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 KC
Book Review Editor Russell Dewhurst
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 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

Professor Norman Doe Centre for Law and Religion, Cardiff University

The Right Worshipful Morag Ellis KC Dean of the Arches and Auditor

Professor Silvio Ferrari University of Milan

Charles George KC Former Dean of the Arches and Auditor

Professor Nazila Ghanea UN Special Rapporteur on Freedom of Religion or Belief

Professor Richard Helmholz University of Chicago

Professor Douglas Laycock University of Virginia School of Law

Professor David McClean KC 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 25, 2023, which includes print and online access, is f_{229} (US \$424 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 &

Assessment, Shaftesbury Road, Cambridge, CB2 8EA, UK; 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 2023

Printed in Great Britain by Henry Ling Limited, The Dorset Press. Dorchester. DT1 1HD

Contents

ARTI		EC
AKH	U	LES

- 283 Reclaiming the Blessings of Religious Liberty: Religion and the American Constitutional Experiment

 John Witte, Jr
- 314 Personnel Files, Confidentiality and the Right to Privacy *Clyde Muropa*
- 330 'Legalists and Moralists' in the Historic Portrayal of the Constitution of the Church of England Norman Doe

COMMENT

- 355 Response to "Legalists and Moralists" in the Historic Portrayal of the Constitution of the Church of England Alison Milbank
- 359 A Limited Episcopacy? Canon Law and the Ministry of the 'Episcopal Assistant' in the Anglican Communion

 Bradly S Billings

PARLIAMENTARY REPORT

374 Frank Cranmer

BOOK REVIEWS

- 381 Church Courts and the People in Seventeenth-Century England Ecclesiastical Justice in Peril at Winchester, Worcester and Wells, by Andrew Thomson Review by Ian Blaney
- 383 Christianity and Constitutionalism, edited by Nicholas Aroney and Ian Leigh Review by Paul Avis
- 387 Great Christian Jurists and Legal Collections in the First Millennium, edited by Philip L Reynolds

 Review by Sarah B White
- 390 Law and Religion in the Commonwealth: The Evolution of Case Law, edited by Renae Barker, Paul T Babie and Neil Foster Review by R D Turnbull

CASE NOTES

394 Edited by David Willink