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LAW AND RELIGION IN THE SPANISH CONSTITUTION AND IN THE FUTURE EUROPEAN CONSTITUTION

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On 14 May 2004, an International Seminar on 'Law and Religion in the Spanish Constitution and in the Future European Constitution' took place at the Faculty of Law of Complutense University, Spain. The Seminar, under the direction of Professor Javier Martínez-Torrón, was organised by the Department of Church-State Relations (*Derecho Eclesiástico del Estado*) and sponsored by the *Vicerectorates* of International Relations and Research, and by the Dean of the Faculty of Law. Among those present (approximately one hundred persons) were Professors of Church-State Relations, and of other legal specialisms, from all the universities of Madrid and from numerous universities of other Spanish cities.

The International Complutense Seminar (from 10 am to 7.30 pm) focused on the analysis of the relationship between religion as a social institution and the legal system, after twenty-five years of the current Spanish Constitution (enacted in December 1978) and in the light of the proposed future European Constitution. The work of the Seminar comprised two panels: the morning session addressed religion and law in Spain, and the afternoon-evening session studied the dynamics of Church-State relations within the European Constitution.

In the first panel, under the chairmanship of Professor Dionisio Llamazares, from Complutense University, there were presentations by Professor José Antonio Souto, Director of the Department of Church-State Relations at Complutense University; Professor Gustavo Suárez Pertierra, Director of the UNED Institute of Research on Peace, Security and Defence; Professor Rafael Navarro-Valls, Secretary General of the Royal Academy of Jurisprudence and Legislation; and Professor W Cole Durham, from Brigham Young University (USA), Co-Chairman of the OSCE Advisory Panel of Experts on Freedom of Religion or Belief.

The three Spanish professors analysed, from different perspectives, the Spanish constitutional experience over the last twenty-five years with regard to the exercise of religious freedom and to the development of the new model of Church-State relations—from a Catholic confessional model, with many similarities to the State Church model, to a system determined

by the principles of religious freedom, State neutrality, equality, and State co-operation with religion. Two specific subjects were discussed in more detail: the future of co-operation agreements between the Spanish State and the Churches, and the system of religious education in public schools. Professor Durham, after emphasising the rapid and successful transition from dictatorship to democracy in Spain almost thirty years ago, spoke on the influence exercised by the Spanish Church-State model in the political transition to democracy in the countries of the 'new Europe' and in Latin-America.

In the second panel, chaired by Professor Rafael Palomino, from Complutense University, there were also four presentations, this time by speakers from three European countries: Professor Ombretta Fumagalli-Carulli, from the Catholic University of Milan, and a member of the Pontifical Academy of Sciences; Professor Cesare Mirabelli, from the University of Rome (Tor Vergata), President emeritus of the Italian Constitutional Court; Professor Rik Torfs, from the Catholic University of Leuven, Editor of the European Journal for Church and State Research; and the Worshipful Mark Hill, Fellow of the Centre for Law and Religion at Cardiff University, and Editor of the Ecclesiastical Law Journal.

The first three presentations discussed the challenges faced by the future Constitution of the European Union with respect to religion. While it is clear that the new European Constitution will not interfere with the different national Church-State systems, the speakers analysed the meaning and significance of the heated debates on the possible mention of religious values and Christianity in the preamble of the Constitution, and the uncertainties of the European policy with regard to religious minorities, with particular reference to Islam. Chancellor Hill focused his presentation on the main themes arising from the preamble to the European Constitution as applied to the particular models of establishment present in the United Kingdom.

The presentations in the two panels of the Seminar were followed by lively debates. Some of the issues that arose in them were: the difficulties—and the necessity—of reconciling the position of major Churches and the equal treatment of religious minorities; the meaning of the principle of State neutrality; and the problems arising from the future integration of Turkey, a country with an overwhelming Muslim population, in a European Union whose deepest roots and values are unequivocally Greek-Roman and Judæo-Christian.

The presentations of this International Seminar will be published in a forthcoming volume, expected by the end of 2004.