

Natural and Positive, Divine and Human Law

*Sources, historical development,
and responsible action across legal orders*

A philosophical, theological, historical, and canonical study

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1 The Problem: A Person before Several Orders of Law

Terms such as “natural law,” “positive law,” “divine law,” and “human law” classify different features of a norm. None, standing alone, tells a person what must be done. A source may establish the moral measure of an act without supplying a civil remedy. A valid civil rule may produce legal effects while commanding something morally impermissible. An ecclesiastical norm may be human and mutable yet bind its subjects until it is lawfully changed, dispensed, or set aside. Before drawing a practical conclusion, one must identify the exact norm, its author and rank, the persons and conduct within its scope, the forum in which it operates, and the kind of effect it claims.

This study therefore asks two connected questions. First, how are natural and positive law related to divine and human law, and how did Greek philosophy, Roman jurisprudence, Scripture, patristic thought, canonistic practice, scholastic theology, modern jurisprudence, and Catholic teaching shape that vocabulary? Second, how should a person account for duties arising at once from moral law, divine revelation, civil law, canon law, office, status, contract, and other particular commitments?

Governing thesis

The familiar pairs do not yield four coequal species or sources. Natural law is rooted in the created rational order and is knowable in principle by human reason; in that ultimate sense it has God as author, although Aquinas ordinarily reserves “divine law” in his fourfold scheme for the revealed Old and New Law. Divine positive law is freely revealed in salvation history. Human positive law is enacted or received by competent civil or ecclesiastical authority. “Human natural law” can describe a person’s knowledge, formulation, or positive recognition of a natural norm, but not a separately authored source of obligation. The practical point is equally important: civil and ecclesiastical orders overlap, but they do not form one human chain of command. A responsible subject must determine what each order actually requires, distinguish moral obligation from juridical validity and consequence, harmonize concurrent duties where possible, use competent remedies, and refuse compliance when a well-formed and certain judgment of conscience concludes that the commanded act is morally impermissible. Subjective certainty does not by itself erase external legal effects or supply a dispensation.

1.1 The paper’s fundamental claim

The taxonomy serves responsible agency. It is not an exercise in arranging abstract labels. A person may simultaneously be a rational creature, a baptized member of a Church *sui iuris*, a resident or citizen of a state, a spouse or parent, an officeholder, a member of an institute or association, an employee, a fiduciary, a party to a contract, and the addressee of an administrative act. Each status, capacity, or legal relation can bring distinct duties, rights, interpretive authorities, procedures, and remedies into the account. Some rules govern the same conduct for different reasons. Others govern only one legal effect.

There is therefore no universal shortcut such as “higher law cancels lower law” or “civil law controls temporal matters.” Higher law measures and limits lower authority, but its juridical consequences depend on the legal order and competent forum. Civil and ecclesiastical authorities can possess distinct competence over different aspects of one act. A sound account must answer three questions in order: *What norms apply? What binds in conscience? What action, remedy, or refusal is now required?*

This approach avoids two different errors. The first treats positive validity as sufficient for moral obligation. The second treats a sincerely asserted higher-law claim as self-executing and thereby bypasses jurisdiction, evidence, the rights of others, and lawful process. Catholic jurisprudence requires an objective moral measure and responsible institutions; neither can do the work of the other.

2 Analytical Distinctions: Source, Mode, Authority, and Effect

2.1 The two pairs ask different questions

Natural and *positive* principally distinguish a norm’s rational ground from its authoritative determination or historical giving. *Divine* and *human* principally distinguish authorship or normative source. These questions intersect, but they

are not two perfectly symmetrical axes. A single legal proposition may have a naturally intelligible moral ground, a revealed confirmation, and a humanly enacted juridical form. Each description answers a different question.

Principal mode	Ground or source	How it is known as binding	What can change
Natural moral law	The intelligible goods, ends, and relations of human nature within the created order. God is its ultimate author; human reason does not enact it.	Practical reason, conscience, moral inquiry, and sound inference from first principles to acts.	The underlying principles are not repealed by human authority. Knowledge, factual premises, formulations, and applications can be incomplete or mistaken.
Revealed divine law	God's free self-disclosure and command in salvation history: the Old Law fulfilled in Christ and the New Law.	Revelation received in Scripture and Tradition and authentically proposed by the Church's teaching office according to the authority of the act.	No human authority authors or abrogates it. Covenant, fulfillment, the scope of a precept, and the distinction between divine institution and human regulation must be established.
Human positive law	A competent human authority or legally capable community determines a rule for a civil or ecclesiastical common good.	Promulgated legislation, legally received custom, a competent administrative act, agreement, judgment, or another recognized juridical source.	It is ordinarily mutable within competence and subject to higher law, rights, purpose, procedure, jurisdiction, and the common good.
Positive recognition of natural or divine law	A human legal order declares, protects, specifies, or supplies remedies for a norm it does not claim to create.	The positive source establishes its juridical formulation and effects; the underlying moral or divine claim requires its own proof.	Procedure, remedy, presumption, terminology, and institutional allocation may change even when the underlying norm does not.

The fourth row is a layered description, not a fourth source. A civil prohibition of intentional killing can embody a natural duty and add definitions, defenses, evidentiary rules, and penalties. A canon can declare a divinely received principle and add a human procedure for determining the relevant facts. It is therefore misleading to classify an entire statute, canon, or judgment with one adjective when its propositions perform different work.

The decisive asymmetry

Natural law has God as ultimate author and is known and applied through human reason; it is not a statute enacted either by God or by humanity. "Divine positive law" identifies what is known because God has revealed it. "Human positive law" identifies a determination whose juridical form comes from competent human authority. "Human natural law" is best reserved, if used at all, for human apprehension or positive recognition of natural justice, not for an independently authored species.

2.2 Eternal law orders the account

In Aquinas, eternal law is divine wisdom governing created reality. Natural law is the rational creature's participation in that order. Human law derives from natural law either as a conclusion or as a determination. Divine law, in the ordinary terminology of *Summa theologiae* I-II q. 91, means the revealed Old and New Law, needed because humanity has a supernatural end and because human judgment and coercive law are limited (qq. 90–97, especially q. 91). Eternal law is thus not a fifth enacted code competing for jurisdiction. It states the ultimate intelligibility and measure of every just order.

This usage requires care. Canonists and theologians can speak more broadly of "divine law" as including natural and positive divine law. Aquinas's fourfold division usually places natural law and revealed divine law in separate terms. This study uses *divine natural law* only when the broader authorship question is material or when a current source itself distinguishes natural from positive divine law.

2.3 *Ius, lex*, right, and obligation

Latin *ius* is broader than enacted *lex*. Depending on author and period, *ius* can designate what is just, a person's right, a juridical relation, a body of law, or juristic learning. *Lex* more often designates a rule or enactment, although theological usage is wider. Greek *nomos* can mean custom, usage, convention, or statute; *physis* means nature. Aristotle's *dikaion physikon* is natural justice or right, not a finished scholastic account of *lex naturalis*. Translation must therefore follow the source's own legal world.

This article uses:

- **law** for a norm or juridical order, with the intended sense specified;
- **right** for what is due to a person, a protected freedom or claim, or the just relation itself;
- **obligation** for a reason that binds a person to act or refrain, with moral and juridical obligation kept distinct;
- **positive** for what is authoritatively posited or historically given, not for what is morally desirable;
- **natural** for rational moral normativity grounded in human goods and ends, not physical regularity, instinct, or preference;
- **divine law** with an express distinction between natural authorship and revealed positive law where the context requires it; and
- **ecclesiastical law** for norms in the Church's juridical order, without presuming that every such norm is merely human or, conversely, divinely immutable.

2.4 Classification attaches to an exact proposition and effect

A marriage canon may declare a received norm of indissolubility, define a presumption, assign a tribunal, and fix a procedural period. The document is ecclesiastical legislation, but its propositions need not have the same source, necessity, subjects, or susceptibility to dispensation. Conversely, a natural-law conclusion does not by itself establish a filing period, a standard of proof, a civil cause of action, or a canonical penalty. Those effects require positive law and a competent forum.

The proper unit of classification is therefore a proposition asserted of a defined subject, act, time, place, and effect. Its authority may rest upon reason, revelation, enactment, custom, agreement, judgment, administrative act, or reception from another order; the text, competence, and conditions appropriate to that source determine what the proposition can establish. Disputants who speak broadly of "the law" may in fact disagree about different coordinates—the justice of a command, the validity of an act, the scope of jurisdiction, the attribution of fault, or the availability of relief. Precision consists in naming the coordinate in dispute, not in multiplying labels for the document as a whole.

2.5 Three distinct relations of priority

The language of hierarchy covers three relations that operate differently. *Moral priority* means that natural and revealed moral norms measure human action and the justice of every enactment. *Normative rank within an order* concerns the relations among constitutions, codes, universal or particular laws, administrative acts, contracts, and judgments under that order's rules of competence, interpretation, and conflict. *Allocation among orders* concerns the distinct authority of civil and ecclesiastical institutions over different aspects of the same event.

Only the second relation is a hierarchy in the ordinary juridical sense. The first supplies an objective measure of action and legitimate authority; the third is ordinarily coordinated by jurisdiction, treaty, reception, recognition, or conflicts rules rather than by appeal from one order to the other. Thus a norm can remain civilly operative while morally defective, a canonically invalid alienation can be civilly effective, and a civil divorce can alter civil status without deciding the existence of a canonical bond. These are differentiated conclusions, not exceptions to a universal master hierarchy.

3 Why Law Binds: Reason, Authority, and the Common Good

3.1 Law coordinates free and responsible persons

Aquinas defines law as an ordinance of reason for the common good, made by one who has care of the community, and promulgated (*Summa theologiae* I–II, q. 90, a. 4). The elements are cumulative but analytically distinct. Defects in rationality or common-good orientation concern the rule’s moral character; defects in competence or promulgation concern its claim to juridical operation under the relevant positive order. A single enactment can implicate both kinds of defect without their consequences being identical.

The definition applies analogically, not univocally, to every form of law. God does not receive care of creation from a community, and natural law is not printed in an official journal. Yet reason, the common good, authority, and adequate manifestation explain why law can direct free agents rather than merely cause behavior. Human positive law adds what general moral principles do not supply: common specifications, stable expectations, institutions, procedures for finding facts, remedies, and public accountability.

3.2 Conclusion and determination

Aquinas distinguishes two ways in which human law derives from natural law (I–II, q. 95, a. 2). A *conclusion* draws a more specific moral norm from a general principle. A *determination* chooses one reasonable specification where the principle leaves several possibilities open. The duty to protect life supports prohibitions on unjust killing; it does not by itself fix jurisdiction, grades of offense, evidentiary standards, or sentences. Those questions require positive determination.

Most legislation combines moral inference, empirical judgment, and choice among reasonable means. Its determinations can therefore be criticized at several levels: the good selected, the factual account of the problem, the distribution of burdens, the fitness of the means, or the authority and procedure by which the choice was made. Discretion among reasonable specifications is real, but it does not immunize a determination that defeats the good invoked to justify it.

3.3 The reach and limits of coercive law

Human law cannot prudently prohibit every vice. Aquinas argues that it should restrain chiefly the graver harms from which social order must be protected and should lead persons toward virtue gradually (I–II, q. 96, aa. 2–3). The claim does not make lesser wrongdoing morally acceptable or determine a policy without facts. It distinguishes the entire moral field from the part that a political community can justly and effectively regulate by coercion.

The distinction also applies within the Church. Canon law serves communion and the salvation of souls, but it does not turn every sin into a delict, every counsel into a precept, or every pastoral judgment into a justiciable right. Penal legality, including the strict conditions for punishment under CIC c. 1399 where no other penal law or precept defines the violation, works together with competence, notice, proof, imputability, prescription, rights of defense, and recourse to protect the persons whose good law must serve.

3.4 Natural-law judgment is an act of practical reason

The first practical principle—good is to be done and pursued and evil avoided—is universal and highly general. Basic human goods and inclinations orient reasoning; concrete judgment also requires accurate facts, sound intermediate premises, virtues, experience, and attention to circumstances. Aquinas distinguishes common principles from increasingly contingent conclusions and notes that passion, bad custom, and faulty reasoning can obscure them (I–II, q. 94, aa. 2, 4–6).

Accordingly, the statement “natural law requires this” carries a burden of explanation. It should identify the good at stake, the principle, the inferential steps, the material facts, possible alternative specifications, and the degree of certainty. Where a claim is also said to be naturally knowable, revelation can confirm it but does not eliminate the need to offer rationally accessible reasons in civil deliberation.

3.5 Promulgation, knowledge, and conscience

Conscience is a person's practical judgment about the act to be chosen. It is neither a private source of moral truth nor a feeling displaced whenever an official commands. A person must seek the truth, form conscience, and follow a judgment held without practical doubt. Culpable and nonculpable error affect responsibility differently; neither makes the objective character of the act or every external legal consequence depend on sincerity alone. The Catholic account of conscience therefore joins freedom, formation, responsibility, and humility (CCC 1776–1802).

Promulgation makes a positive rule publicly ascertainable, but actual knowledge and responsibility require separate analysis. Legal orders can presume knowledge, excuse nonculpable ignorance, or treat mistake differently according to the kind of act. In Latin canon law, for example, CIC cc. 14–15 govern doubt, ignorance, and error concerning laws and facts, while cc. 1321–1325 separately govern imputability and mistake in penal matters. One must not infer moral culpability merely from juridical effect, or juridical immunity merely from reduced culpability.

3.6 Unjust enactments: six separate conclusions

The maxim that an unjust law is “not law” means that the enactment fails to satisfy law's proper moral standard; it is not a universal rule of automatic juridical nullity. Aquinas distinguishes defects of end, authority, and distributive justice from commands opposed to divine good, and he also considers scandal and social disturbance (I–II, q. 96, a. 4). Analysis should separate:

1. the moral character of the exact act required or prohibited;
2. the certainty and gravity of the claimed injustice;
3. the rule's validity and continuing effects within its positive legal order;
4. the person's moral obligation, including direct refusal where the commanded act is itself evil and, in other cases, possible temporary compliance or forbearance to avoid greater disorder;
5. cooperation, scandal, effects on third parties, and restitution or notice duties; and
6. the lawful or morally required response: interpretation, exemption, recourse, litigation, legislative change, conscientious objection, direct refusal, noncooperation, or civil disobedience.

John Paul II applies these distinctions to enactments attacking innocent human life, direct participation, conscientious objection, and incremental reduction of harm (*Evangelium vitae* 68–74). The application is grave and specific. It does not justify transferring the same conclusion to every contested regulation without a new analysis of object, facts, participation, and remedy.

4 Greek Sources: Nature, Convention, and Rational Judgment

These sources do not contain the later Catholic taxonomy. They address antecedent questions: whether civic command is the final measure of justice; whether nature names rational order, biological regularity, or superior power; whether unwritten norms can judge local enactments; and how general rules should govern exceptional cases. Their vocabulary and genres must be read before their later reception.

4.1 *Antigone*: civic decree and a claimed higher duty

In Sophocles' *Antigone* 450–460, Antigone denies that Creon's proclamation can override ordinances that she attributes to the gods as unwritten and enduring (Greek and English witness). The scene dramatizes a conflict between civic office and a claimed higher obligation. It is character speech in a tragedy concerned with piety, kinship, rule, excess, and judgment, not a systematic theory of natural law.

The passage nevertheless attests that Greek drama could distinguish a civic decree from the justice of obeying it. Aristotle later cites Antigone's speech in his discussion of common law according to nature. The reception is explicit; the meaning Aristotle assigns to the example belongs to his own argument.

4.2 Nature and convention require an account of justice

The contrast between *physis* and *nomos* did not carry one moral conclusion. In Plato's *Gorgias* 482e–484c, Callicles appeals to nature to defend domination by the stronger (text). He is an interlocutor whose position Socrates contests. The passage shows why an appeal to nature requires an account of what nature means and why it is normative.

Plato's *Laws* begins by asking whether a constitution is attributed to a god or a human lawgiver (I, 624a–625a). Book X presents a materialist and conventionalist explanation of gods and justice before answering it through the priority of soul and intellect (888e–890a, 890d–892c, 896a–899d; Book X). The dialogue distinguishes divine attribution, rational cosmic order, and civic enactment. Its theology remains Greek philosophical and civic theology; any relation to Christian accounts must be demonstrated by later sources.

4.3 Aristotle: natural justice, determination, and equity

Aristotle gives the most explicit natural/legal distinction in this Greek corpus. In *Nicomachean Ethics* V.7, 1134b18–1135a5, political justice is partly natural and partly legal. Legal justice includes matters that could initially be settled in more than one way but cease to be indifferent once authoritatively determined (Book V). Positive determination is therefore a constitutive part of political justice, not merely a departure from nature.

Aristotle also says that what is natural in political justice can vary in human affairs. At minimum, the text requires readers to distinguish the natural basis of justice from changing material circumstances and applications. It should not be assimilated without argument to a later scholastic account of immutable first principles.

Rhetoric I.13 distinguishes a city's particular written or unwritten law from a common law according to nature and cites Antigone. The adjacent account of equity addresses cases in which legislation must speak generally but its wording does not fit an unforeseen case (Book I, 1373b–1374b). Equity seeks the reason of the rule; it is not a private power to suspend any inconvenient law.

In *Politics* III.16, Aristotle contrasts rule by law with rule by appetite while recognizing that magistrates must decide what a general text cannot settle (1287a18–32). Together, these passages preserve both governance by general law and prudent judgment in cases the text does not resolve.

4.4 Stoicism: nature, reason, and common law

Diogenes Laertius reports that the Stoic life according to nature conforms to a common law identified with right reason pervading all things and associated with Zeus's governance (VII.87–89; text). Cleanthes' *Hymn to Zeus* expresses poetically a cosmos ordered through *logos* and common law. A fragment of Chrysippus survives in Marcian's excerpt at Digest 1.3.2, where law is called ruler of divine and human affairs and a standard of justice (Digest Book 1).

The evidence is fragmentary and mediated. Later Christian writers use related language, but direct reception must be shown source by source. Stoic immanent rational order is not identical with creation by a transcendent God, and conformity to nature is not the revealed New Law of grace.

4.5 The unresolved Greek inheritance

The Greek sources bequeath no single natural-law theory. They preserve instead a set of problems that later traditions reorganized: the moral assessment of civic command, the rival meanings assigned to nature, the place of authoritative determination within political justice, the correction of general language through equity, and the possibility of a rational norm common to more than one city. Their continuing importance lies precisely in that unresolved plurality. Later Christian and juristic syntheses inherit the questions, not a completed taxonomy or an institutional remedy.

5 Roman Philosophy and Jurisprudence: Sources, Status, and Remedy

The surviving Roman evidence has two distinct kinds. Cicero offers philosophical arguments about reason, nature, and enactment. Jurists identify operative sources, statuses, institutions, actions, and remedies within Roman law.

Justinian's sixth-century compilations preserve excerpts from jurists of different centuries alongside philosophical material. Editorial proximity in the compilation does not establish conceptual agreement.

5.1 Cicero: enactment subject to rational judgment

In *De legibus* I.17–19, Cicero defines law as the highest reason implanted in nature, commanding what should be done and prohibiting the contrary. He connects right reason, justice, and a community of gods and humans at I.22–23 and 33, and argues that popular enactment cannot make robbery, adultery, or falsification just at I.42–44 (Latin Book I). Book II.8–11 places law in divine mind and rational order before cities and written commands (Latin Book II).

De re publica III.33 describes true law as right reason consonant with nature, common across peoples and times, and not repealable by senate or people (fragment). The passage survives through Lactantius, *Divine Institutes* VI.8.6–9, and editions number it differently. It later supplied Christian writers with useful Latin vocabulary; the reception and any transformation must be examined in those later texts.

Cicero's standard can criticize enactment without implying that every Roman official possessed a general jurisdiction to invalidate statutes on that ground. Philosophical moral authority, positive legal validity, and institutional remedy are separate questions.

5.2 Gaius: operative sources and differentiated persons

Gaius opens his *Institutes* by distinguishing the *ius civile* peculiar to a people from the *ius gentium* which natural reason establishes among peoples. He then enumerates recognized Roman sources: statutes, plebiscites, senatorial decrees, imperial constitutions, magistrates' edicts, and juristic opinions (1.1–7; Latin text). Law is identified through source and institutional form as well as through philosophical justification.

The work's organization around persons, things, and actions also shows how status, legal capacity, and procedural remedy structured the consequences available to a person. Freedom or slavery, citizenship, family position, ownership, contract, and procedural action affected those consequences. The Roman categories are historically specific, but their method remains important: a general claim about justice does not state who can sue, what proof is required, or which official can grant relief.

Gaius's *ius gentium* is neither modern public international law nor simply Thomistic natural law. It can designate institutions common among peoples because natural reason produced or recognized them. Common acceptance did not guarantee conformity to deeper natural equality, as the law of slavery demonstrates.

5.3 The Digest: juristic plurality

Digest 1.1 gathers several juristic definitions: Celsus on *ius* as an art of the good and equitable; Ulpian on natural, gentium, and civil law; Papinian on praetorian law; and a description of jurisprudence as knowledge of divine and human things (Digest Book 1). These are excerpts from different authors and contexts.

Ulpian calls natural law what nature teaches all animals and reserves *ius gentium* for what human peoples share. That usage differs from the Catholic account of natural moral law as rational participation. Roman civil law could add to or subtract from common law; praetorian law could aid, supplement, or correct the civil law for public utility. The categories described a working relation among sources, officials, and remedies.

Digest 1.3 addresses enacted law: it commands, forbids, permits, punishes, and speaks in general terms. Marcian's excerpt from Chrysippus places a Stoic definition within this juristic anthology. Digest 1.8, by contrast, uses divine and human law to classify property; it does not classify norms by divine or human authorship. Vocabulary must be interpreted by the legal task it performs.

5.4 Justinian's compilation and transmission

Justinian's *Institutes* 1.1–1.3 give pedagogical form to natural, gentium, and civil law; written and unwritten law; and the recognized sources of enactment (Latin text based on Krueger; Moyle translation aid). The statement that

natural norms established by divine providence remain firm while civic enactments change is significant, but it does not identify those norms with revealed divine positive law.

The compilation juxtaposes Gaius's civil/gentium scheme and Ulpian's natural/gentium/civil scheme without producing a perfectly consistent taxonomy. It nevertheless preserved texts, classifications, procedural principles, and institutions that medieval civilians and canonists later studied and reorganized. The recovery and teaching of these materials in the medieval schools became one cause of the Western *ius commune*.

5.5 Slavery as a test of legal classification

Roman sources can call slavery an institution of the *ius gentium* contrary to nature and affirm natural human equality, while the civil order continued to treat enslaved persons as property and to deny them full civil personality (Institutes 1.2.2, 1.3.2; Digest 1.5.4.1, 50.17.32). Digest 44.7.14 recognizes natural obligations of enslaved persons even where the civil order withheld an action (Book 44).

These texts show that language of nature and natural equality did not by itself invalidate contrary positive institutions. It could criticize, classify, or qualify them while those institutions remained legally operative. The gap between moral measure and available remedy is therefore not a modern discovery. It also shows why a study of law must ask about the person who bears the institution's consequences, not only about the elegance of its categories.

5.6 The Roman conjunction of reason and remedy

The Roman contribution is not a harmonized division of natural, civil, and gentium law. It is the conjunction of philosophical criticism with a juristic discipline of sources, status, interpretation, action, and remedy. Cicero supplied a Latin language in which right reason could judge enactment; the jurists supplied heterogeneous classifications through which institutions allocated concrete effects. Justinian's compilers transmitted both without erasing their tensions. The law of slavery makes the limit unmistakable: natural equality could be stated while positive institutions denied persons the status and remedies through which that equality might become effective.

6 Scripture, the Fathers, and the Formation of Ecclesial Order

For Christian theology, Scripture establishes creation by a personal God, covenantal command, sin and grace, fulfillment of the Law in Christ, the New Law of the Spirit, ecclesial authority, and a supernatural end beyond temporal peace. These claims transform the questions inherited from Greek philosophy and Roman law. The result is neither a biblical code for every polity nor a merely philosophical account with Christian terminology.

6.1 Creation, moral knowledge, and revealed law

Romans 2:14–16 describes Gentiles who do not possess the Mosaic Law yet do by nature what the Law requires, with conscience bearing witness (Romans 2). The passage has become a principal text in Catholic natural-law reflection. Its precise rhetorical subjects remain disputed. For this study's limited purpose, it supports the claim that moral accountability is not confined to those who possess Israel's written Torah.

Creation, the image of God, wisdom literature, and prophetic appeals to justice also support an intelligible moral order. Biblical and philosophical uses of nature nevertheless require their own exegesis. Creation remains good and providential; human reason and desire are wounded by sin; and human persons are ordered to communion with God.

Covenantal commands furnish a central case of norms known through divine historical revelation. The Decalogue also states central natural-law precepts. A prohibition can therefore be naturally grounded and positively revealed without the two modes becoming identical. Revelation confirms, specifies, and places the precept within covenant and worship.

Jeremiah promises a covenant in which the law is written upon the heart (Jeremiah 31:31–34). Jesus speaks of fulfilling the Law (Matthew 5:17–48), concentrates it in love of God and neighbor (Matthew 22:34–40), and gives a new commandment shaped by his self-gift (John 13:34–35). In Aquinas's synthesis, the New Law is principally

the grace of the Holy Spirit and secondarily written teaching. The earlier covenant's moral, ceremonial, and judicial precepts therefore require a salvation-historical account of fulfillment; their former juridical form did not cease through human repeal of divine law.

6.2 Acts 15: covenant, apostolic judgment, and differentiated discipline

Acts 15 places a concrete person before several claimed norms. Gentile converts enter a community formed by Israel's Scriptures and Christ's saving work. Some believers argue that circumcision and observance of the Mosaic law are necessary. Apostles and elders deliberate, hear testimony, interpret God's action and Scripture, distinguish what should be imposed, and send a written determination to affected communities (Acts 15).

The decision combines theological judgment, apostolic competence, a moral minimum, disciplinary provisions directed to communion, and pastoral reception. The Pontifical Biblical Commission reads the event as distinguishing enduring moral requirements from temporary compromise while relating communal discernment to personal conscience (*Bible and Morality* 151–153). The passage does not supply the later law taxonomy. It does disclose the elements that later canonistic analysis would have to distinguish: the source and scope of a claimed divine norm, apostolic competence, the status of those addressed, disciplinary determination, communal reception, and differentiated obligations within one Church.

6.3 Civil authority and its moral limit

Romans 13:1–7 and 1 Peter 2:13–17 direct Christians to obey governing authority in its service of order and good (Romans 13; 1 Peter 2). Acts 5:29 places that obedience under the prior claim of God when authority forbids apostolic witness (Acts 5). Read together, the texts affirm real political authority and a moral limit to its commands.

Jesus' instruction concerning Caesar and God (Matt 22:15–22) distinguishes claims without assigning every mixed matter to a forum. Early martyr accounts and apologies show Christians praying for rulers and refusing acts of idolatrous worship. Tertullian's *Apology* 33–34, for example, honors the emperor as emperor while denying him divine status (text). The duty of civil loyalty and the duty of religious refusal fell upon the same person.

6.4 Ecclesial norms before imperial recognition

The New Testament depicts binding and loosing, apostolic judgment, appointment of ministers, community discipline, adjudication, and conciliar decision (Matt 16 and 18; Acts 15; 1 Cor 5–6; the Pastoral Epistles). These sources ground the Church's capacity to establish binding internal norms and adjudicate disputes before imperial recognition. The 1983 CIC's promulgating constitution later places canonical discipline within that ecclesiological history (*Sacrae disciplinae leges*).

The *Didache* joins catechesis, the two ways of life and death, worship, appointment, and community discipline (text). During the first centuries, local and regional councils, episcopal letters, liturgical practice, and penitential discipline generated bodies of ecclesial norms with different territorial scope and later reception. An exhortation, a local canon, and a generally received rule therefore require separate identification.

6.5 Augustine: eternal measure, temporal peace, and coercion

In *De libero arbitrio* I.5–6, Augustine makes eternal law the measure of temporal justice and explains why temporal law does not punish every disordered desire. *City of God* XIX.17 presents the pilgrim city as obeying diverse laws that maintain earthly peace insofar as they do not impede worship of God (Book XIX.17). His two cities are communities defined by their loves, not institutional synonyms for Church and state.

Augustine's judgment about coercion changed during the Donatist controversy. Letter 93.16–17 says that he had opposed coercion into unity but revised his position after observing imperial pressure. Letter 185.23–26 defends fines and exile as corrective while rejecting capital punishment in that setting and acknowledging that goodness cannot be produced without the will. The development records a genuine tension among truth, baptismal obligation, public

order, persuasion, and coercive means. It later became part of the history against which Catholic teaching on religious freedom developed.

6.6 Christian empire, differentiated offices, and canonical trajectories

Imperial toleration and patronage altered the institutional setting. Councils issued canons; bishops governed communities and sometimes adjudicated civil disputes; emperors convoked councils, enacted laws affecting ecclesiastical institutions, enforced settlements, and sometimes attempted to control doctrine. Marriage, property, clerical status, asylum, worship, and public order could acquire both ecclesiastical and civil consequences. The same persons and acts thus entered distinct but interacting forums.

Pope Gelasius I wrote *Famulae pietatis* to Emperor Anastasius in 494 during the Acacian schism. His paired authorities were the sacred authority of bishops and royal power. Clerics obey imperial law in temporal public order; the emperor receives the sacraments and religious teaching from ecclesiastical ministers, who will answer before God even for rulers. Gratian later received the letter at D.96 c.10 (*Duo sunt*). A related Gelasian text attributes the distinction of offices to Christ, so that neither office usurps the function of the other (D.96 c.6; text).

The Gelasian distinction was neither a theory of equal modern sovereignties nor a program for private religion. It differentiated offices within a Christian moral order and assigned an asymmetry according to subject matter. Later conflicts over appointment, courts, taxation, property, discipline, and coercion showed that the boundary did not decide itself.

In the East, conciliar canons, imperial legislation, and later nomocanonical collections placed ecclesiastical and civil texts in coordinated corpora. Justinian's Novel 6 (535) distinguishes priesthood, which serves divine matters, from imperial authority, which administers human affairs, while the enactment itself regulates episcopal qualifications and Church discipline (older English witness). The text illustrates cooperation and overlap rather than a modern allocation of wholly separate systems.

The Council in Trullo (691–692) received a defined corpus of earlier canons and added extensive discipline; its reception differed between East and West. Later Eastern commentators and collections developed within those sources. The promulgating constitution of the CCEO expressly locates the current Eastern code within this first-millennium conciliar inheritance and the distinct patrimonies of the Eastern Churches (*Sacri canones*). The CCEO is therefore the result of a different canonical history, not an Eastern translation of Latin law.

In the Latin West, conciliar canons, papal decretals, patristic authorities, penitential books, Roman legal materials, and local collections circulated without one comprehensive code. Reform disputes, the recovery of Justinianic texts, and the growth of schools and papal adjudication eventually created the setting in which Gratian and the decretists worked. The history proceeds from a plurality of sources and forums to juristic efforts at concord, not from an original complete taxonomy to later application.

7 Canonistic Formation, Scholastic Synthesis, and Early Modern Expansion

7.1 Why systematic canon law emerged

Before Gratian, the Latin Church possessed Scripture, patristic authorities, conciliar canons, papal decretals, penitential norms, liturgical sources, and regional collections. Their dates, addressees, purposes, and formulations differed. Eleventh- and twelfth-century reform disputes over simony, clerical life, episcopal appointment, papal authority, and lay control increased the need to identify and reconcile governing sources. At the same time, renewed study of Justinianic Roman law and the growth of schools supplied juristic methods.

This conjunction matters. Systematic canon law did not arise only from an abstract interest in classification. Expanding ecclesiastical jurisdiction, reform, litigation, legislation, and teaching created practical questions about which authority and text controlled. The recovery of Roman law contributed vocabulary and procedure; ecclesial sources supplied a distinct constitution and end. Anders Winroth's account connects reform, papal government, the

schools, and increasingly systematic collections while preserving the contested chronology of Gratian's work (historical control).

7.2 Gratian: discordant authorities and juristic concord

The *Decretum* begins by saying that humankind is ruled by natural law and customs. Gratian identifies natural law with what is contained in the Law and Gospel, including the command to treat another as one wishes to be treated; his broad category of custom includes written and unwritten human law (D.1 dictum before c.1; Friedberg edition text). D.1 c.1, drawn from Isidore's *Etymologies* V.2, then divides laws into divine, grounded in nature, and human, grounded in custom (D.1 c.1).

The opening contains real tension. Gratian's initial identification is scriptural; D.1 cc.6–9 also transmit Isidore's Roman-derived natural, civil, and gentium categories (D.1 c.6; c.7; c.8; c.9). Gratian's distinctions, hypothetical cases, dicta, and reconciliation techniques offered later decretists a method for determining whether authorities addressed different times, places, meanings, or exceptions.

D.4 c.2 receives criteria for human enactment: it should be honorable, just, possible, fitting to nature and local custom, adapted to time and place, necessary, useful, clear, and directed to common utility (text). Juridical form and substantive justice are both part of the inquiry.

7.3 Decretists, decretals, courts, and the *ius commune*

Rufinus's *Summa Decretorum* distinguishes a natural capacity implanted in rational humans from the Roman animal-wide use of *ius naturale*. He relates institutions understood to arise after the Fall, the *ius gentium*, the Decalogue and Gospel, and positive canons governing ecclesial institutions (ed. Heinrich Singer, 1902, pp. 4–10; scan). His work exemplifies decretist efforts to interpret, rather than merely repeat, Gratian's authorities.

Papal decretals issued in cases and as legislation continued to accumulate. Gregory IX's *Liber Extra*, compiled by Raymond of Peñafort and promulgated in 1234, reorganized this material into five books for teaching and practice (edition and source guide). Decretalists interpreted the new collection; later official and private collections joined Gratian and the *Liber Extra* in what became the *Corpus iuris canonici*.

The medieval *ius commune* was not one statute book. The learned *ius commune* comprised Roman and canon law and their juristic literature; courts applied it in interaction with local, feudal, municipal, corporate, royal, and customary *iura propria*. Ecclesiastical and civil courts could apply overlapping bodies of doctrine to marriage, oath, property, status, contract, benefice, crime, and procedure. A litigant's forum, status, cause of action, proof, and remedy affected the outcome. Modern language of legal pluralism helps describe that multiplicity, provided it does not project fully separate modern legal systems backward onto every source and institution.

Romano-canonical procedure developed structured pleading, proof, representation, appeal, and record. These forms did more than administer substantive norms: they determined what could be established and remedied in the external forum. Claims of right or natural justice could receive enforceable effect when recognized through actions, exceptions, presumptions, and competent judgment.

7.4 Penitential and contentious forums

Medieval Christians also encountered norms through penance and confession. Canonists and pastoral writers distinguished forms of judgment concerned with conscience, sacramental discipline, public status, and contentious litigation. The vocabulary and institutional boundary developed over time. Joseph Goering traces a two-fora account in the decades after Gratian while warning that later language of the *forum internum* should not be projected indiscriminately into earlier texts (study). Wolfgang P. Müller's contrary historiographical challenge shows that the emergence and later reconstruction of the category remain disputed (study).

The historical distinction matters for personal obligation. A judgment about sin, an ecclesiastical penalty, a sacramental remedy, and a civil cause of action could concern related conduct without producing identical effects. Current canon law's internal and external forums have positive definitions and cannot simply be read back into medieval practice.

7.5 Aquinas's architecture

Aquinas relates law to beatitude, virtue, grace, prudence, community, and salvation in *Summa theologiae* I–II qq. 90–108:

Form	Source and character	Mode of knowledge	Function
Eternal law	Divine wisdom governing the created order.	Known perfectly by God; creatures participate according to their mode.	Ultimate source and measure of just order.
Natural law	Rational participation in eternal law.	Practical reason grasps first principles and reasons toward conclusions.	Directs action toward human goods and supplies human law's moral basis.
Human law	Particular conclusions and determinations for a political community.	Known through promulgated enactment or legally operative custom and interpreted by reason and authority.	Coordinates action, restrains grave wrongdoing, secures justice, and supports virtue.
Divine law	The revealed Old and New Law; the New Law is principally grace.	Received through revelation and faith.	Directs persons to their supernatural end and reaches acts beyond human law's competence.

The principal loci are q. 90, q. 91, q. 93, q. 94, and q. 95; Old and New Law receive extended treatment in qq. 98–108.

Aquinas also treats the stability and change of human law, custom, dispensation, and equity. Change can serve the common good while weakening law's habituating stability (q. 97, a. 2). Custom can acquire or interpret legal force through the community's juridically relevant action (q. 97, a. 3). Dispensation belongs to authority entrusted with the community and applies a common rule where its reason fails in the case (q. 97, a. 4). Equity addresses exceptional application of general wording according to the rule's rational purpose (II–II q. 120). Current positive law defines which authorities and procedures can give those concerns external legal effect.

7.6 Salamanca, conquest, and the law of peoples

European expansion forced scholastic and juridical categories into disputes about the status, property, political authority, religious freedom, and resistance of non-Christian peoples. In *De Indis*, Francisco de Vitoria tests asserted Spanish titles to dominion against natural law and the *ius gentium* and recognizes the political and proprietary *dominium* of Indigenous peoples (“On the American Indians,” q. 1, conclusion, pp. 239–251 in the Pagden–Lawrance edition). His arguments also retained contested titles and assumptions connected to communication, mission, and war; they should not be presented as a completed anticolonial settlement.

The Valladolid controversy of 1550–1551 placed Juan Ginés de Sepúlveda's arguments about conquest and hierarchy against Bartolomé de las Casas's defense of Indigenous rationality, freedom, and evangelization without coercive war. The sources disclose a live conflict over jurisdiction, cultural difference, natural rights, religious mission, and imperial power rather than a linear triumph of natural law (documentary and historiographical guide). The episode demonstrates both the critical capacity of higher-law reasoning and its vulnerability to disputed anthropology and imperial interests.

7.7 Trent, Suárez, and the early modern bridge

The Council of Trent supplies concrete examples of ecclesiastical competence and positive determination. Session VII, canon 8 on baptism rejects freedom from all Church precepts. Session XXIV, canon 4 on matrimony affirms ecclesiastical competence to establish diriment impediments; *Tametsi* then enacts a form requirement where promulgated (Session VII; Session XXIV witnesses). The doctrinal claim about competence and the changeable disciplinary rule remain distinct.

Francisco Suárez's *De legibus ac Deo legislatore* (1612) examines law and lawgiver, obligation and promulgation, eternal and natural law, human civil and canonical law, *ius gentium*, custom, privilege, and revealed law (especially

I.5–12; II; III–IV; VII–X). He locates the legislator’s will within rational direction of a community toward the common good. His account is an early modern scholastic synthesis with its own terminology; it should not be reduced either to Thomistic repetition or to later command theory.

Reformation, confessional division, overseas empire, stronger territorial government, and disputes over sovereignty changed the institutions within which these categories operated. Natural law and *ius gentium* became languages used across confessional boundaries, while civil and ecclesiastical jurisdictions were increasingly reorganized by states. The next section follows that transformation into toleration, codification, legal positivism, rights, and Vatican II.

8 Ecclesiastical and Civil Order in the Modern Transformation

The history cannot be reduced to a steady advance toward “separation.” That word may refer to distinct offices, independent institutions, disestablishment, religious liberty, noninterference, cooperation, exclusion of religion from public life, or the moral self-sufficiency of the state. These meanings arose in different settings and receive different Catholic judgments.

8.1 Reformation, confessionalization, and territorial power

The Reformation fractured and reorganized the already contested institutional unity of Latin Christendom. In the Empire, the Religious Peace of Augsburg (1555) allocated confessional authority and protections among imperial estates, while the Instrumentum Pacis Osnabrugensis (1648), especially art. V, revised the settlement. Neither instrument created a general, equal individual right to religious liberty. Territorial churches, other confessional settlements, religious wars, migration, colonial government, and expanding fiscal and administrative capacity produced different local configurations. Toleration developed unevenly as a settlement of civil peace, a protection for conscience, a privilege for specified groups, and eventually a claim of equal right. These stages carried different grounds and scopes.

The same transformation affected legal thought. Sovereignty theories concentrated final public authority; national and territorial legislation displaced parts of the learned *ius commune*; and natural law and the *ius gentium* became languages for argument across confessional lines. Overseas conquest also exposed the danger of announcing universal norms while using contested accounts of personhood, civilization, or title to exclude the people most in need of their protection.

8.2 Codification and the positivist question

Eighteenth- and nineteenth-century codification sought accessible, systematic, territorially unified law and reduced reliance on dispersed custom and juristic learning (see Peter Stein, *Roman Law in European History*, chs. 6–7). State administration, legislation, and courts increasingly identified law through institutional sources. The Church’s 1917 Latin code belonged to the codifying age, but its c. 6, no. 6 expressly preserved rules of natural and divine positive law that the code did not reproduce. Codification organized ecclesiastical discipline; it did not claim to author every norm binding the Church.

Legal positivism posed a related analytical question: can legal validity be identified from social sources without deciding moral merit? Austin’s command theory, Kelsen’s normativism, and Hart’s rule of recognition within a union of primary and secondary rules answer that question differently. Their distinct social-source accounts separate legal validity from merit; that separation does not itself confer moral authority upon the norm identified as valid.

The natural-law criticism begins when institutional pedigree is made a sufficient account of moral authority. Conversely, a natural-law judgment of injustice does not by itself establish that a court lacks jurisdiction or that an enactment has no positive effects. Radbruch’s postwar analysis of extreme statutory injustice and Fuller’s account of legality’s internal demands show that the debate also concerns the limits of juridical form, not merely rival moral slogans.

8.3 Nineteenth-century Catholic confrontation

Pius IX's *Quanta cura* and the attached *Syllabus* (1864) oppose state naturalism, religious indifferentism, popular will as a supreme norm independent of divine and human right, and civil law detached from natural and divine sanction (official Latin). The *Syllabus* also rejects propositions favoring Church–state separation (no. 55) and broad public exercise of non-Catholic religion in the circumstances addressed by the source documents (nos. 77–79). Because the numbered propositions refer to prior controversies, the list is not a context-free constitutional code. Its confessional default nevertheless differs from the later juridical center of *Dignitatis humanae*.

Leo XIII's *Immortale Dei* describes ecclesiastical and civil powers as supreme within defined orders and calls for concord when the same persons and matters relate to both ends (nn. 13–14; text). *Libertas* treats human law as a conclusion or determination of natural law and denies moral authority to commands opposed to right reason (nn. 6–10; text). These texts defend both a proper civil order and the Church's independence while retaining a confessional political horizon.

The loss of the Papal States in 1870 and the Lateran settlement in 1929 changed the institutional setting. The treaty recognized Holy See sovereignty and created Vatican City State to secure its independence. Treaty and concordat continued to serve as legal means for coordinating distinct orders; the Lateran Pacts supplied a modern settlement without restoring the former territorial domain.

8.4 Total state claims and the postwar rights turn

Twentieth-century totalitarian regimes made the question concrete. *Mit brennender Sorge* rejects racial and political idols and states that enactments contrary to natural law cannot bind conscience (nn. 29–31; text). *Summi Pontificatus* connects denial of a universal moral law and common human origin with state absolutism, attacks on the family, and loss of personal rights (text). These were not general theories of constitutional design; they were judgments against ideologies and laws that subordinated persons to race, nation, or state.

Postwar human-rights instruments and Catholic social teaching moved the juridical subject toward the person bearing reciprocal rights and duties. The Universal Declaration of Human Rights begins from inherent dignity and, in art. 18, states a right to freedom of thought, conscience, and religion; it is a General Assembly declaration, not a treaty, so its juridical operation must not be overstated. John XXIII's *Pacem in terris* sets rights to life, worship, family, work, association, migration, and political participation beside corresponding duties; it locates public authority within the moral order and the common good (nn. 9–38, 46–79; text). The move matters for this study: the person is not merely the object of competing jurisdictions but a responsible subject whose dignity limits each one.

8.5 From toleration to civil immunity

Pius XII's 1953 address *Ci riesce* distinguishes objective moral truth from the prudential duty of public authority to repress every error. A higher common good can require toleration, and positive international rules can specify natural-law obligations (Italian text). The address forms a bridge, although it does not yet formulate Vatican II's civil right.

Dignitatis humanae grounds religious freedom in the dignity and social nature of the person. Within due limits, persons may neither be forced to act against their religious beliefs nor restrained from acting in accordance with them, privately or publicly, alone or in association (nn. 2–4; text). The civil right rests on human nature and therefore remains when a person fails the moral duty to seek and adhere to truth. Number 1 preserves that duty; number 6 permits special civil recognition of a community only with effective protection for the freedom and equality of all; number 12 acknowledges conduct in Christian history contrary to the Gospel's spirit.

The development is juridically substantial. Earlier noncoercion principles coexisted with theories and practices of coercive correction and public restriction. The Council places the civil immunity of persons and communities at the center without teaching that truth is subjective or that disestablishment is the only legitimate constitutional form.

8.6 Autonomy, independence, and cooperation

Gaudium et spes 36 distinguishes the legitimate autonomy of temporal realities from autonomy understood as independence from the Creator. Sections 74 and 76 locate civil authority within the moral order and describe the political community and the Church as autonomous and independent in their own fields, serving the personal and social vocation of the same persons under different titles and cooperating for the common good (text). The Council also distinguishes acts performed by Christians as citizens from acts performed in the Church's name.

The result is differentiated responsibility rather than isolated sovereignties. Ecclesiastical and civil authorities possess distinct competencies; institutional freedom and cooperation depend upon the capacity in which each acts. Civil authority does not determine doctrine or administer sacraments, and ecclesiastical authority does not possess governing competence over every prudential determination of temporal policy. Religious immunity requires effective civil protection without converting error into truth or exempting religious actors from the rights of others. Both orders remain answerable to objective justice, can cooperate through defined legal forms, and can affect one person without eliminating that person's prior obligations to truth, justice, and the common good.

9 Contemporary Catholic Synthesis

9.1 An ordered plurality of law

The *Catechism of the Catholic Church* 1993–1998 coordinates eternal law, natural moral law, the revealed Old and New Law, and civil and ecclesiastical law (CCC 1993–1998). The categories are related but perform different work. Eternal law names divine wisdom as the ultimate order; natural law names rational participation in that order; the Old and New Law name revealed economies; human laws give determinate juridical form to common life.

Natural law is universal and stable in its first principles, yet knowledge and application can be impaired by error, passion, social conditions, and sin (CCC 1993–1998). Revelation supplies light and grace; it does not make human nature unintelligible to reason. Civil and ecclesiastical legislation remains necessary because moral principles alone do not select every office, procedure, calendar, remedy, or institutional arrangement.

9.2 Stability, knowledge, and historical development

Basic moral goods and first principles do not change through enactment. Human knowledge of them, factual premises, derived conclusions, positive specifications, and institutional applications can develop. A rule historically described as natural may combine a sound principle with a false account of a class of persons or with a contingent custom. Correction then concerns the anthropology, inference, or specification rather than making human will the author of the underlying good.

This distinction permits historical accountability. Appeals to nature supplied grounds for criticizing conquest, slavery, racial hierarchy, and state absolutism, while contested accounts of personhood repeatedly narrowed the class of persons allowed to bear the rights announced as universal. Development in natural-law reasoning must therefore be assessed through both the stability of the principle and the evidentiary path from that principle to the proposed rule.

9.3 One person bearing reciprocal rights and duties

Pacem in terris 28–34 treats natural rights and duties as correlative. A person's right entails duties in others to recognize and respect it; the right-holder also bears duties to exercise freedom responsibly and to contribute to the common good. Public authority must coordinate and protect these relations rather than treat the person only as the object of administration (text).

The reciprocity of rights and duties locates responsibility within juridical and social relations. Status, office, family, property, contract, and citizenship can place one person under a duty corresponding to another's claim. A remedy does more than vindicate an abstract interest: it specifies who owes performance, what must be proved, and how competing claims are institutionally ordered.

9.4 Freedom, embodiment, and the moral object

John Paul II's *Veritatis splendor* 35–53 rejects accounts that separate freedom from truth or reason from embodied human nature. Natural law is rational participation by the human person, not a biological regularity imposed without reason (text). Universality and concrete judgment therefore belong together.

The encyclical's treatment of the moral object, intention, and circumstances at nn. 71–83 also limits legal analysis. A good institutional aim cannot make an intrinsically wrongful chosen act good. At the same time, a general moral norm does not settle every question of attribution, cooperation, evidence, remedy, or positive validity. Those questions require their own facts and competent methods.

9.5 Public moral reasoning

The International Theological Commission's 2009 *In Search of a Universal Ethic* surveys wisdom traditions, Greco-Roman thought, Scripture, Christian development, moral experience, first principles, historicity, political society, and Christological fulfillment (text). It is an expert commission study rather than an act of the Magisterium. Its methodological contribution is the proposal that natural-law argument should articulate human goods and practical reasons accessible to common inquiry.

Such accessibility does not require citizens to conceal religious convictions. It requires an argument proportioned to the public authority claimed and the rights affected. Dignity, solidarity, subsidiarity, common good, and protection of the vulnerable guide judgment without functioning as a ready-made municipal code. Several positive specifications can be morally reasonable; empirical claims and distributive effects must therefore be tested rather than assumed.

9.6 Ecclesiastical teaching and juridical form

The Church's teaching, legislative, administrative, and judicial functions can converge upon the same subject without becoming interchangeable. CIC c. 747 §2 states the Church's competence to announce moral principles concerning the social order and to judge human affairs when fundamental rights or the salvation of souls require it; cc. 749–754 distinguish forms of teaching and the responses owed (CIC 747–755). Juridical consequences still depend upon the function exercised, the competence and form of the act, its subjects, and the rules governing manifestation and effect. The institutional taxonomy belongs to the current-law chapters; the doctrinal point here is that moral authority and juridical form can be joined in one act without being identified.

9.7 Natural ground and positive recognition

A right can be natural in ground and positive in legal form. The state does not create human dignity, but constitutional and statutory recognition supplies jurisdiction, standing, remedies, procedures, and duties for institutions. Recognition is therefore neither the source of the underlying worth nor a redundant repetition of moral truth.

Dignitatis humanae uses this structure. It grounds religious immunity in the nature and dignity of the person and calls for recognition of the right in constitutional law. Positive recognition can make the right legally cognizable and supply specified protections or remedies, as the domestic order provides. Its regulation must remain directed to the rights of others and just public order; majority discomfort or religious error alone does not satisfy that measure.

9.8 Conscience, error, and external effect

Conscience is practical judgment about the moral quality of a concrete act. It must be formed and followed when certain; culpable and inculpable error require separate moral analysis (CCC 1776–1802; text). Conscience applies moral truth to action. It does not enact civil or canonical law, dispense a legal obligation, determine disputed facts for every forum, or guarantee immunity from external consequences.

The seriousness of a conscientious judgment depends upon the act as morally specified: its object and intended end, the agent's causal and institutional role, alternatives and duress, and effects on third parties. Available exemption or

review can alter the available choices without determining their moral character. A canonical internal-forum act is itself a juridically defined ecclesial act, not another name for private judgment.

9.9 The range of legitimate dispute

Catholic thinkers continue to dispute the best philosophical account of natural law, the relation of basic goods to metaphysics, the status of the *ius gentium*, the criteria of legal validity, and many prudential applications. The synthesis defended here does not depend upon resolving all of those disputes. It requires only that human enactment is not the source of every reason for action or basic right, that competent authority can give juridical form to morally permissible determinations, and that source-validity and moral obligation are not interchangeable conclusions.

The remaining controversies are substantial: how practical reason and metaphysical participation are related; which positive specification best serves the common good under disputed conditions; what account of validity best explains radically unjust enactments; and how natural dignity, reciprocal duties, institutional competence, and remedies should be joined in a concrete constitutional order. Preserving those questions is part of the synthesis, not a defect in it.

10 Current Canon Law: Sources, Subjects, and Effects

10.1 Two codes and two canonical traditions

The 1983 CIC was promulgated on 25 January 1983 and entered into force on 27 November 1983. Its canons concern the Latin Church alone unless another rule expressly provides otherwise (CIC c. 1; CIC 1–6). The 1990 CCEO was promulgated on 18 October 1990 and entered into force on 1 October 1991. It concerns all and only the Eastern Catholic Churches unless relations with the Latin Church are expressly addressed (CCEO c. 1; *Sacri canones*).

The promulgated official Latin texts control. Holy See English CIC pages and published English CCEO editions assist study. The CCEO expresses an Eastern canonical tradition with its own sources and institutions; it should not be treated as a translation of Latin law. Neither base code is self-updating. Later legislation, authentic interpretations, liturgical law, custom, particular and proper law, agreements, and special norms remain necessary to a current answer.

10.2 The code is one source within a legal order

Source or juridical form	Operation	Illustrative locus	Control
Divine law declared or protected	A canon states, presupposes, or protects a norm the Church receives rather than authors.	CIC cc. 129, 330–331, 1055–1056, 1075, 1141.	Isolate the divine proposition from human definition, procedure, presumption, and remedy.
Universal or common legislation	Competent authority enacts general norms for the whole Church, one Church, or defined subjects.	CIC, CCEO, and papal acts whose juridical content is legislative.	A document label does not settle effect; competence, dispositive text, promulgation, subjects, effective date, and amendment control.
Particular, special, or proper law	A competent council, synod, bishop, institute, office, or other authority legislates for defined persons or matters within higher law.	Diocesan, eparchial, synodal, institute, tribunal, and office-specific law.	Latin and Eastern categories do not form one simple ladder; CCEO cc. 1493 and 1502 §2 require their own common/particular-law analysis.
Custom	A legally capable community's practice acquires force under the governing Latin or Eastern rules.	CIC cc. 23–28; CCEO cc. 1506–1509.	CIC c. 25 expressly requires intent to introduce law; the CCEO uses a distinct formulation. Mere frequency is insufficient in either order.

Source or juridical form	Operation	Illustrative locus	Control
General decree or instruction	Under Latin law, a general decree can be legislative or executory; an instruction clarifies the execution of law.	CIC cc. 29–34; Eastern acts must be classified under the CCEO’s distinct structure rather than assigned a one-to-one Latin equivalent.	Legislative effect, executive competence, higher law, and promulgation or other required manifestation control.
Singular administrative act	A decree, precept, rescript, privilege, or dispensation addresses a concrete person or case.	CIC cc. 35–93; CCEO cc. 1510–1539.	Competence, facts, form, notification or execution, interpretation, rights, and recourse control.
Judgment and jurisprudence	A tribunal resolves a controversy; jurisprudence can guide interpretation and some nonpenal gaps.	CIC cc. 16 §3, 19, 1400–1752.	A judgment ordinarily binds the case; CIC c. 19 and CCEO c. 1501 do not authorize penal gap-filling. CIC c. 1399 is an express penal norm, not analogy.
Civil norm or agreement received	Canon law assigns defined canonical effects to civil law or preserves an agreement with a state.	CIC cc. 3, 22, 1290; CCEO cc. 4, 1034, 1504.	The reference, jurisdiction, agreement, and divine- and canon-law limits must be verified.

10.3 The person who is subject to the norm

Baptism incorporates a person into the Church of Christ and constitutes the person in it with duties and rights according to condition, communion, and lawful sanction (CIC c. 96). Age, use of reason, domicile, quasi-domicile, kinship, and Latin or Eastern ascription then affect capacity, proper authority, and applicable law (CIC cc. 97–112; CIC 96–123). CCEO cc. 7 and 27–38 address incorporation and Church *sui iuris* ascription; cc. 909–919 govern physical persons, including domicile, kinship, and affinity; cc. 920–930 govern juridic persons.

CIC cc. 208–223 and CCEO cc. 7–26 state reciprocal rights and duties of the Christian faithful, including equality in dignity and action, communion, obedience, expression of needs and opinion, spiritual goods, reputation, privacy, vindication of rights, and the common good (CIC 208–223). Exercise of a right and obedience to authority remain juridically ordered. The person’s condition as cleric, lay member, consecrated person, officeholder, institute member, or addressee of a singular act can add further duties without making that condition universal.

10.4 How a norm becomes operative

General legislation and singular acts use different manifestation rules. Under CIC c. 7 a law is established when promulgated. Unless a different mode is prescribed, universal ecclesiastical laws are promulgated in the *Acta Apostolicae Sedis* and take effect three months from the date of the issue; the nature of the matter can require immediate effect, and the law itself can expressly establish a shorter or longer interval (c. 8 §1). Particular laws follow the legislator’s mode and ordinarily take effect one month from promulgation unless the law establishes another period (c. 8 §2). CCEO c. 1489 gives laws of the Apostolic See the three-month default and leaves other Eastern legislators to determine promulgation and commencement. Merely ecclesiastical Latin laws ordinarily bind the persons described in CIC c. 11, while cc. 12–13 determine territorial and personal reach (CIC 7–22).

A singular precept directly enjoins a determined person under c. 49. Singular decrees and precepts ordinarily require the legitimate notification governed by cc. 54–56; rescripts, privileges, and dispensations have their own rules. It is therefore inaccurate to use promulgation as the universal trigger for every canonical obligation.

Doubt, ignorance, and error must also be tied to the effect at issue. CIC c. 14 governs doubt of law and doubt of fact. Under c. 15 §1, ignorance or error concerning an invalidating or disqualifying law does not impede its effect unless the law expressly provides otherwise. Section 2 states that ignorance or error about a law, a penalty, one’s own act, or another person’s notorious act is not presumed; ignorance or error about another person’s non-notorious act is presumed until the contrary is proved. Penal imputability is governed separately by cc. 1321–1325, and moral culpability requires its own account of knowledge and freedom. One conclusion cannot be imported into the others.

10.5 Interpretation, authority, and forum

Authentic interpretation belongs to the legislator or an authority entrusted with that power (CIC c. 16). An interpretation issued in the form of law has the force of law and requires promulgation; a judicial sentence or administrative act in a particular matter ordinarily binds only the persons and matter decided. Canon 17 directs interpretation through text and context, parallel places, purpose, circumstances, and the mind of the legislator. Canon 18 requires strict interpretation of penal, rights-restricting, and exceptional laws. Canon 19 supplies sources for nonpenal gaps.

The CCEO contains related but distinct provisions, including c. 1498 on interpretation and c. 1501 on nonpenal gaps. Its latter canon expressly includes the canons of synods and Fathers, legitimate custom, general principles applied with equity, ecclesiastical jurisprudence, and common and constant canonical doctrine (CCEO 1007–1546).

Canonical forum is not identical to conscience. CIC c. 130 states that power of governance is ordinarily exercised for the external forum and sometimes for the internal forum, with external effects only as law provides. CCEO c. 980 expressly distinguishes the external forum and the sacramental and nonsacramental internal fora. A private moral judgment remains indispensable for action, but it does not itself alter external canonical status.

10.6 Divine-law boundaries in positive form

The codes make the source distinction operational:

- Custom contrary to divine law cannot acquire legal force (CIC c. 24 §1; CCEO c. 1506 §2).
- Civil law receives canonical effects only where canon law yields or refers to it, insofar as the civil norm is not contrary to divine law and canon law does not provide otherwise (CIC c. 22; CCEO c. 1504).
- Dispensation relaxes a merely ecclesiastical law in a particular case (CIC c. 85; CCEO c. 1536). CIC c. 86 excludes laws defining essentials of juridic institutions or acts; CCEO c. 1537 additionally excludes procedural and penal laws from dispensation.
- Prescription does not run against rights and obligations of divine natural or positive law (CIC c. 199, no. 1; CCEO c. 1542).
- Only supreme Church authority authentically declares when divine law prohibits or invalidates marriage and establishes other impediments for the baptized (CIC c. 1075).
- A ratified and consummated sacramental marriage cannot be dissolved by any human power or cause other than death (CIC c. 1141). The rules for establishing the relevant facts and deciding a cause are human canonical law.

The presence of the word *divine* does not eliminate the need to establish the proposition and its authoritative basis. The codes allocate juridical consequences once that source claim has been established; they do not convert every theological inference into an external rule.

Human authority cannot repeal or dispense a divine norm. Competent ecclesiastical authority can teach or authentically declare the proposition. It can also determine facts and juridical conditions upon which a divine-law consequence depends and regulate the procedure by which those facts receive external recognition. Papal authority shares those distinctions: a judgment that an alleged bond never validly arose is not dissolution of a bond, and dispensation from a human form requirement is not dispensation from the nature of marriage. Supreme ecclesiastical power remains supreme among human authorities in the Church while operating within a divinely received constitution and end.

10.7 The effects of merely ecclesiastical law

The adjective *merely* identifies a human ecclesiastical source rather than divine law. It therefore removes the absolute divine-law bar to dispensation, but it does not establish that every such norm is dispensable in a particular case or determine the rule's importance, moral gravity, validating effect, or sanction. A merely ecclesiastical rule can create a real duty. Under CIC c. 10, an invalidating or disqualifying effect ordinarily requires the law expressly to establish it. A penalty requires the governing penal norm and its conditions. Moral gravity depends on the matter, authority, circumstances, and other moral sources rather than on the adjective alone.

Strong theological reasons likewise do not make every implementing discipline divine. A human norm may protect a divine institution while remaining mutable in its form, procedure, presumption, or allocation of competence. The codes are therefore mixed juridical instruments: they can declare a divine norm, enact discipline, receive civil law, recognize custom, establish presumptions, and allocate forums within a single legislative text.

11 Current Authorities, Functions, and Forums

11.1 Juridical function and competence

An office title does not establish what a particular act can do. Its juridical function—teaching, legislation, execution, dispensation, authentic interpretation, adjudication, or nonbinding advice—must be determined from the act itself. Competence over subject matter and persons, juridical form, approval, manifestation, and procedure then determine effect.

Function	Authority capable of exercising it	Effect sought	Ordinary control or challenge
Teaching	Pope and college of bishops; bishops individually or together within the conditions of law; competent doctrinal organs according to their acts.	Doctrinal proposition and the response owed according to its authority.	Text, genre, intent, level of teaching, competent clarification, and the norms on assent.
Legislation	Supreme authority and lower legislators within granted competence.	General juridical norm for defined subjects.	Higher law, promulgation, effective date, authentic interpretation, and legislative change.
Executive governance	Competent ordinaries, superiors, and executive authorities.	General execution of law or a singular decree, precept, rescript, privilege, or dispensation.	Competence, legal basis, facts, hearing, reasons, notification, hierarchical recourse, and judicial review where provided.
Adjudication	Competent ecclesiastical tribunals and judges.	Binding judgment of a controversy or declaration of status.	Jurisdiction, proof, procedure, appeal, complaint of nullity, restitution, or other remedy supplied by law.
Counsel or scholarship	Pastors, advocates, canonists, theologians, commissions, and advisers.	Reasoned assistance to conscience or authority.	Quality of sources and argument; the advice does not itself alter status or create a law.

11.2 Supreme ecclesiastical authority

The Roman Pontiff possesses supreme, full, immediate, and universal ordinary power in the Church and can always exercise it freely (CIC c. 331; CCEO c. 43). The college of bishops is also the subject of supreme and full power, always with its head and never without him (CIC c. 336; CCEO c. 49). The exercise of collegial power and promulgation of ecumenical-conciliar decrees follow CIC cc. 337–341 (CIC 330–367).

No appeal or recourse lies against a sentence or decree of the Roman Pontiff (CIC c. 333 §3). The canon establishes finality in the human ecclesiastical order; the source analysis already stated remains applicable, because supreme ecclesiastical power is exercised within the Church’s divinely received constitution and mission.

11.3 Particular Churches and intermediate bodies

A diocesan bishop possesses ordinary, proper, and immediate power required for his pastoral office except matters reserved by law. He governs with legislative, executive, and judicial power: legislative power is exercised personally; executive power is exercised personally or through vicars general or episcopal according to law; and judicial power is exercised personally or through the judicial vicar and judges (CIC cc. 381, 391; CIC 368–430). CCEO cc. 178 and 191 provide the eparchial bishop’s proper, ordinary, and immediate power and distinguish his personal exercise of legislative power from the exercise of executive and judicial power through the organs provided by law.

Particular councils possess legislative power within universal law; their decrees require the review prescribed by CIC cc. 445–446 before promulgation. A Latin episcopal conference can issue general decrees only where universal law provides or a special mandate grants competence, and only with the voting, Apostolic See review, and promulgation required by c. 455 (CIC 431–459). A conference statement outside that process is not legislation merely because the conference issued it.

Conference teaching follows a separate inquiry. CIC c. 753 and the concluding norms of *Apostolos suos* address authentic conference magisterium. Eastern patriarchal and major-archiepiscopal synods exercise legislative and judicial powers under CCEO cc. 110 and 152 and related law. CCEO c. 150 separately governs the territorial reach of disciplinary laws and certain synodal decisions. Synodal authority is not the Eastern equivalent of the limited legislative competence of a Latin conference.

11.4 The Roman Curia

Praedicate Evangelium, effective 5 June 2022, governs the Roman Curia (text). Curial institutions assist the Roman Pontiff. Article 30 prevents a curial institution from issuing laws or general decrees having the force of law, or derogating from universal law, except in individual and particular cases with papal approval *in forma specifica*. Executive decrees and instructions remain within and subordinate to law.

Leo XIV’s General Regulations of the Roman Curia were issued on 23 November 2025 and took effect on 1 January 2026 *ad experimentum* for five years (official Italian). They regulate preparation, review, approval, and challenge of curial acts. The effect of a current curial act therefore turns upon the institution’s competence, the document’s form and dispositive words, any specific papal approval, its addressees, and the mode by which it becomes effective.

11.5 Authentic interpretation and doctrinal acts

The Dicastery for Legislative Texts promotes knowledge and application of Latin and Eastern canon law, prepares authentic interpretations for specific papal approval, assists authorities, reviews defined normative texts, and studies legal gaps (*Praedicate Evangelium* arts. 175–182; official profile). An entry in its formal authentic-interpretation register has a different juridical basis from an explanatory note, private response, or scholarly opinion.

The Dicastery for the Doctrine of the Faith safeguards doctrine on faith and morals and judges delicts reserved to it under proper norms (*Praedicate Evangelium* arts. 69–78; *Fidem servare*). A doctrinal declaration can authoritatively identify a moral or divine-law proposition. Penal liability, an amendment to a canon, and a singular judgment still require the juridical sources and procedures governing those effects.

11.6 Judicial and administrative remedies

At first instance the diocesan bishop is ordinarily the judge for cases not excepted by law, acting personally or through the judicial vicar and judges (CIC c. 1419). The Roman Rota ordinarily serves as a higher appellate tribunal at the Apostolic See and promotes unity of jurisprudence. The Apostolic Signatura is the supreme tribunal, supervises the administration of justice, and adjudicates the administrative controversies assigned to it under *Praedicate Evangelium* and its proper law.

The Signatura’s 2008 *Lex propria* applies as amended by *Munus Tribunalis* in 2024. A judgment can guide later interpretation, yet CIC c. 16 §3 ordinarily limits a judicial or singular administrative interpretation to the persons

and matter decided. Canon 19 permits jurisprudence to assist in a nonpenal gap; it does not turn every sentence into universal law.

Hierarchical recourse under CIC c. 1737 can challenge a decree for any just reason, and c. 1739 gives the hierarchical superior broad remedial powers. CIC cc. 1732–1739 govern the general Latin sequence (CIC 1732–1752); CCEO cc. 996–1006 supply the Eastern sequence. CIC cc. 50–51 and CCEO cc. 1517–1519 govern investigation, hearing, and reasons in the circumstances they specify. Requests for revocation or amendment, notification, short peremptory periods, transmission of the record, and suspension rules can determine whether relief remains available.

The Signatura’s administrative review is narrower: under *Praedicate Evangelium* art. 197 it hears assigned recourses alleging violation of law in a decision or procedure against singular administrative acts issued or approved by dicasteries or the Secretariat of State, ordinarily after hierarchical recourse. Filing does not generally suspend execution; the governing general or special rule must be checked.

11.7 Internal-forum relief

The Apostolic Penitentiary exercises jurisdiction over the internal forum and matters concerning indulgences under *Praedicate Evangelium* arts. 190–193. Its work must be distinguished from external-forum administration and adjudication. A sacramental or nonsacramental internal-forum favor can have external effects only where law provides them; it does not function as a general appeal from a civil court or canonical tribunal.

12 Civil Law, the Holy See, and Vatican City State

12.1 Entities and capacities

Reality	Juridical character	Relevant capacity	Classification control
Catholic Church	A communion with a divinely received constitution; CIC c. 113 §1 attributes moral personality to the Catholic Church by divine ordinance.	Worship, teaching, sanctification, governance, apostolate, and the salvation of souls.	The Latin Church and Eastern Catholic Churches <i>sui iuris</i> possess distinct canonical traditions within the communion.
Holy See or Apostolic See	CIC c. 361 and CCEO c. 48 define the canonical term to include the Roman Pontiff and, as context permits, the central institutions acting with him; CIC c. 113 §1 also attributes moral personality to the Apostolic See. It possesses international legal personality.	Supreme ecclesiastical governance, diplomacy, treaty relations, and international representation of its mission.	It is neither Vatican City State nor simply another name for every curial office.
Roman Curia	Institutions assisting the Roman Pontiff under <i>Praedicate Evangelium</i> .	Doctrinal, administrative, diplomatic, economic, legislative-text, and judicial service within assigned competence.	A curial act is classified by institution, competence, form, and approval; it is not automatically papal legislation.
Canonical juridic person	A public or private canonical subject constituted or recognized under canon law.	Ownership, ministry, office, administration, and legal acts within its purposes and statutes.	It must be identified separately from any civil corporation that holds title, employs workers, or acts on its behalf.
Civil legal entity	A corporation, trust, association, foundation, or other person under the applicable state law.	Civil title, contract, employment, liability, governance, taxation, and litigation.	There is no presumed one-to-one identity with a diocese, institute, parish, or canonical juridic person.

Reality	Juridical character	Relevant capacity	Classification control
Vatican City State	A distinct territorial civil order created by the Lateran Treaty to secure the Holy See's independence.	Sovereign territorial government, legislation, administration, civil and criminal justice, and state services.	Vatican civil law is not the universal canon law of the Church.

The Roman Pontiff holds supreme ecclesiastical authority and Vatican sovereign power under different titles. An act's legal order, subjects, organ, and effects follow the capacity in which power is exercised.

12.2 Independent civil obligation

Catholics ordinarily owe obedience to just civil authority; a civil norm need not be received into canon law before it binds civilly. Civil validity and enforcement, canonical effect, and moral obligation remain separate. Civil-law duties involving employment, reporting, privacy, professional licensing, property, corporate governance, taxation, or procedure require the actual jurisdiction and current state source.

A civil entity can serve one or more canonical works without being canonically identical to any of them. Title documents, articles and bylaws, statutes, agency, representation, beneficial control, and both systems' authorization rules must be examined. A civil director may also hold a canonical office, but the two capacities do not merge.

12.3 Canonical reception of civil law

CIC c. 22 gives civil laws canonical effects where canon law yields to them, insofar as they are not contrary to divine law and canon law does not provide otherwise. CCEO c. 1504 provides the Eastern rule. This is sometimes called canonization of civil law: a canonical source assigns a civil norm a canonical effect.

CIC c. 1290 receives the territorial civil law concerning contracts both in general and in particular and concerning payments, with the same effects in canon law for matters subject to Church governance, unless divine law is contrary or canon law provides otherwise, and without prejudice to c. 1547 (CIC 1254–1310). CCEO c. 1034 provides its Eastern rule. Reception promotes coordination but remains conditional and subject-specific.

CIC c. 1296 illustrates the consequence precisely. When ecclesiastical goods have been alienated without the required canonical formalities but the alienation is civilly valid, competent ecclesiastical authority must decide, after considering all circumstances, whether and what action should be taken to vindicate the Church's rights. The canon does not make every civil transaction canonically valid or every canonical defect civilly ineffective.

12.4 Agreements with states

CIC c. 3 and CCEO c. 4 preserve agreements already entered by the Apostolic See with nations or political societies from abrogation or derogation by the codes. Later agreements bind according to their own text and legal basis. In every case the parties, signature and ratification, territory, effective date, reservations, later amendments, and implementing civil law must be established.

Agreements can address legal personality, appointments, education, chaplaincy, property, taxation, marriage effects, archives, and public freedom. The Secretariat of State's Section for Relations with States and International Organizations handles diplomatic relations and, under *Praedicate Evangelium* art. 49, concordats and other agreements. Coordination does not turn a civil official into a canon legislator or make canon law automatically enforceable in a civil court.

12.5 Parallel effects: reporting and safeguarding

The same alleged abuse can create moral duties to protect, a canonical reporting obligation, a civil mandatory-reporting duty, a canonical preliminary investigation, employment consequences, civil liability, and criminal process. Information

may move among these processes only as their governing rules permit; the processes use different elements, burdens, protections, and remedies.

The updated *Vos estis lux mundi*, effective 30 April 2023, establishes an ecclesiastical reporting and investigation framework while preserving rights and duties under state law, including reporting obligations (text). A canonical report does not replace a required civil report. A civil disposition does not by itself decide every canonical element. Information protected by the sacramental seal requires the distinct source analysis stated in the applied dossiers.

12.6 Parallel effects: marriage

The marriage of Catholics, even when only one party is Catholic, is governed by divine and canon law without prejudice to civil authority over merely civil effects (CIC c. 1059; compare CCEO c. 780). A valid matrimonial contract between baptized persons is necessarily a sacrament (CIC c. 1055 §2; CCEO c. 776 §2). Canon law governs matters including capacity, impediments, consent, form, proof, and ecclesiastical adjudication; civil law governs civil status and consequences within the state.

A civil divorce can terminate civil effects without establishing that a canonical bond has ceased. A canonical judgment declaring nullity that has become executive establishes in the canonical forum that no valid bond arose, subject to any prohibition on a new marriage; civil consequences depend on applicable state or treaty law. The forums may consider the same history while using different legal questions, proof, and relief.

12.7 Holy See sovereignty and the Vatican territorial order

The Lateran Treaty of 1929 recognizes Holy See sovereignty in international affairs and creates Vatican City State for the purpose of securing its independence (arts. 2–4; English text; official Italian archive). The Holy See and the State possess distinct international personalities despite their personal union in the Roman Pontiff.

The Vatican Fundamental Law issued on 13 May 2023 and effective 7 June 2023 assigns the fullness of sovereign legislative, executive, and judicial powers to the Roman Pontiff. The Pontifical Commission exercises the ordinary legislative function under arts. 7–14. Under art. 15 its President also serves as President of the Governorate and exercises the executive function, using the Governorate whose organs participate in that function (official Italian). Leo XIV’s act of 19 November 2025 amended art. 8, no. 1, concerning the Commission’s composition and presidency (text).

Vatican Law N. LXXI on sources of law makes the canonical order the first normative source and first interpretive criterion. Vatican fundamental and enacted laws, international law and agreements, and supplementary sources then operate according to the statute (official publication). The divine-law, general-canonical-principle, Lateran, and factual-applicability limits in art. 3 apply specifically to supplementary reception of Italian law; they should not be presented as one undifferentiated proviso governing every Vatican source.

A decree of 16 January 2024 clarified publication of Vatican normative measures. Without changing Law N. LXXI art. 2, it deems them published when posted at the specified Vatican locations and on the State’s institutional website, independently of later appearance in the supplement to the *Acta Apostolicae Sedis* (text). Currentness therefore requires the legally relevant publication sources, not only a base compilation.

The Church, Holy See, Curia, canonical juridic person, civil corporation, and Vatican State can thus be connected in fact while remaining distinct in law. Their interaction is governed through capacity, jurisdiction, agreement, reception, and recognition rather than by entity or forum collapse. A decision in one order can be relevant evidence in another; relevance is not automatic identity of status, liability, or remedy.

13 Concurrent Obligations: Titles, Effects, and Conflicts

The plurality described in the preceding chapters is institutionally irreducible but practically unified. Civil and ecclesiastical authorities do not form a single appellate hierarchy, yet their norms, together with natural and revealed moral norms, meet in the action of one responsible person. The unity lies neither in a super-code nor in the supremacy

of a private forum. It lies in the intelligibility of the act, the goods and rights at stake, and the agent who must answer to every obligation that truly bears upon it.

13.1 The titles by which obligation attaches

An obligation bears upon a person under a title. Natural law addresses the person through goods and relations intelligible in human nature; revealed law addresses the persons and communities specified by the divine economy; civil and ecclesiastical law address subjects through territorial or personal jurisdiction, incorporation, status, office, or another legally relevant relation. Family relations, fiduciary responsibility, professional office, vows, contracts, and other valid undertakings can supply further titles. A singular command or judgment may add a concrete obligation only within the competence and conditions that make the act operative.

The title of obligation is not yet a complete justification of the command. Jurisdiction explains why an authority can address a subject; it does not prove that every exercise of that jurisdiction is just. Conversely, a natural duty can bind in conscience without itself establishing a cause of action, standard of proof, or institutional remedy. Each obligation has an object, a subject, a ground or source, conditions of application, and ordinarily a person or common good whose claim gives the duty its relational form. The same event can therefore engage several obligations because it contains several morally or juridically distinct acts: disclosure of information, protection of a vulnerable person, obedience to an officeholder, performance of a contract, reception of a sacrament, or pursuit of a remedy.

This account also prevents the language of individual responsibility from becoming individualistic. Rights and duties are correlative in the sense developed by *Pacem in terris*: the exercise of one person's freedom occurs among the claims of other persons and the requirements of the common good. Status and office are not merely labels attached to an isolated actor; they locate the actor within relations of authority, trust, care, support, and accountability.

13.2 Concurrent norms and differentiated effects

Normative concurrence does not entail identity of effect. One act may be morally forbidden, civilly effective, canonically invalid, contractually actionable, nonpenal, and evidentially significant. Validity, status, liceity, enforceability, culpability, sanction, proof, and remedy are analytically distinct predicates whose relations depend upon the governing sources and facts. A permission, acquittal, exemption, or dispensation in one order removes only the obstacle that order is competent to remove. It neither settles the morality of the act nor extinguishes an obligation arising under another title.

The converse is equally important. A grave moral conclusion does not create a civil cause of action, a canonical ground of nullity, or a penalty without the positive norm governing that effect. A judicial finding can be conclusive within its assigned forum and relevant elsewhere without carrying the same evidentiary or juridical consequence into another order. Treaty, reception, recognition, and conflicts rules can coordinate specified effects; they do not merge the legal persons, authorities, or systems involved.

Conscience is the point at which the agent reaches a practical moral judgment, not an institution competent to revise every external relation. The canonical internal forum is itself a juridically constituted forum rather than a synonym for private judgment (CIC c. 130; CCEO c. 980). External effects can therefore remain after a morally justified refusal, just as reduced culpability can coexist with objective harm or invalid status. The person's responsibility includes both the choice of act and the just treatment of consequences that no competent authority has removed.

13.3 Three forms of conflict

Three different problems are often described as a conflict of laws. The first is contradiction within one positive order. Its resolution depends upon that order's rules of competence, hierarchy, interpretation, later and special law, exception, dispensation, adjudication, and review. The second is divergence across orders: civil and canonical law may assign different effects to the same transaction without commanding incompatible conduct. A civilly effective but canonically invalid alienation is not thereby a logical contradiction; it is a transaction whose consequences must be stated in both systems.

The third is a genuine practical collision. It arises when the acts available to the person cannot satisfy all obligations that otherwise bear upon the situation. Many apparent collisions disappear once the object and addressee of each norm are specified or once performance can be sequenced, delegated, accommodated, or lawfully excused. Where incompatibility remains, no taxonomic label supplies the judgment. Practical reason must consider the kind and gravity of each duty, its immediacy, the rights and vulnerability of those affected, whether performance is personal and nondelegable, prior commitments, available substitutes, and the common good. A legal authority's determination can be material to that judgment without exhausting it.

13.4 Refusal, residual duties, and institutional consequences

A person may not choose an intrinsically wrongful act or formally cooperate in evil. When a command requires such an act, refusal is morally required even though the competent civil or ecclesiastical forum may continue to attribute external consequences. Other participation in another's wrongdoing requires a distinct analysis of the person's own object and intention, causal proximity, alternatives, duress, proportionate reason, scandal, and effects on third parties. *Evangelium vitae* 73–74 gives a specific analysis for enactments attacking human life; its conclusions do not become a universal formula for every disputed command.

Conflicts among affirmative duties require prudential judgment rather than an abstract ranking of institutions. A nondelegable duty to protect a person in immediate danger can outweigh a deferrable role obligation; a prior undertaking can control where no graver claim intervenes. Even justified refusal leaves residual duties where their grounds remain: protection of persons, truthful notice, continuity of essential care, restitution, avoidance of needless disorder, and performance of every compatible obligation. Recourse, accommodation, or review can itself be required by justice when it protects another's rights or prevents avoidable harm.

14 Applications Across Concurrent Orders

The following dossiers do not simulate complete cases. They expose points at which one event acquires distinct moral, canonical, civil, penal, or remedial consequences and show why the title and effect of each obligation matter.

14.1 A reporting duty and a confidentiality duty

A cleric, employee, clinician, teacher, or officer may learn facts suggesting abuse or another grave danger. Civil law, canon law, professional regulation, contract, office, and moral duties can all bear upon disclosure. The legal character of the information and of the proposed disclosure turns upon how the information was obtained and the capacity in which it was received.

Information learned in sacramental confession is governed by the inviolable sacramental seal under CIC c. 983 and CCEO c. 733. Information learned in a nonsacramental conversation, administrative file, clinical relationship, or employment investigation requires a different analysis. *Vos estis lux mundi* preserves state-law rights and duties, including reporting duties, while establishing its ecclesiastical reporting framework (text).

The legal and moral consequences depend upon the source and capacity in which each fact was received, the exact civil and canonical reporting rules, any privilege or exception, imminent-safety duties, the authorized recipient, required content, deadline, and protections against retaliation. A canonical report, civil report, safeguarding measure, and public statement are different acts. Even the act of seeking advice remains subject to the rules protecting the information disclosed.

14.2 Marriage in sacramental, canonical, and civil forums

Two persons can have one history and more than one legally relevant status. Marriage is a natural institution; Christ raised the matrimonial covenant between baptized persons to the dignity of a sacrament (CIC c. 1055). Divine and canonical law govern the marriages of Catholics, while civil authority governs merely civil effects (c. 1059).

Canonical law determines matters including capacity, impediments, consent, form, proof, and tribunal process. Civil law determines civil status, licensing, property, support, custody, and dissolution of civil effects. A civil divorce can alter civil rights without deciding whether a canonical bond arose. A declaration of canonical nullity judges whether the alleged bond validly arose; it does not itself assign every civil consequence.

For the individual, the relevant account includes baptism and Church ascription, prior bonds, domicile, form, dispensations, civil status, dependents, property, pending proceedings, and the relief actually sought. A pastoral judgment, tribunal sentence, and civil judgment possess different authorities and effects. Obligations to support children, avoid scandal, tell the truth, and repair harm can remain while status is contested.

14.3 Ecclesiastical property held through a civil entity

A diocesan or religious work may operate through a civil corporation while its assets belong canonically to a public juridic person. A board member can therefore be a civil fiduciary, holder of a canonical office, contractual agent, and moral steward at the same time. Those relations are connected but are not interchangeable.

Natural justice governs honesty, promises, stewardship, fraud, and the common destination of goods. Civil law governs title, corporate authority, contracts, registration, fiduciary duty, creditor protection, and remedies. Canon law governs ecclesiastical ownership and administration and can receive civil contract rules through CIC c. 1290. If an asset is lawfully designated stable patrimony and the applicable thresholds or circumstances are met, the alienation can require valuation, consultation, consent, or permission under cc. 1291–1295.

An alienation of ecclesiastical goods made without the required canonical formalities may be civilly effective yet canonically invalid. When those conditions are present, CIC c. 1296 directs competent ecclesiastical authority to decide whether and how to vindicate Church rights. The result depends upon the exact civil and canonical entities, title, asset classification, authority granted, approvals, conflicts of interest, and consequences for beneficiaries and counterparties. Invoking Church ownership does not cure a defective civil instrument; civil signature authority does not supply missing canonical permission.

14.4 One wrongful act, several forms of responsibility

An intentional attack on innocent life is contrary to natural moral law and the revealed command against murder. The same event may also fall within civil criminal law, canonical penal law, employment discipline, tort law, and duties of restitution. Each order defines its own elements, subjects, evidence, defenses, and sanctions.

Under current Latin canon law, CIC c. 1321 presumes the accused innocent until the contrary is proved, and punishment requires an externally committed violation gravely imputable by malice or culpability. Once the external violation has been committed, imputability is presumed unless otherwise apparent. Canons 1322–1325 govern excuses and mitigation. Canon 1399 permits punishment for an otherwise unprovided external violation of divine or canon law only when the violation's special gravity demands punishment and urgent need requires prevention or repair of scandal. The CCEO requires analysis under its distinct penal provisions.

CCEO c. 1414 uses a different structure: an external violation of a penal law or precept is presumed deliberate unless the contrary is proved, while violation of another law or precept is punished only upon repetition after a penal warning; cc. 1415–1416 govern excuses and mitigation. Moral cooperation, canonical participation in a delict, and civil complicity remain different analyses even when they concern the same conduct.

Objective moral wrong, moral culpability, civil guilt, canonical imputability, employment cause, and civil liability are therefore separate conclusions. An acquittal for failure of penal proof does not declare an act morally good. A grave moral judgment does not eliminate the prosecution's burden or create a penalty that positive law does not supply.

15 Conclusion: Moral Measure, Positive Authority, and Responsible Action

Natural and positive, divine and human law classify different aspects of obligation. Natural law is rational participation in eternal law, known through practical reason in principles concerning human goods and acts. Revelation gives

divine positive law in salvation history: the Old Law is fulfilled and the New Law given in Christ. Human positive law is enacted or received by competent ecclesiastical or civil authority to give determinate form to common life. Human knowledge and positive recognition of natural law are real, but they do not constitute a fourth, human-authored natural source.

The distinctions answer two recurring errors. Institutional pedigree alone does not make an enactment just or morally obligatory. A higher-law claim, however sincere, does not by itself establish facts, jurisdiction, invalidity, penalty, dispensation, or remedy. Moral truth measures every human order; lawfully constituted offices and procedures determine the external effects entrusted to them. Justice requires both conclusions to be stated.

History explains why the vocabulary cannot be flattened. Greek philosophy supplied questions of nature, convention, justice, and equity. Roman jurisprudence joined classifications of law to status, action, and remedy. Scripture and early ecclesial practice joined creation, covenant, civil obedience, God’s prior claim, and Church authority. Canonists, courts, and scholastics reconciled discordant sources and developed jurisdiction, proof, two fora, determination, dispensation, and equity. Confessionalization, codification, positivist jurisprudence, totalitarian rule, postwar rights, Vatican II, and the current Latin and Eastern codes transformed institutions and reshaped the terms in which those inherited questions are asked.

The practical subject throughout is one person situated in several normative relations. Natural and revealed duties, civil and canonical obligations, family and professional responsibilities, offices, contracts, and duties toward vulnerable third parties can attach to the same person under different titles. Their unity is practical and moral, not institutional: the several authorities do not form one human appellate hierarchy, and no private judgment becomes competent to revise every external relation.

This plurality makes specification, rather than mere ranking, the decisive task. The obligation must be stated with its subject, object, ground, conditions, correlative claim, and effect. Moral obligation, validity, liceity, enforceability, culpability, sanction, evidence, and remedy can diverge because the sources that govern them differ. Apparent conflicts can yield to interpretation, sequencing, accommodation, or lawful relief; genuine practical collisions require judgment about the acts still available, the gravity and immediacy of the duties, and the rights of those affected.

Law reaches its end through responsible persons acting within communities. Natural and revealed norms supply the objective moral measure; human positive law gives determinate form to offices, procedures, proof, and remedies. When compliance would itself be morally impermissible, refusal is required, but refusal does not dissolve residual duties or erase external consequences that a competent authority has not removed. The fundamental point therefore concerns responsible agency: each norm must receive the authority and effect that truly belong to it, the morally right act must be chosen, and the agent remains answerable for that choice in every forum that actually has competence.

A Historical Synoptic Timeline

The chronology below aligns conceptual developments with the institutions in which they acquired practical force. Its entries mark changes of vocabulary, jurisdiction, and legal form rather than stages in a single linear theory.

Date	Witness or development	Contribution and limit
c. 441 BC	Sophocles, <i>Antigone</i>	Dramatizes conflict between a ruler’s decree and an unwritten divine norm; it is not a systematic natural-law treatise.
4th c. BC	Plato and Aristotle	Distinguish nature and convention, analyze rational order and political justice, and explain equity as reasoned correction where a general formulation fails in an unforeseen case.
3rd–1st c. BC	Stoicism and Cicero	Relate common reason, nature, divine governance, and the human community; Cicero uses right reason to judge enacted rules.
2nd c. BC–3rd c. AD	Roman jurists and magistrates	Develop civil, gentium, natural, praetorian, written, and unwritten law together with status, action, proof, and remedy. The surviving texts preserve several taxonomies.

Date	Witness or development	Contribution and limit
1st c.	New Testament and Acts 15	Place natural moral knowledge, covenant fulfilled in Christ, civil obedience, ecclesial authority, and God's prior claim in one scriptural field. Acts 15 shows authority, dispute, discernment, written communication, reception, and differentiated obligations.
1st–3rd c.	Early ecclesial communities	Govern worship, ministry, admission, discipline, charity, and reconciliation before imperial recognition through apostolic, episcopal, conciliar, customary, and penitential forms.
4th–6th c.	Christian empire, Augustine, and Gelasius	Civil and ecclesiastical action acquire new points of cooperation and conflict. Augustine relates temporal peace to eternal justice and later defends coercive correction; Gelasius distinguishes royal and episcopal offices.
533–535	Justinianic compilation and Novel 6	Consolidate heterogeneous Roman law and present imperial and sacerdotal gifts as requiring concord. Justinian's legislation remains imperial law, not an ecclesiastical code.
7th–10th c.	Trullo, nomocanonical collections, and regional collections	Conciliar canons, imperial laws concerning ecclesial affairs, patristic sources, and local reception develop in distinct Eastern and Western institutional settings.
11th–12th c.	Reform, schools, and Roman-law recovery	Conflicts over office and ecclesiastical liberty, renewed civilian learning, papal adjudication, and new collections create demand for systematic source reconciliation.
c. 1140	Gratian and the decretists	Place scriptural, patristic, conciliar, papal, customary, and Roman-derived texts into juristic concord; later teachers refine the relations among nature, revelation, custom, and ecclesiastical determination.
1234 and after	<i>Liber Extra</i> , decretalists, and courts	Papal decretals, learned commentary, and Romano-canonical procedure make source hierarchy, jurisdiction, proof, and remedy operational within the <i>ius commune</i> .
13th c.	Aquinas and mature scholasticism	Coordinate eternal, natural, human, and revealed divine law; distinguish conclusion from determination; and analyze injustice, custom, change, dispensation, and equity.
15th–16th c.	Salamanca, conquest, and Valladolid	Apply natural law, <i>ius gentium</i> , rights, jurisdiction, and evangelization to Indigenous peoples and imperial claims. The debates expose both critical resources and contested assumptions.
1545–1612	Trent and Suárez	Trent distinguishes ecclesiastical competence from its changeable disciplinary specifications. Suárez synthesizes lawgiver, obligation, promulgation, natural and human law, custom, privilege, and revealed law.
16th–18th c.	Reformation and confessionalization	Territorial religious settlements, war, toleration, migration, sovereignty, and colonial rule reorganize civil and ecclesiastical jurisdiction. Toleration develops before equal individual religious liberty.
18th–19th c.	State consolidation and codification	National codes and administrative institutions seek unified, accessible law and reduce reliance on the plural sources of the learned <i>ius commune</i> . Codification can serve natural-law projects and is not identical to legal positivism.
19th–20th c.	Austin, Kelsen, Hart, and their critics	Distinct positivist theories identify law through commands, norm-validity, or social rules without treating legal validity as proof of justice. Fuller and Radbruch test legality and the problem of extreme injustice from different premises.
1864–1888	Pius IX and Leo XIII	Oppose religious indifferentism and state moral autonomy, defend ecclesiastical independence, and articulate concord between distinct powers within a confessional horizon.

Date	Witness or development	Contribution and limit
1917	First Latin code	Systematizes Latin discipline while preserving unincorporated natural and divine-positive law under c. 6, no. 6. It is superseded by the 1983 CIC.
1929	Lateran Treaty	Recognizes Holy See sovereignty and creates Vatican City State as a territorial guarantee of independence.
1937–1948	Totalitarian crisis and postwar rights	Papal teaching opposes racial and state absolutism; Radbruch addresses extreme statutory injustice; the Universal Declaration expresses common rights and duties in a positive international instrument that was declaratory rather than a treaty.
1953	Pius XII, <i>Ci riesce</i>	Permits non-repression of error for a higher common good; the toleration analysis precedes Vatican II's dignity-grounded civil right.
1963–1965	<i>Pacem in terris</i> and Vatican II	Place reciprocal personal rights and duties, public authority, temporal autonomy, Church–political cooperation, and civil religious immunity within one moral and juridical account.
1983	CIC	The current Latin code, as amended, governs subjects, divine-law limits, civil-law reception, authority, procedure, and remedies.
1990–1991	CCEO	The CCEO provides common law for all and only the Eastern Catholic Churches, preserving distinct sources, institutions, and synodal structures.
1993–2009	<i>Veritatis splendor</i> and the ITC study	Clarify rational participation, embodiment, moral object, and contemporary natural-law method. The ITC document is expert theology rather than an act of the Magisterium.
2022–2026	Curial, canonical, and Vatican legislation	Revises curial structure, penal law, tribunal law, competencies, Vatican constitutional law, and Roman particular law. The changes demonstrate why current research requires an amendment overlay beyond base codes.

B Disciplinary Survey

The natural/positive and divine/human distinctions sit at the intersection of inquiries with different objects and bodies of evidence. Jurisprudence asks about normativity and validity; theology about creation, revelation, and the Church; history about changing concepts and institutions; canon and civil law about operative sources, subjects, and effects; moral theology about the act to be chosen. Their contributions are complementary but not interchangeable. The survey below states the positive work each field performs in the argument.

Field	Characteristic object and sources	Distinctive contribution
Philosophy of law and jurisprudence	Concepts and arguments concerning practical reason, authority, justice, rights, social sources, legal validity, and the character of rules and institutions.	Clarifies rival natural-law and positivist accounts and the possible relations between juridical validity and moral obligation.
Moral theology and ethics	The chosen act, moral object, intention, circumstances, virtue, conscience, cooperation, scandal, culpability, and restitution.	Determines the structure of practical moral judgment and the duties that remain when legal permissions, commands, or sanctions diverge.

Field	Characteristic object and sources	Distinctive contribution
Biblical and dogmatic theology	Scripture and Tradition on creation, covenant, sin, grace, the Old and New Law, the Church's constitution, and the natural and supernatural ends of persons.	Establishes the content and addressees of revealed claims and their relation to natural moral knowledge and ecclesial authority.
Intellectual and institutional history	Texts, transmission, controversies, offices, courts, jurisdictions, and patterns of reception in their chronological settings.	Reconstructs how inherited terms acquired different meanings and how abstract classifications became operative in institutions.
Roman law and the civil-law tradition	Juristic texts and practice concerning <i>ius</i> , <i>lex</i> , status, sources, interpretation, actions, proof, and remedies.	Supplies the legal vocabulary and institutional techniques later received, transformed, or contested in canon and civil law.
Canon law	Divine-law propositions as received in the Church, legislation, custom, administrative acts, offices, rights, procedure, penalties, and remedies in the Latin and Eastern traditions.	Determines ecclesiastical subjects, competence, applicability, juridical effects, and the forums capable of authoritative action.
Civil, constitutional, and administrative law	Constitutions, statutes, regulations, judgments, administrative action, rights, liability, and public remedies within a defined polity.	Establishes the state's operative claims upon persons and institutions and the legal means by which those claims are enforced or challenged.
Public international and concordat law	International personality, treaties, immunities, diplomatic practice, ratification, and domestic implementation.	Explains the juridical coordination of the Holy See and states without assimilating international, canonical, and domestic legal effects.
Conflict of laws and legal pluralism	Jurisdiction, applicable law, status, recognition, parallel proceedings, and the coexistence of state, ecclesial, customary, and associational orders.	Analyzes concurrence among orders and the mechanisms by which one system recognizes, receives, or declines another's determination.
Procedure, evidence, and remedies	Pleading, proof, presumptions, notice, hearing, judgment, appeal, recourse, limitation periods, and forms of relief.	Connects substantive claims to institutional findings and specifies which rights or duties can receive external effect in a forum.
Comparative law and legal sociology	Cross-system comparison and empirical study of institutions, enforcement, professional practice, and lived normativity.	Tests claims of uniqueness or universality and discloses the distance that can arise between formal sources and institutional practice.

No field provides a neutral metalanguage in which all the others disappear. The central problem instead requires a sequence of field-specific judgments followed by a practical synthesis: historical meaning is established historically, revealed content theologically, positive effect juridically, and the morality of the person's act through practical reason informed by the relevant truths and relations. The later chapters preserve that division of labor while showing where its conclusions meet.

C Scope, Legal Frame, and Qualifications

C.1 Genre and source boundary

This is a discursive canon-law article with philosophical, historical, scriptural, theological, moral, civil-law, and institutional modules. Ancient texts establish ancient arguments, not present law. Magisterial documents teach

according to their genre and authority. Codes, statutes, custom, administrative acts, judgments, agreements, and authentic interpretations have different juridical effects. Modern scholarship supplies historical and analytical controls; it does not replace controlling law.

C.2 Controlling legal scope

Field	Controlling scope	Qualification
Governing bodies of law	The 1983 <i>Codex Iuris Canonici</i> (CIC) for the Latin Church; the 1990 <i>Codex Canonum Ecclesiarum Orientalium</i> (CCEO) for the Eastern Catholic Churches; identified universal, common, particular, proper, liturgical, curial, treaty, and Vatican City norms.	The codes are central but not exhaustive. The Catholic Church, Holy See, Roman Curia, and Vatican City State are distinct juridical realities.
Language and translations	The promulgated official Latin texts control for the CIC, CCEO, and Latin promulgating acts. Holy See English pages and identified translations assist the reader. Vatican City legislation is ordinarily cited in its official Italian.	A convenient translation is not silently treated as authoritative. Ancient translations are witnesses, not substitutes for critical texts where wording is disputed.
Persons and jurisdiction	The universal Church; the Latin Church and Eastern Catholic Churches <i>sui iuris</i> ; their competent authorities and subjects; and civil polities insofar as civil law binds Catholics or interacts with canon law.	Baptism, ascription, age and use of reason, domicile, territory, office, institute membership, legal capacity, particular law, and the facts of an act can change the governing norm.
Currentness	Current universal and common ecclesiastical law and institutional sources checked through 16 July 2026. The 2022 curial constitution, 2023 Vatican Fundamental Law, 2024 Signatura amendment, 2025 curial and Vatican acts, and identified 2026 rescripts and particular Roman legislation were reviewed.	No later amendment to the central boundary canons discussed here was located. An archive search cannot establish the absence of unpublished particular or proper law.
Authority and forum	Legislative, executive, judicial, and teaching functions are distinguished. The rank and scope of universal, common, particular, proper, civil, and contractual norms are separately identified.	A theological conclusion is not automatically a penal norm; a decision in one case is not automatically universal law; a curial office does not acquire legislative power merely by issuing a document.
Case boundary	Examples concern ordinary classification problems: violence, marriage, worship, contracts and property, religious liberty, conscience, employment, reporting, and unjust commands.	No example decides a real person's rights, criminal exposure, marital or sacramental status, office, or duty toward a named enactment. Those questions require the complete facts, the controlling civil and ecclesiastical law, and competent advice.

C.3 What “current governing structure” means

The contemporary portion traces a norm from source, competence, and promulgation through interpretation and application to adjudication and remedy. It treats the Roman Pontiff and college of bishops, diocesan and eparchial

bishops, Eastern synods, particular councils, Latin episcopal conferences, competent dicasteries, local tribunals, the Roman Rota, the Apostolic Signatura, administrative recourse, concordats, and the distinct civil order of Vatican City State. It also asks what these structures mean for the person who must act before every institutional question has received a final answer.

C.4 Rights and evidence boundary

Scripture, official ecclesiastical and state texts, historical sources, translations, and modern scholarship retain their independent status. This work uses only short, claim-focused phrases and project-created synthesis. Links establish only what the source’s author, genre, jurisdiction, date, and transmission permit. No third-party code, translation, article, or monograph is reproduced.

This is a *source-audited working article*. Independent review by specialists in ancient philosophy, Roman law, intellectual and institutional history, medieval canon law, moral theology, ecclesiology, Latin and Eastern canon law, public law, conflict of laws, and Church–state relations remains outstanding.

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