



Canon Law: A Comparative Study with Anglo-American Legal Theory

O.F.M., John J. Coughlin

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Canon Law: A Comparative Study with Anglo-American Legal Theory, by the Reverend John J. Coughlin, explores the canon law of the Roman Catholic Church from a comparative perspective. The Introduction to the book presents historical examples of antinomian and legalistic approaches to canon law (*antinomianism diminishes or denies the importance of canon law, while legalism overestimates the function of canon law in the life of the Catholic Church*). The Introduction discusses these approaches as threats to the rule of law in the Church, and describes the concept of the rule of law in the thought of various Anglo-American legal theorists. Chapter One offers an overview of canon law as the "home system" in this comparative study. The remaining chapters consider antinomian and legalistic approaches to the rule of law in light of three specific issues: *the sexual abuse crisis, ownership of church property, and the denial of Holy Communion to Catholic public officials*. Chapters Two and Three discuss the failure of the rule of law as a result of antinomian and legalistic approaches to the sexual abuse crisis. Chapters Four and Five compare the concept of property in canon law with that of liberal political theory; they discuss the ownership of parish property in light of diocesan bankruptcies, the relationship between church property and the law of the secular state, and the secularization of Catholic institutions and their property. Chapters Six and Seven raise the indeterminacy claim with regards to canon law and the arguments for and against the denial of Holy Communion to Catholic public officials. Although the three issues arise in the context of the United States, they raise broader theoretical issues about antinomianism, legalism, and the rule of law. Throughout the comparative study, American legal theory functions to clarify these broader issues in canon law. The concluding chapter offers a synthesis of this comparative study.

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