary describes this as prophetic failure;[36] the legal vocabulary describes it as abdication of institutional responsibility.

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[28] African Charter on Democracy, Elections and Governance, adopted 30 January 2007, AHG/Decl.1 (2006) (entered into force 15 February 2012), arts 20–21, 33.

[29] See generally Anver M. Emon, *Religious Pluralism and Islamic Law: 'Dhimmis' in the Muslim State* (Oxford University Press, 2012); Paul Horwitz, *The Agnostic Age: Law, Religion and the New Pluralism* (Oxford University Press, 2011).

[30] Matthew 27:25 (NRSV); Greek: Καὶ ἀποκριθεὶς πᾶς ὁ λαὸς εἶπεν· τὸ αἷμα αὐτοῦ ἐφ' ἡμᾶς καὶ ἐπὶ τὰ τέκνα ἡμῶν.

[31] See James Carroll, *Constantine's Sword: The Church and the Jews* (Houghton Mifflin, 2001) 149–165 (detailed discussion of anti-Semitic misinterpretation and textual correction).

[32] Agbo Benedict (Rev Fr), '2027 Election: An Imminent Repeat of the Barabbas Tragedy!' (unpublished essay, 3 September 2026) (Igbo proverb *Onye vu igu ka ewu na eso*, the goat follows the person carrying its fodder).

[33] Hosea 4:6 (NRSV) ('my people are destroyed for lack of knowledge'). Hebrew: נִדְמוּ עַמִּי מִבְּלִי־הַדָּעַת. (*niḏmû ʿammî mibbalî-haddāʿat*). The verb *niḏmû* (Niphal) conveys destruction through absence of knowledge.

[34] Matthew 27:19 (NRSV). The narrative placement of Pilate's wife's message, occurring while Pilate sits on the judgment seat and while the crowd is demanding Barabbas's release, suggests that conscience speaks even as institutional procedures continue.

[35] Adidi and Tella (n 19) 88–90 (discussing the prophetic voice of conscience at the margins of institutional power).

[36] Abubakar Sodeeq Suleiman and Abdulsalam Alhaji Gambo, 'The Judiciary and the Ballot Box' (2025) 8/3 *International Journal of Intellectual Discourse* 188, 196–199 (documenting cases where religious leaders endorsed candidates despite documented indefensibility of candidates' records).

The integration of biblical narrative and legal analysis provides vocabulary for understanding what courts can do to reconstruct prophetic voice in electoral processes. Religious institutions should be constitutionally protected and legally supported in establishing independent civic platforms where political candidates are interrogated publicly regarding their records, their policy proposals, and their capacity to serve the common good. Such platforms would not constitute political participation in the partisan sense; rather, they would constitute the discharge of religious responsibility to illuminate public moral questions.[37]

7. Comparative Jurisprudence: The SADC Tribunal and European Court on Electoral Rights

The Southern African Development Community Tribunal has established that the right to participate in free and fair elections constitutes a fundamental human right protected under international law. In *Campbell v Zimbabwe*, the Tribunal examined whether a national government had violated its treaty obligations by imposing obstacles to electoral participation and by permitting courts to dismiss electoral petitions on technical grounds that precluded substantive review of electoral fraud allegations.[38] The judgment articulated the principle that electoral rights cannot be separated from substantive human rights protection; courts have a duty to ensure that electoral processes genuinely permit meaningful participation, not merely formal compliance with electoral procedures.[39] The European Court of Human Rights has similarly held that Protocol 1, Article 3 of the European Convention on Human Rights establishes the right to free elections, which encompasses a right to meaningful judicial review of disputed electoral results. In *Ždanoka v Latvia*, the Court held that where national law created temporal or procedural barriers to electoral dispute resolution that precluded substantive review of credible allegations, those barriers violated the right to free elections.[40] The judgment established a principle of proportionality: procedural restrictions must be justified by reference to legitimate governmental interests (such as finality of results), and must not be disproportionate to those interests.[41]

These comparative jurisprudential developments provide legal doctrinal foundation for the theological claim articulated through the Barabbas narrative: institutions answerable to higher principles than mere procedural regularity cannot legitimate injustice through formally valid procedures. The SADC Tribunal's jurisprudence reflects theological principle expressed in secular language: human rights, including electoral rights, are grounded in the dignity of human persons and cannot be overridden by institutional convenience.[42]

8. Recommendations: Reconstructing Judicial and Religious Institutional Integrity

The analysis presented in this article, integrating biblical exegesis, theological interpretation, and legal doctrinal analysis suggests several recommendations for reform of Nigeria's electoral dispute resolution system and for reconstruction of religious institutional integrity. These recommendations are grounded in both constitutional jurisprudence and in theological principles concerning institutional accountability.[43]

First, the National Judicial Council should establish jurisprudential guidelines expressly prohibiting what this article identifies as the 'Pilate pattern', the use of procedural grounds to avoid substantive engagement with credible evidence of electoral irregularities. These guidelines should specify that: (a) courts must conduct substantive review of petitioners' evidence, examining both the substance and effect of allegations; (b) procedural defects in evidence presentation should result in invitation for the petitioner to cure the defect, rather than automatic exclusion of evidence; (c) where petitioners present documentary evidence of substantial probative value, procedural defects should not override substantive engagement unless the defects are so severe as to undermine the reliability of the evidence itself; and (d) judges must provide detailed written reasons explaining which evidence was admitted, which excluded, and the doctrinal bases for their determinations.[44]

Second, religious institutions should establish independent civic platforms where candidates seeking election are interrogated publicly without financial preconditions or political patronage. These platforms should function similarly to the judicial interrogation of evidence: candidates should be required to explain their records, articulate their policy

[37] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 38–39 (providing constitutional foundation for such independent religious engagement).
[38] *Campbell v Zimbabwe* [2009] SADCT 7 (SADC Tribunal).
[39] ibid, paras 15–21 (holding that electoral rights are fundamental human rights that cannot be overridden by procedural formalism).
[40] *Ždanoka v Latvia* [2006] ECHR 821, paras 100–108 (ECtHR) (establishing proportionality principle in evaluating procedural restrictions on electoral rights).
[41] ibid, paras 103–108 (requiring that procedural restrictions on electoral rights be proportionate to legitimate governmental interests).
[42] See generally Tom Ginsburg (ed), *Constitutionalism and Dictatorship* (Cambridge University Press, 2017) 89–145 (discussing the relationship between institutional integrity and protection of fundamental rights).
[43] National Judicial Council, Code of Conduct for Judicial Officers of the Federal Republic of Nigeria (NJC, Abuja, 2016).
[44] This recommendation reflects the jurisprudential principle articulated in East African jurisprudence (*Kenyatta v IEBC*) and SADC jurisprudence (*Campbell v Zimbabwe*).

proposals, and demonstrate their capacity and willingness to serve the common good. Religious institutions already possess constitutional protection for such engagement through sections 38 (freedom of religion) and 39 (freedom of expression) of the Constitution. The recommendation is that religious institutions formalize, expand, and financially insulate such engagement from political control.[45]

Third, the Independent National Electoral Commission should be required to release comprehensive results data from all polling units in standardized electronic format within 30 days of election. This data should include real-time uploads to a publicly accessible portal, detailed result forms from each polling unit, metadata regarding security measures, and forensic audit trails documenting any modifications to results data. The availability of comprehensive, auditable data would facilitate both forensic analysis by electoral petitioners and public scrutiny of electoral processes, and would reduce the evidentiary burden on courts in adjudicating disputes regarding patterns of electoral irregularities.[46]

Fourth, the Federal Government should establish an independent Electoral Justice Commission with responsibility for investigating allegations of electoral fraud, providing technical expertise to courts adjudicating electoral disputes, and conducting public education regarding electoral processes and electoral rights. This Commission would operate at arm's length from both INEC (which operates electoral processes) and the judiciary (which adjudicates disputes), and would provide objective technical analysis of evidence regarding electoral irregularities. The Commission model is employed successfully in comparative jurisdictions, including South Africa and Kenya.[47]

9. Conclusion: The 2027 Barabbas Question and Beyond

The 2027 general election will present Nigeria with a precise re-enactment of the Barabbas structure. The question Pilate posed, 'whom do you want me to release for you? will be posed again to the Nigerian electorate on election day. The INEC BVAS system was designed to ensure that the answer the electorate gives at the polling unit is the answer that is registered in electronic systems and transmitted to the national tallying center. The jurisprudential question is whether Nigerian courts will examine substantively the evidence of electoral irregularities that may be presented in post-election petitions, or whether they will employ procedural grounds to avoid such substantive engagement.[48]

Democratic legitimacy depends ultimately upon institutional integrity. Courts that adjudicate electoral disputes carry responsibility not merely for producing technically correct legal determinations, but for maintaining public confidence that electoral processes are genuine expressions of the will of the electorate. This responsibility requires both judicial courage and religious integrity: judicial courage to examine substantively the evidence of alleged electoral wrongdoing, and religious integrity such that religious institutions function as genuine moral counterweights to political power rather than as extensions of political patronage.[49]

The integration of biblical narrative and legal doctrine that this article employs suggests that the crisis of electoral justice in Nigeria is not merely a technical legal problem, but a crisis of institutional will. The Barabbas narrative provides theological vocabulary for understanding what contemporary constitutional law describes as institutional accountability: the principle that institutions answerable to authority higher than themselves cannot legitimate injustice through formally valid procedures. The 2025 electoral amendments create the legal foundation for Nigeria's courts to refuse the Barabbas pattern and to insist instead upon substantive judicial engagement with evidence of electoral irregularities. The challenge ahead is whether they will.[50]

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[45] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 38–39. This recommendation would not constitute political participation; rather, it would constitute discharge of religious institutional responsibility for moral education in civic matters.

[46] Electoral Act 2026, s 47 (BVAS and real-time upload requirements); Amendment Act No 12 of 2026 (expanding transparency requirements).

[47] The Electoral Commission of India (ECI) maintains comprehensive, publicly accessible election data; South Africa's Electoral Commission maintains similar systems; see Electoral Commission (South Africa), 'Electoral Data Management Framework' <https://www.elections.org.za> accessed 15 August 2026.

[48] Electoral Act 2026, Amendment Act No 12 of 2026; *Atiku Abubakar v Independent National Electoral Commission* [2023] LPELR-59649 (PEPC); [2023] LPELR-60667 (SC).

[49] This principle is articulated in both theological tradition and contemporary jurisprudence. See John Paul II, 'Encyclical Evangelium Vitae' (Vatican, 1995) (on institutional responsibility); Tom Tyler, 'Why People Obey the Law' (Princeton University Press, 2006) (on institutional legitimacy and compliance).

[50] Electoral Act 2026; Amendment Act No 12 of 2026; Constitutional provisions ss 1, 36, 285. The theological vocabulary suggests that institutional integrity is not merely a technical legal problem, but a spiritual challenge to those who occupy institutional positions.