

Christianity and Criminal Law. Edited by MARK HILL Q.C., NORMAN DOE, R.H. HELMHOLZ and JOHN WITTE, JR. [London: Routledge, 2020. xxiii + 382 pp. Hardback £120.00. ISBN 978-0-367-85825-4.]

I particularly enjoyed reading this book. Perhaps it was the contrast of sitting down with a good book after a long legal term of hearing appeals during the COVID-19 pandemic with all of its associated logistical challenges. I think, however, that my enjoyment of the book was based more on: the excellence of the writing; the fascinating range of different facts which were used to illustrate the points made by the writers; and the thought-provoking nature of some of the analysis.

The book takes the form of an Introduction and then 20 separate chapters, all written by different authors who are variously leading legal scholars, legal practitioners, judges and former judges. The chapters were based on papers presented to two symposia: the first at Emory University, Atlanta, US, in 2017; and the second at the Christianity and Criminal Law symposium which took place in Inner Temple, London, UK, in 2018.

As the title of the book suggests the unifying theme of the book is the examination of the influence of Christianity on the criminal law. The chapters are grouped under four parts: “Historical Contributions of Christianity to Criminal Law”; “Christianity and the Principles of Criminal law”; “Christianity and Criminal Offences”; and “Christianity and the Enforcement of Criminal Law”. The different parts illustrate the range of topics covered in the different chapters.

It is slightly invidious, given the interest to be had from all of the chapters, to identify individual chapters but I hope doing so will give the reader of this review some insight into the book, and an encouragement to read it for themselves.

An example of the excellence of the writing is the contribution from His Honour Peter Collier Q.C., former Recorder of Leeds, on “Christianity, Human Dignity and Due Process” which was careful and measured. His comment “sometimes, from our modern perspective, the Church comes out well and sometimes not so well” (p. 147) is a masterpiece of understatement, given that he has taken us from the Church’s contribution to the concept of human dignity and its influence on the Universal Declaration of Human Rights in 1948 (pp. 134–37) to the ordeal of “hot iron, hot or cold water or the corsnaed (accursed morsel)” under the supervision of a priest (p. 141).

The fascinating range of different facts appear throughout the book. I have taken three examples from the chapter on “Christianity and Crimes Against the State” by Nathan S. Chapman, Associate Professor of Law at the University of Georgia, US. He refers (on p. 155) to Pliny the Younger, when a Roman official in Bithynia in Asia Minor (part of modern day northern Turkey) who investigated Christians on a private complaint and executed those who refused to disavow the faith “on the ground that their ‘stubbornness and unbending obstinacy’ justified death”. The second example is the reference (on p. 160) to Pope Gregory VII’s assertions that the Pope had primacy over the Church, and that the Church had authority and jurisdiction over matters of religion, even over the person of the emperor and king. The effect of these assertions is then examined. The third example is the discussion of the factual background (pp. 164–65) giving rise to *Bushell’s Case* (1670) 6 St. Tr. 999. The defendant in the original trial was William Penn, a Quaker, who was prosecuted under the Conventicle Act 1664 (which forbade religious assemblies, other than those of the Church of England, of more than five persons) after he had spoken to a large crowd in Gracechurch Street, London. This was the same Penn who later gave his name to the state of Pennsylvania, US.

An example of the thought-provoking nature of the analysis appears in “Christianity and Mens Rea” by David McIlroy, a practising barrister and

Visiting Professor at Queen Mary University. His reference to Augustine's sermon on James 5:12 (p. 131), which established not only the importance of mens rea but also the need for mens rea to be combined with actus reus, not only took me back to my first week studying criminal law, but also caused me to ponder the law of attempts and attempting the impossible when considering the references to the "accidental false swearer" and the "accidental true swearer".

I was amused by the fact that the expulsion of Adam and Eve was used to illustrate different points. Lord Judge, former Lord Chief Justice, in his Preface (on p. xvii) refers to the fact that at the moment of expulsion "the defendants were not represented" and imagines the plea in mitigation that might be made on their behalf. Sir John Saunders, a retired High Court Judge and a member of the Parole Board, in his chapter on "Parole, Risk Assessment of Offenders and Christianity" refers (on p. 304) to the requirements of fairness set out in *R. v Chancellor of Cambridge, Ex parte Bentley* (1748) 2 Ld. Raym. 1334 and Fortescue J.'s statement: "even God himself did not pass sentence upon Adam before he was called upon to make his defence".

I should record that there is much of interest for criminal practitioners. For example, in the chapter by Sir John Saunders there is information which it is not always easy to find. This includes the facts that there were 8,000 oral Parole Board hearings a year (p. 301); and two-thirds of prisoners who request an oral hearing get one (p. 302). The most interesting figure was the percentage of those who commit a further serious offence within three years of release by the Parole Board, which is less than 1 per cent.

This book is one of the introductions to Christianity and Law commissioned by the Center for the Study of Law and Religion at Emory University, Atlanta, US. It is well worth reading.

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Accessory Liability After Jogee. Edited by BEATRICE KREBS. [Oxford: Hart Publishing, 2019. xiv + 272 pp. Hardback £70.00. ISBN 978-1-50991-889-8.]

A case as significant as the Supreme Court decision in *R. v Jogee* [2016] UKSC 8, [2016] 2 W.L.R. 681 (consolidated with the Privy Council appeal of *Ruddock v The Queen (Jamaica)* [2016] UKPC 7) deserves its own book, and *Accessory Liability After Jogee* does not disappoint. The introduction in *After Jogee* shows that it seeks to answer the question of "What, if any, impact will *Jogee* have, prospectively, on the law of accessory liability?" (p. 2). The academic and practitioner backgrounds of the authors give the discussion a thorough grounding in both theoretical and pragmatic aspects to secondary liability and consider the implications of the case both in theory and in practice. In particular, Felicity Gerry was lead counsel for *Jogee*, Catarina Sjölin junior counsel, and Beatrice Krebs and Matthew Dyson provided considerable academic research for his defence. Their involvement in *Jogee* provided an extra dimension to *After Jogee's* analysis of the case and its implications.

At first sight, perhaps *Jogee* was not the best case to go to the Supreme Court because the case did not raise issues such as fundamental difference and withdrawal, which have caused so much controversy, so these issues could not be decided. However, as shown in Chapter 11 by Gerry, *Jogee's* case was an example of going beyond parasitic accessory liability (PAL), where if two parties embarked