

BOOK REVIEWS

EDITED BY CHARLOTTE SMITH

Christianity and Criminal Law

Edited by MARK HILL QC, NORMAN DOE, R H HELMHOLZ AND JOHN WITTE JR
Routledge, Oxford, 2020, xxiii + 382 pp (hardback £120), ISBN: 978-0-3678-5825-4

Until its abolition in 2008, the law on blasphemy was perhaps the clearest example of what I have previously attempted to style as English religion law: that is, a piece of state law that regulates religion. Following the abolition of the offence of blasphemy, it has commonly been assumed that there is less to say about the interaction between religion and criminal law. With the exception of some discussion of the law on religious aggravated offences and the offence of stirring up religious hatred, criminal law textbooks and other writings in that field tend to refer to religion even less than they once did. Yet, as this groundbreaking new edited collection ably demonstrates, there remains much more to say and to interrogate about criminal law and religion.

This volume also brings together two seminal developments in law and religion studies that have occurred in recent years. The first is that a series of important volumes have been published by John Witte Jr and his Center for the Study of Law and Religion at Emory University on law and Christianity, providing introductions to interactions between Christianity and the law on various topics such as human rights, family law and natural law. These have previously been published by Cambridge University Press but with this volume the series moves to Routledge and unites with a second seminal series in law and religion scholarship: the Law and Religion series led by Norman Doe of the Centre for Law and Religion at Cardiff. This book demonstrates that Cambridge's loss is clearly Routledge's gain.

As befitting a volume that unites these two significant series, the book is edited by four outstanding scholars on law and religion. Seeing the four names of Hill, Doe, Helmholtz and Witte on one spine tells you everything you need to know about the importance and quality of this volume. The contents of the volume do not disappoint. After a preface by Lord Judge and an introduction by Mark Hill QC, the book falls into four parts. The first provides a welcome and rich account of the historical contributions of Christianity and criminal law. This includes discussion of criminal law in the Old Testament and in early Christianity, as well as a chapter on crime and the canon law by Richard Helmholtz that is likely to become the definitive primer on the topic. The part

concludes with examinations on punishment from a Christian perspective and how Christianity interacted with Enlightenment-era reforms of criminal law.

Part 2 turns to the principles of criminal law, topics that are well known to all law students. However, while questions of *actus reus* and *mens rea* dominate the criminal law education of undergraduates, these chapters provide topics and insights that are missing from these otherwise incredibly well-rehearsed topics. The part begins with a chapter by Norman Doe which contrasts the Christian focus on the concept of sin with the concept of crime in the common-law tradition. In what is an important addition to his groundbreaking work on the principles of the law of Christian churches, Doe explores the law and other norms of eight historic churches on the purpose of penal law, the classification and definition of penal offences, the enforcement of these offences by courts and their penal jurisdiction, the position on due process and the sanctions that are imposed. He discovers profound juridical unity in terms of the letter of the law but calls for empirical work on how the laws are applied in practice. He also interestingly argues that, while the theological category of sin is wider than the secular concept of crime, ecclesiastical offences and secular crimes have much in common other than differing 'somewhat as to the ends they each serve' (p 114). Part 2 also includes an important chapter by David McIlroy on *mens rea* which will be of significant interest to legal historians as well as to criminal lawyers as it traces the use of the term by religious and secular authorities. A chapter on human dignity and due process completes a trilogy of cutting-edge, fascinating chapters.

The third part explores the relationship between Christianity and criminal offences, beginning with three chapters exploring treason, offences against the person and property offences respectively. These are followed by a fascinating chapter on crimes against God and the Church by Jeroen Templeman which brings new insights to bear on the topic that hitherto has been seen as the main or perhaps the only interaction between criminal law and religion. Next comes John Witte Jr's chapter on sexual offences, which complements and develops his influential and seminal scholarship on similar issues. The part concludes with a chapter on attempts and complicity. This part looks like the contents page of the numerous largely identical student textbooks on criminal law. However, unlike that often homogenous literature, these chapters provide fresh insights and ideas and should have the effect of making law and religion scholars focus more on criminal law matters and of highlighting the importance of religion as a lens to subvert the expectations of criminal law scholars.

This high standard continues with the final part, which features six chapters that just about fit under the part's heading of 'Christianity and the enforcement of the criminal law'. It begins with a seminal critical chapter by Chloe Kennedy on defences. Kennedy's chapter underscores the only criticism that I would make of this volume: it is regrettable that she is the only female author. The

remaining chapters in the part focus more on the question of punishment and provide insights on these topics which were themselves largely new to this reviewer, who was raised on and now perpetuates the traditional academic criminal law course which focuses on the rules of criminal responsibility. These chapters, and the volume as a whole, will prove inspirational in broadening that perspective.

This is a groundbreaking work which should reshape the field of law and religion studies to pay more attention to criminal law. As befitting a volume with these four great scholars on the spine, it deserves to be an influential turning point in the field. If there is ever a sequel to my edited collection on *Leading Works in Law and Religion* then this volume will deserve a chapter. However, it should also have a similarly profound effect on criminal law scholarship. As someone who has taught criminal law to undergraduates for decades, I have been made by this book to question my lecture notes. The focus on the interaction with Christianity sheds a new light on familiar topics, introduces fresh insights and points to new research questions. It is one of the strongest examples of law and religion scholarship that I have read in recent years and it is to be hoped that the union of the Witte-led and Doe-led series will continue to provide further pivotal publications in future years. Having read *Christianity and Criminal Law*, I can say that it is now beyond all reasonable doubt that the interaction of religion and the criminal law extends far beyond the now abolished offence of blasphemy.

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Priest of the Church or Priest of a Church? The Ecclesiology of Ordained Local Ministry

NOEL COX

Lexington Books/Fortress Academic, Lanham, MD, 2021, xv + 155 pp (hardback £73), ISBN: 978-1-9787-1185-3

The number of ordained local ministers (OLMs) in the Church of England may have passed its peak, with 300 OLMs serving today compared to 500 a decade ago. Yet there are other parts of the Anglican Communion where ordained local ministry has only very recently been introduced: in Ireland, for example, the OLM were ordained in 2019. Noel Cox's study of the ecclesiology of ordained local ministry is therefore very timely. Previous book-length treatments of OLM (such as Heskins and Torry, *Ordained Local Ministry* (2006), and Bowden and Francis, *Ordained Local Ministry in the Church of England* (2012)) focused on case studies, history, theological reflection and analysis of ordained local