

Index

- Absolutism. *see* Governance
 Ad gentes
 no. 2, 65, 161
 no. 9, 65, 161
 Akhnai. *see* Oven of Akhnai
 American Catholics Today, 97, 109
 Anti-legalism, 51–52, 59–60
 Aristotle, 35, 36, 40–43, 45, 138, 226–227
 Ash'arites, School of the, 25–26, 127
 Augustine, 35, 36, 37–38, 42
 Autonomy. *see* Freedom
 Aymans, Winfried, 93–94, 176–177
- Beinert, Wolfgang, 110, 111, 112, 113,
 210–211, 215
 Benedict XVI, 7, 8, 95, 106, 107, 116–117, 182
 Biblical references
 1 Corinthians 11:23 and 15:1, 210
 Acts 2:37–42, 210
 Acts 15:1–35, 217
 Deuteronomy 30:11–14, 37
 Exodus 23:2, 198
 Exodus 24:3, 187
 Galatians 2:1–10, 217
 Genesis 1:28, 39
 Matthew 28:19–20, 161
 Romans 1:19–20, 131
 Romans 2:14–16, 36–37
 Romans 7:23, 131
- Bier, Georg, 23, 73, 74–75, 137, 220
 Blankenburg, Erhard, 134–135, 137
 Böckenförde, Ernst-Wolfgang, 38, 51, 66–67,
 140–141
- Christus dominus*, 58, 168, 226
 Church and state, 43–47, 62, 66–67
- Civil law, 11, 215–216
 Code of Canon Law
 canon 5, 145
 canon 6, 145
 canon 7, 97, 110–112, 158
 canon 11, 130
 canon 12, 146, 153
 canon 16, 150
 canon 17, 150, 152, 224–225
 canons 17–19, 152
 canon 20, 145, 153, 166, 167
 canon 23, 223
 canon 24, 222
 canon 26, 145
 canon 27, 223, 232
 canon 51, 205
 canons 85–88, 225–226
 canon 129, 90
 canon 135, 145
 canon 212, 19, 64, 97, 111
 canon 218, 49, 64
 canon 227, 49
 canon 274, 90
 canon 331, 60, 74, 88
 canon 337, 60
 canon 368, 77
 canon 369, 77
 canon 372, 77
 canon 381, 145, 220
 canon 391, 60, 220
 canon 393, 88
 canon 754, 97
 canons 748–754, 64, 69–70
 canon 924, 171, 172
 canon 1009, 57, 95
 canon 1024, 90

- Code of Canon Law (cont.)
 canon 1108, 171
 canon 1254, 61
 canon 1260, 61
 canon 1311, 61
 canon 1404, 74
 Papal redaction, 83, 85, 94–95, 149, 175, 177, 200
 Preface, 51, 82–83, 84, 86, 91–93, 168–169, 170
 Principles of Revision (1969), 53, 61, 168, 170
 Reform process (before 1983), 82–95, 147–149, 175–178
Sacrae disciplinae leges, 83–84, 86
 Coherence theory of truth, 185–186, 198–201, 205, 223
 Common law, 11, 194, 215
 Congregation for the Doctrine of the Faith, 78, 92, 93, 106–107, 147, 182
 Consensus, 24, 67, 113, 142, 157, 178, 184–204, 211, 220–221
 Consensus theory of truth. *see* Consensus
 Council of Chalcedon, Christology, 30, 55–56
 Criticism of the law. *see* Anti-Legalism
 Custom, 114, 145, 146, 157, 159, 218, 219, 222–223, 232
 Customary law. *see* Custom
- Decretum Gratiani*, 23, 42, 219
Dignitatis humanae, 99
 Dispensation, 18, 23, 29–31, 218, 225–226
 Divine law, 8, 15–34, 71, 75, 126–127, 170, 187–188, 196, 221, 222, 225, 229
Donum veritatis, 182–183
- Effectiveness of the law, 8, 13, 101–102, 105–109, 116, 119, 166, 206, 218, 233, 236
 Emon, Anver M., 29, 122, 127
 Ethics, 9, 10, 22, 26–27, 106–109, 117–118, 119, 121
- Farley, Margaret A., 107, 111
 Ferrari, Silvio, 15, 16, 30–31, 42, 129, 157, 158–159
 Foljanty, Lena, 10, 11, 60, 120–121, 140
 Forsthoff, Ernst, 1, 44
 Francis, 161, 169, 185
 Freedom, 48–49, 67, 80–81, 91, 98–100, 102, 104, 122, 132
 Freedom of science, 64–65
 Religious freedom, 62, 63, 64, 128
- Gaudium et spes*, 104, 159
 Geertz, Clifford, 133, 135
 Governance
 Absolutism, 45, 73–79, 87, 96
 Centralism, 77–79, 157–161, 163, 169, 170, 215
 Hierarchical governance. *see* Hierarchy
 Natural governance, 40–43, 51, 69–70, 107
 Power of governance, 57–58, 235
 Grace. *see* Salvation
 Greenwood, Daniel, 33, 34, 187, 197–198, 203, 236–238
 Gruber, Judith, 47–48, 49, 142–143, 160
- Habermas, Jürgen, 133–134, 137, 186–191, 199
 Halakha. *see* Judaism
 Hesse, Konrad, 230–232
 Hierarchy, 40, 41, 49–50, 57–58, 69–70, 71–72, 73, 82, 183, 198–201
 Hollerbach, Alexander, 22, 43, 44, 50
 Huels, John, 79, 104, 139, 148, 154, 160–161, 164–166, 172, 208, 209–210, 211–213, 214, 215–218, 224, 234–235
 Human rights, 5, 26–27, 64, 119, 122, 127–128, 137–138
 Equality, 64, 122
 Religious freedom. *see* Freedom
Humanae vitae, 106, 107, 108, 110, 194
- Immortale Dei*, 46–47, 50, 61
 Incarnation, 30, 53, 55–56, 130, 142–143, 162, 165
 International Theological Commission, 2, 4, 72–73, 113–114, 131–132, 143, 162, 163, 178–179, 182, 199
 Interpretation, 32–34, 69, 73, 95, 133, 137, 150–153, 157–158, 205, 209, 215, 216, 218, 223–225, 232, 235
 Interreligious dialogue, 27, 29, 124, 132
 Islam, 15, 16, 23–27, 28, 124, 157–158, 236
 Islamic law. *see* Islam
Ius divinum. *see* Divine law
Ius Publicum Ecclesiasticum, 9
- Jewish law. *see* Judaism
 Judaism, 15–16, 27–29, 31–34, 124–127, 157–158, 196–198, 236–238
- Kehl, Medard, 55, 75–76, 78
 Kelsen, Hans, 6, 15, 16, 39, 68
 Kistner, Peter, 18–19, 21–22, 23, 78, 80, 81, 169, 170

- Law of the Sacraments. *see* Sacraments
 Lawgiver. *see* Legislation
 Legislation, 11, 13, 20, 71, 82–97, 132, 146–151,
 155, 157–160, 166–173, 174–209,
 220–221, 235
 Leo XIII, 46–47
 Levering, Matthew, 3, 29
Lex Ecclesiae Fundamental, 94
 Locke, John, 84, 119–120
 Lüdecke, Norbert, 23, 73, 74–75
 Luhmann, Niklas, 34, 64
Lumen gentium
 no. 8, 53–57, 62–63, 68, 76, 115, 116, 130
 no. 12, 178
 no. 16, 129
 no. 18–29, 58, 69, 168
 no. 20, 58
 no. 23, 76, 155, 220
 no. 26, 76, 155, 220
 no. 28, 57
 no. 31, 104, 159, 180
 Magisterium, 11, 40, 42, 49, 65, 69–70, 71–72,
 73, 106–109, 199
 Maimonides, 28, 125–126, 129
 Majority rule, 32, 34, 181–185, 189, 190–191,
 194–198
 Mendelssohn, Moses, 125–126, 128
 Möllers, Christoph, 4, 33, 54–55, 62, 68–69, 75,
 150, 192, 193
 Moral norms. *see* Morality
 Moral theology. *see* Ethics
 Morality, 10–12, 25, 27, 66–67, 124, 130–132
 Mörsdorf, Klaus, 22–23, 25, 58, 130
 Mu'tazila, School of, 25, 26, 127
 Müller, Hubert, 98, 111, 114
 Müller, Ludger, 9, 23, 100–101
 Natural goods, 3, 4, 121, 122–123
 Neo-Scholasticism, 47–52, 59–60, 68,
 106, 132
 New Natural Law, 38, 106, 119, 121
 Noachide law, 29, 124–127
 Novak, David, 28–29, 72, 126–127, 132–133,
 138–139, 141, 143, 144, 154
 Obedience of the faithful, 49, 65, 69–70,
 97–100, 105, 107, 108, 110–111, 206–207
Ordinatio sacerdotalis, 108, 194
 Orsy, Ladislav, 17, 18, 50, 52, 56, 79, 97–100, 111,
 146, 156, 162, 163, 170, 179, 207, 209, 223
 Oven of Akhnai, 31–34, 196–198, 236–238
 Participation, 79–91, 114, 149, 179–180, 221, 235
 Representation, 81–91, 175, 176–177, 178–181,
 200–201
 Paul (Apostle), 36–37, 131
 Perfect society, 43–47, 51–52, 53, 58, 60–62, 63,
 73, 206
 Pitkin, Hanna F., 81–82, 85–86, 87–90, 180
 Plurality
 of natural law, 6, 7–8, 34, 39–40, 68
 of the church, 8–9, 13, 76, 156, 159–161, 163,
 170, 174–176, 177, 179, 181, 183, 201–202,
 209, 224, 236–238
 Pontifical Council for Legislative Texts, 95–96,
 150, 152, 202
 Positivism of natural law, 50–51, 59–60, 63,
 68–79, 100, 132
 Postwar debates, 1, 6, 10, 12, 19, 59–60, 120–121,
 140, 233–234
 Power
 Papal power, 74–75, 85, 88, 169, 175, 178,
 200, 205
 Power of governance. *see* Governance
 Validity reason of power, 6, 42, 79–80, 91,
 96, 144
Presbyterorum ordinis, 57
Quadragesimo anno, 168
 Qur'an, 24–25, 27, 127
 Radbruch, Gustav, 233–234
 Reason, 21, 23, 24, 25–26, 28, 31, 34, 44, 122, 126,
 130–132
 Law of reason, 24, 43–44
 Reception, 109–115, 118, 150, 153, 205, 206,
 209–235
receptio legis, 110, 114, 220
 Representation. *see* Participation
 Revelation, 8, 9, 21–29, 31, 124–132, 142, 203, 211,
 213, 237
 Rosa, Hartmut, 48, 70–71, 80, 159
 Sachedina, Abdulaziz, 25, 26–27, 127–128
Sacrae disciplinae leges. *see* Code of Canon
 Law: *Sacrae disciplinae leges*
 Sacraments, 16, 101, 170–172, 208
 Salvation, 11, 16–19, 38–39, 65, 101, 123–132, 143,
 162, 170–171, 217, 225, 227, 229
 Scharf, Peter, 112–113, 141–142, 183–184, 186, 187,
 190–193, 195, 199, 220–221

- Schockenhoff, Eberhard, 3, 117–118, 192, 204
 Schreiter, Robert, 133, 138–139, 142, 164–165,
 210, 211–213, 214, 230
 Sense of faith, 12, 112–115, 142, 178–179, 182–184,
 187, 191, 194, 195, 209, 211, 220–223, 235
Sensus fidelium. see Sense of faith
 Shari'a. see Islam
Societas perfecta. see Perfect society
 Sohm, Rudolf, 52
- Teaching authority. see Magisterium
 Tertullian, 38–39
 Thomas Aquinas, 29, 30, 35, 38, 42–43, 48, 50,
 119, 227
- Unanimity. see Consensus
 Unity of the church, 13, 68–70, 73–74, 75, 76,
 79, 155–156, 157, 158, 166, 168–169,
 170–173, 174–176, 177, 200, 205, 215,
 217, 223, 224, 229–233, 236
- Validity of the law, 8, 13, 109–112, 116–173, 204,
 206, 215, 216, 218, 220–221, 225, 226, 232,
 233, 236
- Weber, Max, 36, 43, 99,
 117–118
 Wolfe, Christopher, 49,
 122–123