Ecclesiastical Law Journal

Volume 20

2018

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

Consolidated List of Contents for Volume 20

EDITORIAL Will Adam 1, 1	131, 259
ARTICLES Marriage, Polygamy and the Criminal Law of Conspiracy Christopher Grout	3
Hidden Treasure: The Church of England's Stewardship of Its Silver Plate <i>Philip Petchey</i>	16
Clarifying the Definition of Religion Under English Law: The Need for a Unive Definition? Russell Sandberg	rsal 132
Penal Law in the Roman Catholic Church Rafael Domingo	158
The Use of the Term 'Pastoral' in the 1983 Code of Canon Law with Reference to t Code James Campbell SJ	the 1917 173
De minimis non curat lex: A Profound Juridical Unity? Edward Morgan	261
Oppositional Religious Speech: Understanding Hate Preaching Peter W Edge	278
The Statement of Principles of Christian Law: A Quaker Perspective Frank Cranmer	290
The Politics of Credentials: A Commentary and Critique of the Presbyterian Chromothern Africa	
Graeme A Duncan	305
COMMENT Justice and Mercy: An Enigmatic Yet Crucial Relationship for the Application of Law Thomas Schüller	
Treasure Found on Consecrated Ground A G Guest	51 185
A Veiled Threat: Belcacemi and Oussar v Belgium Jasper Doomen	190

A Way Out of <i>Laïcité</i> ? The Child's Best Interests as Justification for Religious Manifestation Esther Erlings 2	00
Preparing for the Next Coronation	28
GOVERNMENT AND PARLIAMENTARY REPORTS Frank Cranmer 59, 207, 3	47
CONFERENCE REPORTS Ecclesiastical Law Society Day Conference: Gospel and Law in Theological Education Russell Dewhurst 3	n 336
The Sixth Conference of the African Consortium for Law and Religion Studies: Law Religion and Human Flourishing Mark Hill QC 3	, 38
The McDonald Distinguished Christian Scholars Conference: Is Religious Liberty Under Threat? Trans-Atlantic Perspectives	
Christian Law Panel of Experts	39 42
The Eighteenth Colloquium of Anglican and Roman Catholic Canon Lawyers Luke Beckett OSB and Stephen Farrell 3	44
SYNOD REPORTS General Synod of the Church of England Stephen Slack	64
General Assembly of the Church of Scotland Jason Lingiah	67
Governing Body of the Church in Wales Lynette Chandler	70
General Synod of the Church of Ireland Kate Turner	74
General Synod of the Scottish Episcopal Church John F Stuart	76
BOOK REVIEWS Law and Legality in the Greek East: The Byzantine Canonical Tradition 381–883, by David Wagschal	c
Review by W Becket Soule OP The abbots and Priors of Late Medieval and Reformation England, by Martin Heale Review by Dom Aidan Bellenger	8 ₁ 8 ₃

Making Martyrs East and West: Canonization in the Catholic and Russian Orthodox Churches, by Cathy Caridi Review by W Becket Soule OP 84
Women's Rights and Religious Law: Domestic and International Perspectives, edited by Fareda Banda and Lisa Fishbayn Review by Brigitte Clark 87
The Confluence of Law and Religion: Interdisciplinary Reflections on the Work of Norman Doe, edited by Frank Cranmer, Mark Hill, Celia Kenny and Russell Sandberg Review by Stephen Coleman 91
Religion and Public Policy: Human Rights, Conflict, and Ethics, edited by Sumner B Twiss, Marian G Simion and Rodney L Petersen Review by Malcolm Evans 94
Faith in Public Debate: On Freedom of Expression, Hate Speech and Religion in France & The Netherlands, by Esther Janssen Review by Richard Mullender 96
From Your God to Our Gods: A History of Religion in Indian, South African, and British Courts, by Marco Ventura Review by Terry Biddington 99
The Church of England and Divorce in the Twentieth Century: Legalism and Grace, by Ann Sumner Holmes Review by Richard Lindley 100
Canon Law and Episcopal Authority: The Canons of Antioch and Serdica, by Christopher W B Stephens Review by Paul Avis
Gratian the Theologian, by John C Wei Gratian's Tractatus de Penitentia: A New Latin Edition with English Translation, by Atria A Larson
Review by W Becket Soule OP 106 Conciliarism and Church Law: Studies on Franciscus Zabarella and the Council of Constance, by Thomas E Morrisey Review by Paul Avis 108
The History of Courts and Procedure in Medieval Canon Law, edited by Wilfried Hartmann and Kenneth Pennington Review by W Becket Soule OP 214
Religion in Scots Law, by Callum G Brown, Thomas Green and Jane Mair Review by Frank Cranmer 216
Accommodating Muslims Under Common Law: A Comparative Analysis, by Salim Farrar and Ghena Krayem Review by John Laws 217

Mr Justic McCardie (1869–1933): Rebel, Reformer and Rogue Judge, by Antony Len Review by Henry Kha $$	itin 220	
Religion and the Exercise of Authority, edited by Benjamin L Berger and Richard Mo Review by R M Morris	oon 222	
On Secular Governance: Lutheran Perspectives on Contemporary Legal Issues, edited Ronald W Duty and Marie A Failinger Review by Martin Lind	l by	
Ethical Exploration in a Multifaith Society, by Catherine Shelley	229	
Great Christian Jurists in English History, edited by Mark Hill QC and R H Helmhorewiew by Michael Wheeler	olz 231	
Religion and Politics in the European Union: The Secular Canopy, by François Fore Review by Leon van den Broeke	et 354	
Freedom of Religious Organizations, by Jane Calderwood Norton Review by Ian Leigh 3	356	
How Marriage Became One of the Sacraments: The Sacramental Theology of Marriage from Its Medieval Origins to the Council of Trent, by Philip L Reynolds *Review by W Becket Soule OP**	age	
Church and State in Scotland: Developing Law, by Francis Lyall	60	
Religion, Equality and Employment in Europe: The Case for Reasonable Accommodation, by Katayoun Alidadi Review by James Gould	362	
The Cambridge Companion to Judaism and Law, edited by Christine Hayes	, 365	
The Legal Architecture of English Cathedrals, by Norman Doe Review by Roland Riem	367	
Carnal Knowledge: Regulating Sex in England 1470–1600, by Martin Ingram Judging Faith, Punishing Sin: Inquisitions and Consistories in the Early Modern Woredited by Charles H Parker and Gretchen Starr-Lebeau	rld,	
Review by Rupert Bursell QC An Introduction to Biblical Law, by William S Morrow	370	
	372	
Transforming Religious Liberties: A New Theory of Religious Rights for National and International Legal Systems, by S I Strong		
Review by Sir James Dingemans	375	

The Lambeth Conference: Theology, History, Polity and Purpose, edited by Paul Avis and Benjamin M Guyer
Review by Will Adam
377

CASE NOTES

Edited by Ruth Arlow

111, 235, 379

Ecclesiastical Law Journal

The Ecclesiastical Law Journal is published by the Ecclesiastical Law Society. The views expressed in any article, comment, review or other publications in this Journal do not necessarily accord with those of the Editor, the Editorial Board, or the Society as a whole.

Submission of Articles and Comment

The Ecclesiastical Law Journal covers all aspects of ecclesiastical law, with a particular emphasis on the legal regulation of the Church of England and the worldwide Anglican Communion. Its range of coverage also includes comparative studies of the laws of other faiths and of the interface between law and religion in United Kingdom jurisprudence and worldwide. General policy is developed by the Editor in collaboration with the Editorial Board.

The *Ecclesiastical Law Journal* is peer reviewed and operates an anonymous double blind refereeing process using members of the Editorial Board together with others expert in the particular field concerned. Authors should therefore take care not to identify themselves within the text of the manuscript which they submit. Articles should generally be between 5,000 and 7,000 words and Comment pieces should not exceed 2,000 words. All submissions should be made to the Editor.

General inquiries and articles submitted for publication should be addressed to Dr Will Adam, Lambeth Palace, London, SE1 7JU; Tel 020 7898 1474; E-mail:ecclj@me.com Authors are reminded that they must follow the format set out in 'House Style', copies of which may be downloaded from http://journals.cambridge.org/elj.

Book Reviews

Books for review may be sent to: JDC Harte, Book Review Editor, Ecclesiastical Law Journal, 8 Westminster Gate, Winchester, SO22 4LN; Tel 01962 859555; E-mail: harte.david@gmail.com

Case Notes

Matters relating to case notes should be addressed to: The Worshipful Ruth Arlow, Ecclesiastical Law Journal, 5 Temple Chambers, Temple Street, Swindon SN1 1SQ; Tel 01793 539899; Fax 0845 259 3242; E-mail: rutharlow@hotmail.com

Parliamentary Report and Synod Reports

Matters relating to synod reports and parliamentary activities should be addressed to: Frank Cranmer, 34 Marsham Court, Marsham Street, London SWIP 41Y; Tel 07774 981988;

E-mail: fcranmer@dunelm.org.uk

Ecclesiastical Law Society

Inquiries with regard to membership of the Ecclesiastical Law Society, should be addressed to: Andrew Male, Administrator, Ecclesiastical Law Society, c/o 1 The Sanctuary, Westminster, London SW1P 3JT; Tel 020 7222 5381. E-mail: admin@ecclawsoc.org.uk; www.ecclawsoc.org.uk

Inquiries and matters relating to the educational function of the Society should be addressed to The Venerable Simon Baker, 10 Mawgan Drive, Lichfield, WS14 9SD. E-mail: archdeacon.lichfield@ lichfield.anglican.org

Cambridge Core

For further information about this journal please go to the journal's web site at: cambridge.org/elj

ISSN 0956-618X

Ecclesiastical Law Society

Forthcoming Events

Wednesday 10 October 2018, 5.30 pm **London Lecture** Dr Peter Smith: 'Visitations'

Thursday 11 October 2018, 5.30 pm
Northern Province Lecture
Sir Philip Mawer: 'The Role of the Independent Reviewer'

Wednesday 7 November 2018, 6.30 pm The Lyndwood Lecture

The Reverend Professor Diarmaid MacCulloch Kt FBA 'Richard Hooker (1554–1600): Invention and Reinvention'

For further details of venues and tickets for these and other events, please see www.ecclawsoc.org.uk

Contents

259	EDITORIAL
	Will Adam

ARTICLES

- 261 De minimis non curat lex: A Profound Juridical Unity? Edward Morgan
- 278 Oppositional Religious Speech: Understanding Hate Preaching Peter W Edge
- 290 The Statement of Principles of Christian Law: A Quaker Perspective Frank Cranmer
- 305 The Politics of Credentials: A Commentary and Critique of the Presbyterian Church in Southern Africa *Graham A Duncan*

COMMENT

- 328 Preparing for the Next Coronation *R M Morris*
- 336 CONFERENCE REPORTS
- 347 GOVERNMENT AND PARLIAMENT REPORT
- 354 BOOK REVIEWS
- 379 CASE NOTES





