

0956-618X | VOL 16 NO 1 | JANUARY 2014

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 16, 2014, which includes print and online access, is £139 (US \$260 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 /14. 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 2013

Contents

EDITORIAL

- 1 *Will Adam*

ARTICLES

- 3 The Clergy Discipline Measure 2003: A Progress Report
Adrian Iles
- 18 Law and the Art of Defining Religion
Celia G Kenny
- 32 The Debate over Open Communion in the Episcopal Church: Ecclesiastical
Disobedience or Lawlessness?
James D Prendergast

COMMENT

- 47 The Faculty Jurisdiction Rules 2013: Simpler Process, Equal Protection
Mark Hill QC
- 57 Disability and Demonstrating Christian Commitment
Andrea Loux Jarman

NOTABLE ECCLESIASTICAL LAWYERS: IV

- 66 William of Drogheda
Richard Helmholz

PARLIAMENTARY REPORT

- 72 *Frank Cranmer*

SYNOD REPORTS

- 77 General Synod of the Church of England
Stephen Slack
- 80 General Assembly of the Church of Scotland
Frank Cranmer
- 83 Governing Body of the Church in Wales
Philip Morris
- 86 General Synod of the Church of Ireland
Michael Davey
- 88 General Synod of the Scottish Episcopal Church
Ivor Guild
- 93 Joint Assembly of the Anglican Church of Canada and the Evangelical Lutheran
Church in Canada
Alan T Perry

CONFERENCE REPORTS

- 96 Third ICLARS Conference: Religion, Democracy and Equality
Greg Walsh
- 97 Religion and Human Rights: Twentieth Annual International Law
and Religion Symposium
Mark Hill QC

BOOK REVIEWS

- 100 A Test of Faith? Religious Diversity and Accommodation in the European
Workplace, edited by Katayoun Alidadi, Marie-Claire Foblets and Jogchum
Vrielink
Review by Sir James Dingemans
- 101 Freedom of Religion Under Bills of Rights, edited by Paul Babie and Neville
Rochow
Review by John Witte Jr
- 103 Bigamy and Christian Identity in Late Medieval Champagne, by Sara McDougall
Review by W Becket Soule OP
- 106 Why Tolerate Religion?, by Brian Leiter
Review by Roger Trigg
- 108 The Presumption of Innocence in Canonical Trials of Clerics Accused of Child
Sexual Abuse: An Historical Analysis of the Current Law, by William Richardson
Review by James Campbell SJ
- 110 Equality, Freedom, and Religion, by Roger Trigg
Review by Peter Jones
- 112 The Roman Inquisition: A Papal Bureaucracy and its Laws in the Age of Galileo,
by Thomas F Mayer
Review by Robert Ombres OP

CASE NOTES

- 115 *Edited by Ruth Arlow*