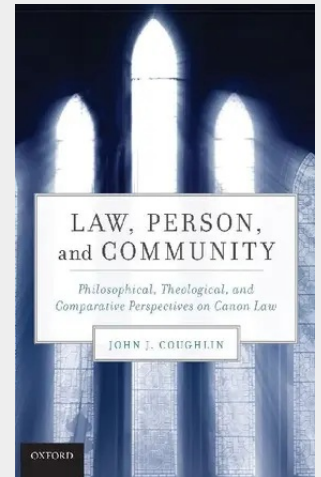


Law, Person, and Community

Philosophical, Theological, and Comparative Perspectives on Canon Law

Law, Person, and Community: Philosophical, Theological, and Comparative Perspectives on Canon Law takes up the fundamental question "What is law?" through a comparative study of canon law and secular legal theory. Canon law is analogous to the concept of law described by secular theorists such as Austin, Kelsen, Holmes, and H. L. A. Hart. Consistent with the secular concept, canon law aims to set a societal order that harmonizes the interests of individuals and communities, secures peace, guarantees freedom, and establishes justice. At the same time, canon law reflects a claim about the spiritual end of the human person and religious nature of community. The comparison of one of the world's ancient systems of religious law with contemporary conceptions of law rooted in secular theory raises questions about the law's power to bind individuals and communities. For example, to what extent, does each of the approaches to law reflect the theory of Austin which understands law as a command given by the sovereign and backed by the coercive power of the state? Or, as H. L. A. Hart suggested, does law require an additional internal meaning that carries the power to bind? If internal meaning is a necessary constituent to law, how might religious and secular conceptions of it differ? In addition to these questions, Law, Person, and Community asks the fundamental question "What is law?" through a comparative study of canon law and secular legal theory. This book also includes comparative consideration of the failure of canon law to address the clergy sexual abuse crisis, the canon law of marriage, administrative law, the rule of law, and equity. Professor John J. Coughlin employs comparative methodology in an attempt to reveal and contrast the concepts of the human person reflected in both canon law and secular legal theory.

Law, Person, and Community: Philosophical, Theological, and Comparative Perspectives on Canon Law takes up the fundamental question "What is law?" through a consideration of the interrelation of the concepts of law, person, and community. As with the concept of law described by secular legal theorists, canon law aims to set a societal order that harmonizes the interests of individuals and communities, secures peace, guarantees freedom, and establishes justice. At the same time, canon law rests upon a traditional understanding of the spiritual end of the human person and religious nature of community.



185,60 €

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Lieferfrist: bis zu 10 Tage

Artikelnummer: 9780199756773

Medium: Buch

ISBN: 978-0-19-975677-3

Verlag: OUP US

Erscheinungstermin: 16.03.2012

Sprache(n): Englisch

Auflage: 1. Auflage 2012

Produktform: Gebunden

Gewicht: 631 g

Seiten: 320

Format (B x H): 161 x 240 mm

