

0956-618X | VOL 19 NO 1 | JANUARY 2017

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

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 Sometime 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 Sometime 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 19, 2017, which includes print and online access, is £169 (US \$315 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £65 (US \$121 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,

University, Shaftesbury Road, Cambridge CB2 8BS; or in the USA, Canada and Mexico: Cambridge University Press, One Liberty Plaza, New York, NY 100060.

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 /17. 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 2017

Printed in the UK by Bell and Bain Ltd, Glasgow

Contents

EDITORIAL

- 1 *Will Adam*

ARTICLES

- 3 Freedom of Religion and Freedom from Religion
Baroness Hale of Richmond
- 14 The *Bathurst Diocese* Decision in Australia and its Implications for the Civil
Liability of Churches
Neil Foster

COMMENT

- 35 Is There a Right to Be 'Free from' Religion or Belief at Strasbourg?
Caroline K Roberts
- 41 Religious Freedom: The Catholic Approach
David O'Mahony

NOTABLE ECCLESIASTICAL LAWYERS: XIII

- 50 Adam Usk (c 1360–1430)
Richard Helmholz

PARLIAMENTARY REPORT

- 56 *Frank Cranmer*

CONFERENCE REPORT

- 64 The Fourth Conference of the International Consortium for Law
and Religion Studies: Freedom of/for/from/in Religion: Differing
Dimensions of a Common Right?
Záboj Horák

SYNOD REPORTS

- 66 General Synod of the Church of England
Stephen Slack
- 70 General Assembly of the Church of Scotland
Jason Lingiah
- 73 Governing Body of the Church in Wales
Lynette Chandler
- 78 General Synod of the Church of Ireland
Michael Davey and Kate Turner
- 80 General Synod of the Scottish Episcopal Church
John F Stuart
- 85 General Synod of the Anglican Church of Canada
Alan T Perry

BOOK REVIEWS

- 87 At the Limits of the Secular: Reflections on Faith and Public Life, edited by William A Barbieri Jr
Review by Paul Avis
- 91 Islamic Law in Past and Present, by Mathias Rohe
Review by Sadakat Kadri
- 94 Essays on Religion and Human Rights: Ground to Stand On, by David Little
Review by Robert Morris
- 97 Religious Pluralism and Values in the Public Sphere, by Lenn E Goodman
Review by Peter Jones
- 100 Natural Law: A Jewish, Christian, and Muslim Trialogue, by Anver M Emon, Matthew Levering and David Novak
Review by John Bell
- 102 Freedom of Speech and Islam, edited by Erich Kolig
Review by Paul Coleman
- 104 Scripture and Law in the Dead Sea Scrolls, by Alex P Jassen
Review by Jason Bray
- 105 Muslim Families, Politics and the Law: A Legal Industry in Multicultural Britain, by Ralph Grillo
Review by Sarah Hayes
- 106 God, Schools, and Government Funding: First Amendment Conundrums, by Laurence Winer and Nina Crimm
International Perspectives on Education, Religion and Law, edited by Charles Russo
Review by Paul Barber
- 110 Social Systems Theory and Judicial Review: Taking Jurisprudence Seriously, by Katayoun Baghai
Review by Russell Sandberg
- 112 Reviews Online

CASE NOTES

- 113 *Edited by Ruth Arlow*