Ecclesiastical Law Journal

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

Ecclesiastical Law Journal

Editor Benjamin Harrison
Consultant Editor Mark Hill QC
Book Review Editor Charlotte Smith
Case Notes Editor David Willink
Parliament & Synod Editor Frank Cranmer

EDITORIAL BOARD

Garth Blake AM SC Professional Standards Commission, Anglican Church of Australia

The Reverend James Bradley JCD Catholic University of America

Professor Ana María Celis Brunet Catholic University of Chile, Santiago

The Reverend Stephen Coleman Centre for Law and Religion, Cardiff University

The Reverend Russell Dewhurst Chair of Communications Committee, ELS

Professor Norman Doe Centre for Law and Religion, Cardiff University

Professor Silvio Ferrari University of Milan

Charles George QC Former Dean of the Arches and Auditor

Professor Richard Helmholz University of Chicago

Professor Douglas Laycock University of Virginia School of Law

Professor Ian Leigh Department of Law, Durham University

Professor David McClean QC Former Chancellor of the Diocese of Sheffield

The Reverend Alexander McGregor Registrar and Chief Legal Adviser to the General Synod

Professor Javier Martínez-Torrón Complutense University, Madrid

The Reverend 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

Professor Marco Ventura University of Siena

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 on 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 24, 2022, which includes print and online access, is f_{214} (US \$396 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £82 (US \$152 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 /19. 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 2022

Printed in the UK by Bell and Bain Ltd, Glasgow

Contents

Α	RT	IC	LES

- 123 Could the State do Without Marriage Law?

 Daniel | Hill
- 148 50 Years of Safeguarding-950 Years of Clergy Discipline: Where do we go from here? Peter Collier QC
- 175 Faith, Freedom and Family: An Introduction to the Work of John Witte Jr Norman Doe
- 192 Law at the Backbone: The Christian Legal Ecumenism of Norman Doe *John Witte Jr*

COMMENT

- The Constitutionality of Diocesan Legislation Relating to Same-Sex Blessings and Marriage in the Anglican Church of Australia: A Case Note Garth Blake AM SC
- 233 Persecution: Ancient Scourge, Modern Crisis Philip Mounstephen

PARLIAMENTARY REPORT

239 Frank Cranmer

SYNOD REPORTS

- 244 Governing Body of the Church in Wales

 Matthew Chinery
- 246 General Synod of the Church of Ireland Cate Turner

CONFERENCE REPORT

248 Colloquium of Anglican and Roman Catholic Canon Lawyers Stephen Coleman

BOOK REVIEWS

- 249 Law and Religion in Ireland, 1700–1970, edited by Kevin Costello and Niamh Howlin Review by Charlotte Smith
- A Still More Excellent Way: Authority and Polity in the Anglican Communion, by Alexander Ross

 Review by Russell Dewhurst
- National Prayers: Special Worship Since the Reformation, Volume 3: Worship for National and Royal Occasions in the United Kingdom, 1871–2016, edited by Philip Williamson, Stephen Taylor, Alasdair Raffe and Natalie Mears Review by Charlotte Smith
- 258 The Blessings of Liberty: Human Rights and Religious Freedom in the Western Legal Tradition, by John Witte Jr Review by R D Turnbull

CASE NOTES

261 Edited by David Willink