

0956-618X | VOL 21 NO 2 | MAY 2019

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 21, 2019, which includes print and online access, is £187 (US \$348 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £72 (US \$133 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 2019

Printed in the UK by Bell and Bain Ltd, Glasgow

Contents

EDITORIAL

- 135 *Will Adam*

ARTICLES

- 137 Richard Hooker: Invention and Re-invention
Diarmaid MacCulloch
- 153 The Church of England and Same-Sex Marriage: Beyond a Rights-Based Analysis
Charlotte Smith
- 179 The Constitutional Implications of the Survival of the Diocese of Sodor and Man
Peter W Edge

COMMENT

- 196 Gospel and Order in the Rule of St Benedict
Norman Boakes
- 203 The Council of Europe and Sharia: An Unsatisfactory Resolution?
Russell Sandberg and Frank Cranmer

GOVERNMENT AND PARLIAMENT REPORT

- 213 *Frank Cranmer*

SYNOD REPORT

- 221 General Synod of the Church of England
Stephen Slack

BOOK REVIEWS

- 225 Christianity and Natural Law: An Introduction, edited by Norman Doe
Review by Mark Langham
- 227 Communities of Restoration: Ecclesial Ethics and Restorative Justice, by Thomas Noakes-Duncan
Review by Christopher Hill
- 229 Agape, Justice, and Law: How Might Christian Love Shape Law?, edited by Robert F Cochran Jr and Zachary R Calo, Law, Religion and Love: Seeking Ecumenical Justice for the Other, edited by Paul Babie and Vanja-Ivan Savic
Review by David Turner QC
- 233 Religion, Law and the Constitution: Balancing Beliefs in Britain, by Javier García Oliva and Helen Hall
Review by Matthew Gibson
- 236 Litigating Religions: An Essay on Human Rights, Courts, and Beliefs, by Christopher McCrudden
Review by James Gould

- 239 The Rise and Fall of the English Christendom: Theocracy, Christology, Order, and Power, by Bruce Kaye
Review by Peter Sedgwick
- 241 The Architecture of Law: Rebuilding Law in the Classical Tradition, by Brian M McCall
Review by Mark Langham

CASE NOTES

- 244 *Edited by Ruth Arlow*