

religious pluralism and the role of a religion in a democratic society, he concluded that ‘the loss of religion as a resource for reflecting on transcendence could hardly be compensated by any other institution’.

In the ensuing discussion, Professor Miguel Rodriguez Blanco asked a fundamental question about the value of religion. Why does the state support religion and why should it do so? Does religion constitute a benefit for society? Or is it rather a danger, as some states see it? Professor Gerhard Robbers disagreed, underlining that religion does not have to be useful or helpful; it can exist for its own sake. It is merely a modern belief that everything has to be useful, and that therefore even a religion should, in the opinion of many, serve a pragmatic purpose; but that is not the true role of a religion.

The concluding remarks were presented by Professor Rik Torfs of the University of Leuven, who agreed that religion does not have to be useful and does not have to be understood – like art, which is often appreciated even if it does not fulfil the criteria of usefulness or clarity. He also referred to various emotions that are connected to faith and that play an important role in legal discussions, even though they are not legal arguments in themselves: for example, enthusiasm or fear (in relation to migrant communities and non-traditional religions). Professor Torfs underlined that, although we believe we live in a state of continual transformation, there are many constant and unchanging elements of our religious and social landscape, which deserve to be valued and appreciated.

The Congress closed with the General Assembly, at which Professor Hill presided, where Mr Lars Friedner, previously Secretary General of the Church of Sweden, was elected President of the Consortium for 2013.

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Law and Religion in Africa: Comparative Practices, Experiences and Prospects

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It is no exaggeration to suggest that Dean Kofi Quashigah of the University of Ghana ushered in an event of historical consequence when he and a handful of other luminaries of the academy and law courts welcomed more than forty

scholars to Legon, Ghana, for the first annual (it is hoped) conference on law and religion in Africa.

Bishop Trevor Mwamba set the tenor of the discussions in pointing out the inherent societal unity of law and religion. 'All things are related', he suggested, through a 'net of reality' that runs through a world that only seems chaotic due to the limits of our perspective. Law consists of people negotiating and legislating a living process of human rights and duties. Religion entails people manifesting a collective concern for the meaning of life and shared values. Thus both law and religion are concerned with justice. In concord, both have a vital role to play in an Africa faced with challenges of corruption. The two can interact, as robust laws conceived in moral values reference all peoples created in the image of God. Law and religion, acting in harmony in Africa, should encourage people to do the right thing at every turn.

Dean Quashigah characterised the conference as an opportunity to put across a 'very touchy issue from several perspectives'. He noted a need to rethink the status of law and religions in Africa. Denial of religious liberty is an invidious means to dehumanise others. It is worst when the law operates to do so through the state. Similarly, using law and state to achieve parochial religious interests is a major problem. The Dean cited examples: the Constitution of Mauritania requires the head of state to be Muslim; Malawi requires him or her to be Christian. State-specific proclamations on behalf of particular religions disadvantage minorities, who become embittered by such laws.

Dean Quashigah distinguished between 'religion' and 'religions', suggesting the former can be general and constructive, but that the latter, identified with limited specific sects and history, can be divisive and should not be used by the state to achieve its purposes. He called on the modern African state to keep religions out of their laws and governments. The concept of a republic, which now rules in Africa, suggests the days of dominant religions are of the past. Religion is not to be ignored – it is a part of our lives – but Dean Quashigah expressed the hope that academics and practitioners of law and religion would scrutinise the role of religion in the republican state.

Professor Cole Durham called for a reinforcement on the African continent of the field of 'law and religion'. He noted that a certain tension between the first two speakers' remarks raised the question of just how much separation and co-operation between law and religion should exist. There are two types of secularism, he noted, one that is hostile to religion and another, a 'secularity', that can accommodate religion and is healthy for society. 'We are all minorities', he concluded. 'We need to find ways to work together.'

Speakers who followed in the seven succeeding sessions in large part reiterated or clarified important points from the keynote messages. Professor Rosalind Hackett (a member of the conference steering committee) asked whether religious freedom has failed or served African indigenous and

traditional religion, suggesting largely the former, as traditional religions have been subjected to social and legal delegitimising forces. Nokuzola Mndende, Director of the Icamagu Institute of South Africa, reiterated this theme, recalling that religion existed in Africa long before the colonial era brought major world religions to the continent on a large scale. Until African religion is liberated, she noted, no one can talk about freedom of religion.

Professor Jean-Baptiste Sourou examined the relationships between African traditional religion and institutional religions, in particular Roman Catholicism. The resulting identity challenges have been significant. Legal and societal implications of sexuality in African religions and organisations were the focal point of Dr Sylvia Tamale's presentation. She stated that, historically, proselytisation subverted African indigenous religions, giving rise in the process to conceptions of the human body that were both foreign to and also dismissive or condemning of African traditions. She offered a critical assessment of where the imbalance brought on by this means needs to be redressed.

Professor Pieter Coertzen (also a steering committee member) examined South African religion and the constitution. South Africa is a country of pluralities, he noted. Eighty per cent claim to be Christian but are not necessarily practising. Alongside them are Muslims, Hindus, Jews, Baha'i, and followers of African traditional religions. In the constitution of 1996, religious freedom became guaranteed for the first time and it became the responsibility of the state to promote and protect this freedom. But questions of what really constitutes religious freedom gave rise to a South African Charter of Freedom of Religion or Belief that is in the process of gaining acceptance now. The status of African traditional religion under the constitution is of particular interest. Professor Coertzen concluded that South Africa still needs a further paradigm shift. The first was to allow freedom of religion or belief; the second will be to identify and accommodate all the different legal systems and religious traditions under the overarching South African rainbow.

Kicking off the second day of the conference, Professor Allswell O Muzan, in a panel examining religion–state tensions in particular countries, discussed religion under the Nigerian Constitution and as a force in Nigeria's wars. A policy officer in London Schools and Children's services, Selame Kidane spoke on the troubled relationship between state and religion in her own country of Eritrea, painting a pitiable picture of a post-conflict nation burdened by a violent, authoritarian government that does nothing to further freedom of conscience and everything to thwart it. Professor Charles Fombad examined the complex nature of religion and state relations in Cameroon. His remarks illustrated the divisions within and among churches with respect to the political issues of the day, which can be traced back to the colonial period. Professor J Kwabena Asamoah-Gyadu, Professor of African Christianity and Pentecostal Theology, discussed religion and the Machiavellian politics of defamation in

Ghana, tying together the powers of political, religious and media institutions in a case study that highlighted the personal power of public figures as a continuing force to be reckoned with.

A final substantive session explored state responses to religious minorities. Professor and Dean David Jallah, of Liberia, noted that Christianity and Islam, as the two largest religions in Africa, were sometimes guilty of wielding influence to control religious activities through a façade registration process that conveyed certain benefits on certain countries. The sole European on the programme, Professor Mark Hill QC, raised and replied to a series of important questions concerning minority religion–church relations. He concluded with words of encouragement on the compatibility of religion and law. ‘Law is not the answer to everything’, he stated. ‘The better the society, the less law’, as maybe heaven and hell exemplify.

Nico Horn, the Dean of the Law Faculty at the University of Namibia, discussed the history of Pentecostalism in South Africa, exploring the irony that, when the Church was a persecuted minority, it stood as a stronger moral force than in the present, when it has achieved greater legitimisation. Professor Matthews Ojo picked up on the theme in an examination of emerging trends in relations between Nigerian charismatic Christianity and the state. He described the charismatic movement in the 1970s as a marginalised, sectarian religion, which gave way in the late 1990s to churches enjoying improved relations with the state, thus allowing them to position themselves as a power force.

Other crucial contributions to the conference, many of which will be published or further elucidated elsewhere, included the Reverend Dr Willy Zeze’s examination of Christianity as a state-sponsored religion in Malawi; Professor Abdulmumuni Adebayo Oba’s analysis of ‘Law, religious pluralism, and national integration in Nigeria’; Advocate Christian Garuka’s look at the ‘unclear’ relationship between religion and the law in Rwanda; Professor Christy Green’s assessment of religious and legal pluralism in recent African constitutional reform; Professor Emanuel Shears-Moses of Sierra Leone’s examination of the interaction of customary law, traditions, religion and statutory law; Professor François Venter’s comparative analysis of religious pluralism and the African constitutional state; and Judge Thierry Kokoroko’s review of secularism in French-speaking countries in Africa.

The conference concluded with a sense of historic moment, with participants committing to the creation of an ‘African Consortium on Law and Religion Studies’, the second convocation of which will take place in May 2014 in South Africa. Publication of the conference proceedings is being explored.

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