

final session, chaired by Gerhard Robbers, dealt with religion and the arts. Questions covered in this session included: when religious law requires change in, for instance, liturgical practice, does this produce conflict with civil law requiring conservation and protection of heritage? What financial benefits do religious organisations enjoy from state funding of the arts, and do these benefits cause problems for the state's posture in its relations with religious groups? And, are the limits of freedom of religious art less strict than those on freedom of expression through the press, radio and television?

The conference delegates also visited Cardiff Law School, where, at a reception, they heard about the work of the Centre for Law and Religion, particularly in the field of the *ius commune* of the Anglican Communion, the work of the Colloquium of Roman Catholic and Anglican Canon Lawyers (set up in Rome in 1999), and the work of the Centre's new forum for the study of law, sociology and religion in Europe. There was a dinner at Cardiff Castle, and delegates met informally, prior to dinner on the final night, the Most Revd Rowan Williams, then Archbishop of Wales but soon to be confirmed as Archbishop of Canterbury. Sponsors for the event included the Ecclesiastical Law Society, the National Assembly for Wales (through the Welsh Assembly Government) and Cardiff 2008 Ltd. The proceedings will be published in due course.

THE DURHAM RESIDENTIAL CONFERENCE

4–6 April 2003

DAVID HARTE

Lecturer in Law, University of Newcastle

The Ecclesiastical Law Society's residential conference on the weekend of 4 to 6 April 2003 was held at St John's College, Durham, under the title 'Safeguarding the Sacred in Society: The future role of the national church'. The aim was for the speakers to have a free range in identifying major issues for the ongoing relationships of the Church of England with the state and with society.

As Professor David McClean warned, much of the public discussion of 'establishment' focuses narrowly on 'the more picturesque aspect of our unwritten constitution' which may be categorised as 'high establishment', but the 'earthed establishment' of church work, particularly within the changing legal framework of the geographical parish and in chaplaincies, is more fundamental. Generally, the legal framework within which the Church of England operates and possible directions for its future development may be better understood by comparing the manner in which the Church is dealt with in other contexts. Thus Professor McClean referred to the experiences

of the Scottish Presbyterian churches in Church and State relations. Julian Rivers recast the 'establishment' debate in terms of whether the work of the Church and the freedom of religious associations may be better served by a public law framework rather than by the machinery of private contract law. Rivers suggested that a public law approach could strike a better balance between competing constitutional principles; of religious autonomy as against non-discrimination, and of exclusion of the State from religious disputes as against the demands of procedural fairness where the actions of a church affect individual rights.

Professor Gerhard Robbers provided a German perspective on the flexibility of Church-State relations in England. He considered the need for an appropriate place for religion within the legal framework of the European Union, where the law would be beneficently neutral towards different religious expressions, rather than sceptically restrictive in the French tradition of *laïcité*. By contrast, Bishop Andrew Aarflot of Norway spoke from a European perspective outside the Union but within the Porvoo community, where his Church and the Church of England have much in common.

Bishop Aarflot returned to the title of the conference with theological insights into the range of the sacred in society: the sacred texts of the scriptures, the sacred rites and places which are a particular responsibility of the churches, and also sacred time—a legally-protected time for worship in busy modern life. Bishop Aarflot further singled out the idea of 'sacred paths', the idea of pilgrimage. This is a neglected but very relevant topic in an era where great churches increasingly feel impelled to charge for admission and yet spiritual inquirers are more likely to visit a cathedral for personal meditation than to attend worship in a local church.

The theological basis for the conference had been clearly set by Canon John Inge, Sub-dean of Ely, in the opening paper, and was reinforced by the Bishop of Winchester in the penultimate session. He and the Bishop of Durham, who spoke at the Conference dinner, provided illuminating insights into the opportunities for a Christian contribution to the life of the nation at the heart of the constitutional establishment. A judicial perspective from Lord Justice Laws concluded the papers with a characteristically thought-provoking defence of the primary virtue of the Church's establishment as its universal ministry 'to all the Queen's subjects, including the godliest'.

The conference provided an opportunity to reinvigorate the working groups which were one of the original features of the Society. It is hoped that a number of groups, including one on establishment, will now take forward some of the themes of this conference through the effective tools provided by the Society's website.