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# Law in God's Law

**Abstract:** The concept of God's law is rooted in theology and canon law. However, the content expressed by this concept is very extensive. In addition, this concept is replaced by many others indicating the proper content for them. Therefore, the usefulness of the concept of divine law remains questionable. The author of the study expresses the opinion that the concept of law and the reality expressed by it are not adequate to properly grasp the meaning of the concept of God's law. The consideration of law in God's law should be carried out in the symbiosis of faith and reason, the acceptance of God's will and its expression in the appropriate way of realizing the ecclesiastical form of the Christian religion.

**Key words:** God's law, covenant, faithfulness, faith, reason

## Introduction

The concept of divine law is present in the language of theology, philosophy and law, including the law of religious communities. It includes two elements: God and law, which together indicate the reality of law that refers to God. To Him is attributed the perpetration of the reality referred to as law. In religions, especially monotheistic ones, the reality encompassed by the concept of God's law largely determined the understanding of the law itself. On the other hand, the phenomenon of law rooted in human reality influenced the understanding of God's law and, consequently, the issues of the relationship between God's law and human law also go beyond the realm of the religious community<sup>1</sup>.

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<sup>1</sup> The issue of divine law characteristic of monotheistic religions has been discussed in detail in the following books: Silvio Ferrari, *Lo spirito dei diritti religiosi. Ebraismo, cristianesimo e islam*

It is difficult, if not impossible, to encapsulate the entire issue within the framework of the very concept that combines two realities so differently understood within different religions of reality: God and law. For this reason, the following reflection focuses on the Christian religion and the canonical order of the Catholic Church, in which the concept of God's law is present in normative texts. The reflection concerns one component of the concept of God's law, namely law. The phrase God's law carries conceptual cognitive content as an effort by the human intellect to understand revealed reality accepted as truth.

Like other cognitive objects, the experience of revealed reality can also be conceptualized, grasped and then expressed and communicated in various ways. The area between the successive stages of this process carries the environmental conditions of cognitive possibilities, which must be included in the evaluation of the properties and purposefulness of the formulated conclusions in a dogmatic form. The entire process of receiving the word of God, its articulation and confession, "is temporally conditioned" while "specific imaginative models, perspectives, circulating opinions, etc. are connected with God's revelation."<sup>2</sup> "Dogmatic sentences relating to God are formulated only by analogy" because "dogmas are co-determined by social, psychological and other kinds of factors"<sup>3</sup>. God's law is part of the cognitive scheme: reality (Revelation) – cognitive content – concept – idea.

## Divine Law as a Religious Phenomenon

The common element of the appeal to law justified by divine authority is its presence in the community of believers along with man-made norms which cannot oppose or be incompatible with divine norms. This is where the similarities end. In Judaism and Islam, the norms of divine law do not integrate with human norms other than through their adaptation. They develop over time in the life of the religious community within the framework of jurisprudential art and practice. In Christianity, on the other hand, within the canonical order of the Catholic Church, divine law forms, together with human law, a single legal order in which what comes from

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*a confronto* (Bologna: Il Mulino, 2002) and Rémi Brague, *Prawo Boga. Filozoficzna historia Przymierza* (Warszawa: Teologia Polityczna, 2014).

<sup>2</sup> Karl Rahner and Herbert Vorgrimler, "Dogmat," in *Mały słownik teologiczny*, (Warszawa: Instytut Wydawniczy PAX, 1987), 85.

<sup>3</sup> Rahner and Vorgrimler, "Dogmat," 85.

God coexists with what comes from the man. In Judaism and Islam, divine law remains unchanged in its unambiguous and clear formulations which only require adaptation, while in the case of canon law, the Church interprets divine law, integrates it with state law and expresses it as such in its normative statements. God's law in the canonical order is an element of the legal text, a fragment of the norm<sup>4</sup>. It exists only in man-made forms of law.

The interpretation of God's law and integration into a single legal order derives from the sacramental nature of the Church, through which its salvific nature is expressed. The sacramental structure of the Church does not require the constant intervention of God whether in ethical issues or in matters of governance, administration and conduct. The constant penetration of the Trinity in the life of the believer is a sign of God's presence<sup>5</sup>. Hence, God's law for canon law is not a once and for all pronounced truth, but a reality that is constantly actualized<sup>6</sup>. In Judaism and Islam, on the other hand, the unchanging divine law exists as God's absolute mediation in human life<sup>7</sup>.

The juxtaposition in one formulation of God and law suggests a certain idea of reinforcing one term with the other, thus emphasizing the power of law, which has something of the divine authority in it, and the firmness of God's stipulations along the lines of law, which inspires respect and enjoys causal authority. The propositions of God with which he addresses the man would thus acquire meaning by becoming

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<sup>4</sup> Carlo Fantappiè, *Il diritto canonico nella società postmoderna. Lezioni universitarie*. (Torino: G. Giappichelli Editore, 2020), 161.

<sup>5</sup> The Trinitarian dogma is the starting point for thinking about the Church not only in the genetic sense, but also in the current sense. Paul VI, addressing the auditors of the Roman Rota, stated: "Siamo lieti di avere potuto svolgere queste riflessioni insieme a voi sulle esigenze della vostra missione, sulla natura del diritto canonico e sul mistero della Chiesa [...] *"Ecclesia de Trinitate*. La Chiesa è questo *Christus totus* che, nello Spirito, unisce l'umanità alla vita divina dove il Padre dei Lumi si esprime nel Suo Verbo per unirsi ambedue in questo mutuo amore che è lo Spirito Santo. La Chiesa è il sacramento di questo amore ecco perché essa è madre degli uomini creati a immagine di Dio e salvati dal Verbo fatto carne; essa è segno di vita divina e strumento di salvezza," Paul VI, "Ad Praelatos Auditores et Officiales Tribunalis Sanctae Romanae Rotae, a Beatissimo Patre novo litibus iudicialis ineunte anno coram admissos," AAS 65 (1973), 102–103.

<sup>6</sup> A prominent example of this understanding of God's law in the Church is the dispensation from a validly contracted and unfulfilled marriage, which can be granted by the highest legislator in the Church. In dispensing from God's law, he invokes God's law, thereby indicating that it is up to the Church to preach and interpret what follows from this law and to help the faithful find themselves in the face of God's law. The Church does not dispense from God's law but interprets it for the benefit of the faithful within the limits set by tradition, Remigiusz Sobański, *Nauki podstawowe prawa kanonicznego. T. 2, Teologia prawa kościelnego* (Warszawa: Wydawnictwo UKSW, 2001), 79.

<sup>7</sup> Angelo Scola, "Il Ius divinum e la cultura contemporanea," in *Il Ius divinum nella vita della Chiesa. XIII Congresso Internazionale di Diritto Canonico*. Venezia 17–21 settembre 2008, eds Juan I. Arrieta and Costantino-M. Fabris (Venezia: Marcianum Press, 2010), 64.

law, a binding relationship of a dutiful nature. God's law, regardless of its conceptual presentation in different religions, or within the same religion, shows one common feature. The normative basis of such law is provided by certain facts, the source of which, stating very generally, is not found in the will of the people who make up the religious community.

Defining law with the attributive God leads to questions about the similarities and differences (different levels of normativity, scopes of compliance, degrees of binding force, authorship) between it and human law. Questions arise: are we dealing with law in both cases? Is the answer to be sought within the framework of philosophical or scientific (legal) knowledge? For whenever we want to talk about God's law we realize that the God of Revelation has not given us a definition of law. We are condemned to grasp divine law in the categories of human law, to subject the divine law to legal and philosophical knowledge, with the human mind and knowledge to embrace, understand, explain, and accept the requirements coming from God by reading the legal character in them and calling them divine law. We need to integrate divine law with human law within one legal order, which is the Church. Such a combination presupposes the legal character of two realities within one divine-human community, which is again the Church.

The law in God's law indicates that, on the one hand, it belongs to theological concepts through which God's will is expressed and, on the other hand, it is an element of human reality. The combination of God and law integrates, at least intuitively, two possible ways of knowing: God, who is the object of theological knowledge through faith, and law which is characteristic of the activity of reason in its cognitive efforts. The consequences of such a combination remain unambiguous for the religious community, but not necessarily for the state or international community, especially if these do not identify with a particular religion.

God's law understood in this way is the basic measure and determinant of all normative solutions, including, first of all, legal ones, since it is law, but no less doctrinal or moral solutions that invoke God's law. God's law, therefore, is not a concept only of the language of law (it appears in the legal texts of the Church). It is a concept found in theology and in the Church's teaching, albeit quite rarely in the latter<sup>8</sup>. T. Jiménez Urresti expressed the conviction that there is no other concept used by the Magisterium, in theology or in canonology, as flexible in its content as the concept of divine law.

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<sup>8</sup> T. Jiménez Urresti researched all the documents of the universal councils and found only eight references to God's law in them. The Second Vatican Council does not use the term. Teodoro I. Jiménez Urresti, "El «ius divinum». Noción, grados, y lógica de su estudio," *Salamanticensis* 39 (1992): 37–38. It occurs only eight times in the 1983 Code of Canon Law.

Thanks to its broad scope, the concept of God's law has become a convenient reference for justifying the solutions and content proposals undertaken within the framework of religion. The variety of terms and designations of the concept forms the basis of the question of law, as it determines the meaning of the concept. It is not an isolated statement that the concept of divine law is not only useless in theology or canonistics (Rahner, Congar, Jiménez Urresti). It also hinders dialogue and evangelization if the values are replaced by a legal solution.

## Two Examples of Invoking God's Law

As a starting point, I would like to draw your attention to two statements that are in line with the above statements. The first are the words of the homily during the Feast of the Assumption of the Blessed Virgin Mary in Częstochowa (15.08.2018). Archbishop Wacław Depo stated there that Poland was unfortunately ruled by the Constitution instead of the Gospel<sup>9</sup>. The statement provoked numerous comments concerning various points of view. Although the archbishop did not use the phrase God's law, the reference of the gospel to the constitution as a legal act resulted in the identification of the gospel with God's law, and once again revived the academic dispute over the superiority of God's law over state law.

All sorts of long-standing arguments lose much of their relevance when they reduce the dispute at a conceptual level to a legal area delineated, on the one hand, by state law, the expression of which is the constitution, and by God's law, which has its meaning more within the framework of theology than in the area of law. For theology does not pose the question concerning what the law (*quid ius*) occurring in this formulation is. The answers concerning God's law revolve around its content (*quid iuris*). For this reason, it is worth moving the discussion to the level of law or, as far as the Catholic Church is concerned, to the level of canonical considerations, where the relationship between theology and law is marked significantly and inseparably. The question of God's law first concerns the law itself and the connection of the law to God, or rather God to the law. In a discussion in the area of law, the proper point of reference should be legal concepts, not theological on the one hand and legal on the other.

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<sup>9</sup> Bogumił Łoziński, "Ewangelia ponad konstytucją," *Gość Niedzielny* 35 (2018), accessed November 2, 2022, <https://www.gosc.pl/doc/4991033>. Ewangelia-ponad-konstytucja.

The transition from the gospel to God's law is firmly rooted in Catholic thought in the form of claims that God's law is contained in the gospel or the Decalogue. The starting point of such claims was the belief that there were norms or institutions from God's law, for which a legitimate source had to be found. The reverse order: from the Decalogue to the law or from the gospel to the law (from the Word of God to the law) no longer provides such a clear basis for statements about God's law contained in the Decalogue or the gospel. This is because it requires an initial determination of the reality of the law from the point of view of the Decalogue and the gospel in order to move on to its content.

This is the path in the field of canonistics taken by representatives of the current of thought derived from Klaus Morsdorf. They use the concept of divine law and point to its rationale in the very salvific activity of God. As an example, we can use the statement of the Polish professor Remigiusz Sobański, recognized in the world of canon law science, who stated: "It should be noted that in the biblical texts, law appears among the terms that God uses to describe his salvific activity"<sup>10</sup> Thus, God's law has its origin in God's salvific activity, and the salvific offer was also expressed in legal form. Therefore, God establishes contact with the man by revealing His will through the law, and the law itself is a way of manifesting God's will. Such a view does not bring us any closer to understanding the law itself and explaining why God uses the concept of law. It only points to God's authority and His salvific initiative.

Authority is not an element that distinguishes and gives legal character to the requirements coming from Him, unless they fall within the framework of the legal relationship defined as commonly accepted, regardless of the concept of law, features of intersubjectivity, duty-obligation (*debitum*) and subjective equality capable of satisfying the requirements of justice. Close to this issue becomes the question of whether God establishes relations between Himself and the man and between believers in Him on the basis of legal categories, or whether they arise only from and are postulated by the social form of the Christian religion. In deliberations about the law in God's law, there is a place for the symbiosis of faith and reason, accepting what God wants (God's will) and expressing it in a suitable way of implementation.

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<sup>10</sup> Remigiusz Sobański, "Prawo w prawie: prawo Boże i prawo ludzkie," *Teologia Polityczna* 2 (2004–2005): 268.

# Faith and God's Law

## 1. The Covenant Versus Law

The concept of law acquired meaning in the language of theology thanks to its reference to the basic concept of theology, which is the concept of God. It was placed within the framework of the reality created by God (natural law), which made it possible to refer to it subsequently as a reference model to the reality of the world created by the man. It also found application to the salvific activity of God (positive divine law). Among the many categories describing the work of creation and salvation, there was also a place for law.

Unlike many other terms in the field of theology that do not require the use of the attributive "God" (revelation, grace), the concept of law loses its meaning as a theological term without additional reference to the divine essence. This indicates that law is a reality characteristic of human life, and by reference to God it acquires not so much a new meaning, but only a content complement. It is not possible to characterize the divine persons or the relations prevailing in the Trinity with the use of this particular term. The God of Revelation is described as faithful, just, merciful. God is love as St. John says (1 John 4:8). At no point is God and the relationships between the divine persons referred to as law. He is referred to by terms known in the language of the law as God the Just. Righteous, however, is the one who keeps the Covenant. The biblical concept of justice goes significantly beyond its jurisprudential formulation. God is not faithful because He is just by keeping the law, but He is just because He is faithful. The concept of law is foreign to the concept of God.

Defining God as righteous is not the basis for stating the existence of law in Him. He is just because he is faithful to His covenant with the man. Experiencing it on the part of the man as a legal issue indicates that the law has its reference to the revelation taking place in history and taking historical form in the history of the people of the old and new covenants. The revelation of God in history does not involve the revelation of the theologically objectified law, but reveals the phenomenon of law anthropologically grounded. The legal phenomenon is an original element of human experience through which the man expresses himself including his own religious experience within his own culture<sup>11</sup>. The separation of the Covenant and law, while privileging the latter, resulted in the image of God imposing his laws in a firm, unambiguous, unchangeable way, and not one who makes promises

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<sup>11</sup> Umberto R Del Giudice, *Teologia del diritto canonico ed istanze antropologiche. Relazioni storiche ed applicazioni attuali* (Città del Vaticano: Lateran University Press, 2021), 127–129.

to the man (*diatheke, testamentum*) and goes out to the man with a proposal concerning his life with God and other people. This particular image is inappropriate and detrimental to theology. The starting point of theology is the ability to listen to the word of God, which is what God says to the man instead of what the man says about God<sup>12</sup>.

## 2. Creation Versus Law

In Christian thought, the lawful reference to God found its justification through the category of creation. In the Christian legal tradition referring to Augustine, Thomas, and Suarez, law went beyond its modern understanding. It was an integral part of the reality created by God, in which the relations existing in the universe find their origin and purpose. The ordered reality with its hierarchically subordinated goods and purposes was the place for the consideration of law, which was grasped in relation to the purpose and order of the world and the man<sup>13</sup>. Ultimately, even the accentuated difference between *ius* and *lex*, but along with the perceived relationship between them<sup>14</sup>, was irrelevant to the recognition of a single order created by God with its characteristic goods and purposes existing and being realized in both the natural and supernatural states. The order established by God and expressed as *lex* made reference to the external, interpersonal relations of justice created by *ius*. Legal relations were thus characteristic of the order existing in the universe and as such were referred to as God's law.

However, the relationship between the Creator and His creation did not require legal relations in terms of social relations. Between the Creator and the creation there is an ontological (metaphysical) relationship in which the man has read and reads the principles inherent in the functioning of entities, not a legally regulated relationship<sup>15</sup>. In the concept of divine law in the Judeo-Christian tradition, law

<sup>12</sup> "Theology in its essence is a conscious effort made by the believer to listen to the authentic, historically proclaimed word of God's revelation, an effort to know that word ... it therefore presupposes revelation in the word rather than creating it ... proper theology therefore presupposes a due hearing of the word of God for the sake of salvation and ultimately wants to serve that hearing" [own translation], Karl Rahner, Karl and Herbert Vorgrimler, "Teologia," in *Mały słownik teologiczny* (Warszawa: Instytut Wydawniczy PAX, 1987), 466.

<sup>13</sup> Eduardo Molano, "Precisiones en torno al «Ius Divinum»,» *Ius Canonicum* 22 (1982): 786.

<sup>14</sup> Javier Hervada, *Prawo naturalne. Wprowadzenie* (Kraków: Petrus, 2011): 158-159. The two aspects of one reality remain in relation to each other creating legal ties and relations of justice in the natural community and the Church.

<sup>15</sup> Paolo Gherri, *Lezioni di Teologia del Diritto Canonico* (Roma: Lateran University Press, 2004), 151.



appears neither in reference to the person of the God of Revelation or to His creative acts, nor in the modes of operation within the created reality.

## Reason versus God's Law

### 1. Judaism

The legal experience in Judaism was shaped in the perspective of the experience of the Covenant offered by God and the faith of the chosen people. We learn about them through the written biblical text and through the shaping tradition (written and oral Torah). Israel's religious experience and its relationship with God, while taking place in the midst of pagan religions with which Israel shares territories and customs and finds similar-sounding laws, differs significantly from them. Israel's righteousness goes far beyond interpersonal relations signifying in the first place a moral obligation and responsible response to the Covenant offered to them, which nothing can replace or equal it. A righteous man is the one who keeps the Covenant and remains faithful, in and through whom God's wisdom is revealed. Wisdom and law are, as they were, the tools (means) by which the chosen people keep the Covenant<sup>16</sup>. Hence, the commandment and the law coexist not as two opposing ways of realizing the Covenant, but as interchangeable tools for its realization. A commandment that contains an element of normativity does not necessarily specify it in juridical form. It is far from rules of behavior of legal generality and abstractness. God directly addresses the man by establishing an interpersonal relationship with him on the principle of master and disciple, to whom He offers a way of dealing with Himself. The word-instruction (Torah) and the law-order (Torah) maintain a continuity that shows that God's Word to the man is capable of forming in him a moral attitude and social justice. Therefore, the law of the Old Testament reveals its nature as an indication (message) of freedom and salvation, and not as a legal order (organization)<sup>17</sup>.

Religious experience exists in cultic attitudes and in the ways of worshipping God that express them. Their inclusion in the Pentateuch (Torah) had the effect of transferring the concept to denote specific behaviors read in legal terms (Torah –

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<sup>16</sup> Del Giudice, *Teologia del diritto canonico ed istanze antropologiche*, 164.

<sup>17</sup> Del Giudice, *Teologia del diritto canonico ed istanze antropologiche*, 169.

law). The observance of these laws was a condition of social identity and religious belonging to the chosen people<sup>18</sup>. The positively formulated laws, written down and alive in oral tradition, remain in close relation to Revelation. In this sense, they have a theological justification which, however, must be read in the perspective of the chosen people's experience of the Covenant offered to them.

The terms and meanings of religious experience expressed in human language begin to function in relation to God and acquire theological autonomy. Such a situation is encountered in the case of natural experience and the determination of law. Relating to God, human categories expressing the mutual relationship of relational subjects transferred to the relationship with God acquire a theological character. It results, as in the case of law, in referring to religious experience as a basis justifying the creation of legal orders, institutions, specific normative solutions, or even the superiority of religious institutions over the state<sup>19</sup>. However, the axis of God's relationship with the man is realized in terms of the Covenant – election – faithfulness. Adopting the paradigm of law as a divine-human relationship has become convenient for expressing what is essential in this relationship, namely: intersubjectivity, permanence, responsibility, which are expressed in the first place in faithfulness.

## 2. Christianity

The object of a canonist's interest is the law of the Church. What makes it specific and distinguishes it from other forms of legal experience is the Church community. The canonist looks at the Church. However, his attitude is different than the one presented by a theologian, for whom, among many other topics of scientific interest, it is also necessary to justify the existence of law in the Church as an element of the reality of the Church. The Church also exists in the legal aspect. This aspect, and not the legal aspects of the Church, is the point of reference and interest of canonistics. What gives canonistics a specificity of approach is the indication of the place that the law of the Church occupies in the mystery of salvation present in it and realized by it. The nature and specificity of this community will determine the relational subjectivity and its content. For the subjects of legal relations in the Church are persons implanted in Christ, and the bonds between them grow directly out of the saving will of God. The sacramental character of the Church and the social char-

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<sup>18</sup> Del Giudice, *Teologia del diritto canonico ed istanze antropologiche*, 146–148.

<sup>19</sup> Severino Dianich, *Diritto e teologia. Ecclesiologia e canonistica per una riforma della Chiesa* (Bologna: Edizioni Dehoniane, 2015), 55.

acter of the salvation process growing out of it find their explanation in the social nature of the man<sup>20</sup>.

Canonical studies, therefore, deal with the Church and its law, but do so differently from theology by focusing on the communal requirements of the life of the faithful as members of a single community. Thus, it differs from those branches of theology that deal primarily with individual aspects of the lives of Christians (moral theology, spirituality). The interests of canonical theology revolve around the communal identity of Christ-centered believers in the context of their faith (Magisterium, teaching, externalization, errors, etc.) and specific and faith-driven behaviors (sacraments, positions and tasks in the community, offices, offenses, etc.)<sup>21</sup>.

The Christian approach to the issue of God's law emphasizing the unity between the two testaments places a boundary between the two. It is about the law of the Church, not the law of Israel. The law remains in connection with the faith of the community that Christ organized around His person and which He then sent to proclaim the good news of salvation after His resurrection by making Himself sacramentally present. The object of the Church's law, therefore, is the legal experience of the community gathered around Christ in imitation of the apostles. Within the Christian community, the relations corresponding to that group, including the legal ones, are formed. They constitute the object of the law of the Church.

The legal experience of rising Christianity was shaped as a continuation of God's revelation. Similarly to the Judaic religion, it was expressed in the emerging institutional forms and norms which, more than the legal dimension, emphasized their moral specificity resulting from the bonds existing between the adherents aroused by the presence of Christ among and in them through His Spirit. Despite the significant difference between the religious communities of the Old and New Testaments, there is a similarity in their reading and experiencing of the legal dimension within the framework of previous religious experience.

The radicalism of Jesus's moral teaching does not warrant statements about a clear separation of the legal and moral, or cultic spheres in the Judaic religion of his contemporary era. A clear distinction between the moral and legal spheres is not peculiar to the times of Jesus and the rising faith and Christian community. To look for the source of legal provisions in Jesus is as erroneous as looking for them in God's original revelation to the chosen people. Between the "data" of the revelation from the life of Jesus and his legislative "will" there is a level of understanding and

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<sup>20</sup> Sobański, *Nauki podstawowe prawa kanonicznego*, 30.

<sup>21</sup> Paolo Gherri, *Introduzione critica alla teologia del diritto canonico* (Torino: G. Giappichelli Editore, 2019), 193.

transmission aimed at the specific commune (community). The Gospel narrative is a reinterpretation of His teaching present in the community to bring out the existential experience of faith, rather than the legal norm directly willed by Christ.

The legal experience of the old and new Israel takes place in the perspective of the Covenant. In the New Testament, it is the Covenant made in the blood of Jesus Christ<sup>22</sup>. In the perspective of this Covenant, the new commandment also becomes understandable. It is not tantamount to a release from the law as rules of behavior, but reinforces it as a new law in Christ shaping the mutual relations between his believers. Relations between Christ's followers, among them also the legal ones, are different from those that bind the followers to Him alone, although in this relationship they find their origin and justification.

## A Few Comments

Is the concept of God's law needed at all? Does God work through the law? Does God use the law as it exists in the chosen people to fill them with the content of divine authority, or does He reveal His word as law? The consideration of God's law carries a burden of theological solutions, which indicates the constant need to revise the methods and content of the data it offers. The same problem applies to the conceptualization of conceptual formulations, including the notion of God's law which is present in theology and canon law science, and which has been, as it were, alienated from the reality of election and the Covenant made between God and the man. The two realities remain in a close relationship. Between them there is a relationship of subordination, in which legal experience is a consequence of the Covenant previously offered.

Describing the covenant very generally, it can be said that it contains an element of legal experience resulting from a binding obligation<sup>23</sup>. This is how it could be read by those to whom it was addressed, and then expressed by an experience close to social coexistence within a communal identity. The reference of the law to the manifested God consequently led to its designation as divine. On the one

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<sup>22</sup> Mt 26, 27–28.

<sup>23</sup> Francesco D'Agostino, "Fondazione del diritto," in *Fondazione del diritto. Tipologia e interpretazione della norma canonica. XXVII Incontro di Studio Centro Dolomiti «Pio X»* – Borca di Cadore (BL) 26 giugno – 30 giugno 2000, ed. Gruppo Italiano Docenti Di Diritto Canonico, 11–26. Milano: Glossa, 2001), 19.

hand, the term indicates the nature of the law and its reference to God, and on the other hand, it indicates the conceptual unity of the law expressed in the common element of the two laws, which is its commanding and obliging nature. However, the Word of God as a promise does not identify with a once and for all definite and immutable reality that can be expressed and encapsulated by human normative provisions<sup>24</sup>.

The legal expression of religious experience does not prove to be a sufficient argument for its designation as God's law. It points out that the content referred to by this term has a historical dimension, experiencing human interpretation in concrete situations as a response to the covenant offered by God. This human element also makes it apparent that God's law does not exist outside Revelation. God who addresses the man does not do so in the form of a coercive response resulting in an obligation. He does not deprive the man of his freedom. On the contrary, he respects human freedom and responsibility to the letter.

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<sup>24</sup> Francesco D'Agostino, "La Teologia del Diritto positivo: Annuncio cristiano e Verità del Diritto," in *«Evangelium vitae» e diritto. Acta Symposii Internationalis in civitate Vaticana celebrati 23–25 maii 1996*, ed. Alphonsius L. Trujillo, Julianus Herranz, Aelius Sgreccia, (Città del Vaticano: Libreria Editrice Vaticana, 1997), 113–115; Francesco D'Agostino, "La Teologia del Diritto positivo: Annuncio cristiano e Verità del Diritto," in *«Evangelium vitae» e diritto. Acta Symposii Internationalis in civitate Vaticana celebrati 23–25 maii 1996*, edited by Alphonsius L. Trujillo, Julianus Herranz, and Aelius Sgreccia (Città del Vaticano: Libreria Editrice Vaticana, 1997), 121–122.

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## La loi dans la loi de Dieu

### Résumé

Le concept de loi divine trouve ses racines dans la théologie et le droit canonique. Cependant, le contenu exprimé par ce concept est très vaste. De plus, ce concept est remplacé par de nombreux autres qui indiquent leur contenu propre. Par conséquent, l'utilité du concept de loi divine reste discutable. L'auteur de l'étude exprime l'opinion que le concept de loi et la réalité qu'il exprime ne sont pas suffisants pour saisir correctement le sens du concept de loi divine. La réflexion sur la loi dans la loi divine doit être menée dans la symbiose de la foi et de la raison, l'acceptation de la volonté de Dieu et son expression dans la manière appropriée de réaliser la forme ecclésiastique de la religion chrétienne.

M o t s - c l é s : la loi de Dieu, l'alliance, la fidélité, la foi, la raison

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## La legge nella Legge di Dio

### Sommario

Il concetto di legge divina affonda le sue radici nella teologia e nel diritto canonico. Tuttavia, il contenuto espresso da questo concetto è molto ampio. Inoltre, tale concetto è sostituito da molti altri che ne indicano il contenuto appropriato. Pertanto, l'utilità del concetto di legge divina rimane discutibile. L'autore dello studio esprime l'opinione che il concetto di legge e la realtà da esso espressa non siano adeguati a cogliere correttamente il significato del concetto di legge di Dio. La considerazione della legge nella legge di Dio dovrebbe essere effettuata nella simbiosi tra fede e ragione, nell'accettazione della volontà di Dio e nella sua espressione nel modo appropriato di realizzare la forma ecclesiastica della religione cristiana.

P a r o l e c h i a v e : la legge di Dio, l'alleanza, la fedeltà, la fede, la ragione