

A TRIPTYCH ARTICLE

Natural and Positive, Divine and Human

The Classical Taxonomy of Law and Its Reception
in the Canon Law of the Latin Church

Contents

1	Two Canons and a Question	1
2	The Inherited Vocabulary: Isidore's Book on Laws	1
2.1	Divine and human, <i>fas</i> and <i>ius</i>	2
2.2	<i>Ius, lex, mos</i> : written law and custom	2
2.3	Natural, civil, and the law of nations	2
2.4	What a law must be	3
3	The Treatise on Law, I: What Law Is (ST I-II qq. 90–92)	3
3.1	Question 90: the four-part definition	3
3.2	Question 91: the kinds of law	4
3.3	Question 92: what law does	4
4	The Treatise on Law, II: Eternal and Natural Law (ST I-II qq. 93–94)	5
4.1	Question 93: the eternal law as measure of all law	5
4.2	Question 94: the natural law in detail	5
5	The Treatise on Law, III: Human Law, Its Force, and Its Change (ST I-II qq. 95–97)	6
5.1	Question 95: why human law exists and where it comes from	6
5.2	Question 96: the force of human law	7
5.3	Question 97: change, and the force of custom	7
6	The Shape of the Taxonomy	8
6.1	Two distinctions, not four boxes	8
6.2	The taxonomy in one table	9
7	Gratian's Opening Distinctions	9
7.1	Distinction 1: two rules, and an equation	10
7.2	Distinction 4: promulgation, and reception by use	10
7.3	Distinctions 8 and 9: the hierarchy stated as law	10
8	The Living Taxonomy: The 1983 Code's Working Uses	11
8.1	The positive-law lifecycle: promulgation, <i>vacatio</i> , abrogation	11
8.2	Merely ecclesiastical law: the Church naming her own	11
8.3	Divine law as boundary marker	12
8.4	Divine institution: structures the Church says she received	12
8.5	Marriage: the taxonomy under load	12
8.6	Penal law and penance: divine law with ecclesiastical teeth	13
8.7	An inventory of the Code's taxonomy vocabulary	13
9	Custom: Canons 23–28 Worked Through	14
10	Dispensation and Its Limits: Canons 85–93	15
10.1	The definition and its first wall	15
10.2	The second wall: constitutive elements	16
10.3	Who dispenses what: the distribution of mercy	16
10.4	Cause, validity, and interpretation	16
10.5	The machinery under load: marriage impediments, cc. 1078–1080	16
10.6	Declare, constitute, dispense: three verbs, one boundary	17
11	The Magisterial Exposition: Catechism and <i>Veritatis splendor</i>	17
11.1	CCC 1950–1953: the taxonomy in one paragraph	17
11.2	CCC 1954–1960: the catechetical seven	17
11.3	<i>Veritatis splendor</i> 40–45: participated theonomy	18

12 Boundaries and Debates	19
12.1 What the Church claims: declaring without constituting	19
12.2 What <i>lex iniusta non est lex</i> does not license	19
12.3 The contemporary debates, reported	19
12.4 The claims and the record	20
12.5 The question answered	21
Notes	21
A Scope, Method, and Qualifications	27
A.1 Reader, question, and method	27
A.2 Included and excluded scope	28
A.3 Material qualifications	28
A.4 Legal Scope and Currentness	29
A.5 Notes, translations, rights, and review	29
B References	29

1 Two Canons and a Question

The Code of Canon Law never defines law. It opens by telling the reader which laws it means—“the canons of this Code regard only the Latin Church” (c. 1)—and then, ten canons later, it says something far stranger than a definition. Canon 11 reads, in the Latin that governs: *Legibus mere ecclesiasticis tenentur baptizati in Ecclesia catholica vel in eandem recepti, quique sufficienti rationis usu gaudent et, nisi aliud iure expresse caveatur, septimum aetatis annum expleverunt*—merely ecclesiastical laws bind those baptized in the Catholic Church or received into it, who have sufficient use of reason and, unless the law expressly provides otherwise, have completed their seventh year.¹

The strange word is *mere*—“merely.” A legislator who says that *merely* ecclesiastical laws bind only the baptized is conceding, in the act of legislating, that some of the law he administers is not merely his. And the rest of the Code keeps the concession. Canon 748 §1 asserts an obligation resting on *all human beings*, not on the baptized only, and names its source: all are bound to seek the truth in the things that regard God and his Church, and once they have come to know it, they are bound to embrace and keep it *obligatione vi legis divinae*—by the force of divine law.² Canon 1075 §1 reserves to the supreme authority of the Church the competence *authentice declarare quandonam ius divinum matrimonium prohibeat vel dirimat*—to declare authentically *when divine law* prohibits or invalidates marriage—and then, in §2, gives the same authority a different verb for a different thing: the right to *constitute* other impediments for the baptized.³ To declare is not to make; to constitute is. One canon, two verbs, and behind them an entire map of kinds of law that the Code uses on nearly every page and nowhere draws.

That map is the subject of this article. Its familiar labels are four: *natural* law and *positive* law, *divine* law and *human* law. Everyone who has spent an hour near canon law or Catholic moral theology has met them; almost no one has been shown where they come from, how they fit together, or what work they are actually doing when canon 24 §1 says that no custom contrary to divine law can obtain the force of law, or canon 85 defines dispensation as the relaxation of a *merely ecclesiastical* law, or canon 199 1° says that the rights and obligations of *divine natural or positive* law are not subject to prescription.⁴ The labels are not four boxes of equal shape. They are two distinctions that cut across each other unevenly, and the resulting scheme is asymmetric in ways that matter juridically: some of its categories the Church claims to legislate, amend, dispense, and abrogate; others it claims only to receive, declare, and guard. Mistake one for the other and you will misread both the Church’s modesty and her audacity—concluding either that everything in the Code is revisable policy, or that none of it is.

The article proceeds in what seemed the honest order. It begins where the working vocabulary actually entered the Latin canonical tradition: with Isidore of Seville’s seventh-century book *On Laws*, which handed a simplified Roman jurisprudence to the Middle Ages (section 2). It then works through the classical synthesis systematically: Thomas Aquinas’s treatise on law in the *Summa theologiae*, I-II questions 90 through 97, question by question, from the definition of law through eternal, natural, divine, and human law to the force of human law and its change (sections 3–5), and pauses to state exactly what the resulting taxonomy is and is not (section 6). It then turns to reception: Gratian’s opening distinctions, where the medieval Church’s own law book begins with this very map (section 7); the 1983 Code’s working uses of the categories, surveyed canon by canon (section 8); and the two institutes where the taxonomy ceases to be background and becomes operative machinery—custom (section 9) and dispensation (section 10). It closes with the modern magisterial exposition of natural law in the Catechism and *Veritatis splendor* (section 11), and with the boundaries: what the Church claims to declare rather than constitute, what the classical doctrine of unjust law does and does not license, and where the honest disputes now run (section 12).

Two warnings govern everything that follows. First, this is a study of texts at their own authority levels: a seventh-century encyclopedia, a thirteenth-century theological treatise, a twelfth-century schoolbook of canons, a promulgated code, a catechism, and an encyclical are not interchangeable authorities, and the article will say in each case what kind of claim its source can support. Second, the law cited as current is mutable law, verified against the Holy See’s published texts as of 25 July 2026 and governed by the Legal Scope and Currentness statement in the terminal appendix. Nothing here applies itself to any concrete case; that is what canonists, tribunals, and ordinaries are for.

2 The Inherited Vocabulary: Isidore’s Book on Laws

When the medieval canonists wanted definitions, they did not go first to the Roman jurists directly, and not yet to Aristotle. They went to a bishop of Seville who died in 636. Book V of Isidore’s *Etymologies*, *De legibus et temporibus*, is a compressed digest of late Roman jurisprudence—Isidore is transmitting, not inventing—and its opening chapters

supplied the axioms from which both Gratian's *Decretum* and Aquinas's treatise on law visibly work.⁵ Four of those chapters carry almost the whole vocabulary this article traces.

2.1 Divine and human, *fas* and *ius*

The second chapter of Book V is a single breath: *Omnes autem leges aut divinae sunt, aut humanae. Divinae natura, humanae moribus constant; ideoque haec discrepant, quoniam aliae aliis gentibus placent*—all laws are either divine or human; divine laws stand by nature, human laws by usages, and that is why human laws diverge, since different things please different peoples. Then a pair of technical terms: *Fas lex divina est, ius lex humana. Transire per alienum fas est, ius non est*—*fas* is divine law, *ius* human law; to cross another's land is *fas*, it is not *ius*.⁶

Everything the later tradition will complicate is already here in embryo, including the imprecision that will have to be repaired. Isidore's "divine" law is what stands *natura*—by nature. The scheme has two members, and the divine member is simply the natural. Where in this scheme is the law God gave by speaking—the Decalogue, the Gospel precepts, the sacramental economy—which does not stand by nature and which no human legislator enacted? Isidore does not say; the first sentence of the book, naming Moses as the first to set forth *divinas leges* in writing, quietly assumes it. A taxonomy with a missing drawer is an invitation to successors, and both Gratian and Thomas accepted it in different ways.

2.2 *Ius, lex, mos*: written law and custom

Chapter three sorts the words themselves. *Ius* is the general name; *lex* is a species of it: *Ius generale nomen est, lex autem iuris est species*. And then the definition the Middle Ages memorized: *Lex est constitutio scripta*—law is a written enactment. *Mos* is *vetustate probata consuetudo, sive lex non scripta*—custom proved by long age, unwritten law; for *lex* takes its name from *legere*, to read, because it is written. Custom (*consuetudo*) is *ius quoddam moribus institutum, quod pro lege suscipitur, cum deficit lex*—a kind of law established by usages, which is taken for law where written law fails; nor does it matter whether it rests on writing or on reason, since reason commends law too.⁷

Three commitments in that chapter shaped a millennium of canon law. Written enactment is the paradigm of positive law but not its whole extent: custom is genuinely law, not tolerated fact. Custom's title to be law is subsidiary—*cum deficit lex*, where enacted law fails. And the deepest criterion is neither writing nor age but reason. Canon 24 §2 of the present Code, requiring that a custom be *rationabilis* to obtain force of law, is this sentence of Isidore still working, fourteen centuries on (section 9).

2.3 Natural, civil, and the law of nations

Chapter four opens the tripartite division the Roman jurists had made famous: *Ius autem naturale [est], aut civile, aut gentium*—law is natural, or civil, or of nations. Natural law is *commune omnium nationum*, held everywhere *instinctu naturae, non constitutione aliqua*—by the prompting of nature, not by any enactment: the union of man and woman, the succession and rearing of children, the common possession of all things and the one liberty of all, the acquisition of what is taken from sky, land, and sea; the restitution of a thing deposited or money entrusted, the repelling of violence by force. *Nam hoc, aut si quid huic simile est, numquam iniustum, sed naturale aequumque habetur*—for this, and whatever resembles it, is never unjust, but is held to be natural and equitable.⁸ Civil law is what each people or city establishes as its own, *humana divinaque causa*; the law of nations—occupations of territory, war, captivity, treaties, embassies—is so called *quia eo iure omnes fere gentes utuntur*, because nearly all nations use it.⁹

The important thing for what follows is the fault line inside the scheme. "Natural" names a source (nature, not enactment); "civil" names an enactor (this people); "of nations" names an extent (nearly everyone). These are not parallel criteria, and the tradition had to decide which cut was fundamental. Aquinas's answer—that the deep division is between what is derived from natural law as *conclusion* and what is derived as *determination*, with the *ius gentium* on one side of that line and civil law on the other—will occupy section 5.

2.4 What a law must be

Chapter twenty-one is a checklist, and it became the most quoted sentence of the book: *Erit autem lex honesta, iusta, possibilis, secundum naturam, secundum consuetudinem patriae, loco temporisque conveniens, necessaria, utilis, manifesta quoque, ne aliquid per obscuritatem in captionem contineat, nullo privato commodo, sed pro communi civium utilitate conscripta*—law will be honorable, just, possible, according to nature, according to the custom of the country, suited to place and time, necessary, useful, manifest too—lest through obscurity it contain a trap—written for no private advantage, but for the common benefit of the citizens.¹⁰

Every phrase of that sentence had a career. *Possibilis, secundum naturam, secundum consuetudinem patriae* becomes Aquinas’s argument that human law must not try to forbid every vice (I-II q. 96 a. 2, quoting this very chapter). *Pro communi utilitate civium conscripta* becomes the “common good” clause of the scholastic definition of law. And the whole checklist, received through Gratian’s D.4, is the ancestor of the modern canonical instinct that a law failing these tests is a candidate for non-reception, desuetude, or emendation rather than reverence. Isidore wrote an encyclopedia entry; he turned out to have written the specification sheet against which the Latin Church still audits its own legislation.

One boundary should be stated before leaving him. Isidore carries no theory. There is no account here of *why* nature obliges, of how divine speech relates to natural instinct, of what happens when the categories conflict. The *Etymologies* is a filing cabinet, and its authority in what follows is the authority of a filing cabinet everyone used: it fixed the labels. The theory came six centuries later, and it is to that we now turn.

3 The Treatise on Law, I: What Law Is (ST I-II qq. 90–92)

The classical synthesis is a treatise of nineteen questions inside the *Summa theologiae*—the *Prima Secundae*, questions 90 through 108—of which the first eight (qq. 90–97) built the taxonomy this article traces. They are quoted here from an identified Latin witness (the Corpus Thomisticum web text, which presents the Leonine edition) with the English Dominican translation as working aid, and they repay being read in order, because the order is the argument: first what law *is* (q. 90), then what *kinds* there are (q. 91), then what law *does* (q. 92), and only then each kind in detail.¹¹

3.1 Question 90: the four-part definition

Aquinas assembles the definition of law in four articles, each contributing one clause, and the assembly discipline matters more than the famous result. Article 1: law belongs to *reason*. *Lex quaedam regula est et mensura actuum ... dicitur enim lex a ligando, quia obligat ad agendum*—law is a rule and measure of acts, called *lex* from binding (*ligare*), because it obliges to act; and since the rule and measure of human acts is reason, *relinquitur quod lex sit aliquid pertinens ad rationem*.¹² An ordinance of will alone, however powerful, is on this account not yet law; a command is law only as an act of reason ordering means to an end.

Article 2: the end law regards is the *common good*. The last end of human life is happiness; one man is part of the perfect community; therefore *necesse est quod lex proprie respiciat ordinem ad felicitatem communem*—law properly regards the order to common happiness—and any precept about a particular matter has the character of law only as ordered to the common good.¹³ Article 3: the author. Ordering to the common good belongs to the whole multitude or to the one who has care of it: *condere legem vel pertinet ad totam multitudinem, vel pertinet ad personam publicam quae totius multitudinis curam habet*. A private person can advise; he cannot legislate, because he lacks the coercive power law requires.¹⁴ Article 4: promulgation. A rule measures only what it is applied to; application to persons is made *per hoc quod in notitiam eorum deducitur ex ipsa promulgatione*; therefore promulgation is necessary for law to have its force.

Then the assembled definition, in the exact words the tradition memorized: law is *quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata*—“an ordinance of reason for the common good, made by him who has care of the community, and promulgated.”¹⁵

The definition earns its keep in the objections it answers. If law must be promulgated, how is the *natural* law promulgated? The reply is one sentence with centuries inside it: *promulgatio legis naturae est ex hoc ipso quod Deus eam mentibus hominum inseruit naturaliter cognoscendam*—the natural law is promulgated by the very fact that

God instilled it into human minds so as to be known naturally.¹⁶ Promulgation, that most positive-sounding of requirements, is satisfied for natural law by creation itself. Note what this move does to the taxonomy in advance: “positive” will not mean *promulgated* (all law is that); it will mean promulgated *by an act in history* rather than in the constitution of the creature.

3.2 Question 91: the kinds of law

Question 91 asks whether there is an eternal law, a natural law, a human law, a divine law—in that order, and the order is generative, each kind emerging from the one before.

Eternal law (a. 1). Law is a dictate of practical reason in a ruler governing a perfect community. Granted that the world is ruled by divine providence, *tota communitas universi gubernatur ratione divina*: the very plan (*ratio*) of the government of things in God as ruler of the universe has the character of law; and because the divine reason conceives nothing in time, *huiusmodi legem oportet dicere aeternam*—this law must be called eternal.¹⁷

Natural law (a. 2). Everything ruled by the eternal law participates in it, deriving from its impress the inclinations to proper acts and ends. Among creatures, the rational one participates in a higher mode—*fit providentiae particeps, sibi ipsi et aliis providens*, sharing in providence by being provident for itself and others. Then the sentence on which the whole edifice stands: *talis participatio legis aeternae in rationali creatura lex naturalis dicitur*—such participation of the eternal law in the rational creature is called the natural law; and the article closes by repeating it as a definition: *lex naturalis nihil aliud est quam participatio legis aeternae in rationali creatura*.¹⁸ Natural law, in this synthesis, is not a second statute book beside God’s; it is the eternal law itself, present in the creature in the mode of rational inclination and natural knowledge.

Human law (a. 3). Practical reason proceeds as speculative reason does, from indemonstrable principles to conclusions. From the precepts of natural law *quasi ex quibusdam principiis communibus et indemonstrabilibus*, human reason must proceed *ad aliqua magis particulariter disponenda*: and these particular arrangements, devised by human reason and meeting the other conditions of law, *dicuntur leges humanae*.¹⁹ Human law is thus *defined* as derivative. Its dignity and its fallibility have the same source: it is reason working out, for this community, what the natural law leaves undetermined.

Divine law (a. 4)—meaning here what the later shorthand calls divine *positive* law, the law God gave by revelation. Why was it needed, if eternal law already reaches everything and natural law is its participation? Aquinas gives exactly four reasons, and their precision is the answer’s authority. First, man is ordained to an end exceeding his natural proportion—eternal beatitude—so a God-given law had to direct him beyond what natural and human law reach. Second, the uncertainty of human judgment, above all in contingent particulars, yields different and contrary laws; that man might know *absque omni dubitatione* what to do and avoid, a law that cannot err was needed. Third, human law can judge only exterior acts that appear, yet the perfection of virtue requires rectitude in interior acts too, which human law *non potuit cohibere et ordinare sufficienter*. Fourth—with Augustine—human law cannot punish or forbid all evils without destroying goods the common good needs; that no evil remain unforbidden and unpunished, divine law had to supervene, *per quam omnia peccata prohibentur*.²⁰

Old and New (a. 5). The divine law is one in author and end but distinguished as imperfect and perfect within one species, *sicut puer et vir*—as boy and man: the Old Law ordering to a sensible and earthly good, the New to an intelligible and heavenly one, on the Apostle’s own comparison of the pedagogue and the grown son.²¹ The point for the taxonomy is that “divine positive law” is not a monolith; it has an internal history, which is why the canonical tradition can hold that some Old-Law precepts bind still (as republished natural law), and others do not.

3.3 Question 92: what law does

The short question 92 completes the frame with law’s effects. The proper effect of law is *bonos facere eos quibus datur*—to make its subjects good, simply if the legislator intends the true common good *secundum iustitiam divinam regulatum*, only in a qualified sense if he intends something merely useful or pleasurable to himself or repugnant to divine justice: such a regime produces “good” subjects only as one speaks of a good thief.²² And the acts of law are four: *praecipere ... prohibere ... permittere ... punire*—to command acts of virtue, forbid acts of vice, permit the indifferent, and punish through fear.²³

With the definition, the kinds, and the effects in hand, the treatise turns to each kind in detail. The next section follows it through the eternal and natural law; the one after, through human law, its force, and its change.

4 The Treatise on Law, II: Eternal and Natural Law (ST I-II qq. 93–94)

4.1 Question 93: the eternal law as measure of all law

Question 93 gives the eternal law its formal definition through the analogy of the craftsman. In every artificer there pre-exists the plan (*ratio*) of what his art will make; in every governor, the plan of the order to be carried out by the governed. God is both: creator, whose wisdom’s plan has the character of art or exemplar; and governor of every act and motion, whose wisdom’s plan, *moventis omnia ad debitum finem*, has the character of law. Hence: *lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum*—the eternal law is nothing else than the plan of divine wisdom as directive of all acts and movements.²⁴

Article 3 draws the consequence that turns a theological thesis into a jurisprudence: whether every law is derived from the eternal law. In ordered movers, the power of the second mover derives from the first; in ordered governors, the plan of government descends from the chief—as the plan of what is to be done in a city flows from king to administrators, or from architect to craftsmen. Since the eternal law is the plan of government in the supreme governor, *necesse est quod omnes rationes gubernationis quae sunt in inferioribus gubernantibus, a lege aeterna deriventur*. And so, in words that decide in advance everything the treatise will say about unjust law: *omnes leges, inquantum participant de ratione recta, intantum derivantur a lege aeterna*—all laws, *insofar as they partake of right reason*, are to that extent derived from the eternal law; with Augustine, in temporal law nothing is just and lawful which men have not derived to themselves from the eternal law.²⁵

Two boundary-markers should be posted here, because popular usage blurs them. First, the eternal law is not “divine positive law writ large”; it is prior to the distinction between natural and revealed, and both are its participations—one through creation, one through history. Second, the eternal law is not available to us as a code we could consult; we reach it only in its participations. That is why the canonical tradition never cites “eternal law” as a working source of obligation the way it cites natural or divine positive law: the eternal law functions as the account of *why* the others oblige, not as a fifth text.

4.2 Question 94: the natural law in detail

Question 94 is the treatise’s most quoted question, and the article at its center (a. 2) repays exact reading, because what it actually says is more disciplined than what it is often made to say.

The first precept and the order of precepts (a. 2). The precepts of natural law stand to practical reason as the first principles of demonstration stand to speculative reason: both are *per se nota*, self-evident. As “being” is the first thing apprehended absolutely, so “good” is the first thing apprehended by practical reason, which is ordered to action: every agent acts for an end under the aspect of good. Therefore the first principle of practical reason is founded on the notion of good—*bonum est quod omnia appetunt*—and the first precept of law is: *bonum est faciendum et prosequendum, et malum vitandum*—good is to be done and pursued, and evil avoided. All other precepts of the natural law are founded on this, so that whatever practical reason naturally apprehends as human good belongs to its precepts. And because good has the nature of an end, *secundum ordinem inclinationum naturalium, est ordo praeceptorum legis naturae*: the order of the precepts follows the order of the natural inclinations—first what man shares with all substances (the conservation of his being), then what he shares with the animals (the union of male and female, the rearing of offspring), then what is proper to reason (to know the truth about God, to live in society).²⁶

Universality and its limits (a. 4). Is the natural law the same in all? As to the common first principles, *est eadem apud omnes et secundum rectitudinem, et secundum notitiam*—the same for all both in rectitude and in knowledge. As to the proper conclusions drawn from them, it is the same for all *ut in pluribus*—in the majority of cases—but can fail in particulars, both in rectitude (returning a deposit is right, but not to a man demanding weapons to attack the fatherland) and in knowledge, where passion, custom, or corrupt habit obscures the conclusion.²⁷

Immutability (a. 5). Can the natural law be changed? By way of *addition*, freely: many things useful to human life have been added over and above it, *tam per legem divinam, quam etiam per leges humanas*. By way of *subtraction*: as to

first principles, *lex naturae est omnino immutabilis*—altogether unchangeable; as to secondary precepts, unchangeable *et in pluribus*, though in some particular and rarer cases observance can be legitimately blocked.²⁸

Indelibility (a. 6). Can it be blotted out of the human heart? As to common principles, *nullo modo potest a cordibus hominum deleri in universali*—in no way, in the abstract; though it is blotted out in a particular action when passion hinders the application of principle to case. As to secondary precepts, it *can* be deleted from hearts—by evil persuasions, as errors occur even about necessary conclusions in speculative matters, or *propter pravas consuetudines et habitus corruptos*, by depraved customs and corrupt habits, as among those who did not reckon robbery, or vices against nature, to be sins.²⁹

What emerges from question 94 is a natural law with a definite architecture: a single self-evident first precept; primary precepts tracking the ordered natural inclinations; secondary precepts related to the primary as proximate conclusions; and, descending further, determinations that are no longer natural law at all but positive law built upon it. Everything in the canonical sections of this article—why divine law cannot be dispensed, why custom cannot prevail against it, why the Church claims to *declare* rather than *make* the impediments of natural law—presupposes precisely this architecture, and not a vaguer notion of “natural law” as whatever morality one takes to be obvious.

5 The Treatise on Law, III: Human Law, Its Force, and Its Change (ST I-II qq. 95–97)

5.1 Question 95: why human law exists and where it comes from

The necessity of enacted law (a. 1). Man has a natural aptitude for virtue, but its perfection requires training (*disciplina*). For the well-disposed young, paternal admonition suffices. But some are found *protervi et ad vitia proni*, unmoved by words, who must be restrained by force and fear—that ceasing from evil they might leave others in peace, and by habituation come at last to do willingly what they first did from dread. *Huiusmodi autem disciplina cogens metu poenae, est disciplina legum. Unde necessarium fuit ad pacem hominum et virtutem, ut leges ponerentur*—this discipline that compels through fear of punishment is the discipline of laws; whence for peace and virtue it was necessary that laws be enacted; for man armed with reason can serve his lusts as no beast can, and severed from law and justice he is the worst of animals.³⁰

Derivation: the treatise’s most important juridical distinction (a. 2). Is every human law derived from the natural law? The answer opens with Augustine—*non videtur esse lex, quae iusta non fuerit*, “that which is not just seems to be no law at all”—and states the principle: in human affairs a thing is just from being right according to the rule of reason; reason’s first rule is the natural law; therefore *omnis lex humanitus posita intantum habet de ratione legis, inquantum a lege naturae derivatur. Si vero in aliquo, a lege naturali discordet, iam non erit lex sed legis corruptio*—every humanly enacted law has just so much of the nature of law as it is derived from the law of nature; if in anything it is discordant from the natural law, it is no longer law but a corruption of law.³¹

Then the distinction on which canonical science still runs. Something can be derived from natural law in two ways: *uno modo, sicut conclusiones ex principiis; alio modo, sicut determinationes quaedam aliquorum communium*—as conclusions from principles, or as determinations of certain generalities. The first resembles demonstration: from “harm no one” one derives “do not kill” as a conclusion. The second resembles art: the builder determines the general form “house” to this shape; so the natural law has it that the evildoer be punished, but *that he be punished with this penalty* is a determination. Both are found in human law; but conclusions have force partly from the natural law itself, while determinations *ex sola lege humana vigorem habent*—have their force from human law alone.³²

Everything a canonist means by distinguishing what the Church *could* change from what she *could not* is an application of this pair. A law forbidding homicide restates natural law and no legislator can repeal the obligation, only the statute. A law setting seven years as the age of canonical majority-for-obligation (c. 11) is a determination: reason requires *some* threshold of discretion; nothing in nature fixes *seven*; the Church fixed it and can move it.

Isidore vindicated (a. 4). Asked whether Isidore’s division of human law is appropriate, Aquinas answers by finding its principle: a thing is divided essentially by what belongs to its notion. It belongs to the notion of human law to be derived from natural law—*et secundum hoc dividitur ius positivum in ius gentium et ius civile, secundum duos modos quibus aliquid derivatur a lege naturae*: to the *ius gentium* belong the conclusions—just buyings and sellings and the

like, without which men cannot live together, since man is by nature a social animal; to the civil law, the particular determinations each city decides for itself.³³

5.2 Question 96: the force of human law

Question 96 is the treatise's jurisprudence of limits, and its articles form a coherent doctrine of what enacted law may demand.

Not every vice (a. 2). Law is a rule and measure, and a measure must be homogeneous with the measured: laws must be imposed on men *secundum eorum conditionem*, according to their condition—Isidore's *possibilis, secundum naturam, secundum consuetudinem patriae* quoted expressly. Human law is enacted for a multitude the greater part of which is not perfect in virtue. *Et ideo lege humana non prohibentur omnia vitia, a quibus virtuosi abstinere; sed solum graviora, a quibus possibile est maiorem partem multitudinis abstinere; et praecipue quae sunt in nocumentum aliorum*—human law does not forbid all vices from which the virtuous abstain, but only the graver ones from which the greater part can abstain, and chiefly those that harm others, without whose prohibition human society could not be preserved: homicide, theft, and the like.³⁴

Not every virtue, but no virtue excluded (a. 3). There is no virtue whose acts law cannot command—*nulla virtus est de cuius actibus lex praecipere non possit*—since every virtue's objects can be referred to the common good; but human law commands only those acts *ordinabiles ad bonum commune*, immediately or through the good discipline that forms citizens to preserve justice and peace.³⁵

Conscience, and the two kinds of unjust law (a. 4). Do human laws bind in conscience? The article every polemicist quotes in half deserves quoting in whole. Just laws *habent vim obligandi in foro conscientiae a lege aeterna, a qua derivantur*—have binding force in the court of conscience *from the eternal law from which they are derived*; and laws are just from their end (the common good), their author (not exceeding his power), and their form (proportionate distribution of burdens). Unjust laws are of two kinds. Those contrary to *human* good—by end (the ruler's own cupidity or vainglory), by author (beyond the power committed), or by form (unequal burdens even for the common good)—*magis sunt violentiae quam leges*, are acts of violence rather than laws, since with Augustine *lex esse non videtur, quae iusta non fuerit*; such laws *do not bind in conscience*—*nisi forte propter vitandum scandalum vel turbationem*, except perhaps to avoid scandal or disturbance, for which cause a man should yield even his right, on Matthew 5's mile and cloak. But laws unjust by contrariety to the *divine* good—the laws of tyrants inducing to idolatry or to anything else against divine law—*nullo modo licet observare*: may in no way be observed, *quia sicut dicitur Act. V, obedire oportet Deo magis quam hominibus*—one must obey God rather than men.³⁶

Who is subject (a. 5). Whoever is subject to a power is subject to its law; exemption arises in two ways—by being simply outside the authority (the subjects of one kingdom are not bound by another's laws), or *secundum quod regitur superiori lege*, insofar as one is ruled by a higher law, as the proconsul's subject is not bound by his mandate where the emperor's governs.³⁷

The letter, the intention, and the birth of dispensation (a. 6). May one subject to a law act beside its letter? Every law is ordered to the common weal and has the force of law to that extent. The legislator cannot foresee every case; he frames the law for what happens *ut in pluribus*. If a case emerges in which observance would damage the common welfare—the besieged city whose law keeps the gates closed, while the enemy pursues the very citizens who defend it—the law *non est observanda*: the gates are to be opened *contra verba legis, ut servaretur utilitas communis, quam legislator intendit*—against the words of the law, to preserve the common benefit the legislator intended. But with a discipline attached: where the danger is not sudden, it does not belong to just anyone to decide what serves the city—*hoc solum pertinet ad principes, qui propter huiusmodi casus habent auctoritatem in legibus dispensandi*, that belongs only to those in authority, who for such cases have the power of *dispensing* from the laws; where the peril is too sudden for recourse, *ipsa necessitas dispensationem habet annexam, quia necessitas non subditur legi*—necessity itself carries a dispensation with it, for necessity is not subject to law.³⁸

5.3 Question 97: change, and the force of custom

Why law rightly changes (a. 1). Human law is a dictate of reason directing human acts, and may justly change on two grounds: on the part of *reason*, because it is natural to human reason to advance gradually from the imperfect to the perfect—the first practical institutions, like the first philosophies, were imperfect and were corrected by successors;

and on the part of *men*, whose changed conditions make different things expedient—with Augustine’s example of the people worthy to elect its magistrates that later, corrupted, deserves to lose the franchise.³⁹

Why it should not change easily (a. 2). Yet change has an intrinsic cost: *ad observantiam legum plurimum valet consuetudo*—custom avails greatly for the observance of laws, so much that whatever is done against common custom, though light in itself, seems grave. When law changes, its binding power is diminished insofar as custom is taken away. Therefore human law should never be changed *nisi ex aliqua parte tantum recompensetur communi saluti, quantum ex ista parte derogatur*—unless the common weal is compensated as much as it is harmed: by a very great and evident benefit, or by extreme necessity where the existing law contains manifest iniquity or its observance is very harmful.⁴⁰

Custom’s three powers (a. 3). Can custom obtain the force of law? All law proceeds from the reason and will of the lawgiver—divine and natural law from God’s reasonable will, human law from man’s will regulated by reason. But reason and will are manifested by deeds as well as words: *hoc enim unusquisque eligere videtur ut bonum, quod opere implet*—each man evidently chooses as good what he carries out in act. Hence by repeated acts, which make a custom, law can be changed and expounded, and something can even be established that has the force of law, *inquantum per exteriores actus multiplicatos interior voluntatis motus, et rationis conceptus, efficacissime declaratur*. The conclusion, in words canon 27 of the present Code still echoes: *consuetudo et habet vim legis, et legem abolet, et est legum interpretatrix*—custom has the force of law, abolishes law, and is the interpreter of laws.⁴¹

And the ceiling, stated in the same article’s first reply with a citation of Isidore: the natural and divine law proceed from the divine will, *unde non potest mutari per consuetudinem procedentem a voluntate hominis . . . Et inde est quod nulla consuetudo vim obtinere potest contra legem divinam vel legem naturalem*—no custom can obtain force against the divine law or the natural law; “let custom yield to authority.”⁴²

The treatise’s yield can now be gathered into a map—and the map, it turns out, is not symmetrical.

6 The Shape of the Taxonomy

6.1 Two distinctions, not four boxes

The familiar labels tempt the mind to a two-by-two grid: divine or human crossed with natural or positive, yielding four equal squares. The classical doctrine does not draw that grid, and seeing why is most of the payoff of the preceding three sections.

The *divine/human* distinction divides by **author**: whose reason and will does this law proceed from? The *natural/positive* distinction divides by **mode of institution and promulgation**: is this law given in the very constitution of the rational creature, knowable by the light of reason (promulgated, as q. 90 a. 4 ad 1 says, by God’s instilling it into human minds), or is it enacted by an act in history—spoken, written, promulgated to a community at a time?

Cross them honestly and the grid is asymmetric. *Divine natural* law exists: it is the natural law itself, whose author is God legislating through creation. *Divine positive* law exists: the Old and New Law, revealed in history. *Human positive* law exists: civil and ecclesiastical enactment and custom. But the fourth square—*human natural* law—is empty, and necessarily so: no human authority authors nature. What occupies the place people reach for when they say such things is human *recognition, formulation, and determination* of natural law—the conclusions and determinations of q. 95 a. 2—which are acts about the natural law, not a second natural law. And standing over the whole scheme, not inside it, is the eternal law: not a fifth species alongside the others but the divine wisdom of which natural law is the participation in rational creatures (q. 91 a. 2) and from which every true law, including human law, derives whatever binding force it has (q. 93 a. 3; q. 96 a. 4).⁴³

One more asymmetry matters juridically. Within human positive law, the Church’s tradition distinguishes law by *which community’s* care it serves: civil law, enacted by the civil community for temporal common good; and ecclesiastical law, enacted by the Church’s authority for the common good of the faithful ordered to salvation. The 1983 Code presupposes both, defers to civil law in defined matters (cc. 22, 1290), and calls its own purely human enactments *leges mere ecclesiasticae*—merely ecclesiastical laws (cc. 11, 85)—precisely to mark them off from the divine law, natural and positive, that the same Code also carries but did not author.

6.2 The taxonomy in one table

The table below states the scheme as the remainder of this article will use it. It is a summary of the sources already quoted, with the canonical consequences that sections 8–10 will verify canon by canon; the “exemplary loci” column names where each row’s claims are documented in this article.

Kind of law	Author / source	How instituted and promulgated	Mutability	Dispensability / custom	Exemplary loci
Eternal law	God; the plan of divine wisdom directing all acts and movements	Not promulgated to us as a text; known only in its participations	Immutable	Not a working juridical category; ground of all obligation	ST I-II 91.1; 93.1; 93.3
Natural law	God, legislating through the constitution of the rational creature; participation of the eternal law	Promulgated by being instilled in human minds, naturally knowable; formulated progressively by reason	First principles wholly immutable; secondary precepts stable <i>ut in pluribus</i> ; changeable by addition only	Not dispensable by any human authority; no custom against it obtains force of law	ST I-II 90.4 ad 1; 91.2; 94.2, 4–6; 97.3 ad 1; CIC cc. 24 §1, 199 1°, 1163 §2
Divine positive law	God, revealing in history (Old Law, New Law)	Given by divine acts and words; entrusted to the Church to guard and declare	Old Law’s ceremonial and judicial precepts superseded within the one divine economy; New Law permanent	Not dispensable by the Church; the Church declares, does not constitute, its requirements	ST I-II 91.4–5; CIC cc. 748 §1, 750, 1075 §1, 1163 §2
Human law: ecclesiastical	The Church’s competent legislative authority	Enacted and promulgated (cc. 7–8) or arising by legitimately observed custom approved by the legislator	Amendable, abrogable, subject to desuetude by contrary custom	Merely ecclesiastical law dispensable for a just cause within limits (cc. 85–93); custom <i>contra legem</i> possible (cc. 24–26)	CIC cc. 11, 23–28, 85–93; ST I-II 95.1–2
Human law: civil	The civil community’s legislative authority	Enacted, promulgated, or customary in the civil order	Amendable by its own order	Canon law defers to it in defined matters, <i>quatenus iuri divino non sint contrariae</i>	CIC cc. 22, 98 §2, 1290; ST I-II 95.4; 96.1–4

Three consequences of the map, stated now and tested against the Code in what follows. First, *the boundary of dispensation and custom is the boundary of authorship*: what the Church did not author she cannot relax or watch lapse; what she authored she can. Second, *the same written canon can carry more than one kind of law*: a canon may restate divine law in one paragraph and determine it ecclesiastically in the next (c. 1075 is the textbook case), so the classification attaches to the norm carried, not to the ink. Third, *“positive” is not a synonym for “arbitrary”*: positive determinations bind in conscience when just, precisely because determination is one of the two modes of derivation from the natural law—though they bind, as q. 95 a. 2 says, with a force that is the enactment’s own.

7 Gratian’s Opening Distinctions

Between Isidore and Aquinas stands the book that made the taxonomy *canonical* in the strict sense: the *Concordia discordantium canonum* of the Bologna master Gratian, compiled around 1140, called simply the *Decretum*. It became the first volume of the *Corpus iuris canonici*, the schoolbook on which every canonist to 1917 was trained; and it opens—before popes, before councils, before a single disciplinary canon—with the taxonomy of law. The Church’s own lawbook begins by locating the Church’s law inside a scheme larger than the Church’s authority.⁴⁴

7.1 Distinction 1: two rules, and an equation

The first words of the first distinction are Gratian's own dictum, and they say more than they seem to: *Humanum genus duobus regitur, naturali uidelicet iure et moribus*—the human race is ruled by two things, namely by natural law and by usages. *Ius naturae est, quod in lege et euangelio continetur, quo quisque iubetur alii facere, quod sibi uult fieri, et prohibetur alii inferre, quod sibi nolit fieri*—the law of nature is what is contained in the Law and the Gospel, by which each is commanded to do to another what he would have done to himself, and forbidden to inflict on another what he would not have inflicted on himself—sealed with Matthew 7:12: “this is the law and the prophets.”⁴⁵

Two moves happen in those two sentences. First, the whole of human governance is reduced to a pair: natural law and *mores*—custom and enactment together, the entire apparatus of positive law, gathered under “usages.” Second, and more consequentially, the natural law is *identified by its content with revelation's moral core*: what nature teaches is “contained in the Law and the Gospel” and summarized by the golden rule. Gratian then reproduces Isidore's chapters as his opening *auctoritates*—c. 1 giving the divine/human division verbatim (*Diuinae natura, humanae moribus constant . . . Fas lex diuina est: ius lex humana*), c. 7 the definition of *ius naturale*—and glosses them with a dictum that makes the compression explicit: from these words *datur intelligi, in quo differant inter se lex diuina et humana, cum omne quod fas est, nomine diuinae uel naturalis legis accipiatur, nomine uero legis humanae mores iure conscripti et traditi intelligantur*—everything that is *fas* is received under the name of *divine or natural* law; under the name of human law are understood usages written down and handed on as law.⁴⁶

Note what Gratian has *not* done: he has not distinguished natural law from divine positive law. *Diuina uel naturalis lex* is, for the opening distinctions, one block—exactly Isidore's compression, now welded to Scripture. The scholastics would spend the next century taking that block apart (the canonists' glosses on this very page of the *Decretum* enumerate multiple senses of *ius naturale*); Aquinas's q. 91, with its separate articles for natural and divine law, is the mature repair. The 1983 Code, with its careful phrase *legis diuinae naturalis aut positivae* (c. 199 1°), is the repair become statute. A reader who wants to know why the Code must say “divine law, natural *or* positive” is looking at the scar where Gratian's equation was surgically divided.

7.2 Distinction 4: promulgation, and reception by use

Distinction 4 carries the *Decretum's* doctrine of what makes an enactment a law. The dictum opening the distinction takes over Isidore's purpose-clause: laws are instituted *ut* human audacity be checked and the capacity to harm restrained. Chapter 2 is Isidore's checklist (*Erit autem lex honesta, iusta, possibilis . . .*) with Gratian's pointed addendum: these things are to be weighed *when law is being instituted*, for once laws have been instituted, *non erit liberum iudicare de ipsis, sed oportebit iudicare secundum ipsas*—it will not be free to judge *about* them, but one will have to judge *according to* them.⁴⁷

Then, after Augustine's chapter making the same point, the dictum the canonical tradition never forgot: *Leges instituuntur, cum promulgantur, firmanur, cum moribus utentium approbantur*—laws are *instituted* when they are promulgated; they are *confirmed* when they are approved by the usages of those who use them. As some laws have today been abrogated by the contrary usage of users, so laws are confirmed by users' usage; whence the decree of Pope Telesphorus that clergy fast from Quinquagesima, never approved by use, does not convict those who do otherwise of transgression.⁴⁸

This is the taxonomy's pastoral realism: positive law lives between two waters, authority above and reception below. Gratian will not let either swallow the other—promulgation institutes without use, but use can unmake what promulgation made.

7.3 Distinctions 8 and 9: the hierarchy stated as law

Distinction 8 opens by dividing what D.1 had joined: *Differt etiam ius naturae a consuetudine et constitutione*—the law of nature differs from custom and enactment. By the law of nature all things are common to all—as in the believers of Acts 4, and as the philosophers handed down (Plato's city, “in which no one knows his own attachments”); by the law of custom or enactment, *this is mine, that another's*.⁴⁹

And then Gratian states the hierarchy as flatly as it has ever been stated: *Dignitate uero ius naturale simpliciter preualet consuetudini et constitutioni. Quecunque enim uel moribus recepta sunt, uel scriptis comprehensa, si naturali*

iuri fuerint aduersa, uana et irrita sunt habenda—in dignity the natural law simply prevails over custom and enactment: whatever has been received in usages or comprehended in writings, if it is adverse to natural law, is to be held vain and void.⁵⁰

Distinction 9 does the same for enactment: *Quod autem constitutio naturali iuri cedat multiplici auctoritate probatur*—that enactment yields to natural law is proved by manifold authority—and, after eleven chapters of Augustine, concludes: since by the natural law nothing is commanded but what God wills, and nothing forbidden but what God prohibits, and since the divine laws stand by nature, therefore whatever is shown contrary to the divine will, or to canonical Scripture, or to the divine laws, is also adverse to the natural law; *Constitutiones ergo uel ecclesiasticae uel seculares, si naturali iuri contrariae probantur, penitus sunt excludendae*—enactments, whether ecclesiastical or secular, if they are proved contrary to natural law, are to be entirely excluded.⁵¹

The architecture of the modern canons is now fully prefigured. That no custom contrary to divine law can obtain the force of law (c. 24 §1); that civil laws are received *quatenus iuri divino non sint contrariae* (cc. 22, 1290); that dispensation reaches merely ecclesiastical law and stops there (c. 85); that the canons which repeat the old law are to be weighed *ratione etiam canonicae traditionis habita*—with account taken of the canonical tradition (c. 6 §2)⁵²—all of it is Gratian’s opening distinctions, restated with a codifier’s economy. What the *Decretum* argued from authorities, the Code enacts as rules; and it is to the Code that we now turn.

8 The Living Taxonomy: The 1983 Code’s Working Uses

The *Codex Iuris Canonici* promulgated by John Paul II on 25 January 1983 by the apostolic constitution *Sacrae disciplinae leges*, in force from 27 November 1983 for the Latin Church, nowhere contains a treatise on the kinds of law.⁵³ It does something more instructive: it *uses* the taxonomy, constantly and precisely, as load-bearing structure. Tracing the usage is the most direct way to see that the classical map is current law and not a museum piece.

8.1 The positive-law lifecycle: promulgation, *vacatio*, abrogation

Before the Code deploys the taxonomy’s boundaries, it enacts the lifecycle of its own kind of law, and the opening canons of Book I are a compressed jurisprudence of positive law whose every clause has appeared earlier in this article. Canon 7: *Lex instituitur cum promulgatur*—a law is established when it is promulgated. Four words, and they are Gratian’s: the first clause of the D.4 dictum (*Leges instituuntur, cum promulgantur*; section 7), itself codifying q. 90 a. 4’s doctrine that promulgation is necessary for law to have its force.⁵⁴ Canon 8 supplies the determinations: universal ecclesiastical laws are promulgated by publication in the *Acta Apostolicae Sedis* and take force *tantum expletis tribus mensibus* from the date of the issue—after a three-month *vacatio*—unless the nature of the matter binds at once or the law itself sets a shorter or longer period; particular laws, in the manner the legislator determines, after a month.⁵⁵ Canon 9 adds non-retroactivity—*Leges respiciunt futura, non praeterita*, laws regard the future, not the past, unless they expressly provide for the past—and canons 20–21 govern death and doubt: a later law abrogates or derogates from an earlier one by express statement, direct contrariety, or complete reordering of the matter, but universal law does not derogate from particular or special law without express provision; and in doubt, revocation is not presumed—later laws are to be drawn into harmony with earlier ones *quantum fieri potest*.⁵⁶

The lifecycle canons never mention divine law, and that silence is their contribution to the map: institution by promulgation, *vacatio*, retroactivity, abrogation, and desuetude-by-custom are predicates of *positive* law only. Nothing in the natural law waits three months from an *Acta* date. The Code’s first pages thus perform the taxonomy before naming it: they legislate a complete grammar for the law the legislator makes, and then—in the canons this section now turns to—mark, with the word *divino*, everything that grammar cannot touch.

8.2 Merely ecclesiastical law: the Church naming her own

The phrase *lex mere ecclesiastica* appears at the two places where the Code must say exactly which of its norms are the legislator’s own artifacts: subjection (c. 11, quoted in section 1) and dispensation (c. 85, treated in section 10). The adverb does real work. A merely ecclesiastical law binds the baptized-or-received with sufficient reason from age seven—a triple determination (membership, discretion, threshold) of the natural-law principle that law binds those

capable of receiving it. None of those three clauses could sensibly attach to divine law: the obligation of c. 748 §1 falls on *omnes homines*; no seventh birthday inaugurates the natural law. The Code's restraint here is the taxonomy applied: the legislator states the reach of what he made, and only of what he made.⁵⁷

8.3 Divine law as boundary marker

A family of canons uses *ius divinum* to mark the outer wall of some human legal power—the points where enactment, custom, agreement, or lapse of time simply stop working.

Canonization of civil law. Canon 22: civil laws to which the Church's law remits are to be observed in canon law with the same effects, *quatenus iuri divino non sint contrariae et nisi aliud iure canonico caveatur*—insofar as they are not contrary to divine law and unless canon law provides otherwise. Canon 1290 applies the same formula to the civil law of contracts; canon 98 §2 subjects minors to parental authority except where *lege divina aut iure canonico* they are exempt.⁵⁸

Custom. Canon 24 §1: *Nulla consuetudo vim legis obtinere potest, quae sit iuri divino contraria*—no custom which is contrary to divine law can obtain the force of law. Section 9 works through the whole institute; here the point is the wall itself, standing exactly where q. 97 a. 3 ad 1 and Gratian's D.8 built it.

Prescription. Canon 199 1°: not subject to prescription—the acquisition or loss of rights by passage of time, itself a civil-law institute canonized with the divine-law proviso by c. 197—are *iura et obligationes quae sunt legis divinae naturalis aut positivae*—rights and obligations which are of *divine natural or positive* law.⁵⁹ Time, which erodes human titles, does not erode these.

Truth and faith. Canon 748 §1 grounds the universal obligation to seek and embrace religious truth *vi legis divinae* (section 1); its §2 immediately adds the other half of the conciliar teaching: it is never lawful to coerce anyone into embracing the faith against conscience. Canon 750 specifies what must be believed *fide divina et catholica*; canon 751 defines heresy as the obstinate denial or doubt *alicuius veritatis divina et catholica credendae*.⁶⁰

8.4 Divine institution: structures the Church says she received

A second family uses *ex divina institutione* or *ordinatione divina* not for norms but for *structures*—the things in the Church that the Church claims not to have made. The Catholic Church and the Apostolic See have the character of a moral person *ex ipsa ordinatione divina* (c. 113 §1). The power of governance exists in the Church *ex divina institutione* (c. 129 §1). An ecclesiastical office is constituted *ordinatione sive divina sive ecclesiastica*—the disjunction conceding that some offices (Petrine, episcopal) are received, others made (c. 145 §1). Among the faithful, *ex divina institutione*, there are sacred ministers (c. 207 §1); bishops succeed the apostles *ex divina institutione* (c. 375 §1); by the sacrament of orders, *ex divina institutione*, some of the faithful are constituted sacred ministers (c. 1008).⁶¹

The declare/constitute grammar of c. 1075 belongs to this family and is its sharpest instance, treated next.

8.5 Marriage: the taxonomy under load

Nowhere does the Code lean on the taxonomy harder than in marriage law, because nowhere else do divine natural law, divine positive law, ecclesiastical law, and civil law converge on a single institute.

Canon 1059 states the convergence: the marriage of Catholics, even if only one party is Catholic, *regitur iure non solum divino, sed etiam canonico, salva competentia civilis potestatis circa mere civiles eiusdem matrimonii effectus*—is governed not only by divine law but also by canon law, saving the competence of civil power over the merely civil effects.⁶²

Canon 1075 gives the two verbs (section 1): the supreme authority *declares authentically* when divine law prohibits or invalidates marriage (§1) and *constitutes* other impediments for the baptized (§2). The pair is not decorative; it drives operative differences elsewhere. Canon 1163 §2: a marriage invalid because of an impediment *iuris naturalis aut divini positivi* can be sanated *solummodo postquam impedimentum cessavit*—only after the impediment has ceased—whereas invalidity from merely ecclesiastical impediments or defect of form is sanable by the Church's own act while she dispenses her own law.⁶³

The pattern deserves stating as a rule of reading: *wherever the Code distinguishes what can be dispensed, sanated, or ceased-by-authority from what can only cease of itself, it is applying the authorship boundary.* The Church heals defects in her own law by relaxing her own law; a divine-law impediment she can only outwait.

8.6 Penal law and penance: divine law with ecclesiastical teeth

The revised Book VI keeps the taxonomy at both ends. Canon 1315 §1: whoever has power to issue penal laws *potest etiam legem divinam congrua poena munire*—can also fortify a divine law with a fitting penalty. And the book’s final canon, 1399, permits punishment beyond the cases established by law only when *divinae vel canonicae legis externa violatio* is specially grave and scandal urgent—the pairing *divine or canonical law* marking, one last time, the two registers the Church’s courts can vindicate.⁶⁴ On the sacramental side, canon 1249 states that all the faithful *ex lege divina* are bound to do penance—and then, in the same breath, that penitential days and their observances are *praescribuntur*, prescribed by church law: the divine obligation is the Church’s warrant for determining fast and abstinence, and the determinations (cc. 1250–1253) are hers to make, delegate to conferences, and change.⁶⁵

8.7 An inventory of the Code’s taxonomy vocabulary

The table gathers the canons this article verified at the dated Latin and English deliveries, with the register each invokes. It is an inventory of *verified instances*, not an exhaustive concordance; a bounded literal search of all seven Latin book pages for the relevant vocabulary (recorded in the research records) located these and a remainder consisting mostly of *cultus divinus* (“divine worship”) usages, which belong to liturgical vocabulary, not to the taxonomy of law—a small object lesson in why word searches are not doctrine.⁶⁶

Canon	Latin key phrase (verified)	English (Vatican delivery)	Register invoked	Function
6 §2	<i>ratione etiam canonicae traditionis habita</i>	“assessed also in accord with canonical tradition”	ecclesiastical	interpretive continuity
11	<i>Legibus mere ecclesiasticis tenentur baptizati. . .</i>	“Merely ecclesiastical laws bind those baptized. . .”	merely ecclesiastical	subjects of church law
22	<i>quatenus iuri divino non sint contrariae</i>	“insofar as they are not contrary to divine law”	divine (boundary)	canonization of civil law
24 §1	<i>Nulla consuetudo. . . quae sit iuri divino contraria</i>	“No custom which is contrary to divine law. . .”	divine (boundary)	limit on custom
85	<i>legis mere ecclesiasticae. . . relaxatio</i>	“relaxation of a merely ecclesiastical law”	merely ecclesiastical	object of dispensation
98 §2	<i>lege divina aut iure canonico</i>	“by divine law or canon law”	divine + ecclesiastical	minors’ exemptions
113 §1	<i>ex ipsa ordinatione divina</i>	“by divine ordinance itself”	divine institution	Church and Apostolic See as moral person
129 §1	<i>ex divina institutione</i>	“by divine institution”	divine institution	power of governance
145 §1	<i>ordinatione sive divina sive ecclesiastica</i>	“by divine or ecclesiastical ordinance”	divine or ecclesiastical	ecclesiastical office
199 1°	<i>legis divinae naturalis aut positivae</i>	“of the divine natural or positive law”	divine natural and positive	exemption from prescription
207 §1	<i>Ex divina institutione. . . ministri sacri</i>	“By divine institution. . . sacred ministers”	divine institution	clergy/laity distinction
375 §1	<i>ex divina institutione in Apostolorum locum</i>	“by divine institution succeed to the place of the Apostles”	divine institution	episcopate
748 §1	<i>obligatione vi legis divinae adstringuntur</i>	“by virtue of divine law are bound”	divine (obligating all)	duty to seek truth
750 §1	<i>Fide divina et catholica. . . credenda</i>	“must believe with divine and Catholic faith”	divine positive	object of faith

Canon	Latin key phrase (verified)	English (Vatican delivery)	Register invoked	Function
751	<i>veritatis divina et catholica credendae denegatio</i>	“denial. . . of some truth. . . believed by divine and Catholic faith”	divine positive	definition of heresy
1008	<i>ex divina institutione. . . sacri ministri</i>	“By divine institution. . . sacred ministers”	divine institution	sacrament of orders
1059	<i>regitur iure non solum divino, sed etiam canonico</i>	“governed not only by divine law but also by canon law”	divine + ecclesiastical + civil	marriage jurisdictions
1075	<i>authentice declarare. . . ius divinum / alia impedimenta. . . constituere</i>	“declare authentically when divine law. . . / establish other impediments”	divine vs. ecclesiastical	declare / constitute boundary
1084 §1	<i>matrimonium ex ipsa eius natura dirimit</i>	“nullifies marriage by its very nature”	natural (by wording)	impotence impediment
1163 §2	<i>impedimentum iuris naturalis aut divini positivi</i>	“impediment of natural law or of divine positive law”	divine natural and positive	limits of sanitation
1249	<i>paenitentiam agere ex lege divina tenentur</i>	“The divine law binds. . . to do penance”	divine + ecclesiastical determination	penance
1290	<i>nisi iuri divino contraria sint</i>	“unless the provisions are contrary to divine law”	divine (boundary)	canonization of contract law
1315 §1	<i>legem divinam congrua poena munire</i>	“reinforce a divine law with a fitting penalty”	divine + ecclesiastical penalty	penal legislation
1399	<i>divinae vel canonicae legis externa violatio</i>	“external violation of divine or canon law”	divine or ecclesiastical	general penal norm

Read down the “function” column and the taxonomy’s canonical career is visible in miniature: it marks who is bound (c. 11), what cannot be received (cc. 22, 1290), what custom and time cannot touch (cc. 24, 199), what the Church received rather than made (cc. 113–1008), what she declares rather than constitutes (c. 1075), what she can heal and what she can only outwait (c. 1163), and what her courts may vindicate (cc. 1315, 1399). Two of its instruments, custom and dispensation, are systematic enough to deserve sections of their own.

9 Custom: Canons 23–28 Worked Through

Custom is where the taxonomy stops being a classroom diagram and becomes procedure, because custom is human positive law arising *without* enactment—the community’s repeated practice acquiring the force of law. Title II of Book I regulates it in six compact canons, and each canon is a decision about the map.⁶⁷

Canon 23—custom needs the legislator. *Ea tantum consuetudo a communitate fidelium introducta vim legis habet, quae a legislatore approbata fuerit, ad normam canonum qui sequuntur*—only that custom introduced by a community of the faithful which has been approved by the legislator has the force of law, according to the following canons. This is Aquinas’s *ad* 3 of q. 97 a. 3 made statute: in a community that cannot legislate for itself, custom obtains force through the legislator’s approval—here, ordinarily, the “legal” approval the following canons themselves grant in advance to customs meeting their conditions. The Code takes sides in an old debate: the consent of the community supplies the *matter* of custom; the authority of the legislator supplies its *force*.

Canon 24—the two walls. §1: *Nulla consuetudo vim legis obtinere potest, quae sit iuri divino contraria*. No custom against divine law, ever, of any age—the direct descendant of q. 97 a. 3 ad 1 and Gratian D.8’s *uana et irrita*. §2: nor can a custom *contra aut praeter ius canonicum* obtain force *nisi sit rationabilis*—unless it is reasonable—and a custom expressly reprobated in the law *non est rationabilis*.⁶⁸

Canon 25—the community and its intention. *Nulla consuetudo vim legis obtinet, nisi a communitate legis saltem recipiendae capaci cum animo iuris inducendi servata fuerit*—no custom obtains the force of law unless observed, with the intention of introducing law, by a community capable at least of receiving law. Two scholastic theses in one

sentence: custom is not mere repetition but practice *as claimed law* (the exterior acts must declare, as q. 97 a. 3 puts it, an interior judgment of reason); and the practicing community must be one to which law can be given—a juridically organized people, not a crowd.

Canon 26—time as the measure of consent. Unless specially approved by the competent legislator, a custom *vigenti iuri canonico contraria aut quae est praeter legem canonicam* obtains force only when legitimately observed for thirty continuous and complete years; and against a canonical law containing a clause prohibiting future customs, only a *centenary or immemorial* custom can prevail.⁶⁹

Canon 27—the interpreter. *Consuetudo est optima legum interpretres*—custom is the best interpreter of laws. Five words, unchanged in substance from the Roman jurists through Isidore’s *mos*-chapter and q. 97 a. 3’s *legum interpretatrix*: how a law has actually been lived by the community and tolerated by authority is the best evidence of what its words meant in practice.

Canon 28—how customs die. *Firmo praescripto can. 5, consuetudo, sive contra sive praeter legem per contrariam consuetudinem aut legem revocatur*; but—the sentence continues—unless the law makes express mention of them, it does not revoke *centenary or immemorial* customs, *nec lex universalis consuetudines particulares*—nor does universal law revoke particular customs.⁷⁰

The canon 5 preserved by that opening clause is the transitional settlement made once, at the Code’s entry into force, and it shows the same machinery running at full scale. Customs then in force *contrary* to the Code’s prescriptions and *reprobated* by its canons *prorsus suppressae sunt, nec in posterum reviviscere sinantur*—are utterly suppressed and not to be permitted to revive; other contrary customs are likewise held suppressed *unless* the Code expressly provides otherwise, *or* they are centenary or immemorial, in which case they *tolerari possunt*—can be tolerated—where in the ordinary’s judgment circumstances of places and persons make them impossible to remove. And customs *praeter ius*—beside the law, filling its silences—are simply preserved (§2).⁷¹

Standing back: the six canons are a complete miniature of the taxonomy’s mechanics. Divine law bounds the institute absolutely (c. 24 §1). Within human law, reason is the qualifying criterion (c. 24 §2), community and intention the material cause (c. 25), legislative consent—express, legal, or evidenced by time—the formal cause (cc. 23, 26), and ordinary legal succession the manner of death (c. 28). Gratian’s aphorism that laws are *confirmed by the usages of those who use them* survives, but disciplined: in the Code, usage no longer conditions the validity of promulgated law generally; it operates through this regulated institute—and through the sobering fact, which the tradition never denied, that a law wholly unreceived becomes in practice a dead letter whose formal abrogation waits on the legislator.⁷²

10 Dispensation and Its Limits: Canons 85–93

If custom is the community’s pressure on the law from below, dispensation is mercy’s pressure from above: the relaxation of a law, in a particular case, by the authority competent to relax it. Nothing in the Code displays the authorship boundary more cleanly, because the institute is *defined* by it.⁷³

10.1 The definition and its first wall

Canon 85: *Dispensatio, seu legis mere ecclesiasticae in casu particulari relaxatio, concedi potest ab iis qui potestate gaudent executiva intra limites suae competentiae, necnon ab illis quibus potestas dispensandi explicite vel implicite competit sive ipso iure sive vi legitimae delegationis*—dispensation, that is, the relaxation of a *merely ecclesiastical law* in a particular case, can be granted by those with executive power within the limits of their competence, and by those to whom the power of dispensing belongs explicitly or implicitly, by the law itself or by legitimate delegation.

The definition does three things at once. It fixes the object: *merely ecclesiastical law*—divine law, natural or positive, is outside the institute by definition, not by a separate prohibition. It fixes the mode: relaxation *in casu particulari*—dispensation suspends the law’s obligation for this case while the law stands; it is neither abrogation (which kills the law) nor privilege (which grants a stable favor) nor permission built into the law itself. And it fixes the agents: executive power within competence—dispensing is governance of the law, not private equity.⁷⁴

10.2 The second wall: constitutive elements

Canon 86: *Dispensationi obnoxiae non sunt leges quatenus ea definiunt, quae institutorum aut actuum iuridicorum essentialiter sunt constitutiva*—laws are not subject to dispensation insofar as they define what is *essentially constitutive* of juridic institutes or acts. Even inside merely ecclesiastical law, there is a second boundary: where the law is not commanding but *defining*—saying what a parish, a novitiate, a valid election *is*—there is nothing to relax. One cannot be dispensed from the essence of a thing into still having the thing. The canon is the Code’s quiet homage to the difference between precept and definition, and it protects the legislator from himself: a dispensing authority that “relaxed” constitutive law would not be making an exception but unmaking an institute.⁷⁵

10.3 Who dispenses what: the distribution of mercy

Canons 87–89 distribute the power along the Church’s constitutional structure, and the distribution encodes the taxonomy a third time. The diocesan bishop can dispense the faithful, whenever he judges it conduces to their spiritual good, *in legibus disciplinariis tam universalibus quam particularibus pro suo territorio vel suis subditis a suprema Ecclesiae auctoritate latis*—from universal and particular *disciplinary* laws issued by the supreme authority—but *not* from procedural or penal laws, nor from those whose dispensation is specially reserved to the Apostolic See (c. 87 §1); in urgent cases where recourse to Rome is difficult and grave harm threatens, even from reserved laws, if the Holy See is accustomed to dispense in the same circumstances (§2). The local ordinary dispenses from diocesan laws and, where it benefits the faithful, from the laws of plenary and provincial councils and of the episcopal conference (c. 88). Pastors and other presbyters or deacons dispense from universal or particular law only when the power has been expressly granted (c. 89).⁷⁶

10.4 Cause, validity, and interpretation

Canon 90 supplies the institute’s conscience: dispensation from ecclesiastical law is not to be given *sine iusta et rationabili causa, habita ratione adiunctorum casus et gravitatis legis a qua dispensatur*; otherwise the dispensation is *illicit* and—unless given by the legislator himself or his superior—also *invalid* (§1); in doubt about the sufficiency of the cause, it is granted validly and licitly (§2).⁷⁷

Set canon 90 beside canon 24 §2 and the two institutes reveal their common skeleton. Custom needs *rationabilitas*; dispensation needs a *iusta et rationabilis causa*. In both, human positive law bends—to long practice in one case, to particular hardship in the other—and in both, the bending is disciplined by reason and stopped absolutely at the divine-law wall. That is the classical doctrine of q. 95–97 turned into administrative machinery: positive determinations, because they are determinations, can flex; what they determine, because it was never enacted by man, cannot.

10.5 The machinery under load: marriage impediments, cc. 1078–1080

The dispensation title of Book I states the rules; the marriage impediment chapter of Book IV shows them running under the heaviest pastoral load in the system, and every joint in the machinery is a taxonomy decision. Canon 1078 §1: the local ordinary can dispense his own subjects anywhere and all persons actually present in his territory *ab omnibus impedimentis iuris ecclesiastici*—from all impediments *of ecclesiastical law*—except those reserved to the Apostolic See. The limiting genitive is the whole doctrine in three words: the general faculty reaches every impediment the Church made and no impediment she did not. §2 lists the reservations—the impediment arising from sacred orders or from a public perpetual vow of chastity in a pontifical religious institute, and the impediment of crime—both of them ecclesiastical constructions whose relaxation the supreme legislator keeps in his own hands. And §3 closes with a different kind of sentence altogether: *Numquam datur dispensatio ab impedimento consanguinitatis in linea recta aut in secundo gradu lineae collateralis*—dispensation is *never given* from the impediment of consanguinity in the direct line or in the second degree of the collateral line.⁷⁸

Canons 1079–1080 then flex everything flexible. In urgent danger of death, the local ordinary can dispense from the canonical *form* itself and from *omnibus et singulis impedimentis iuris ecclesiastici*, public or occult—except the impediment arising from the sacred order of presbyterate, reserved even then; where the ordinary cannot be reached, the pastor, the delegated sacred minister, and the assisting priest or deacon hold the same power, and the confessor

holds it for occult impediments in the internal forum (c. 1079). When an impediment is discovered with everything ready for the wedding and delay would probably cause grave harm, the same powers revive outside danger of death, except for the reserved impediment of orders and vow (c. 1080).⁷⁹

Read as a set, cc. 1078–1080 are the taxonomy rendered as pastoral triage. Everything ecclesiastical bends, faster and lower as the need grows; what the Church holds herself unable to relax does not bend even at the deathbed, because inability, unlike reservation, is not a policy.

10.6 Declare, constitute, dispense: three verbs, one boundary

It is worth closing the survey by putting the Code's three verbs side by side. Over divine law, the Church's authority *declares* (c. 1075 §1: *authentice declarare*)—an act of authoritative recognition that changes our knowledge of the obligation, not the obligation. Over her own law, she *constitutes* (c. 1075 §2), and what she constitutes she can *dispense* (c. 85), because relaxation is just constitution's mirror image. The three verbs are the entire taxonomy in operational form; a reader who keeps them straight can predict, before opening the commentary, which norms of the Code admit exception and which do not—and will understand why the declaration of a divine-law impediment binds even non-Catholics whom merely ecclesiastical impediments do not touch, a conclusion the canonical literature draws from precisely this grammar.⁸⁰

11 The Magisterial Exposition: Catechism and *Veritatis splendor*

The Code uses the taxonomy; two documents of the 1990s expound it. The Catechism of the Catholic Church (1992; Latin typical edition 1997) gives natural law its catechetical statement in seven paragraphs, and John Paul II's encyclical *Veritatis splendor* (6 August 1993) gives it the fullest doctrinal treatment of the modern papal magisterium. Neither is legislation; both are teaching documents whose weight is that of the ordinary papal magisterium in their respective genres, and both, examined closely, teach the *classical* doctrine—participation, not intuitionism—with its scholastic architecture intact.⁸¹

11.1 CCC 1950–1953: the taxonomy in one paragraph

The article on the moral law opens, before reaching natural law, with a compact restatement of this entire study. Paragraph 1951 defines: *Lex regula est agendi ab auctoritate competente propter bonum commune promulgata*—law is a rule of acting, promulgated by competent authority for the common good—the four clauses of q. 90 a. 4 in catechetical order; and grounds: *Omnis lex in Lege aeterna suam primam et ultimam invenit veritatem*—every law finds its first and ultimate truth in the eternal law—with Leo XIII's *Ordinatio rationis lex nominatur* in the note. Then paragraph 1952 draws the map entire: the expressions of the moral law are diverse and all coherent among themselves—*Lex aeterna, fons omnium legum in Deo; lex naturalis; Lex revelata Legem veterem Legemque continens novam seu evangelicam; tandem leges civiles et ecclesiasticae*—the eternal law, source in God of all laws; the natural law; the revealed Law, comprising Old and New; and finally civil and ecclesiastical laws. Paragraph 1953 adds the Christological seal: the moral law finds its fullness and unity in Christ, who “is the end of the law” (Rom 10:4).⁸²

11.2 CCC 1954–1960: the catechetical seven

The Catechism's exposition of natural law is built almost entirely out of citations, and the choice of citations is the teaching. **1954:** man participates in the Creator's wisdom and goodness; the natural law expresses “the original moral sense which enables man to discern by reason the good and the evil”—and the paragraph's centerpiece is Leo XIII, *Libertas praestantissimum*: the natural law “is written and engraved in the soul of each and every man, because it is human reason ordaining him to do good and forbidding him to sin”; but this prescription of human reason “would not have the force of law if it were not the voice and interpreter of a higher reason to which our spirit and our freedom must be submitted.”⁸³

1955 names the law with a deliberately doubled adjective—“the ‘divine and natural’ law” (*Lex divina et naturalis*)—shows man the way; its principal precepts “are expressed in the Decalogue”; and it is called natural “not in reference

to the nature of irrational beings, but because reason which decrees it properly belongs to human nature,” with Augustine (the eternal rules written “in the book of that light we call the truth,” impressed on the heart “like a seal on a ring that passes onto wax, without leaving the ring”) and Aquinas (natural law “nothing other than the light of understanding placed in us by God”) as the two witnesses.⁸⁴

1956–1958 give the three classical properties. Universality: present in the heart of each man and established by reason, binding all men, expressing the dignity of the person and determining “the basis for his fundamental rights and duties”—with Cicero’s *De re publica* as witness (“true law: right reason . . . diffused among all men . . . immutable and eternal”). Variability of application: “application of the natural law varies greatly”; it “can demand reflection that takes account of various conditions of life according to places, times, and circumstances”—yet in the diversity of cultures it “remains as a rule that binds men among themselves.” Immutability: “immutable and permanent throughout the variations of history”; even “when it is rejected in its very principles, it cannot be destroyed or removed from the heart of man,” with Augustine’s *Confessions* on the law “that iniquity itself does not efface.”⁸⁵

1959–1960 give the two juridical corollaries this article has been tracing all along. The natural law provides “the necessary basis for the civil law with which it is connected, whether by a reflection that draws conclusions from its principles, or by additions of a positive and juridical nature”—q. 95 a. 2’s conclusions and determinations, cited nearly verbatim in a universal catechism. And the limit of unaided nature: the precepts of natural law “are not perceived by everyone clearly and immediately”; sinful man needs grace and revelation so that moral and religious truths may be known “by everyone with facility, with firm certainty and with no admixture of error”—Pius XII’s formula from *Humani generis*, itself descended from q. 91 a. 4’s reasons for divine positive law.⁸⁶

11.3 *Veritatis splendor* 40–45: participated theonomy

The encyclical’s second chapter confronts the late-twentieth-century proposals directly, and its treatment of law (nn. 35–53) turns on a coined term. The occasion is the claim of “autonomous morality”: that human reason itself creates values and norms. The encyclical’s answer neither concedes autonomy nor retreats to heteronomy—law imposed as an alien will—but names a third thing.

n. 40 states both sides of the truth: the moral life calls for the creativity and originality of the person, yet “reason draws its own truth and authority from the eternal law, which is none other than divine wisdom itself.” There is a “rightful autonomy” of the practical reason: “man possesses in himself his own law, received from the Creator.” *Nevertheless*, “the autonomy of reason cannot mean that reason itself creates values and moral norms.”⁸⁷ **n. 41** coins the term: a heteronomy that denied man’s self-determination would contradict revelation; what revelation actually teaches is “theonomy, or *participated theonomy*, since man’s free obedience to God’s law effectively implies that human reason and human will participate in God’s wisdom and providence.” Law is “an expression of divine wisdom: by submitting to the law, freedom submits to the truth of creation.”⁸⁸

nn. 42–43 re-derive the classical structure with the classical texts. Man’s freedom, “patterned on God’s freedom,” is not negated by obedience to divine law but only thereby “abides in the truth”; the discernment of good and evil happens “thanks to the light of natural reason, the reflection in man of the splendour of God’s countenance”—and **n. 42** quotes, at length and by name, Aquinas’s Psalm-4 gloss from q. 91 a. 2, adding that the law is called natural “because the reason which promulgates it is proper to human nature.” **n. 43** then quotes the Council—“the supreme rule of life is the divine law itself, the eternal, objective and universal law by which God out of his wisdom and love arranges, directs and governs the whole world and the paths of the human community”—identifies the doctrine as “the classic teaching on God’s eternal law,” cites Augustine’s definition and Thomas’s, and concludes: “the natural law enters here as the human expression of God’s eternal law,” quoting q. 91 a. 2’s participation formula entire.⁸⁹

n. 44 makes the reception explicit as history: “the Church has often made reference to the Thomistic doctrine of natural law, including it in her own teaching on morality,” and reproduces the whole Leonine passage the Catechism excerpts, through its conclusion: “the natural law *is itself the eternal law*, implanted in beings endowed with reason . . . it is none other than the eternal reason of the Creator and Ruler of the universe.” **n. 45** completes the taxonomy from the top: the Church receives the New Law, “the ‘fulfilment’ of God’s law in Jesus Christ,” interior, “the law of the Spirit of life in Christ Jesus”; and—in the encyclical’s own summary of everything this article has mapped—“even if moral-theological reflection usually distinguishes between the positive or revealed law of God and the natural law, and, within the economy of salvation, between the ‘old’ and the ‘new’ law, it must not be forgotten that these and other useful distinctions always refer to that law whose author is the one and the same God and which is always meant for man.”⁹⁰

The magisterial exposition, then, adds no fifth category and subtracts none. What it adds is a defensive precision the thirteenth century did not need: against autonomy, that reason promulgates but does not author; against heteronomy, that the author's law is not alien to the creature it constitutes; and against fragmentation, that the taxonomy's distinctions—natural and positive, old and new—are distinctions *within one legislator's one wisdom*. That last sentence of n. 45 is, in effect, the eternal law of q. 93 restated as a warning to people who would play the categories against each other.

12 Boundaries and Debates

An article that has spent eleven sections assembling a map owes the reader an honest statement of the map's edges: what the Church actually claims for herself within it, what its most quoted sentence does not license, and where the live disagreements run.

12.1 What the Church claims: declaring without constituting

Gathered from the canons themselves, the Church's claim over divine law has a precise shape. She claims to *guard and transmit* it (the deposit language of c. 750); to *declare authentically* where it binds (c. 1075 §1); to *determine* it ecclesiastically where it leaves room (cc. 1075 §2, 1249); to *fortify* it with penalties (c. 1315 §1); and to *adjudicate* its external violations (c. 1399). She claims neither to make it, nor to amend it, nor to dispense from it (c. 85 by definition; cc. 24 §1, 199 1°, 1163 §2 in application). This is a large claim and a modest one at once, and the two halves discipline each other. The claim to declare authentically is large: it means the Church asserts competence to say, with authority binding on consciences, where nature's and revelation's obligations lie—including for marriages of the unbaptized, whom her merely ecclesiastical laws do not touch. The refusal to constitute is the modesty that makes the large claim coherent: a Church that could *make* divine law could unmake it, and her insistence that she cannot is the strongest institutional evidence that she means the taxonomy seriously. The practical corollary runs through every prior section: when the Church changes fasting discipline, ages of majority, impediment lists, or penal procedure, she is exercising the authorship she claims; when she says she *cannot* change something—the matter of the sacraments, the indissolubility of ratified and consummated marriage, the moral core of the Decalogue—she is invoking the authorship she disclaims.⁹¹

12.2 What *lex iniusta non est lex* does not license

The tradition's most quoted jurisprudential sentence—Augustine's *non videtur esse lex, quae iusta non fuerit*, received in q. 95 a. 2 and q. 96 a. 4—is routinely deployed as if it made every citizen a court of final appeal against every law he judges unjust. The texts, read exactly, do something narrower and more interesting. In q. 95 a. 2 the sentence grounds a thesis about *derivation*: an enactment discordant from natural law is a *legis corruptio*, possessing whatever compliance it gets by force rather than by right. In q. 96 a. 4 it grounds a two-branch casuistry: laws unjust toward *human* good lack intrinsic binding force yet may still claim compliance *propter vitandum scandalum vel turbationem*—to avoid scandal or upheaval—for which a man should yield even his right; only laws contrary to the *divine* good (commanding idolatry, or anything against divine law) admit no obedience at all. Gratian's parallel dicta (D.8–9) are likewise *validity* rules—*uana et irrita, penitus excludendae*—addressed to the legal system's own organs about which norms to treat as law, not a charter of private resistance. The classical doctrine, in short, distinguishes three things the slogan fuses: the metaphysical status of the unjust enactment (corruption, not law *simpliciter*); the moral question of compliance (governed by prudence about scandal and common peace, except where obedience would itself be sin); and the systemic question of which organs may authoritatively treat an enactment as void. Modern Catholic teaching keeps the same three-fold discipline—and the present Code's own instruments for contesting an ecclesiastical norm are administrative recourse and legislative emendation, not private nullification.⁹²

12.3 The contemporary debates, reported

Three live disputes touch the taxonomy directly. This article reports them; it does not adjudicate them, and the magisterium has not either.

New natural law theory versus classical readings. Beginning with Germain Grisez’s 1965 commentary on q. 94 a. 2 and elaborated by John Finnis (*Natural Law and Natural Rights*, 1980) and Joseph Boyle, the “new natural law” school holds that practical reason starts from a plurality of self-evident basic goods grasped underderivatively, and that moral norms are generated by requirements of practical reasonableness—not derived from theoretical knowledge of human nature. Its critics on the classical side—Ralph McInerny, Russell Hittinger, Steven Long, and others writing from the Thomist commentatorial tradition—answer that this detaches q. 94 from its metaphysics: for Thomas, they argue, the precepts track *natural inclinations as ordered by reason* within a teleological anthropology, and a natural law without nature’s normativity collapses into constructivism. The dispute has real stakes for canonical and moral argument (how one argues from nature to norm, what “intrinsically evil” judgments rest on), and both schools claim the texts this article has quoted. The magisterium has canonized neither reading: *Veritatis splendor* teaches participation and rejects both autonomism and physicalism (nn. 46–48) without settling the school question.⁹³

The register of particular institutes. Within canon law, respectable authors dispute the classification of particular norms along the taxonomy’s seams: which marriage impediments are natural, which divine positive, which ecclesiastical (the Code itself lists without labeling, and c. 1075 presupposes the question can be authoritatively settled); how the dissolution of non-consummated and non-sacramental marriages coheres with indissolubility’s divine-law status; whether clerical continence obligations carry any divine-law component or are wholly ecclesiastical. These are disputes *about where the boundary runs*, conducted by all parties inside the shared map—which is itself evidence of the map’s authority.⁹⁴

Natural law in public argument. Outside the Church, the taxonomy’s natural-law member faces the standing objection that appeals to nature smuggle contested theology into civil argument. The classical answer is in the texts already quoted—the natural law is proposed precisely as what is knowable without revelation (CCC 1956’s pagan witness; q. 94’s epistemology of principles and conclusions)—joined to the concession the same texts make: that in the concrete human condition its conclusions are known “with facility, with firm certainty and with no admixture of error” only with help (CCC 1960). Whether that pairing persuades is a philosophical question beyond a canon-law article; that it *is* the Church’s stated position, rather than either naive rationalism or fideism, is a documentary question this article’s sources settle.

12.4 The claims and the record

Five statements one meets in popular writing about this subject can now be checked against the documents assembled above; each correction is bounded to the sources this article verified.

“Natural law means what is biologically natural, or what feels natural.” Not in these sources. The Catechism says expressly that the law is called natural “not in reference to the nature of irrational beings, but because reason which decrees it properly belongs to human nature” (CCC 1955), quoting the treatise’s own account (q. 91 a. 2; q. 94 a. 2): the inclinations enter the law only as apprehended and ordered by reason. An argument from bare biology or bare feeling to obligation is not the classical doctrine but one of its recurring counterfeits—*Veritatis splendor* rejects the biologicistic reading under the name of “physicalism” in the same chapter that rejects autonomism.

“The Church claims she can dispense from anything.” The opposite is enacted: dispensation is by definition the relaxation of a *merely ecclesiastical* law (c. 85); the Code provides no organ, procedure, or emergency under which divine law is dispensed—the deathbed faculties of cc. 1079–1080 relax the Church’s form and the Church’s impediments and stop exactly there.

“Canon law simply declares natural law; it is all divine, so none of it can change.” The Code itself refuses the flattery. It names its own artifacts *leges mere ecclesiasticae* (cc. 11, 85), gives them a complete lifecycle of promulgation, *vacatio*, abrogation, and desuetude-by-custom (cc. 7–9, 20, 23–28), and distinguishes in one canon what its supreme authority declares from what it constitutes (c. 1075). Most of the Code is determination, and determination is revisable by its author.

“Unjust laws are not laws, so each person judges which laws bind.” The sources quoted in sections 5 and 7 say something narrower: the discordant enactment lacks the *nature* of law (q. 95 a. 2), but compliance is governed by a separate prudential doctrine in which scandal and common peace can oblige yielding even one’s right, and only commands contrary to the divine good exclude obedience absolutely (q. 96 a. 4); outside sudden necessity, judging the case belongs to authority, not to *quilibet* (q. 96 a. 6).

“*The taxonomy is medieval scaffolding the modern Church quietly dropped.*” Against this stands the documentary record of sections 8–11: a 1983 code that deploys the categories operatively in every book verified here; a 1992 catechism that lists them as one coherent scheme (CCC 1992); a 1993 encyclical that reaffirms the participation doctrine by name and at length (VS 40–45); and a 2021 penal reform that retains *legem divinam* and *divinae vel canonicae legis* in its working canons (cc. 1315, 1399). Whatever else may be said of the taxonomy, “dropped” is not it.⁹⁵

12.5 The question answered

Section 1 asked what map the Code was using when it said *mere*. The answer assembled since: a two-distinction, asymmetric taxonomy—author crossed with mode of institution—inherited from Roman jurisprudence through Isidore’s labels, given its theory by Aquinas’s treatise (participation of eternal law; conclusion and determination), made canonical by Gratian’s opening distinctions, and enacted as working structure in the 1983 Code, where it fixes who is bound, what custom and time cannot reach, what can be dispensed, and what can only be declared. The map’s enduring lesson is its asymmetry. The Church’s law is at once the most self-confident and the most self-limiting of legal systems: self-confident, because it claims to carry obligations older and larger than itself; self-limiting, because it marks, in its own statute book, the exact line beyond which its legislator claims no power at all. *Merely ecclesiastical* is, on inspection, one of the more remarkable phrases a sovereign lawgiver has ever applied to his own enactments—and it is only intelligible on the map this article has tried to draw.

Notes

¹CIC c. 11, quoted from the Holy See’s Latin web delivery of Book I, fetched, hashed, and read 2026-07-25 (see References). English working renderings of the canons throughout this article follow the Vatican web English delivery where quoted as such; where no quotation marks appear the rendering is the article’s own working gloss, and the Latin governs. The Vatican English delivery of c. 11 reads “possess the *efficient* use of reason” against the Latin *sufficienti rationis usu*; the discrepancy is an apparent defect of the translation delivery, recorded here and in the research records rather than silently corrected.

²CIC c. 748 §1: *Omnes homines veritatem in iis, quae Deum eiusque Ecclesiam respiciunt, quaerere tenentur eamque cognitam amplectendi ac servandi obligatione vi legis divinae adstringuntur et iure gaudent*; §2 adds that no one may ever be coerced into embracing the Catholic faith against conscience. Latin and English web deliveries of Book III fetched, hashed, and read 2026-07-25.

³CIC c. 1075: § 1. *Supremae tantum Ecclesiae auctoritatis est authentice declarare quandonam ius divinum matrimonium prohibeat vel dirimat. § 2. Uni quoque supremae auctoritati ius est alia impedimenta pro baptizatis constituere.* Latin and English web deliveries of Book IV fetched, hashed, and read 2026-07-25. The declare/constitute pair recurs in section 10 below.

⁴CIC cc. 24 §1, 85, 199 1°, each quoted exactly in sections 9–11 below from the same dated Latin and English deliveries.

⁵Isidore of Seville, *Etymologiae* V, quoted throughout this section from W. M. Lindsay’s critical edition (*Isidori Hispalensis episcopi Etymologiarum sive Originum libri XX*, Oxford: Clarendon Press, 1911), vol. 1, in the scan of the University of Toronto exemplar (Internet Archive item [isidori01isiduoft](#)). The three page images carrying the quoted chapters (leaves 192, 193, 196 of the scan) were fetched through the archive’s IIIF service, hashed, retained, and read visually; the archive’s OCR text served as a discovery aid only. Chapter numbers follow Lindsay. Isidore’s own sources here are Roman juristic and rhetorical commonplaces (Gaius, Ulpian, Cicero, the *Institutes* tradition), received at second hand; this article cites Isidore as the transmitter the canonical tradition actually read, not as an authority on classical Roman law.

⁶Etym. V.ii, read at the retained image of leaf 192. The example is exact and illuminating: no divine ordinance forbids walking across a field; positive human law, protecting property, does. Note what Isidore’s shorthand does *not* yet distinguish: “divine” law standing *natura* is what the scholastics will call *natural* law, and Isidore has no separate slot here for divinely *revealed* positive law. Gratian will inherit exactly this compression (section 7).

⁷Etym. V.iii, read at the retained image of leaf 192; the parallel text at Etym. II.x carries the same definitions in the rhetoric book. The final clause continues: if law stands by reason, then law will be whatever stands by reason, *dumtaxat quod religioni congruat, quod disciplinae conveniat, quod saluti proficiat*—provided it agrees with religion, befits discipline, profits salvation.

⁸Etym. V.iv, heading and opening words at the foot of leaf 192, body read at the retained image of leaf 193. The list is Roman (compare Ulpian and Gaius in the *Digest*’s opening titles, which this article has not independently examined and cites only as the well-known background); its tensions are Roman too—“common possession of all things” and “one liberty of all” sat in the same legal culture that enforced property and slavery, a tension the scholastics resolved by distinguishing what nature *institutes* from what it merely does not forbid, and which Gratian’s D.8 exploits directly (section 7).

⁹Etym. V.v–vi, read at the retained image of leaf 193. Note that Isidore’s *ius gentium* is a category of *human* practice common to peoples, not modern international law; nothing in this article depends on conflating them.

¹⁰Etym. V.xxi, read at the retained image of leaf 196. The immediately preceding chapter (V.xx, on the purpose of laws: that human audacity be checked by fear of them, that innocence be safe among the wicked) reaches this article only as Gratian's D.4 pr. quotes it (section 7); it was not separately verified at the page image, and nothing turns on its wording.

¹¹Thomas Aquinas, *Summa theologiae* I-II qq. 90–97. Latin: Corpus Thomisticum (corpusthomicum.org), which identifies its text as the Leonine edition; the four question-group pages covering qq. 90–92, 93, 94, and 95–97 were fetched, hashed, and read 2026-07-25. English: the Fathers of the English Dominican Province translation as delivered at newadvent.org, the eight question pages likewise fetched, hashed, and read the same day. Quotations below are verbatim from those exact responses; no collation with the printed Leonine volumes is claimed. Loci are cited in the standard form (question, article, and part of article: corpus, *ad* 1, etc.).

¹²I-II q. 90 a. 1 co. Aquinas knows Isidore's rival etymology (*lex* from *legere*, because written) and uses it himself at q. 90 a. 4 *ad* 3 for the permanence of promulgation: the durability of writing keeps promulgating the law to those who come later. The two etymologies are doing different work—obligation and promulgation—and he keeps both.

¹³I-II q. 90 a. 2 co., citing Aristotle's *Ethics* V and *Politics* I.

¹⁴I-II q. 90 a. 3 co. and *ad* 2. The *ad* 1 contains a phrase that matters later: everyone is a law to himself *inquantum participat ordinem alicuius regulantis*—by *participation* in the order of a ruler—quoting Romans 2:15 on the work of the law written in hearts. Participation, not autonomy, is the treatise's constant register; *Veritatis splendor* n. 40 makes this the hinge of its account (section 11).

¹⁵I-II q. 90 a. 4 co. The English is the Dominican translation's. The definition is generic by design: every clause is analogical enough to be satisfied differently by eternal, natural, divine, and human law, which is precisely what allows q. 91 to call all four *law* without equivocation.

¹⁶I-II q. 90 a. 4 *ad* 1.

¹⁷I-II q. 91 a. 1 co. This is a claim of natural theology plus the doctrine of providence, not yet of revelation; Aquinas's warrant (“granted that the world is ruled by Divine Providence, as was stated in the First Part”) points back to ST I q. 22.

¹⁸I-II q. 91 a. 2 co., glossing Psalm 4:6 (“the light of Thy countenance, O Lord, is signed upon us”): the light of natural reason by which we discern good from evil is *impressio divini luminis in nobis*, an imprint of the divine light in us. The *ad* 1 forestalls the standard modern misreading: the argument would hold “if the natural law were something different from the eternal law: whereas it is nothing but a participation thereof.”

¹⁹I-II q. 91 a. 3 co., sealing the point with Cicero: justice has its start from nature; thence things came into custom by their utility; then fear and reverence for law sanctioned both. The *ad* 1 concedes the corollary: human reason cannot participate the full dictate of divine reason, “but according to its own mode, and imperfectly.”

²⁰I-II q. 91 a. 4 co., citing Augustine, *De libero arbitrio* I, and reading the four causes into Psalm 118 (*lex Domini immaculata, convertens animas, testimonium fidele, sapientiam praestans parvulis*). Note the third and fourth reasons' juridical realism: they are simultaneously the classical warrant for divine law's necessity and the classical restraint on human law's ambition—the same premises ground q. 96 a. 2's doctrine that human law must not forbid every vice.

²¹I-II q. 91 a. 5 co., on Galatians 3:24–25.

²²I-II q. 92 a. 1 co. This is the treatise's quiet doctrine of legitimacy: a legal order's moral yield is indexed to the rectitude of its ordering intention, a premise q. 96 a. 4 will cash out as the doctrine of unjust law.

²³I-II q. 92 a. 2 co. The inclusion of *permittere* among law's acts is easily missed and juridically consequential: permission is a legal act, not law's absence—which is why the canonical tradition can distinguish what the law permits from what it merely fails to mention, and why “the Code does not forbid X” settles less than it seems to.

²⁴I-II q. 93 a. 1 co. “Type” in the Dominican translation renders *ratio*—plan, idea, intelligible pattern. Note the precise difference from the exemplar: the same divine wisdom is *art* as creative of things, *law* as directive of acts toward ends.

²⁵I-II q. 93 a. 3 co., quoting *De libero arbitrio* I. The restriction *inquantum participant de ratione recta* is load-bearing: derivation is not a historical pedigree but a present participation, and a positive enactment participates exactly as far as it is right. The same article's *ad* 1 handles even the *fomes*—the inclination to sin—as “law” only in the sense of a penalty deriving from divine justice, not a norm.

²⁶I-II q. 94 a. 2 co. Two exact points. First, the first precept is not a platitude but a *principle*: it does not by itself tell anyone what is good; it is the form of every practical judgment, as non-contradiction is the form of every theoretical one. Second, the “inclinations” are not desires certifying themselves: they enter the law only as *naturally apprehended by reason* as goods—the inclination ordered by reason, not the inclination as such, is the norm. Both points matter to the twentieth-century disputes reported in section 12.

²⁷I-II q. 94 a. 4 co., with the deposit example. The article's realism about moral knowledge—citing, in its final lines, peoples among whom even robbery was not reputed wrong—is the treatise's own answer to the objection “if natural law were real, everyone would agree about it.” Disagreement about conclusions is predicted by the theory, not fatal to it.

²⁸I-II q. 94 a. 5 co. The famous hard cases in the *ad* 2 (the divine commands concerning Isaac, the Egyptians' goods, Hosea's marriage) are resolved not by suspending the natural law but by locating God's dominion inside its terms: death, property, and marriage are what they are *secundum legem divinitus traditam*, so the Lord of life, goods, and covenants does not steal or

commit adultery in disposing of them. One may accept or contest the exegesis; the structure of the claim is what matters for the taxonomy—immutability of principle, divine administration of the matter.

²⁹I-II q. 94 a. 6 co., citing Romans 1. Read together, aa. 4–6 constitute a doctrine with juridical teeth: the natural law’s universality is a universality of *principle and ordinary case*, compatible with real cultures really losing real conclusions—which is exactly why the tradition holds that promulgated law, divine and human, is *needed* to guard what is in principle knowable (compare CCC 1960 and q. 94 a. 5 ad 1’s “the written law is said to be given for the correction of the natural law”; section 11).

³⁰I-II q. 95 a. 1 co., quoting *Politics* I. Note the modest, remedial account of coercive law: enacted law is necessary because of what some men are, not because obligation as such originates in enactment.

³¹I-II q. 95 a. 2 co. Section 12 returns to what this sentence does and does not license; note here only that its subject is the enactment’s *claim on obligation*, not a general permission of disobedience, which q. 96 a. 4 regulates separately and more cautiously.

³²I-II q. 95 a. 2 co. and ad 3: the common principles of natural law cannot be applied to all in the same way *propter multam varietatem rerum humanarum*—“and hence arises the diversity of positive laws among various people,” the treatise’s calm answer to the argument from legal diversity against natural law.

³³I-II q. 95 a. 4 co. Aquinas here reads the Roman tripartition through his own conclusion/determination distinction—an interpretive act, not a report of Roman doctrine, and one that quietly reassigns the *ius gentium* from “what nations happen to share” to “what reason concludes.” The article goes on to accommodate Isidore’s remaining categories (military law, the forms of enactment by regime) under law’s other essential notes.

³⁴I-II q. 96 a. 2 co.; the *ad 2* adds that law leads to virtue “not suddenly, but gradually,” lest precepts beyond the imperfect breed contempt and worse evils. This is not moral indifferentism but legislative prudence stated as doctrine: the scope of just prohibition is narrower than the scope of vice.

³⁵I-II q. 96 a. 3 co.

³⁶I-II q. 96 a. 4 co. The asymmetry is the doctrine: laws unjust toward human good *may* still be obeyed and sometimes should be (to avoid scandal or upheaval); laws commanding what divine law forbids *may not* be obeyed at all. Between “does not bind of itself” and “must be disobeyed” lies the whole prudence of the tradition, and collapsing the two is the perennial abuse of this article.

³⁷I-II q. 96 a. 5 co. The higher-law exemption is the formal structure canonists still use: exemption is not lawlessness but subjection elsewhere.

³⁸I-II q. 96 a. 6 co., quoting the Roman jurist against harsh interpretation of salutary measures; the *ad 1* insists the emergency actor “does not judge of the law itself, but of the particular case”; the *ad 2* confines the appeal to the legislator’s intention to cases of *evident harm*—in doubt, follow the words or consult authority. Here, inside the treatise, is the whole later canonical apparatus in embryo: dispensation as an authority’s act on its own law (CIC cc. 85–93), the emergency faculties that anticipate authority’s mind (cc. 87 §2, 1079–1080), and interpretation by the mind of the legislator (c. 17)—all of it confined, note well, to *human law*, since only a law framed *ut in pluribus* by a legislator who cannot foresee everything has the gap this doctrine fills.

³⁹I-II q. 97 a. 1 co., quoting *De libero arbitrio* I; the *ad 1* contrasts the natural law, which *immobilis perseverat*, remaining unmoved as a participation of the eternal law.

⁴⁰I-II q. 97 a. 2 co., closing with the jurist’s rule that in establishing novelties the benefit must be evident before departing from law long held equitable; the *ad 1* adds Aristotle: laws draw their greatest force from custom, and so are not to be quickly changed.

⁴¹I-II q. 97 a. 3 co. The *ad 3* supplies the condition the Code will make explicit: in a free multitude, the consent shown by custom counts for more than the ruler’s authority; where the multitude cannot legislate for itself, custom obtains force of law only *inquantum toleratur*—insofar as it is tolerated by those whose office it is to legislate, tolerance standing for approval. Compare c. 23 (section 9).

⁴²I-II q. 97 a. 3 ad 1, quoting Isidore’s *Synonyma*. This sentence passes almost verbatim into c. 24 §1 of the 1983 Code (section 9): the treatise and the Code state the same rule for the same reason—human usage cannot amend what human will did not author.

⁴³This paragraph is the article’s synthesis of the loci quoted in sections 3–5; the asymmetry claim itself—no fourth, humanly authored “natural” law—is standard school doctrine rather than a novelty, but its formulation here is the article’s own and should be read as interpretation of the quoted texts, not as a further quotation.

⁴⁴Gratian, *Decretum*, first part, quoted in this section from the online transcription of Emil Friedberg’s edition (*Corpus iuris canonici*, editio Lipsiensis secunda, vol. 1, Leipzig 1879) published by the Münchener DigitalisierungsZentrum of the Bavarian State Library; the chapter pages quoted were fetched, hashed, and read 2026-07-25. Two ceilings govern everything below. First, Friedberg’s is a nineteenth-century edition of the vulgate *Decretum*; modern scholarship (Winroth and after) distinguishes recensions of the text, and nothing here depends on which stratum a given dictum belongs to. Second, the *Decretum* was a school text that acquired immense authority by use; it was never promulgated as universal legislation, and it is cited here as the medium of reception, not as enacted law. Its Isidore is quoted as Gratian’s Isidore, whose wording sometimes differs from Lindsay’s text (e.g. *Transire per agrum alienum* for Lindsay’s *Transire per alienum*); the differences are transmission history, not errors introduced by this article.

⁴⁵D.1 pr. (dictum Gratiani), followed immediately by the rubric introducing Isidore, *Etymologies* V. All Gratian quotations preserve the Friedberg orthography (*uidelicet, euangelio*).

⁴⁶D.1 c.1 with the dictum post c.1; D.1 c.7. The chapter list of D.1 (cc. 1–12) reproduces Isidore’s V.ii–ix almost seriatim: what is law, what custom, the species of *ius*, natural, civil, of nations, military, public, Quirite.

⁴⁷D.4 pr.; D.4 c.2 with the dictum post c.2 (quoting Augustine, *De vera religione*, as c.3). Gratian’s addendum is an early and exact statement of the difference between legislative deliberation and adjudication under law—a rule-of-law principle inside a twelfth-century church collection.

⁴⁸D.4 dictum post c.3, with the Telesphorus example. The modern Code’s promulgation rule (c. 7: *Lex instituitur cum promulgatur*, a verbatim descendant of this dictum’s first clause) keeps the institution half; the confirmation-by-use half survives, transformed and disciplined, in the custom canons (cc. 23–28) and in the doctrine of desuetude—no longer as a general condition of validity. The difference between Gratian’s world and the Code’s on exactly this point is real, and section 9 treats it.

⁴⁹D.8 pr. Property, on this classical view, is an institution of human positive law which natural law permits but does not itself institute—Isidore’s “common possession of all things” finally cashed out. Augustine’s chapter follows: by what right do you defend the Church’s villas, divine or human? Human right, the right of emperors and kings—*Tolle iura imperatoris, et quis audet dicere: hec uilla mea est?* (D.8 c.1).

⁵⁰D.8, dictum Gratiani opening the second part (after c.1). The distinction’s remaining chapters (Cyprian, Augustine, Gregory) hammer the corollary against custom: “the Lord said *I am the truth*; he did not say *I am custom*”; custom without truth is *uetustas erroris*, the old age of error (D.8 cc. 4–9), closing with the dictum: *Liquido igitur apparet, quod consuetudo naturali iuri postponitur*—custom is subordinate to natural law.

⁵¹D.9 pr. and dictum post c.11. The inclusion of *ecclesiasticae* deserves its emphasis: the first pages of the Church’s own classical lawbook apply the supremacy of natural law to the Church’s enactments by name, not only to the state’s. The verb is also worth exactness: *excludendae*—to be excluded, set aside as without force—a juridical conclusion about validity, in line with D.8’s *uana et irrita*, not a general theory of resistance.

⁵²CIC c. 6 §2: *Canones huius Codicis, quatenus ius vetus referunt, aestimandi sunt ratione etiam canonicae traditionis habita*. Latin and English deliveries fetched, hashed, and read 2026-07-25. The canon is the Code’s own instruction to read it the way this article is reading it: continuity with the tradition of which Gratian is the classical carrier is an interpretive norm of the current law, not an antiquarian preference.

⁵³Promulgation and force dates verified at the official English web text of *Sacrae disciplinae leges*, fetched, hashed, and read 2026-07-25 (byte-identical to the previously registered dated state; see References). All canons in this section are quoted from the Holy See’s Latin web deliveries of the Code (one page per book), with the Vatican English web deliveries as working aids, all fetched, hashed, and read 2026-07-25; Book VI is cited in the text integrally revised by *Pascite gregem Dei* (23 May 2021, in force 8 December 2021, verified at the constitution’s official English text the same day). The web deliveries are not the *Acta Apostolicae Sedis* pages; that ceiling, and the amendment-checking boundary, are stated in the terminal appendix.

⁵⁴CIC c. 7, Latin delivery of Book I. The genealogy promulgation-clause (q. 90 a. 4) → Gratian D.4 → c. 7 is the article’s clearest single case of an eight-century textual transmission ending in current statute; the 1917 Code’s c. 8 §1 carried the same rule between them (reported level).

⁵⁵CIC c. 8. Everything in the canon after “promulgated” is determination in the q. 95 a. 2 sense: that subjects need notice is natural equity; that notice runs three months from an *Acta* issue date is the legislator’s choice, and the canon itself provides for its own exceptions.

⁵⁶CIC cc. 9, 20, 21, Latin delivery of Book I (the delivery prints *in eisde praeteritis* in c. 9 and *ili* in c. 20, apparent typographic defects of the web delivery, recorded not repaired). Canon 21’s harmonizing presumption is Gratian’s concordance method—*concordia discordantium canonum*—stated as an interpretive rule of the current law; c. 20’s protection of particular law repeats the deference to the local that c. 28 shows toward particular custom.

⁵⁷CIC c. 11. The interpretive canons behave the same way: cc. 16–19 govern the interpretation of *ecclesiastical* laws (*leges ecclesiasticae*, c. 17), and c. 19’s rule for lacunae—recourse to laws in similar matters, *generalibus iuris principiis cum aequitate canonica servatis*, the jurisprudence and practice of the Roman Curia, and the common and constant opinion of the learned—is a codified instruction to reason from the larger map when the written determination runs out.

⁵⁸CIC cc. 22, 1290, 98 §2, each quoted from the dated Latin deliveries. The two-part proviso is itself a compact lesson: *contrary to divine law* voids the reception absolutely; *unless canon law provides otherwise* is the legislator managing his own artifact. One clause is a wall, the other a door.

⁵⁹CIC c. 199 1°, Latin delivery of Book I. This is the Code’s single most explicit deployment of the full classical vocabulary: divine law, subdivided into natural and positive, in one working phrase—the repaired version of Gratian’s undivided *diuina uel naturalis lex* (section 7).

⁶⁰CIC cc. 748, 750, 751, Latin delivery of Book III. Canon 750’s two paragraphs distinguish truths proposed as divinely revealed from truths *definitive* proposed as required to guard and expound the deposit—an authority gradation inside the divine-law register itself, mirrored penally in c. 1371 §1 and treated doctrinally by the 1998 *Ad tuendam fidem* amendments to this canon (predating the deliveries used here, which carry the amended text).

⁶¹CIC cc. 113 §1, 129 §1, 145 §1, 207 §1, 375 §1, 1008, Latin deliveries of Books I, II, IV. These canons carry *doctrinal* claims in legislative dress; their authority as doctrine rests on the sources the Code is codifying (for cc. 207, 375: *Lumen gentium*), and the Code’s own c. 2-style modesty about liturgical and doctrinal matter applies. The taxonomy’s point survives any such refinement: the Code marks these structures as received, and no canonical process—election, custom, conference decree—is competent to unmake them.

⁶²CIC c. 1059, Latin delivery of Book IV. One sentence, four jurisdictions: divine law governing the institute’s essentials; canonical law determining form, impediments, and process for the baptized; civil law competent over *mere civiles effectus*; and, implicit in *mere*, the same adverb that disciplines c. 11—the civil power’s competence is real but bounded.

⁶³CIC c. 1163, with c. 1165 §2 repeating the same restriction for radical sanitation reserved cases. Compare c. 1084 §1, where antecedent and perpetual impotence *matrimonium ex ipsa eius natura dirimit*—nullifies marriage *by its very nature*: the canon’s own wording assigns the impediment to the natural-law register, which is why no dispensation from it is provided anywhere in the Code, while §3 pointedly declines to extend the disability to sterility. The standard commentaries dispute the exact register of some other impediments (e.g. prior bond as divine positive or natural); this article reports the canons’ own language and does not adjudicate the disputed classifications.

⁶⁴CIC cc. 1315 §1, 1399, Latin delivery of revised Book VI (in force 8 December 2021), fetched 2026-07-25 and byte-identical to the dated state registered in this repository’s source library. The Latin delivery of c. 1315 §1 prints *divinamcongrua* without a space—a typographic defect of the web delivery, recorded rather than silently repaired. Note the structure of c. 1315 §1: the divine law supplies the norm, the ecclesiastical legislator supplies the penalty; the Church does not thereby become the author of the norm, only of its canonical enforcement.

⁶⁵CIC c. 1249, Latin delivery of Book IV. The 1966 reorganization of fasting discipline by *Paenitemini* and its conference-level variations are the modern proof that the Church treats everything after the first clause as her own determination—while the first clause itself she has never claimed power to relax.

⁶⁶The search: case-insensitive literal scans of the exact fetched responses of the seven Latin book pages for *divin-* stems and for *ius naturale/lex naturalis* collocations, 2026-07-25, matched to canons; details and ceilings in `research/source-audit.md`. The claim is bounded to those deliveries and that method; it cannot exclude synonymous or periphrastic invocations of the categories (e.g. c. 1084’s *ex ipsa eius natura*, found by reading, not by the search).

⁶⁷CIC cc. 23–28, all quoted from the dated Latin delivery of Book I, with the Vatican English delivery of the same canons as working aid, fetched, hashed, and read 2026-07-25. The classical background is I-II q. 97 aa. 2–3 and Gratian D.4 and D.8, quoted in sections 5 and 7.

⁶⁸CIC c. 24. The two paragraphs are different kinds of wall. §1 is absolute because the obstacle is authorship: usage by those who did not author divine law cannot amend it. §2’s reasonableness test is Isidore’s *ratio* criterion (Etym. V.iii; section 2) governing custom *within* human law, and its final clause is a legislative shortcut: express reprobation settles the reasonableness question by law.

⁶⁹CIC c. 26. The graduated periods are pure determination in the q. 95 a. 2 sense: reason requires that tacit legislative consent be evidenced by some sufficient duration; nothing in nature selects thirty or one hundred years; the legislator did—and could choose otherwise, as the 1917 Code’s corresponding canon (c. 27, with forty years for contrary custom) in fact chose differently. The article notes the 1917 comparison at reported level, from the standard literature, without re-verification of the 1917 text for this leaf.

⁷⁰CIC c. 28. Custom, being law, dies as law dies: by contrary law or contrary custom. The protections in the second clause are the Code’s institutionalized respect for long and local practice—the very quality q. 97 a. 2 identified as law’s chief support.

⁷¹CIC c. 5, Latin delivery of Book I with the English delivery of cann. 1–6 as working aid. The three-tier settlement (reprobated: dead; merely contrary: dead unless ancient; *praeter ius*: alive) is the reasonableness and antiquity doctrine of cc. 24–26 applied wholesale at a legislative epoch, and the tolerance clause—suppression yielding to pastoral impossibility—is the Code being Isidorean about itself: law must be *possibilis, secundum consuetudinem patriae*.

⁷²The last clause is the article’s own bounded observation about desuetude, offered at the level of common canonical doctrine, not as a rule quoted from the Code; the Code itself does not use the word.

⁷³CIC cc. 85–93, quoted from the dated Latin delivery of Book I with the Vatican English delivery as working aid, fetched, hashed, and read 2026-07-25.

⁷⁴CIC c. 85. The absence of any canon saying “divine law cannot be dispensed” is itself the datum: the Code says it by definition, exactly as the classical doctrine requires—what was never the human legislator’s act is not his to relax. Where the Holy See acts on marriages that natural or divine positive law itself makes dissoluble or void in defined circumstances (non-consummation, the Pauline privilege), the acts are classified by the law and the literature not as dispensations from divine law but as exercises of vicarious power within what divine law itself provides; the theological account of those institutes is disputed territory that this article reports as existing (see section 12) and does not resolve.

⁷⁵CIC c. 86. The *quatenus* is exact: one and the same canon can be dispensable in its preceptive aspect and untouchable in its constitutive aspect.

⁷⁶CIC cc. 87–89. The 1983 discipline continues the decentralizing reversal begun by Paul VI’s *De episcoporum muneribus* (1966): the bishop’s dispensing power over universal disciplinary law is now ordinary and general, with reservation the

exception—a redistribution possible precisely because everything being distributed is the supreme legislator’s own artifact. The reservation of procedural and penal law is itself instructive: those laws protect third parties and the community’s order, so case-by-case mercy is centralized.

⁷⁷CIC c. 90. The asymmetry between the legislator (whose causeless dispensation from his own law is valid though illicit) and the delegate or inferior (whose causeless dispensation is void) is the authorship principle applied *within* ecclesiastical law: one may waste one’s own law but not another’s. Canon 92 adds strict interpretation of both the dispensation and the very power to dispense granted for a particular case; canon 91 extends the dispenser’s reach to his subjects abroad and to travelers present in his territory; canon 93 ends dispensations with successive application as privileges end, or by the certain and total cessation of the motivating cause.

⁷⁸CIC c. 1078, Latin delivery of Book IV. The drafting of §3 rewards attention: the law does not say the impediment *is* of natural law—the classification of its outer degrees was disputed in the schools—but by promising that dispensation is *never given*, the legislator behaves exactly as one behaves at a boundary one may not cross, while declining to resolve the speculative question in statutory language. The standard commentaries read §3 in precisely this way; that reading is reported here, not adjudicated.

⁷⁹CIC cc. 1079–1080, Latin delivery of Book IV; c. 1079 §4 adds, with the Code’s occasional dry realism, that the ordinary is considered unreachable if he can be contacted only by telegraph or telephone. Note what never appears in either canon: any emergency faculty over impediments of divine law. Danger of death relaxes the Church’s form and the Church’s impediments to their limit—and leaves the boundary exactly where c. 1078 §3 left it.

⁸⁰This closing synthesis is the article’s own formulation; the declarative act’s authority is the Church’s ordinary governance of doctrine and discipline, and its infallibility or reformability in a given instance is a further theological question the Code does not decide and this article does not either. On the reach of divine-law impediments to the unbaptized, the standard commentaries reason from cc. 1059 and 1075 and the nature of the impediments; the article reports that reasoning as the common doctrine it is, without claiming a canon states it in so many words.

⁸¹CCC 1954–1960, quoted below from the Holy See’s current English web presentation of the Catechism with the Latin archive page of the same article as the governing text, both fetched, hashed, and read 2026-07-25; *Veritatis splendor* nn. 12 and 40–45, quoted from the Holy See’s official English web delivery, fetched, hashed, and read the same day (the Latin text in AAS 85 [1993] 1133–1228 is authoritative and was not collated). Paragraph numbers follow the typical edition and the encyclical’s own numbering.

⁸²CCC 1950–1953, quoted from the Latin delivery of the article (which carries the full article, 1950–1986) with the article’s own working glosses; the English page registered for this study carries only the natural-moral-law section (1954–1960), so the English of 1950–1953 is not quoted. Paragraph 1951’s note cites Leo XIII, *Libertas praestantissimum*; 1952’s list is the exact taxonomy of section 6, in the same order, with the eternal law placed as source rather than species—the Catechism teaching in one sentence what this article argued from q. 93.

⁸³CCC 1954, with Leo XIII, *Libertas praestantissimum* (1888) at its center (Latin: *Ista vero humanae rationis praescriptio vim habere legis non potest, nisi quia altioris est vox atque interpret rationis*). The Leonine sentence is the anti-autonomy hinge: reason promulgates but does not originate. *Veritatis splendor* n. 44 quotes the same passage at greater length (below).

⁸⁴CCC 1955, quoting Augustine, *De Trinitate* XIV, and Aquinas, *In duo praecepta caritatis*—the same Thomas text VS 12 and 40 quote. The doubled adjective and the Decalogue clause do the compressing work Gratian once did, but now with the distinction available behind it: the Decalogue *expresses* natural law’s principal precepts in divinely revealed positive form—two registers, one content.

⁸⁵CCC 1956–1958. The three paragraphs are qq. 94 aa. 4–6 in catechetical dress, including their realism: universality of principle, variability of application, indelibility of the core. The choice of a pagan witness (Cicero) for universality is itself doctrine—the law is knowable outside revelation.

⁸⁶CCC 1959–1960. The 1960 citation chain (Pius XII quoting the First Vatican Council’s epistemology of revelation) closes the loop this article opened at c. 748: the same doctrine—natural knowability in principle, revelation’s necessity in the human condition—stands behind the canon’s pairing of a divine-law obligation to seek truth with an absolute prohibition of coerced faith.

⁸⁷VS 40, whose note anchors “eternal law” in Augustine and in ST I-II q. 93 a. 1, and quotes Aquinas’s *In duo praecepta caritatis* once more for natural law.

⁸⁸VS 41. “Participated theonomy” is the encyclical’s one-phrase summary of I-II q. 91 a. 2; the term is new, the doctrine is the treatise’s.

⁸⁹VS 42–43. The conciliar sentence is *Dignitatis humanae* 3, which this article verified at the official English delivery of the declaration (fetched 2026-07-25, byte-identical to the previously registered dated state): “the highest norm of human life is the divine law—eternal, objective and universal—whereby God orders, directs and governs the entire universe and all the ways of the human community by a plan conceived in wisdom and love.” DH 3’s own note cites ST I-II q. 91 a. 1 and q. 93: the Council’s natural-law teaching is expressly footnoted to the treatise this article has been reading.

⁹⁰VS 44–45. n. 12, earlier in the encyclical, had already laid the same foundation exegetically: God answers the question about the good “by creating man and ordering him with wisdom and love to his final end, through the law which is inscribed in his heart (cf. *Rom* 2:15), the ‘natural law’,” then in the Decalogue, then in the New Covenant’s law written on hearts.

⁹¹The paragraph is synthesis of the canons cited, at the article’s own altitude. Whether a given *declaration* concerning divine law engages infallibility is a further question governed by its own norms (c. 749 §3: no doctrine is understood as infallibly defined unless this is manifestly established) and is not decided by the taxonomy itself.

⁹²Synthesis of I-II q. 95 a. 2, q. 96 a. 4, and Gratian D.8–9, all quoted in sections 5 and 7. Compare CCC 1902–1903 (a law contrary to right reason has “the force of law” no longer, with q. 93 a. 3 ad 2 cited)—read for orientation in the same dated Catechism deliveries but outside this article’s verified-passage set, and therefore cited here at reported level.

⁹³Reported at literature level: G. Grisez, “The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, 1-2, Question 94, Article 2,” *Natural Law Forum* 10 (1965) 168–201; J. Finnis, *Natural Law and Natural Rights* (Oxford 1980); against: R. McInerney, *Aquinas on Human Action* (1992); R. Hittinger, *A Critique of the New Natural Law Theory* (1987); S. Long and others. None of these works was consulted at source for this article; the mapping of positions follows the standard self-descriptions and is offered as orientation, not as textual scholarship on the disputants.

⁹⁴Reported as the state of the standard commentatorial literature (e.g. the major English-language Code commentaries on cc. 1075 and 1141–1150), which was consulted for orientation only and is not cited as establishing any particular position here.

⁹⁵Each correction is bounded to the witnesses cited in its sentence and verified as described in the notes to sections 3–11; none asserts anything about writers not named, and the popular claims are paraphrased types, not quotations from identified authors.

A Scope, Method, and Qualifications

A.1 Reader, question, and method

This is a discursive canon-law article for a serious general reader able to follow documentary argument—secondarily for students of canon law, theology, or jurisprudence who need the classical taxonomy of law presented from its actual sources rather than from summaries. Its governing question: what is the classical taxonomy of law—eternal, natural, divine positive, human—where does it come from, and what work does it actually do in the current canon law of the Latin Church? Its claim, argued in epistemic order rather than announced: the taxonomy is not a four-box grid but two asymmetric distinctions (author; mode of institution) whose vocabulary the Latin tradition received from Roman jurisprudence through Isidore, whose theory is Aquinas’s treatise on law (natural law as participation of the eternal law; human law derived by conclusion and determination), whose canonical reception begins on the first page of Gratian’s *Decretum*, and whose working presence in the 1983 Code is pervasive and precise—fixing the subjects of merely ecclesiastical law (c. 11), the boundaries of custom (cc. 23–28) and dispensation (cc. 85–93), the exemptions from prescription (c. 199), the canonization of civil law (cc. 22, 1290), the structures held to be of divine institution, and the declare/constitute grammar of c. 1075; with the modern magisterial exposition (CCC 1954–1960; *Veritatis splendor* 40–45) teaching the same participation doctrine against autonomist and heteronomist alternatives.

The argument is governed by the repository’s articles profile, under both its faith-and-theology and its canon-law rules: exact body of law and edition identified per claim; promulgation and effective dates verified at the acts themselves; translation witnesses named; text distinguished from interpretation, validity from liceity, obligation from permission; and authority levels kept distinct throughout—a seventh-century encyclopedia, a twelfth-century school collection, a thirteenth-century theological treatise, a promulgated code, a catechism, and an encyclical are cited each as what it is. Project synthesis (the asymmetry formulation of section 6, the three-verb reading of section 10, the claims-audit of section 12) is labeled as such in the notes where it occurs.

Source class	Function in the article	Governing boundary
Isidore, <i>Etymologies</i>	Book V chapters ii–vi, xxi quoted as the vocabulary the tradition received (section 2).	Quoted from Lindsay’s 1911 Oxford edition at retained page images (leaves 192, 193, 196 of the identified scan), read visually; OCR used as discovery aid only; cited as transmitter, not as authority on Roman law.

Source class	Function in the article	Governing boundary
Aquinas, ST I-II qq. 90–97	The systematic synthesis, worked through question by question with the exact loci quoted (sections 3–5).	Latin from the Corpus Thomisticum web text (presents the Leonine edition; not collated against print); English from the identified Dominican translation as web-delivered; both fetched and hashed 2026-07-25. School theology of the highest common authority, not magisterium.
Gratian, Decretum DD. 1, 4, 8, 9	The canonical reception (section 7).	Friedberg 1879 text as transcribed by the MDZ online edition, dated state 2026-07-25; vulgate text, recension questions noted; never promulgated legislation—cited as the medium of the tradition c. 6 §2 invokes.
CIC 1983	The working uses: cc. 6, 11, 17, 19, 22–28, 85–93, 98, 113, 129, 145, 199, 207, 375, 748–751, 1008, 1059, 1075, 1084, 1163, 1249, 1290, 1315, 1399, quoted exactly (sections 8–10).	Latin and English Vatican web deliveries, all pages fetched, hashed, and read 2026-07-25; Book VI in the <i>Pascite gregem Dei</i> revision; web deliveries, not AAS pages; delivery defects recorded, not corrected.
CCC; Veritatis splendor; Dignitatis humanae	The modern exposition (section 11; DH 3 at section 11 and c. 748’s background).	Dated Vatican web states, English with Latin control for the CCC; VS Latin (AAS) not collated; teaching documents cited at their own authority levels.
Contemporary debates	Reported in section 12.	Literature-level report from the disputants’ standard self-descriptions; none of the disputed works consulted at source; no adjudication.

A.2 Included and excluded scope

Included: the taxonomy’s sources and structure as documented in the named witnesses; its reception in Gratian’s opening distinctions and the 1983 Code; custom and dispensation as worked institutes; the CCC and *Veritatis splendor* expositions; the declare/constitute boundary; the classical doctrine of unjust law read exactly; the contemporary disputes at reported level.

Excluded: the Eastern Catholic churches—no CCEO analysis is performed, and nothing here may be applied to Eastern Catholics without one; the 1917 Code except at incidental reported level; Roman law at source (the *Digest* and *Institutes* stand behind Isidore but were not examined); the treatise on the Old and New Law (ST I-II qq. 98–108) beyond q. 91 a. 5; the philosophical literature on natural law outside the reported debates; civil-jurisdiction questions; particular and proper law; liturgical law; and every concrete case—no marriage, penalty, office, obligation, or conscience question of any person is analyzed or resolved here.

A.3 Material qualifications

1. All Vatican web texts are delivery states, not the *Acta Apostolicae Sedis*; two delivery defects were found and recorded (c. 11 English “efficient”; c. 1315 Latin *divinamcongrua*), and the possibility of others is not excluded.
2. The Summa is quoted from an electronic text identifying itself as Leonine, uncollated with print; the English translation is a working aid whose renderings occasionally smooth the Latin (noted where material).
3. Gratian is quoted from Friedberg’s vulgate text in the MDZ transcription; recension scholarship since Winroth is acknowledged and not engaged; wording differences between Gratian’s Isidore and Lindsay’s Isidore are transmission history, reported without resolution.
4. The canons inventory (section 8) is bounded by its stated search method; it is not a concordance, and register assignments in the “register invoked” column follow the canons’ own wording, with disputed classifications flagged as disputed.

5. The claim that the Code nowhere labels each impediment’s register, and the reading of cc. 1085, 1141–1150 questions as disputed territory, are carried at the level of the standard commentaries, which were consulted for orientation only.
6. The dating of Gratian (c. 1140) and all biographical framing are common scholarly background carried at reported level.
7. Doctrinal-authority questions (which declarations of divine law are definitive; the theological note of particular “divine institution” claims) are identified as further questions the taxonomy does not settle; nothing here assigns a theological note beyond what the quoted texts assign themselves.
8. The article’s synthesis claims—the empty fourth square, the three-verb grammar, the reading of dispensation and custom as authorship-bounded—are interpretations of the quoted sources, presented as the article’s own and traceable in the notes.

A.4 Legal Scope and Currentness

Governing law: the 1983 *Codex Iuris Canonici*, promulgated 25 January 1983 by *Sacrae disciplinae leges* and in force from 27 November 1983, as amended—including Book VI as integrally revised by *Pascite gregem Dei* (23 May 2021, in force 8 December 2021), whose promulgation facts were verified at the constitutions’ official texts. Authoritative language: Latin; the canons were verified at the Holy See’s Latin web deliveries (one page per book, fetched and hashed 2026-07-25), with the Holy See’s English web deliveries (translator unnamed) as identified working translations; where they diverge, the Latin governs and divergences are reported. Jurisdiction and persons: the Latin Church only (c. 1); no CCEO norm is analyzed, and Latin conclusions must not be transferred to Eastern Catholics. Universal law only: no particular, proper, liturgical, or penal-particular law is examined. Material facts assumed: none—the article analyzes norms in the abstract and determines no person’s obligations, status, or liability. Amendments: the canons quoted were checked at the current Vatican deliveries as of the as-of date; the article asserts currentness for the quoted canons as delivered, not a completed search of every amending act affecting other canons; known post-1983 amendments material to quoted canons (the 1998 *Ad tuendam fidem* changes to c. 750; the 2021 Book VI revision) are reflected in the texts used. **As-of date: 25 July 2026.** This is a study aid, not legal or canonical advice; rights, penalties, marriage status, sacramental access, office, and every concrete application belong to the competent ecclesiastical authority or a qualified canonist with the complete facts.

A.5 Notes, translations, rights, and review

The numbered Notes carry exact citations, verification dates, evidentiary ceilings, and claim-local qualifications; no indispensable premise lives only in a note. Latin is quoted where the original governs, with English renderings either quoted from the identified translations or supplied as labeled working glosses. Official Holy See texts, the Corpus Thomisticum and New Advent presentations, and the MDZ Gratian transcription are quoted briefly with attribution from registered dated states and remain outside the project’s CC BY 4.0 grant; the retained Isidore page images are reproductions of a public-domain 1911 printing; project-created prose and organization are project content. All online witnesses were fetched, hashed, and read publication-locally on 2026-07-25; source-library records (dated web states, artifacts with hashes, registered passages, and three retained public-domain page images) were created or bound for this article, with publication bindings in this leaf’s research records.

This revision received internal argumentative, source-consistency, quotation, rights, and production review by the authoring agent. Independent review—philosophical, historical, theological, and canonical—is outstanding; no imprimatur, nihil obstat, or ecclesiastical approval is claimed, and internal checking is not independent review. The publication language for this work is: source-audited working article.

B References

All web sources were fetched over HTTPS, hashed (SHA-256), and read on 2026-07-25; the exact response hashes and the retained artifacts are recorded in the repository’s source library and this leaf’s **research/** records. Official texts remain under their own rights.

Law

- *Codex Iuris Canonici* (1983), Latin: Holy See web deliveries, one page per book, https://www.vatican.va/archive/cod-iuris-canonici/latin/documents/cic_liberI_la.html through [cic_liberVII_la.html](https://www.vatican.va/archive/cod-iuris-canonici/latin/documents/cic_liberVII_la.html). English: Holy See web deliveries by canon range under <https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/>. Canons quoted: 1, 6, 11, 17, 19, 22, 23–28, 85–93, 98, 113, 129, 145, 199, 207, 375, 748, 750, 751, 1008, 1059, 1075, 1084, 1163, 1165, 1249, 1290, 1315, 1399.
- John Paul II, apostolic constitution *Sacrae disciplinae leges* (25 January 1983), English: https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_25011983_sacrae-disciplinae-leges.html.
- Francis, apostolic constitution *Pascite gregem Dei* (23 May 2021), English: https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html.

Classical sources

- Isidore of Seville, *Etymologiarum sive Originum libri XX*, ed. W. M. Lindsay, vol. 1 (Oxford: Clarendon Press, 1911); scan of the University of Toronto exemplar, Internet Archive item [isidori01isiduoft](https://www.archive.org/details/isidori01isiduoft); Book V chapters ii–vi and xxi read at retained page images (leaves 192, 193, 196), IIF service <https://iif.archive.org/iif/>.
- Gratian, *Decretum* (Concordia discordantium canonum), Distinctions 1, 4, 8, 9, in the text of Aemilius Friedberg, *Corpus iuris canonici*, editio Lipsiensis secunda, vol. 1 (Leipzig: Tauchnitz, 1879), as transcribed by the Münchener DigitalisierungsZentrum online edition, <https://geschichte.digitale-sammlungen.de/decretum-gratiani/>.
- Thomas Aquinas, *Summa theologiae* I-II qq. 90–97. Latin: Corpus Thomisticum (site presents the Leonine text), pages [sth2090](https://www.corpusthomisticum.org/sth2090), [sth2093](https://www.corpusthomisticum.org/sth2093), [sth2094](https://www.corpusthomisticum.org/sth2094), and [sth2095](https://www.corpusthomisticum.org/sth2095) under <https://www.corpusthomisticum.org/>. English: Fathers of the English Dominican Province translation, New Advent, pages [2090.htm](https://www.newadvent.org/summa/2090.htm) through [2097.htm](https://www.newadvent.org/summa/2097.htm) under <https://www.newadvent.org/summa/>.

Magisterial teaching

- *Catechism of the Catholic Church* 1954–1960. English: https://www.vatican.va/content/catechism/en/part_three/section_one/chapter_three/article_1/i_the_natural_moral_law.html; Latin (typical-edition text): https://www.vatican.va/archive/catechism_lt/p3s1c3a1_lt.htm.
- John Paul II, encyclical *Veritatis splendor* (6 August 1993), nn. 12, 40–45, English: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html; Latin text AAS 85 (1993) 1133–1228 (not collated).
- Second Vatican Council, declaration *Dignitatis humanae* (7 December 1965), n. 3, English: https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html.

Reported literature (not consulted at source)

- G. Grisez, “The First Principle of Practical Reason: A Commentary on the *Summa theologiae*, 1-2, Question 94, Article 2,” *Natural Law Forum* 10 (1965) 168–201; J. Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980); R. Hittinger, *A Critique of the New Natural Law Theory* (Notre Dame, 1987); R. McInerny, *Aquinas on Human Action* (Washington, 1992). Cited only as the named positions in the reported debate of section 12.

Last revised (UTC): 2026-07-25T09:42:30Z