

0956-618X | VOL 26 NO 3 | SEPTEMBER 2024

# Ecclesiastical Law Journal

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

# Ecclesiastical Law Journal

Editor	<b>Benjamin Harrison</b>
Consultant Editor	<b>Mark Hill KC</b>
Book Review Editor	<b>Russell Dewhurst</b>
Case Notes Editor	<b>David Willink</b>
Parliament & Synod Editor	<b>Frank Cranmer</b>

## EDITORIAL BOARD

**Garth Blake AM SC** Anglican Communion Safe Church Commission  
**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 KC (Hon)** 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 26, 2024, which includes print and online access, is £247 (US \$458 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £95 (US \$176 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 2024

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

# Contents

## ARTICLES

- 245 Free election in the age of Erastianism: the case of *R v The President and Chapter of Exeter Cathedral*  
*Jason Loch*
- 259 Power and its exercise in the Vatican City State  
*Konrad Dyda*
- 276 Faith in school: balancing no establishment and free exercise of religion guarantees in American education  
*John Witte, Jr*

## COMMENT

- 298 Revisiting the *Rustat* case  
*Mike Higton*
- 313 An exceptional burial in a closed churchyard: *St Mary and St Eanswythe, Folkestone*  
*Frank Cranmer*
- 317 Reflections on a theory of law in the addresses of Ecumenical Patriarch Bartholomew I  
*P T Babie*

## PARLIAMENTARY REPORT

- 322 February to May 2024  
*Frank Cranmer and Simon Stanley*

## CONFERENCE REPORTS

- 329 Porvoo Communion Church Law Symposium  
*Russell Dewhurst and Andreas Henriksen Aarflot*
- 331 Colloquium of Anglican and Roman Catholic Canon Lawyers  
*Luke Beckett OSB and Charlotte Wright*

## BOOK REVIEWS

- 335 Law and Religion in a Secular Age, by Rafael Domingo  
*Review by Paul Avis*
- 338 Unity in Christ: Bishops, Synodality, and Communion, by Archbishop Anthony Fisher OP  
*Review by Bradly S Billings*
- 340 The Sacraments of the Law and the Law of the Sacraments, by Judith Hahn  
*Review by Benjamin Earl OP*
- 342 British Islam and English Law: A Classical Pluralist Perspective, by Patrick S Nash  
*Review by Rebecca Riedel*

