

CONFERENCE REPORTS

EUROPEAN-AMERICAN LAW AND RELIGION CONSORTIUM

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The topic of the third meeting of the European-American Law and Religion Consortium was the Permissible Scope of Legal Limitations on the Freedom of Religion or Belief: A Comparative Perspective. The consortium's first conference, convened in June 1998 at the Catholic University of America in Washington DC, had addressed the topic of registration, whilst the second, held in Trier, Germany, in May 1999 focused on issues of church autonomy. The papers presented in the latter conference, deftly edited by Professor Gerhard Robbers, have subsequently been published. A review by Dr Robert Ombres appears elsewhere in this Issue.

The logistics of organizing the third meeting proved complex necessitating a longer pause between meetings than the participants might have wished. However, the generous support of the Alexander von Humboldt Foundation obtained by Gerhard Robbers, and the unstinting work of a small team of project organizers, secured a highly successful conference and the promise of a further meeting in Europe during 2003. Central to the success of the venture was the shared vision of Johan van de Vyver, Jeremy Gunn, and Silvio Ferrari, together with an animated group of supporters. Atlanta played host—generous to a fault—to some twenty-five participants, most, like me, diehards of the previous meetings but also others, particularly from Turkey and Scandinavia, who were new to the project.

The ambitious aim was to produce tightly written papers from each participant country, all of which adhered to a strict universal format. The contribution was to be objective, scholarly and non-evaluative. Each was to give an introductory statement defining the permissible limitations on freedom of religion, followed by an outline of the sources of such limitations in international, European and domestic law from a constitutional, procedural and substantive viewpoint. Various manifestations of religion were considered and specific limitations addressed such as public order, health and safety, the rights and freedoms of others, morals, national security, state of emergency etc. Leading cases, pervasive principles and black letter merited equal consideration. Each paper concluded with a consideration of twelve hypotheticals and with a detailed bibliography. I was honoured to be asked to prepare the United Kingdom contribution on behalf of the Centre for Law and Religion at Cardiff Law School which was co-authored with Professor Norman Doe and with the invaluable research assistance of Ms Nicola Conte.

The exchange of papers in advance of the meeting opened the way for informed discussion and occasionally heated exchanges. Difference emerged between Europe and the USA, between the common law systems and their civil law counterparts, between the new democracies of Eastern Europe and those nations claiming a longer human rights pedigree. Amongst representatives of the same legal tradition differences emerged depending upon the affiliation of individual participants. The conversations were thorough, wide ranging and explorative, animated by the familiarity which has developed between the participants over the years—both as to each others' work and personality. The next stage is to refine each of the papers and to allocate a commentator from another participant country to review and critique the detailed national studies. Thereafter the participants will reassemble in Budapest in December 2003 in the anticipation of drawing out broad principles of universal application concerning the legal limits which the secular authorities may and should place upon faith communities. The work of the consortium will be published as a substantial contribution towards the comparative study of this increasingly vital subject.

STRUCTURED PLURALISM: A PRACTICAL LEGAL FRAMEWORK FOR FAITH IN THE EUROPEAN UNION?

29 October 2002, Newcastle Law School

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In England, mention of the relationship between Church and State tends to trigger debate on establishment and on the role of the Church of England in a national context. Members of the Ecclesiastical Law Society will have the opportunity to engage in such debate at the Society's residential conference at Durham in April 2003. However, constitutional issues which dominate the thinking of those outside the Church are much more the future legal relationship of England to other components of the United Kingdom and to Europe. At a European level, Romano Prodi, previously the Prime Minister of Italy and the current President of the European Commission, who is a practicing Roman Catholic, has openly recognised that there is a religious dimension to the future shape of the European Union. This has been demonstrated by his recognition of the importance of the future place in Europe of churches, religious associations and "communities of conviction" such as Humanists and Free Masons. In particular, in creating a body of Policy Advisers, President Prodi has singled out dialogue with these groups as one of the five areas of policy to be covered, together with external relations, and alongside Economic and Social, Science and Technology and Political and Institutional matters.