

0956-618X | VOL 17 NO 1 | JANUARY 2015

# Ecclesiastical Law Journal

PUBLISHED BY CAMBRIDGE UNIVERSITY PRESS  
ON BEHALF OF THE ECCLESIASTICAL LAW SOCIETY

# Ecclesiastical Law Journal

Editor **Will Adam**  
Consultant Editor **Mark Hill QC**  
Book Review Editor **David Harte**  
Case Notes Editor **Ruth Arlow**  
Parliament & Synod Editor **Frank Cranmer**

## EDITORIAL BOARD

**Professor Sir John Baker QC** University of Cambridge  
**Garth Blake SC** Professional Standards Commission, Anglican Church of Australia  
**Professor Ana María Celis Brunet** Catholic University of Chile, Santiago  
**Professor Norman Doe** Centre for Law and Religion, Cardiff University  
**Professor Silvio Ferrari** University of Milan  
**The Right Worshipful Charles George QC** Dean of the Arches, London  
**Professor Richard Helmholz** University of Chicago  
**Sir John Laws** Lord Justice of Appeal, London  
**Professor Douglas Laycock** University of Virginia School of Law  
**Professor Ian Leigh** Department of Law, Durham University  
**Professor David McClean QC** Chancellor of the Diocese of Sheffield  
**Professor Javier Martínez-Torrón** Complutense University, Madrid  
**Dr Robert Ombres OP** Blackfriars Hall, University of Oxford  
**Professor Julian Rivers** School of Law, University of Bristol  
**Professor Dr Gerhard Robbers** University of Trier  
**Stephen Slack** Registrar and Chief Legal Adviser to the General Synod  
**Professor Marco Ventura** Catholic University of Leuven  
**Professor John Witte Jr** Center for the Study of Law and Religion, Emory University, Atlanta

---

## Subscriptions

The *Ecclesiastical Law Journal* (ISSN 0956-618X) provides authoritative coverage and incisive commentary upon the laws applicable to Anglican churches and other religions and faith communities from ecumenical, international, social, historical, theological and comparative perspectives. It is published three times a year in January, May and September. Three parts form a volume. The subscription price which includes delivery by air where appropriate (but excluding VAT) of volume 17, 2015, which includes print and online access, is £153 (US \$286 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £47 (US \$84 in USA, Canada and Mexico) plus postage. EU subscribers (outside the UK) who are not registered for VAT should add VAT at their country's rate. VAT registered members should provide their VAT registration number. Japanese prices for institutions (including ASP delivery) are available from Kinokuniya Company Ltd, P.O. Box 55, Chitose, Tokyo 156, Japan.

Orders, which must be accompanied by payment, may be sent to a bookseller, subscription agent or direct to the publisher: Cambridge University Press,

The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU; or in the USA, Canada and Mexico: Cambridge University Press, 32 Avenue of the Americas, New York, NY 10013-2473.

## Copying

This journal is registered with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923, USA. Organizations in the USA who are also registered with the CCC may therefore copy material (beyond the limits permitted by sections 107 and 108 of US Copyright law) subject to payment to the CCC of the per copy fee of \$15.00. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0956-618X/15. ISI Tear Sheet Service, 3501 Market Street, Philadelphia, PA 19104, USA, is authorized to supply single copies of separate articles for private use only. Organizations authorized by the Copyright Licensing Agency may also copy material subject to the usual conditions. For all other use, permission should be sought from Cambridge or from the American Branch of Cambridge University Press.

© The Ecclesiastical Law Society 2014

# Contents

## EDITORIAL

- 1 *Will Adam*

## ARTICLES

- 3 Carnal Exhibitions: Material Religion and the European Court of Human Rights  
*Méadhbh McIvor*
- 15 The Quest for a Better Legal and Regulatory Framework for Islamic Banking  
*Abdul Karim Aldohni*

## COMMENT

- 36 The All-Party Parliamentary Group on International Freedom of Religion or  
Belief  
*Baroness Berridge of the Vale of Catmose*
- 41 Bats in Belfries (and Naves and Chancels)  
*David Woolley QC*
- 46 The Confidentiality of Confessions in the Anglican Church of Australia  
*Garth Blake SC*
- 53 The Legal Status of the Church of England in Italy  
*Paolo Cesare Coniglio*

## NOTABLE ECCLESIASTICAL LAWYERS: VII

- 58 Richard Rudhale  
*Richard Helmholz*

## PARLIAMENTARY REPORT

- 64 *Frank Cranmer*

## SYNOD REPORTS

- 70 General Synod of the Church of England  
*Stephen Slack*
- 74 General Assembly of the Church of Scotland  
*Jason Lingiah*
- 76 Governing Body of the Church in Wales  
*Philip Morris*
- 82 General Synod of the Church of Ireland  
*Michael Davey*
- 83 General Synod of the Scottish Episcopal Church  
*Ivor Guild*

BOOK REVIEWS

- 88 The state of the Church and the Church of the State - re-imagining the Church of England for our World Today, by Michael Turnbull and Donald McFadyen  
*Review by Nicholas Coulton*
- 91 Transformation of Church and State Relations in Great Britain and Germany, edited by Christian Walter and Antje von Ungern-Sternberg  
*Review by Paul Coleman*
- 92 Islamic Law and International Human Rights Law: Searching for Common Ground, edited by Anver M Emon, Mark Ellis and Benjamin Glahn  
*Review by Malcolm Evans*
- 95 Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century, by Atria A Larson  
*Review by Robert Ombres OP*
- 96 The Power of Religion in the Public Sphere, edited by Eduardo Mendieta and Jonathan Vanantwerpen  
A Secular Europe: Law and Religion in the European Constitutional Landscape, by Lorenzo Zucca  
Democratic Authority and the Separation of Church and State, by Robert Audi  
*Review by Ian Leigh*
- 98 Women, Family, and Gender in Islamic Law, by Judith E Tucker  
*Review by Celia Kenny*
- 100 Religion, Education and the State: An Unprincipled Doctrine in Search of Moorings, by Mark Strasser  
*Review by Howard Dellar*
- 102 Religion in Public Spaces: A European Perspective, edited by Silvio Ferrari and Sabrina Pastorelli  
*Review by Scot Peterson*
- 103 Churchyard and Cemetery: Tradition and Modernity in Rural North Yorkshire, by Julie Rugg  
*Review by Stephen White*
- 106 Christian Law: Contemporary Principles, by Norman Doe  
*Review by Frank Lyall*
- 108 The Protections for Religious Rights: Law and Practice, edited by Sir James Dingemans, Can Yeginsu, Tom Cross and Hafsah Masood  
*Review by Mark Hill QC*
- 111 Theology for International Law, by Esther D Reed  
*Review by Nicholas Sagovsky*
- 113 Armsbearing and the Clergy in the History and Canon Law of Western Christianity, by Laurence G Duggan  
*Review by Rupert Bursell QC*
- 115 In Order to Serve: An Ecumenical Introduction to Church Polity, by Leo J Koffeman  
*Review by Norman Doe*

CASE NOTES

- 120 *Edited by Ruth Arlow*