

## CONFERENCE REPORTS

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# Interfaith Legal Advisers Network: Religious Courts and Tribunals

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In early 2008, a thoughtful and nuanced lecture by the Archbishop of Canterbury,<sup>1</sup> led to considerable controversy as to the position of religious law, with the Culture Secretary Andy Burnham leading the charge that it was impossible to ‘run two systems of law alongside each other’, since that would be ‘a recipe for chaos’. Almost a year later, this hysteria gave way to calm systematic scholarship with the third meeting of the Interfaith Legal Advisers Network. Meeting at Lambeth Palace, members discussed the extent to which religious courts and tribunals operate in the United Kingdom and the extent to which state law recognised and enforced their decisions.

The first of its kind in the United Kingdom, the Interfaith Legal Advisers Network (ILAN) was established by Cardiff Law School’s Centre of Law and Religion in December 2007.<sup>2</sup> The Network seeks to facilitate an ongoing discussion providing members with a greater understanding of respective religious legal systems and the common issues of law which they face. This third meeting focused upon religious courts and tribunals, examining their organization and structure and the enforcement of their decisions, including their recognition, review and examination by secular courts. Particular attention was paid to the Arbitration Act 1996.

The meeting was convened by Mark Hill, a practising barrister and honorary Professor of Law at Cardiff University, and was attended by legal advisers representing the Church of England, the Church of Scotland, the Church in Wales, the Roman Catholic Church and the Society of Friends, as well as the Jewish, Muslim, Sikh and Buddhist communities. The Jewish Board of Deputies,

1 R Williams, ‘Civil and religious law in England: a religious perspective’, (2008) 10 Ecc LJ 262–282.

2 For a report of its inaugural meeting, see (2008) 10 Ecc LJ 220–221.

Jewish Beth Din, the Muslim Arbitration Tribunal and the British Humanist Association were also represented, and the meeting was also attended by practising barristers Neil Addison and Samantha Knights, together with Canon Guy Wilkinson, the Archbishop of Canterbury's Secretary for Interfaith Relations.

The first session consisted of three papers sketching out the broad picture. Bernard Jackson (University of Manchester) spoke from a Jewish perspective, unpacking the notion of 'transformative accommodation' as used in the Archbishop of Canterbury's lecture on civil and religious law.<sup>3</sup> He noted that the historical experience of Jewish law, and its relationship of living with other external laws, illustrated both the difficulties and opportunities of accommodating religious law. He concluded that the Archbishop had provided a theoretical model that could be used, noting that the issue was not just an academic matter but a political one. Maleiha Malik (King's College, London) then discussed how recent cases in discrimination law displayed a different dynamic in the accommodation of religious difference. Noting different ways in which Islamic law has been accommodated, and contrasting the financial sector with family law, she drew upon recent research that suggested an appetite within the Muslim community for the use of Islamic courts but warned that attention needed to be given to the access and quality of such justice. Norman Doe (Cardiff University) spoke from a Christian perspective, dissecting the commonly held assumption that English law offers a high level of accommodation for Christianity. Taking a historical perspective to examine the legal position of the Church of England and its courts, he contrasted this legal status with the disestablished Church in Wales and other non-established religious communities. The papers presented in this session led to an animated conversation, giving members the opportunity to learn from and compare the three different traditions and the perspective of the state. Mark Hill concluded the session with a brief introduction to the provisions of the Arbitration Act 1996, noting that, although the Act sought to 'restate and improve' the existing law on arbitration, it takes a 'one-size-fits-all approach'. He explained the guiding principles of the Act, such as the autonomy of the parties and certain public interest safeguards. Crucially, the Act provides for two individuals to agree in writing that a third adjudicates upon their dispute, and the religious element to the dispute is of no consequence. The idea that the Beth Din or the Muslim Arbitration Tribunal have been accorded special status or recognition by the state is a myth, albeit one that is widely held.

After lunch, Russell Sandberg (Cardiff University) chaired the second session, which consisted of brief presentations by ILAN members in response

3 An extended version of his paper appears at pp 131–153 of this issue.

to a pre-circulated questionnaire on the courts and tribunals within their faith group and their reception by the law of the state. After each presentation, time was allowed for questions and clarifications. The session concluded with a reflection by Samantha Knights (Barrister, Matrix Chambers) extrapolating general conclusions.

The Centre for Law and Religion is grateful to Mark Hill for the detailed organization and to Guy Wilkinson and the staff at Lambeth Palace for accommodating the private meeting. It is intended that ILAN will next meet in mid-January 2010. Papers from the event and details of the ILAN's ongoing work are available on its website at <http://www.law.cf.ac.uk/clr/networks/ilan.html>

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## Law and Religion in the Twenty-first Century: Relations Between States and Religious Communities

University of Milan, 22–24 January 2009

PASQUALE ANNICCHINO

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Law and religion is going global. The 'interaction of law and religion'<sup>1</sup> is probably the best tool for understanding the role of religious faiths in our modern and globalised society. Harold Berman has pointed out how different religions are 'sources of the emerging world order' but he does not deny that they may also be 'sources of world disorder'.<sup>2</sup> The emerging world order, according to Berman,

needs and to some extent is receiving the support both of law and religion; that is, it needs and to some extent is receiving a structure, a process, for

1 H Berman, *The Interaction of Law and Religion* (Nashville, TN, 1974), p 174.

2 See H Berman, 'Law and religion in the development of a world order', (1991) 52 *Sociological Analysis* 34.