

applicable to any of their members and much of the argument turned on the margin of appreciation to be afforded in respect of rights under Article 8 of the European Convention on Human Rights (respect for private and family life). The Court concluded that in *Obst* the domestic courts had conducted a detailed and proper balancing exercise between *Obst*'s rights under Article 8 and the right of the LDS to require a duty of loyalty from its employees and there had been no violation. In *Schüth*, however, the domestic courts had failed to balance the conflicting rights in a manner consistent with the Convention and there had therefore been a violation of Article 8. The difference between the two cases seems to rest on the relative positions of the applicants: the Court presumably felt that *Obst* had a far higher profile within the LDS than had *Schüth* within the Roman Catholic Church. [Frank Cranmer]

A Comment on this case will appear in the next issue of the Journal.

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The Druid Network

Charity Commission for England and Wales: September 2010

Charity – druids – advancement of religion – public benefit

The objects of the Druid Network, an unincorporated association, are 'to provide information on the principles and practice of Druidry for the benefit of all and to inspire and facilitate that practice for those who have committed themselves to this spiritual path'. The Network supports the establishment of local groups and puts interested members of the public in touch with them, supports members in providing public rituals – especially the midwinter and midsummer rituals at Stonehenge – and runs a newsletter and website. It applied to be registered as a charity in accordance with section 3A(1) of the Charities Act 1993. The Commission noted that, insofar as it requires that the advancement of religion be for the public benefit, the definition of religion in charity law differed from that for the purposes of Articles 9 and 14 and Article 1 of the First Protocol of the European Convention on Human Rights. The Commission found that the sincerely held belief in the spirit within and arising from nature as a core element of Druidry represented 'a divine being or entity or spiritual principle' for the purposes of charity law and the Network facilitated and encouraged worship for that supreme being. As to the *Campbell and Cosans* test of 'cogency, cohesion, seriousness and importance',⁶ the Commission noted that the Prison Service

⁶ *Campbell and Cosans v UK* (1982) 4 EHRR 293.

included Druidry within its provision of Pagan chaplains, that a Hospital Trust had appointed a chaplain for Pagans and Druids and that Druidry was the subject of extensive critical academic study. Furthermore, the combination of belief in a supreme being, the rationale for connecting with 'sacred nature', the emphasis on the importance of ancestors, cultural heritage and the natural environment, the common elements of worship and their integration into an ethical and moral system were a sufficient demonstration of an 'identifiable positive, beneficial, moral or ethical framework' capable of having a beneficial effect on the community at large. The Commission concluded that the Network's activities provided benefit to the public and did not include any element of detriment or harm; nor were there any issues of private benefit. The Network was established for exclusively charitable purposes for the advancement of religion for the public benefit and could therefore be entered in the Register. [Frank Cranmer]

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