

Robust protection of religious freedom in modern liberal societies might even take the form of a soft religious establishment, as prevails today in Anglican England, Lutheran Scandinavia, Catholic Spain or Orthodox Greece. This was the argument of the Anglican divine Nigel Biggar, with surprising support from the liberal philosopher Cécile Laborde. A modern liberal state, Biggar argued, ‘needs more than liberal laws and rights; it needs citizens who are so formed as to vote for liberal laws, to obey them and to exercise their legal rights with liberality’. These laws and rights depend on ‘comprehensive doctrines’ to give them content, coherence and cogency and to form citizens who respect and protect them. Since so many dangerous and ‘unreasonable comprehensive doctrines’ are afoot today, the liberal state would do well to maintain a soft establishment of generous and peaceable historical religions as a means of ‘defending and promoting a culture that forms liberal citizens’. Laborde responded, however, that such religious establishments can work only so long as they can accommodate competing visions of the good life and good society, particularly those of newly arrived Muslim émigrés and newly powerful LGBTQ+ advocates. And certain features of traditional religious establishments – such as appointing clergy, assigning bishops to the House of Lords or holding royal weddings in Anglican cathedrals alone – might be better left to private choice than to state mandate.

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Christian Law Panel of Experts

Corpus Christi College, Oxford, 25–26 May 2018

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As readers will know, a Panel of Experts, convened by Mark Hill QC, met in Rome in 2013 to explore the category principles of Christian law as proposed by Norman Doe in *Christian Law* (Cambridge, 2013). It continued to meet each year in Rome until in 2016 it agreed on a Statement of Principles of Christian Law.² In this, panel members from eight historic churches unearthed

2 Published in this *Journal*: (2017) 19 *Ecc LJ* 138–155.

the unifying potential of church law in the ecumenical endeavour. In 2017 the panel met in Geneva with Dr Odair Matteus, Director of the Faith and Order Commission of the World Council of Churches, to discuss how to feed the statement into the work of that Commission, with which an informal partnership was established. Interest in the project has been extensive. Last year, Professor John Witte, Center for Law and Religion at Emory University, Atlanta, encouraged the panel to consider working on a volume of essays for possible publication in the series of which he is editor-in-chief, Cambridge Studies in Christianity and Law. The book, *Christianity and Juridical Ecumenism*, will seek to explore critically the project from the perspective of the legal systems of churches across the traditions of the participants. A round table was held at Corpus Christi College, Oxford, in May 2018 to discuss draft chapters and new avenues for exploration in them.

After an introduction by Professor Witte, the working sessions were devoted to a presentation on each proposed chapter, followed by discussion. Norman Doe (Cardiff) opened by placing the project in the historical context of the use of maxims and *regulae iuris* from mediaeval canon law to the present. Debate followed about the care needed in balancing the levels of abstraction at which a principle could meaningfully be articulated. Robert Ombres OP (Oxford) presented a paper written with Aidan McGrath OFM (Dublin) giving a Roman Catholic perspective, proposing how the book could offer an invaluable opportunity to provide a narrative to the whole project, given that church law is a missing link in ecumenism today. This stimulated debate about the extent to which the biblical foundations of the principles should be acknowledged so as to distinguish the principles from those of other systems of religious law. Astrid Kaptijn (Friburg) next provided an Eastern Catholic standpoint. Emphasising the distinction between unity of faith and diversity of discipline in the Eastern Code of Canons 1990, she stimulated debate about whether the 2016 statement might be seen as a hierarchy of principles of law. A similar theme was pursued by Nikos Maghioros (Thessaloniki), whose paper on the Orthodox canonical tradition led to debate on the relationship between the principles of church law and civil law and the differences between the laws of churches within a single tradition.

Next, Mark Hill, speaking from the perspective of *The Principles of Canon Law Common to the Churches of the Anglican Communion* (2008), encouraged the panel to think critically about the nature of a principle, and discussion followed as to whether the panel's 2016 document was in fact 'a statement of principles of law' or rather a 'statement of church law'. Anna Tronet (Sweden), providing a Lutheran viewpoint, exhorted the group to think more fully on the meaning of 'juridical ecumenism' itself. During a lunch break, the participants explored the college where, of course, Richard Hooker studied in the sixteenth century.

As a result of the paper of Leon van den Broeke (Amsterdam), from the Reformed perspective, the group talked about how the principles neglect somewhat the law operative at the regional level of church governance; and from the presentation by John Chalmers (Edinburgh), speaking from the Presbyterian experience, discussion followed on the impact of civil law as a force for change in church law. The Baptist standpoint, elucidated by Paul Goodliff (Abingdon), challenged the group to think more critically about how practices and forms of soft law in churches are also an important source of norms of ecclesial conduct and how the principles may function as a bridge between doctrine (the traditional focus of ecumenical discourse) and action (the grassroots experience of ecumenism). Leo Koffeman (Amsterdam), speaking from the perspective of United Churches, proposed how the process of ecclesial unification actually lies at the heart of 'juridical ecumenism'. Angela Berlis (Berne), coming from the Old Catholic tradition and a much welcomed new member of the panel, led the group to discuss how church law is pedagogical, how it follows life and how the principles project turns the problem of church law (in the form of *lex*) as potentially divisive ecumenically into a possibility for unity (when it becomes *ius*). Another new member, Paul Rochester (London), gave a Pentecostal view, and thoughts on the extensive use of rules in its many traditions, leading the Panel to address the spiritual and functional aspects of church law.

All in all, the round table and fellowship shared underscored the innovativeness of and challenges for the imaginative use of church law as a potential unifying force in ecumenism at all its various levels. The panel next meets in Rome in November 2018.

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The Eighteenth Colloquium of Anglican and Roman Catholic Canon Lawyers

Jesus College, Oxford, 27–28 May 2018

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