

safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others’.

The question of ‘public health’, for example, was the subject of a provocative and illuminating paper co-authored by Professor Norman Doe and Dr Heather Payne in a rare husband and wife collaboration. Of topicality and controversy was the proposed banning of Muslim head scarves in French schools, and a draft federal law in Germany to like effect. Subsequent events in England suggest that the problem is of universal application. In essence, the debate is on the form that neutrality towards religion takes. Is it to be even-handedness, ie treating all religions the same and allowing each to manifest their beliefs? Or is it detachment (*laïcité*) in which the state, as in France, actively promotes its secularity by refusing to allow any manifestation of religious practice within its system of public education? Here, as in so many of our conversations, the issues are as much sociological questions which touch on a country’s self-understanding as they are matters of law, whether domestic or international.

The work of the Colloquium continues in the virtual world of electronic mail but it is hoped that the substantial corpus of work produced in this unique international and inter-disciplinary project will be published during the course of the year to promote further discussion. An informed understanding of the principles which affect this dynamism and find their articulation in primary legislation and court rulings, is less a drive towards homogeneity and more a stimulus in divining where policy and pragmatism collide in ostensibly liberal, but unashamedly different, cultures.

## THE ECCLESIASTICAL LAW SOCIETY CONFERENCE

ST WILLIAM’S COLLEGE, YORK, 27 MARCH 2004

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The Society pitched its tent in the historic city of York and in the shadow of the Minster for its 2004 Day Conference. Under the title ‘Doctrine and Discipline’ and the chairmanship of the Bishop of Stafford, speakers and discussion focussed on the forthcoming reforms of the manner in which doctrinal and liturgical discipline is administered in the Church of England.

The first paper was given by Dr David Hope, Archbishop of York, and co-patron of the Society. Building on his experience of having to give judgment in a number of cases he commented on four specific areas: censures of deprivation and deposition under section 55 of the Ecclesiastical Jurisdiction Measure 1963; appeals against deposition; the

specific case of the appeal of the Revd Harry Brown against the summary revocation of his licence by the Bishop of Carlisle; and the Lambeth and Bishopthorpe Register. The Archbishop pointed out that he had not received any training in this area of his ministry. He concluded by emphasising the need for even-handedness and fairness, for the Church to be seen as a model of excellence in the area of Human Rights and for the Bishop or Archbishop to follow the ASB Ordinal's call to them to be ministers of discipline but with mercy.

Next came a paper by Bishop Geoffrey Rowell which gave the assembly a whistle-stop tour of the history of doctrinal and liturgical trials in the Church of England and concluded that, whilst there must be standards of doctrinal discipline in the Church of England it is difficult clearly to define where they may be found. Bishop Alec Graham, formerly Chairman of the Church of England's Doctrine Commission, commented on both papers, asking whether the search for any doctrinal discipline was misconceived. He quoted from Archbishops Wake, Davidson and Ramsay. The former struck a particular chord with the audience, being part of the Archbishop's reply to a request for advice from various Swiss cantons, divided on the question of doctrinal uniformity. He wrote:

The moderation of the Church of England has been very exemplary in this respect; and we have felt the good effect of it in that peace we enjoy among our ministers, notwithstanding their known difference of opinion in many considerable articles of Christian doctrine. The Thirty-Nine Articles have been subscribed more than once in our public synods, indifferently, by bishops and clergy of different persuasions. We have left everyone to interpret them in his own sense; and they are indeed so generally framed that they may without any equivocation have more senses than one fairly put upon them.

The Society's Annual General Meeting was kept brief by the promise of lunch. An amendment to the constitution altering the membership categories received the support of the meeting. In the afternoon Bishop Peter Forster of Chester who, along with Bishop Rowell is a member of the Clergy Discipline (Doctrine) Group, sought to tease out how the Church might come to decisions about when 'the nuclear option' of a trial for doctrinal heterodoxy might be necessary. Canon John Rees, the only break in the sea of purple at the lectern, aided this process with case studies of typical complaints received by Bishops and their registrars in the areas of same-sex unions, doctrinal disagreements and inter-faith worship.

Members were left to ponder on the complexity of the situation and the difficulty of finding an appropriate method whereby it can be decided whether a particular clergy person has gone beyond the tolerable limits of doctrinal diversity and, if so, how fairly and justly to discipline them. But as Bishop Alec Graham had whimsically and provocatively observed, we need extremists for they show where the limits are and help the rest of us to occupy the middle ground.