

CONFERENCE REPORTS

EUROPEAN CONSORTIUM FOR CHURCH AND STATE RESEARCH

HÖÖR, 18-20 NOVEMBER 2005

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The European Consortium for Church and State Research gathered for its 2005 conference under the title 'Religious entities as legal persons' in Höör in Southern Sweden. Four sessions were held, structured geographically by region. As usual, the Consortium had appointed reporters for each Member State of the European Union: Brigitte Schinkele (Austria), Rik Torfs (Belgium), Jiří Rajmund Tretera (Czech Republic), Achilles Emilianides (Cyprus), Ditlev Tamm (Denmark), Merilin Kiviorg (Estonia), Matti Kotiranta (Finland), Brigitte Basdevant-Gaudemet and Francis Messner (France), Stefan Mückl (Germany), Ioannis M Konidaris (Greece), Balázs Schanda (Hungary), Paul Colton (Ireland), Silvio Ferrari (Italy), Ringolds Balodis (Latvia), Jolanta Kuznecovienė (Lithuania), Alexis Pauly and Patrick Kinsch (Luxembourg), Sophie van Bijsterveld (Netherlands), Michał Rynkowski (Poland), José de Sousa e Brito (Portugal), Jana Martinková (Slovakia), Urška Prepeluh-Magajne (Slovenia), Agustín Motilla (Spain), Lars Friedner (Sweden), and David McClean (United Kingdom).

According to the organisers' questionnaire, the topics addressed embraced the legal requirements for constituting and registering a religious entity; considering possible differences between emerging religious entities and traditional (predominant or established) religious communities; the advantages of registration, such as tax privilege, state contributions, civil effects on religious marriages, special cemeteries, or exemptions in labour law; and provisions for and restrictions on taking legal actions, holding property and the like.

Breakfast on the first day was followed by the Northern countries, including Denmark, Sweden, Finland, Estonia, Latvia, and Lithuania. Lisbet Christoffersen presented an overview of the States in question including a comparative glimpse at the non-EU members Norway and Iceland. Marco Ventura moderated the following discussion, focusing on the dichotomy of belonging without believing. This phenomenon was described as being baptised into (Danish) history, as Christoffersen explained.

The second session was dedicated to Western countries, including

Ireland, the United Kingdom, the Netherlands, Belgium, Luxembourg, Germany, and Austria. Wolfgang Wieshaider tried to deduce common principles, which may be distilled out of the seven legal orders, despite disparate national approaches. The discussion, moderated by Gerhard Robbers, proved that rights may not always be directly linked to specific statuses for religious communities, as is the case in Austria, but derived from designation, as exemplified by the Netherlands, where the legal status as a religious community itself can easily be achieved, but does not automatically confer preferential treatment.

The third and last session for the first day focused on Southern countries, which included, according to the organisers, France, Spain, Portugal, Italy, Greece, Cyprus, and Malta. Silvio Ferrari presented the points of commonality for the countries in question and systematised the approach by identifying the conditions for obtaining legal personality of a general or a specific type and examining the consequences. He compared the status of associations with quite lenient conditions for a registration giving them very basic rights with the status of religious communities facing difficult or complex conditions of registration but giving rise to special additional rights. José de Sousa e Brito introduced the discussion which followed.

The final session of the conference was scheduled for the second morning and covered the new member states of the EU, that is, Poland, the Czech Republic, Slovakia, Hungary, and Slovenia. Balázs Schanda included in his presentation glimpses on the candidate state Croatia, too. Charalambos K Papastathis moderated the subsequent discussion.

All discussions started with questions for further information or elucidation about the countries concerned and then moved on to broader matters of interest, which focused on the aforementioned dichotomy of belonging without believing (and vice versa), the decreasing difficulties for new religious movements to be recognised, and the accommodation of Islam, which enjoys a legally recognised status in only a few countries. Throughout Europe, and despite existing formal differences, which ought not to be overestimated, an indicator for open systems may remain the state's attitude towards atypical movements such as Scientology. Recent security debates have on the other side been provoking new viewpoints on restrictions to fundamental freedoms and rights and to freedom of religion in particular. The matter of justified discrimination (for example with regard to religious sites), arising from legal status, was then debated as well as *ordre public* limitations to human rights in general.

A guided tour to Lund's cathedral added a hint of local history to the conference, which Skåne had welcomed with sunny winter weather. As usual, the proceedings are to be prepared for publication by the Consortium for Church and State Research, this year under the editorship of Lars Friedner, who, supported by the Church of Sweden, hosted the conference.