

CENTRE REPORT

The First Ten Years of the Centre for Law and Religion, Cardiff University

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On 8–9 July 2007 at Brecon Cathedral, members of the Centre for Law and Religion held an inaugural annual away day to review its work and plan long-term strategy ahead of the tenth anniversary of the Centre in 2008. The success of the LL.M. in Canon Law, the first degree of its type at a British university since the Reformation (set up in 1991 with the support of the Ecclesiastical Law Society), led those involved in that course and others at Cardiff Law School to recognise the need for a community of scholars dedicated to the study of law and religion. The Centre was established in the summer of 1998 to promote research and its dissemination in this field. It was established with the approval of the university and the encouragement of the Department of Religious and Theological Studies. Its activities are carried out in relation to the theory and practice of substantive law concerning religion, the focus being principally upon religious law (especially canon law) and national and international law affecting religion, with regard to their historical, theological, social, ecumenical and comparative contexts.¹

The initiative was welcomed by church leaders, politicians, and lawyers. Brian Hanson, then legal adviser to the General Synod of the Church of England, wrote: ‘The establishment of the Centre for Law and Religion is a welcome addition to the resources available both to the churches and academia. As in other branches of the law, ecclesiastical law is becoming more complex and more bound up with secular legislation. The need for such a centre with a team of church lawyers able to study important issues affecting the churches has never been greater.’ Since then, in 2007, whilst Secretary of State for Communities and Local Government, the Rt Hon Ruth Kelly wrote: ‘I recognise the contribution your Centre has made in raising the level of awareness in the

1 For further information about the Centre, see its website, <<http://www.law.cf.ac.uk/clr>>, accessed on 11 October 2007.

research of law and religion. I am confident that you will continue to play an important role in this field of work.²

The Centre is staffed by a director, research fellows, and associates not only from the United Kingdom but from across the globe. The Centre has been particularly fortunate to have received financial support from a great many bodies, including the Ecclesiastical Law Society, the Arts and Humanities Research Council, the Nuffield Foundation, the Church of England, the Church in Wales, the Isla Johnston Trust, the Christendom Trust, the Roman Catholic Archdiocese of Cardiff and the Welsh Assembly Government. Alongside the director, two centre members are full-time staff at Cardiff Law School – Dr Augur Pearce and Professor Peter Luxton (a leading scholar in charity law) – although other staff at the law school have also contributed greatly to its work, including Urfan Khaliq, who has written on Islamic law; Stephen White, an expert on burial law; and David Lambert, an expert on devolution and the churches. Russell Sandberg, who commenced doctoral work at the Centre in 2005, has been appointed to a lectureship at the Law School from September 2008.

The research fellows, several of whom are graduates of the LL.M. in Canon Law, enjoy international reputations in a wide range of fields. Mark Hill, an Honorary Professor at the Law School, and chancellor of the Dioceses of Chichester and of Europe, has expertise in ecclesiastical law generally and a particular interest in human rights and religion (and was funded by the Church of England for work in this area). Revd Canon Gregory Cameron is Deputy Secretary General of the Anglican Communion, and has worked in ecumenical canon law. Frank Cranmer, former Clerk of Bills, House of Commons, and currently secretary to the Churches Main Committee, has an interest in church governance, church–state relations and Presbyterian law. Anthony Jeremy, the first research fellow, has particular interest in the law of the Church in Wales (which originally funded his fellowship). Aidan McGrath, a professor *invitatus* at the Gregorian University, Rome (and former president of the Canon Law Society of Great Britain and Ireland) and Gerard Garrett (presiding judge at the regional marriage tribunal, Cork) have interests in all facets of Roman Catholic canon law.

2 The Centre's activities are: the exchange and development of ideas, through conferences, seminars and workshops, between academics, practitioners and others; the encouragement and development of research output; its dissemination through publications; provision of research posts; projects studying new developments in the field in the UK, to bring together academics and practitioners to consider topical issues of importance, and to print reports; provision of legal commentary to bodies at home and abroad; the development of links with home and overseas institutions, particularly universities in the USA and Europe; engagement in collaborative research with home and overseas institutions and scholars, and the welcome and support of visiting scholars; the dissemination of research output through assistance in the provision by the Law School of postgraduate degrees and other courses; the development of internationally recognised library collections on law and religion.

The research associates are equally engaged in a spread of specialisms. Eithne D’Auria, a tribunal administrator in the Roman Catholic Church, currently works on canonical provision on the role of experts in the church (and is funded by the Arts and Humanities Research Council); the Revd Gareth Powell studies the laws of Methodist churches from a global perspective; and Roger Ruston is an expert on theology, law and human rights. Paul Colton, a graduate of the LL.M. in Canon Law and Bishop of Cork, specialises in the law of the Church of Ireland; whilst Dr Javier Oliva, originally from Cadiz University and now at Bangor Law School, is an expert on church–state law in the European Union. David Harte, of the Newcastle Law School, has a particular interest in religious pluralism. The Revd Dr Robert Ombres has a wide range of interests in Roman Catholic canon law, and has been key to the development at the Centre of the notion of canon law as applied ecclesiology; he is now Procurator General of the Dominican Order and based in Rome, and whilst at Blackfriars, Oxford, and then Cambridge, was funded as a fellow by the Archdiocese of Cardiff. Joanna Nicholson served as a fellow in 2000. The Centre also has associates from universities in Europe and the USA.³ Sir John Owen, former Dean of the Arches, and a graduate of the LL.M. in Canon Law, is president of the Friends of the Centre, among whom are many of the LL.M. graduates, who meet annually. The Centre also very much values its visiting scholars from (for example) Italy, Spain, Germany, Poland, Korea, Sri Lanka and the Czech Republic.⁴

The publication record of Centre members has been excellent. Authored books include: Norman Doe, *The Legal Framework of the Church of England* (Oxford, 1996), *Canon Law in the Anglican Communion* (Oxford, 1998), *The Law of the Church in Wales* (Cardiff, 2002); Mark Hill, *Ecclesiastical Law* (third edition, Oxford, 2007); and Roger Ruston, *Human Rights and the Image of God* (London, 2004). Edited books include, in addition to Norman Doe (ed),

- 3 Professor Richard Helmholz, University of Chicago; Professor James Conn, Canon Law Faculty, Gregorian University, Rome; Professor John Witte, Centre for Law and Religion, Emory University, Atlanta; Professor Silvio Ferrari and Dr Cristiana Cianitto, University of Milan; Professor Gerhard Robbers, University of Trier, Germany; Professor Alessandro Ferrari, University of Insubria (Como, Italy); Professor Miguel Blanco, University of Alcalá, Madrid; Michał Rynkowski, Assistant Professor, Faculty of Law, University of Wrocław, Poland; Stefan Muckl, University of Freiburg, Germany; Professor Brian Ferme, Dean of the Canon Law Faculty, Catholic University of America, Washington, DC; and Jiri Tretera at Prague.
- 4 For example, in 2003: Cristiana Cianitto, University of Milan (clergy remuneration); Sabrina Pastorelli, University of Paris (new religious movements); Stefan Muckl, University of Freiburg (religion and public law); Titus Kim Ho Wook, Korea (canon law). In 2004: Alessandro Ferrari, University of Milan (religion, law and sociology); Miguel Blanco, University of Alcalá, Madrid (religious charities); Michał Rynkowski, University of Wrocław, Poland (public law and religion); Elena Mannuci, University of Perugia (charities). In 2005: Noel Dias, Colombo University, Sri Lanka (religion and human rights); Gennaro Giordano, Perugia University, Italy (religious charities); Anna Gianfreda, Piacenza University, Italy (blasphemy law). In 2007: Irene Briones, Complutense University, Madrid (religious education); Alexandra Araujo, University of Pamplona (religion and European integration).

Essays in Canon Law (Cardiff, 1992), Norman Doe, Mark Hill and Robert Ombres (eds), *English Canon Law* (Cardiff, 1998); Mark Hill (ed), *Faithful Discipleship: clergy discipline in Anglican and Roman Catholic canon law* (Cardiff, 2001); Mark Hill (ed), *Religious Liberty and Human Rights* (Cardiff, 2002); Norman Doe (ed), *The Portrayal of Religion in Europe: media and arts* (Leuven, 2004); Norman Doe with Richard Puza (eds), *Religion and Law in Dialogue: covenantal and non-covenantal cooperation between state and religion in Europe* (Leuven, 2006) (the last two being Proceedings of the European Consortium for Church and State Research); Gregory Cameron and Sven Oppegaard (eds), *Anglican–Lutheran Agreements* (Geneva, 2004); and James Conn, Norman Doe and Joseph Fox (eds), *Initiation, Membership and Authority in Anglican and Roman Catholic Canon Law* (Rome, 2005).

Centre members have written essays in several edited volumes,⁵ and over sixty articles, comments and case notes in a range of journals, including the *Ecclesiastical Law Journal*,⁶ *Public Law*,⁷ *Cambridge Law Journal*,⁸ *Law and Justice*,⁹ *Denning Law Review*,¹⁰ *Sewanee Theological Review*,¹¹ *International Journal for the Study of the Christian Church*, *Journal of Anglican Studies*,¹² *Sri*

- 5 Including, in R O'Dair and A Lewis (eds), *Law and Religion*, Current Legal Issues Volume 4 (Oxford, 2001): M Hill, 'Judicial approaches to religious disputes', pp 409–420, N Doe and A Jeremy, 'Justifications for religious autonomy', pp 421–442, A Pearce, 'Religious denomination or public religion: the legal status of the Church of England', pp 457–470; in G Robbers (ed), *Church Autonomy: a comparative survey* (Frankfurt-am-Main, 2001): M Hill, 'Church autonomy in the United Kingdom', pp 267–284; in J Flauss Diem (ed), *Secret, Religion, Normes Étatiques* (Strasbourg, 2005): N Doe and R Ruston, 'Secrets, religion and law in the United Kingdom', pp 119–142; in A Thatcher (ed), *Celebrating Christian Marriage* (Edinburgh, 2002): A Pearce, 'The Christian claims of the English law of marriage', pp 403–420; in J Martínez-Torrón (ed), *Estado y Religión en la Constitución Española y en la Constitución Europea* (Granada, 2006): M Hill, 'Iglesia y Estado: derechos y obligaciones en una constitución emergente', pp 113–120.
- 6 Eg, F Cranmer and S Peterson, 'Employment, sex discrimination and the churches: the Percy case', (2006) 8 *Ecc LJ* 392–405; N Doe, 'Ordination, canon law and pneumatology: validity and vitality in Anglican–Roman Catholic dialogue', (2006) 8 *Ecc LJ* 406–424; A McGrath, 'A question of interpretation: the Roman Rota and the theology of marriage', (2006) 8 *Ecc LJ* 425–437; R Sandberg, 'To equality and beyond: religious discrimination and the Equality Act 2006', (2006) 8 *Ecc LJ* 470–474; E D'Auria, 'Sacramental sharing in Roman Catholic canon law: a comparison of approaches in Great Britain, Ireland and Canada', (2007) 9 *Ecc LJ* 264–287. Mark Hill is the current editor of the *Journal*, while David Harte is book review editor and Frank Cranmer is parliamentary editor.
- 7 Eg, R Sandberg and M Hill, 'Is nothing sacred? Clashing symbols in a secular world', (2007) *Public Law* 488–506.
- 8 Eg, R Sandberg and N Doe, 'Religious exemptions in discrimination law', (2007) 66(2) *Cambridge Law Journal* 302–312.
- 9 Eg, A Jeremy, '*Pacta sunt servanda*: the influence of canon law upon the development of contractual obligations', (2000) 144 *Law and Justice* 4–17; J Oliva, 'British Ideas for the teaching of religion in state schools in Spain', (2007) 158 *Law and Justice* 54–63. Currently, Javier Oliva serves as book review editor and Frank Cranmer is responsible for the case book and recent developments section.
- 10 Eg, F Cranmer, 'Judicial review and church courts in the law of Scotland', (1998) *Denning Law Journal* 49–66.
- 11 Eg, R Sandberg and N Doe, 'The "State of the Union" – a canonical perspective: principles of canon law in the Anglican Communion', (2006) 49 *Sewanee Theological Review* 234–236.
- 12 Eg, N Doe, 'The Church in Wales and the State: a juridical perspective', (2004) 2 *Journal of Anglican Studies* 99–124.

Lankan Journal of International Law,¹³ *Emory International Law Review*,¹⁴ *Religion Compass*,¹⁵ *L'année canonique* (Paris),¹⁶ *Staatskirchenrechtliche Abhandlungen* (Berlin),¹⁷ *Anuario de Derecho Eclesiástico del Estado* (Madrid),¹⁸ *Revue de Droit Canonique* (Strasbourg),¹⁹ *Jurist* (Washington) and *Anuario di Diritto Comparato delle Religioni (Daimon)* (Milan).²⁰ The graduates of the LL.M. in Canon Law have also published widely, from dissertations, papers and essays,²¹ as have the visiting scholars.²²

The LL.M. in Canon Law continues to be the principal focus for research-led postgraduate teaching. Until 2000, almost all the students were from the United Kingdom. Since then, with the growing international reputation of the course, students have come from several Anglican churches across the world, including bishops, chancellors and others in the West Indies, the Seychelles, the United States of America, Canada, Ireland, Nigeria and South Africa. Not only does this bring an important global perspective to seminars, it has also resulted in diversification in the subjects taught, with rather more time devoted to the canonical systems of Anglican churches worldwide. Moreover, with a steady intake over the years of members of the Roman Catholic Church (including judges, chancellors and tribunal administrators), there are now three members engaged exclusively in the teaching of Roman Catholic

- 13 Eg, N Doe and N Dias, 'Prosecutorial discretion and pre-trial process', (2004) 16 *Sri Lanka Journal of International Law* 235–262.
- 14 Eg, N Doe and H Payne, 'Public health and the limits of religious freedom', (2005) 19 *Emory International Law Review* 539–555; M Hill, 'The permissible scope of legal limitations on the freedom of religion or belief in the United Kingdom', (2005) 19 *Emory International Law Review* 1129–1186.
- 15 Eg, R Sandberg and N Doe, 'Church–state relations in Europe', (2007) *Religion Compass* 561–578.
- 16 Eg, N Doe, 'Pour une première analyse de la notion d'église nationale', (2001) 43 *L'Année Canonique* 1–11; R Ombres, 'La notion d'église nationale au royaume uni: l'église catholique romaine', (2001) 43 *L'Année Canonique* 39–52.
- 17 Eg, N Doe and J Nicholson, 'Das Verhältnis von Gesellschaft, Staat und Kirche in Grossbritannien', in B Kamper and M Schlagheck (eds), *Zwischen Nationaler Identität und Europäischer Harmonisierung, Staatskirchenrechtliche Abhandlungen*, Band 36 (Berlin, 2002), 59–84.
- 18 Eg, J Oliva, 'Considerations on the Church of England and its relationship with the state', (2001) *Anuario de Derecho Eclesiástico del Estado* 363–437.
- 19 Eg, N Doe, 'L'ordination des femmes dans les églises anglicanes du Royaume Uni', (1996) 46 *Revue de Droit Canonique* 59–73.
- 20 Eg, F Cranmer and T Heffer, 'Il diritto canonico della Chiesa d'Inghilterra: l'interpretazione delle Scritture è veramente necessaria per la salvezza?', (2006) 6 *Daimon* 69–96 reproduced at pp 137–160 of this issue; N Doe and R Ombres, 'Il ministero sacro nel diritto della comunione anglicana e della chiesa di roma', (2003) 3 *Daimon* 67–95.
- 21 Eg, P Colton, 'Religion and law in dialogue: covenantal and non-covenantal cooperation of state and religion in Ireland', in N Doe with R Puza (eds), *Religion and Law in Dialogue: covenantal and non-covenantal cooperation between state and religion in Europe*, Proceedings of the European Consortium on Church and State Research (Leuven, 2006), pp 93–114; P Barrett, 'Episcopal visitations of cathedrals of the Church of England', (2006) 8 *Ecc LJ* 266–288; J Humphreys, 'The Civil Partnership Act, same-sex marriage and the Church of England', (2006) 8 *Ecc LJ* 289–306; O Clark, 'The ancient office of parish clerk and the Parish Clerks Company of London', (2006) 8 *Ecc LJ* 307–322.
- 22 Eg, C Cianitto, 'Maintenance of the clergy in the Italian Catholic Church', (2005) 155 *Law and Justice* 137–142; M Blanco, 'Religion and the law of charities', (2006) 8 *Ecc LJ* 246–265.

canon law. Attention is also afforded to international and national laws affecting religious groups and believers: one associate is engaged wholly in the teaching of church–state law in the European Union.

Guest speakers are also an important resource, whether from the academy (with speakers from such universities as Tel Aviv, Milan, Perugia, Swansea and the Gregorian in Rome), or from the world of the practitioner, such as John Haddrell, from the diocesan registry of Bath and Wells, who has taught each year since 1991. The annual John Lewis Memorial Lecture is a key medium in this respect. Professor John Lewis, an associate of the Centre and professor at Windsor University, Ontario, taught regularly from 1993 until his death in 1999. The memorial lecturers have included: Professor Edward Gaffney (Valparaiso University School of Law), David Harte (Newcastle Law School), Frank Cranmer (then Principal Clerk, House of Commons), Revd Canon John Rees (Provincial Registrar, Canterbury), Paul Colton (Bishop of Cork) and Professor Richard Helmholz (University of Chicago). One aim of the LLM is to encourage other universities to introduce similar courses. It is heartening to see Centre members running undergraduate courses in law and religion at Newcastle and Bangor. Other courses, such as the MA on Roman Catholic canon law launched in 2000 by Heythrop College, London and planned undergraduate modules at Oxford Brookes University, are also to be welcomed. At Cardiff, the LLB module, Comparative Law of Religion, was introduced in 2000; this deals with state law on religion and compares the United Kingdom with countries in the European Union. There are also several doctoral students working in the field at Cardiff Law School.

Centre members also contribute to teaching overseas. The director teaches Anglican canon law on the Gratianus programme at the University of Paris, and is on the board of the summer school in law and religion at the University of Siena, at which Mark Hill contributed in 2006. Since 2002, the Centre has provided provincial training in canon law for clergy of the Church in Wales. In 2006, at the invitation of the Archbishop of Cape Town, and following a successful exploratory workshop there in 2002, three centre members delivered a two-week series of canon law workshops in the Anglican Province of Southern Africa, at Johannesburg, Durban, East London and Cape Town. Other occasional courses have been run for diocesan registrars in the Church of England (and their clerks), and for the bishops of the Church in Wales.

A key aspect of the work of the Centre is to bring people together to study religious law as a means to greater ecumenical and interfaith understanding. The Centre has established three Networks which operate under its auspices: the Colloquium of Anglican and Roman Catholic Canon Lawyers, the Interfaith Legal Advisers Network and the Law and Religion Scholars Network.

The Colloquium of Anglican and Roman Catholic Canon Lawyers was established in Rome in 1999, as an initiative of the Centre, the Pontifical University of St Thomas Aquinas, Rome (Angelicum) and Duquesne Law School, Pittsburgh, USA. The meeting is believed to have been the first of its type, and included an audience with His Holiness Pope John Paul II. The aim of the Colloquium is to contribute to greater ecumenical understanding from the perspective of canon law as a form of applied ecclesiology. It explores ways in which the respective laws of each communion either facilitate or inhibit greater visible ecclesial unity. The membership is a mix of academics and practitioners. Roman Catholic members have included scholars from the Angelicum, Lateran, Orientale and Gregorian, and, for the Anglican team, in addition to academics from Cardiff, there are lawyers from the Anglican Communion Office, the Church of England, the Church in Wales, the Scottish Episcopal Church and The Episcopal Church.

The Colloquia have covered a variety of subjects. The first, on church property, included meetings at the Pontifical Council for Christian Unity, the Pontifical Council for Legislative Texts, Rota, and the British Embassy to the Holy See.²³ The second occurred at Windsor Castle in 2000 and, at the suggestion of the Archbishop of Canterbury, examined clergy discipline, with addresses by (amongst others) the Most Revd Rowan Williams, Archbishop of Wales.²⁴ The third, in Rome in 2002, welcomed by Cardinal Kasper, met representatives of the Congregation for the Doctrine of the Faith, and examined concepts of membership and Christian initiation.²⁵ The fourth, on authority, was held at Cardiff and St David's, Pembrokeshire, and the fifth, in London in 2004, planned a strategy to deal with a request from the International Anglican and Roman Catholic Commission on Unity and Mission to identify and develop 'canonical possibilities' for fuller visible unity between Anglicans and Catholics. As a result, the co-chair of the Commission, Bishop Beetge, attended the sixth colloquium, in Rome in 2005, which explored recognition of Anglican orders and the primacy of the Petrine office, which was followed up at the seventh, in Johannesburg in 2006, on ministry. The eighth, in Rome in 2007, organised by Professor James Conn at the Pontifical Gregorian University, which included an audience with His Holiness Pope Benedict XVI, discussed clerical formation. The ninth is planned for Malta in 2008.

A second related initiative is the Interfaith Legal Advisers Network. The wearing of Islamic dress, Catholic adoption agencies and the slaughter of

23 See J Fox (ed), *Render Unto Caesar: church property in Roman Catholic and Anglican canon law* (Rome, 2000).

24 See M Hill (ed), *Faithful Discipleship: clergy discipline in Anglican and Roman Catholic canon law* (Cardiff, 2001).

25 See J Conn, N Doe and J Fox (eds), *Initiation, Membership and Authority in Anglican and Roman Catholic Canon Law* (Rome, 2005).

sacred animals represent just some of the recent high-profile cases that underscore the growing topicality and importance of law and religion. Needless to say, religious groups are increasingly obliged to administer their own internal systems of religious law and polity within the context of an ever-developing body of state law affecting religion, and at a time of marked growth in religion-related litigation. Advisers to religious bodies find themselves engaged in such diverse legal areas as charities, civil partnerships, employment and education, not to mention the application of the Human Rights Act 1998 and European Union law affecting religion (from discrimination to freedom of movement). The Interfaith Legal Advisers Network is designed to bring together for the first time advisers to a wide range of religious groups, to share their experiences and to address contemporary themes at the interface between religious law and state law. The Network met for the first time in December 2007 and a second meeting has been arranged for June 2008.²⁶ In May 2008, the Centre will launch the Law and Religion Scholars Network, designed to bring together for the first time academics from across the UK interested in all dimensions of the study of law and religion.

Other initiatives with which the Centre has been involved are the itinerant conferences on the concept of a national church; and a collaboration with the canon law faculty at the Catholic Institute Paris (this began in Paris in 2000, coming to Cardiff in 2001, with meetings later in, amongst other places, Beirut, Cluj, Lund and Thessaloniki). Funded by the Arts and Humanities Research Council, and convened by Javier Oliva at the Centre, 2002 saw in Cardiff the first meeting of the European Forum for Sociology, Law and Religion, an informal network of young academics in this field, from the UK, Spain, Italy, France, Greece and Ireland. The publication of its proceedings, in 2004,²⁷ has since stimulated Russell Sandberg in the first major drive to combine the disciplines of law, religion and sociology, and he has successfully introduced this interdisciplinary approach to the agenda of the Socio-Legal Studies Association.²⁸

The Centre is fortunate that members are involved in a number of national and international academic and practice-related ventures, including the Ecclesiastical Law Society, with Mark Hill as editor of this *Journal*. Two staff from the Centre are permanent members (along with Professor David McClean, University of Sheffield) of the European Consortium for Church

26 For a full report, see pp 219–221 of this issue.

27 *Law and Justice*, 152 (2004) carried the following articles: J Oliva, 'Sociology, law and religion in the United Kingdom' (pp 8–26); A Ferrari in collaboration with J Nicholson, 'France and Greece: two approaches to religious pluralism' (pp 27–43); JA Alberca de Castro and J Oliva in collaboration with C Cianitto, 'Sociology, law and religion in Italy and Spain' (pp 44–67); and N Doe, 'A sociology of law on religion – towards a new discipline: legal responses to religious pluralism in Europe' (pp 68–92).

28 At its Annual Conference 2007, Canterbury, 3–5 April 2007.

and State Research, set up in 1989, with headquarters at the Istituto di Diritto Internazionale, Milan, and an associate member of UNESCO. Composed of professors with interest in the relations between states and religious denominations in Europe from historical, political and, particularly, juridical perspectives, the Consortium organises meetings and facilitates contacts between scholars around Europe.²⁹ Its conference in 2002, on religion and the media and arts in Europe, was hosted at Cardiff by the Centre, the first time for the Consortium to meet in the UK. Other bodies include the Trans-Atlantic Consortium on Freedom of Religion or Belief (with two Centre members at its inaugural meeting in Washington, DC, in 1998), the International Academy for the Freedom of Religion and Belief, the British Sociological Association Sociology of Religion Study Group, the British Association for the Study of Religions, and the Churches Main Committee.³⁰ The Centre is also represented on editorial boards, including the *Ecclesiastical Law Journal*, *Law and Justice*, *Nomokanonika* and *Annuario di Diritto Comparato delle Religion*.

As part of its function of providing assistance to outside bodies, the Centre has been consulted on a wide range of matters. First, at the invitation of George Carey, then Archbishop of Canterbury, one Centre member delivered a paper to the Primates' Meeting of the Anglican Communion at Kanuga, North Carolina, USA, in March 2000. This proposed the existence of an Anglican *ius commune* induced from the similarities between the legal systems of the 44 member churches of the Communion. The Primates decided to test the hypothesis and a specially convened Anglican Communion Legal Advisers' Consultation met at Canterbury in March 2002, which agreed that there are principles of canon law common to the churches of the Communion. In April 2002, the Primates' Meeting endorsed the conclusion, treating the principles as an instrument of Anglican unity, and, in September 2002, in Hong Kong, the Anglican Consultative Council established the Anglican Communion Legal Advisers' Network to draw up a statement of the principles. The Centre produced a draft of one hundred macro-principles and six hundred micro-principles, which was the subject of discussion by a Network drafting group held at Toronto in 2005 and Nassau in 2006 to finalise the draft for submission to the full Network in 2007.³¹

29 See its website at <<http://www.church-state-europe.eu>>, accessed 7 February 2008.

30 They also include the: Advisory Council of the Commission on Human Rights of the Russian Federation, Russian Academy of Scholars of Religion, Ukrainian State Committee on Religious Affairs, Chinese Academy of Social Sciences, Oslo Coalition on Freedom of Religion or Belief.

31 The paper considered by the Primates' Meeting in 2001 was N Doe, 'Canon law and communion', (2002) 6 Ecc LJ 241–263. For a report of the Consultation in 2002, see J Rees, (2002) 6 Ecc LJ 399–401; for subsequent developments, see N Doe, 'The common law of the Anglican Communion', (2003) 7 Ecc LJ 4–16. The project was further encouraged by the Primates' Statement (October 2003), and by the Lambeth Commission (*The Windsor Report 2004* (London, 2004) para 114).

Secondly, October 2003 saw the appointment by the Archbishop of Canterbury of the director, and three graduates of the LL.M in Canon Law,³² to the Lambeth Commission, under the chairmanship of Archbishop Robin Eames. The commission was set up at the request of the Primates' Meeting to examine the implications of the consecration as bishop of a practising homosexual in the USA. The Centre director wrote a position paper for the commission³³ and, related to the suggestion for a concordat made by the director to the Primates' Meeting in 2001,³⁴ a draft Anglican Covenant was included in the *Windsor Report* of the Lambeth Commission in 2004,³⁵ work continues on this.³⁶

Thirdly, the Centre has contributed to several initiatives within the United Kingdom, both secular and ecclesiastical. For example, in 2004, the director and Anthony Jeremy drafted *Guidelines for Public Ministry in the Church in Wales*. In the same year, the director, Mark Hill, Frank Cranmer, Javier Oliva and Cristiana Cianitto submitted a memorandum on public authorities and religious organisations, published in *The Meaning of Public Authority under the Human Rights Act*, a report by the Parliamentary Joint Committee on Human Rights.³⁷ In 2005, the director and Anthony Jeremy joined the Employment Status of Clergy Group in the Church in Wales, and, in 2006, Anthony Jeremy led a seminar on the subject at the Governing Body of the Church in Wales. That year, also, Mark Hill contributed by invitation to a symposium in London on Same-Sex Unions and the Churches: problems and responses in a European Perspective, sponsored by the Ecclesiastical Law Society and the House of Bishops. In 2007, at the request of the Committee on Culture, Science and Education of the Council of Europe, Frank Cranmer gave evidence to the committee on establishment of religion in the United Kingdom, and drafted a narrative section in its Report on State, Religion, Secularity and Human Rights.³⁸

32 Revd Canon Gregory Cameron (as secretary to the commission), Rubie Nottage (Province of the West Indies) and Bernard Georges (Province of the Indian Ocean).

33 N Doe, 'Communion and autonomy in Anglicanism: nature and maintenance', available at <<http://www.anglicancommunion.org/commission/documents/autonomy.pdf>>, accessed 11 October 2007.

34 This proposed, with the Primates as signatories, a 'concordat for incorporation by individual churches within their own canonical systems' seeking 'to increase the profile of communion, to define their inter-church relations, and for the resolution of inter-Anglican conflict': N Doe, 'Canon law and communion', (2002) 6 Ecc LJ 241–263, esp 262.

35 *The Windsor Report 2004*, Appendix II.

36 The Covenant Design Group, at Nassau in January 2007, produced a new draft, endorsed by the Primates' Meeting at Dar es Salaam in 2007, for consideration by the churches of the Communion and the Lambeth Conference in the summer of 2008. See N Doe, *An Anglican Covenant: theological and legal considerations for a global debate* (London, forthcoming, June 2008).

37 Seventh Report Session 2003–4, House of Lords, House of Commons, Joint Committee on Human Rights, HL paper 39, HC 382 (pp 57–70).

38 Document 11298, 8 June 2007: see the Parliamentary Assembly website, <<http://www.coe.int/>>, accessed 11 October 2007.

The Centre has organised (alone or in collaboration with others) a number of conferences, beginning in 1999 with an event on the National Assembly and Religious Organisations in Wales; this was addressed by the Secretary of State for Wales, and the Archbishop of Wales, with contributions from leaders from several religious groups. 2000 saw a seminar of clergy and lawyers on eighty years of disestablishment in Wales and, in collaboration with a German colleague, Michael Schlagheck, a conference at Canterbury on religion and European integration. The Centre assisted in 2001 with the conference of the Ecclesiastical Law Society on religious liberty and human rights, held at Cambridge. Collaborating with the Centre in 2005, Mark Hill hosted a lecture for the Ecclesiastical Law Society on Richard Hooker by Dr Rowan Williams, Archbishop of Canterbury, at Temple Church, London. In 2007, Russell Sandberg organised the law and religion stream, a new stream, at the Socio-Legal Studies Association conference at Canterbury. In March 2008, the Centre held a tenth-anniversary conference on law, religion and the family, to explore changing understandings of the family in religious law and state law on religion; speakers included Professor Gillian Douglas, Professor John Witte, Professor Mark Hill, Professor Peter Edge, Professor Richard Helmholz and Professor Javier Martínez-Torron.³⁹

Similarly, the Centre has contributed to an extraordinary number of conferences across the globe.⁴⁰ The academic year 2005–2006 was typical. Mark Hill contributed to the Third International Conference for Comparative Constitutional Law, Nihon University, Tokyo, and, with Paul Colton, to the annual meeting of the European Consortium for Church and State Research at Höör, Sweden, on the juridical personality of religious organisations in the states of the European Union. In 2006, Russell Sandberg delivered papers to the British Sociological Association Sociology of Religion Study Group (Manchester) and the British Association for the Study of Religion (Bath); also, Mark Hill spoke on ‘Religious pluralism and state churches: history, law and tradition in the United Kingdom’ to the Advisory Council of the Commission on Human Rights of the Russian Federation and the Russian Academy of Scholars of Religion, St Petersburg, on the centenary of the Russian Duma.

It is hoped that this gives a flavour of the work of the Centre for Law and Religion during the last ten years. It by no means covers all aspects of its activities, which themselves would not have been possible without the administrative

39 A full report will appear in the next issue of this *Journal*.

40 London, Canterbury, Strasbourg, Paris, Pittsburgh (2000); Oxford, Vienna, Cape Town, Canterbury, Perugia, Strasbourg, Rome, Atlanta (2002); Newcastle, Thessaloniki, Strasbourg, Munster (2003); Budapest, Kanuga (2004); Strasbourg, Tübingen, Rome, Oxford, Tokyo (2005); Toronto, Nassau, Höör, Johannesburg, Durban, Cape Town, Oxford, Oslo, Manchester, Siena, Luton, Bath, Bangor, St Petersburg, Sligo (2006); Messina, Liverpool, Canterbury, London, Rome (2007).

support of Cardiff Law School.⁴¹ At its away day at Brecon in 2007, it was agreed that the distinct focus of the Centre should continue to be the comparative, contextual and critical study of both religious law and state law on religion. The Centre will continue to produce works of the highest quality, through the *Ecclesiastical Law Journal* and other mainstream journals and leading publishing houses, and its website will be updated regularly with information on current developments. As well as its contributions to the initiatives of government and other secular organisations, and its work with religious groups, a long-term strategy is to establish specialisms in other religious legal systems, particularly in Jewish and Islamic law. The Centre looks forward to continued involvement with the Colloquium of Anglican and Roman Catholic Canon Lawyers, the Interfaith Legal Advisers Network and the Law and Religion Scholars Network. Key commitments in teaching are to the development of the research-led LLM in Canon Law, the introduction of further undergraduate courses in British law schools, and the provision of practical training in this field. In all this, the support of the Ecclesiastical Law Society will be, as it always has been, much appreciated as the Centre for Law and Religion enters its second decade.⁴²

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⁴¹ Particularly Sharron Alldred, Sarah Kennedy and Helen Calvert.

⁴² In 2007, the Society generously established a prize for students in law and religion at Newcastle and Cardiff Law Schools.