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Preview Response

FLOURISHING / LAW

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This is a provocative brief and I thank the authors for it. In particular, I appreciate the recognition of the dimension of the emotional plane. I note my reactions briefly below.

1. In teaching public law subjects to undergraduates (law is an undergraduate degree in Sri Lanka) I regularly refer to the idea of 'flourishing.' How can regulation of society contribute to 'human flourishing'? I often put this question to students. I have noticed that often the first responses of the students include incredulity. Of what relevance is the idea of 'flourishing' relevant in the Sri Lankan context? I have come to realise that these reactions of disbelief stem from the difficult day to day realities (and challenges) of life in Sri Lanka. Of what use is it then to consider the abstract idea of 'flourishing'? This seems to be the immediate reaction of students. Therefore, I find the idea of 'human flourishing' to be a powerful concept. One that can challenge existing assumptions of what life is and what it ought to be. I have had former students come back to with reflections on the idea of human flourishing, often with better understandings of its relevance and significance in the Sri Lankan context.
2. I appreciate and value the normative emphasis in this Brief. As a reader who is looking to translate this normative work to my own context, I have a specific challenge. That challenge is to understand the ways in which I can work out these normative ideas within my own context. That is a rather difficult task. If I were to generalise, it is easier to understand human flourishing in the ideal form. It is much harder to understand human flourishing in a system where the rule of law is weak, constitutional texts are disregarded, laws delays are excessive, and corruption is rampant. The list continues and includes material and intellectual poverty, human congestion and a floundering economy. If I may add, it is perhaps also difficult to understand what human flourishing means in systems where material wellbeing is very high, and systems work very well.
3. As a Christian, I find that hope is a critical factor. The Christian notion of consummation permits Christians to maintain a posture of hopefulness. This posture allows us to imagine the prospects for human flourishing through law, even where the law is a tool at the hands of those who seek to abuse power.

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