

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?

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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.

Dr Michael Weninger, a member of the Group of Policy Advisers, was seconded from the Austrian diplomatic service, with responsibility for this dialogue. With exceptional experience as an ambassador in Eastern Europe, including oversight for the troubled area of the Balkans, he has been concerned particularly with applicant states to the European Union whose Christian communities have emerged from the Communist period. He has promoted discussion on the future place of religion and belief within the European Union partly through academic conferences.¹ Such a conference was held at Newcastle Law School on 20 October 2002, organised by Newcastle Law School and the Jean Monnet Centre at Newcastle University in conjunction with the Centre for Law and Religion at Cardiff and the Group of Policy Advisers of the European Commission.

The foundation for the day was three substantial papers; by Malcolm Evans, Professor of International Law at Bristol University, on "The Role and Significance of Religion and Religious Associations in European Human Rights Law", by Professor Ian Leigh of Durham University, on "Alternative Models of Church State Relationship", and by Julian Rivers, also from Bristol University, on "A Policy for the European Union on Religious Associations?" The first part of the afternoon, chaired by Chancellor Mark Hill, comprised three short papers intended to stimulate debate; by Stephen Copp of Bournemouth University, on "The Harmonisation of EU Law Affecting Companies and Not-For-Profit Organisations: Implications for Religious Associations", by Keith Porteous-Wood of the National Secular Society, with "A Secular Humanist Perspective" and by The Revd Ann Inglis, a Scottish advocate from the central office of the Church of Scotland, on "The perspective offered by the Church of Scotland as a national Christian church". Following a short key note speech by Dr Weninger the conference led into an open forum chaired by Professor Norman Doe.

The emphasis of this conference was on the need for the recognition of associations of belief within the framework of the emerging European Union and the rising flood of European Community law. In part this requires balancing the individualist emphasis on human rights, which is expressed in the European Convention on Human Rights, with a principled recognition of the varied aspirations of different groupings of religious believers and of people with secular convictions. These aspirations include the freedom to worship without interference but also the opportunity to contribute to the future shape of Europe through suitable democratic machinery and the possibility of acting as partners in the public sphere, for example in running schools and other public services. Within the general political debate on how far European integration should go and what leeway subsidiarity will allow to individual states for determining their own affairs in future, there is a very different debate over how those with religious belief, and particularly those who represent the deep European Christian tradition, may ensure that the new European order has a soul and that its laws enable and facilitate believers to live in accordance with their convictions.

¹ See (2002) 6 Ecc LJ 401 for a report of an earlier conference at Perugia in March 2002 on 'Churches and Religious Communities in the European States'.