

0956-618X | VOL 23 NO 1 | JANUARY 2021

# Ecclesiastical Law Journal

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

# Ecclesiastical Law Journal

Editor	<b>Will Adam</b>
Assistant Editor	<b>Benjamin Harrison</b>
Consultant Editor	<b>Mark Hill QC</b>
Book Review Editor	<b>Charlotte Smith</b>
Case Notes Editor	<b>David Willink</b>
Parliament & Synod Editor	<b>Frank Cranmer</b>

## EDITORIAL BOARD

**Garth Blake SC** Professional Standards Commission, Anglican Church of Australia  
**Professor Ana María Celis Brunet** Catholic University of Chile, Santiago  
**The Reverend Stephen Coleman** Centre for Law and Religion, Cardiff University  
**The Reverend Russell Dewhurst** Rector of Ewell  
**Professor Norman Doe** Centre for Law and Religion, Cardiff University  
**Professor Silvio Ferrari** University of Milan  
**Charles George QC** Former Dean of the Arches and Auditor  
**Professor Richard Helmholz** University of Chicago  
**Professor Douglas Laycock** University of Virginia School of Law  
**Professor Ian Leigh** Department of Law, Durham University  
**Professor David McClean QC** Former Chancellor of the Diocese of Sheffield  
**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  
**Stephen Slack** Former Chief Legal Adviser to the Church of England  
**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 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 23, 2021, which includes print and online access, is £207 (US \$384 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £79 (US \$147 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 10006.

## 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 2021

Printed in the UK by Bell and Bain Ltd, Glasgow

# Contents

## EDITORIAL

- 1 *Will Adam*

## ARTICLES

- 3 The Treatment of Human Remains under the Ecclesiastical Law of England  
*Ian Blaney*
- 19 Invalid Baptismal Formulas: A Critical View on a Current Catholic Concern  
*Judith Hahn*
- 34 From a Colonial Chaplaincy to Responsible Governance: The Anglican Church of Australia and Its Ecclesiological Challenge  
*Bruce Kaye*
- 50 The Role of the Faculty System in Achieving Net-Zero Carbon Emissions by 2030  
*Jacqueline Humphreys*
- 67 Historical Milieu of Tribunals in South Africa: The Role of Church Tribunals  
*Rashri Baboolal Frank*

## REDISCOVERING ANGLICAN PRIEST-JURISTS: III

- 82 *William Beveridge (1637–1708)*  
*Norman Doe and Dimitrios (Aetios) Nikiforos*

## GOVERNMENT AND PARLIAMENTARY REPORT

- 100 June–September 2020  
*Frank Cranmer*

## CONFERENCE REPORT

- 105 Canons of the Church of England Reading Groups  
*Russell Dewhurst*

## BOOK REVIEWS

- 107 Law and the Wearing of Religious Symbols in Europe, by Erica Howard  
*Review by David Perfect*
- 109 Church Law in Modernity: Toward a Theory of Canon Law Between Nature and Culture, by Judith Hahn  
*Review by Mark Langham*
- 111 Apostate Nuns in the Later Middle Ages, by Elizabeth Makowski  
*Review by W Becket Soule OP*
- 113 The Right to Do Wrong: Morality and The Limits of Law, by Mark Osiel  
*Review by David Turner QC*

## CASE NOTES

- 116 *Edited by David Willink*