

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

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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.

allocating rights and duties, and connected to that, a shared commitment to transcendental values.<sup>3</sup>

The recognition of the role played by different religions in the shaping of the new world order signals the need for further interaction and exchange of experiences from around the globe. The International Consortium for Law and Religion Studies (ICLARS),<sup>4</sup> a worldwide association of scholars of and experts in law and religion, answered the call. According to the mission of the Consortium, 'globalization required a place where national legal systems could be studied and compared at worldwide level'.

The inaugural congress was held at the University of Milan from 22 to 24 January 2009. The keynote address by Professor Grace Davie approached the problem of the different roles that religion plays in Europe and in the United States. Why is Europe so secular? Is secularisation intrinsic or extrinsic to the modernisation process? What is the role of religion in global affairs? The content of her recent book<sup>5</sup> was a useful starting point for discussing the conference's different topics. She suggested that greater attention needs to be paid to the relationship between secularisation and modernity, and that the comparison between Europe and the United States can be helpful in this regard.

The plenary sessions started with a presentation on the relationship between states and different religious communities in South Asia. The panel was chaired by Professor Werner Menski of the School of Oriental and African Studies, University of London. The situations in Japan and India were analysed by Hiroaki Kobayashi and Tahir Mahmood respectively. Great attention was devoted to the Indian experience and to the peculiar notion of secularism endorsed by the Indian state where, if the legal system cannot remain totally detached from religion, it has at least been able to put different religions on an equal footing, finding a balance between the preservation of religious sensibilities and the need for further reform.

Roberta Aluffi chaired the panel that analysed the African situation. Papers were presented by Lourens M du Plessis and Fatou Kiné Camara, considering, respectively, the South African constitutional experiment and the dangers of the instrumentalisation of religion in West African states. Carlos Valderrama Adriansen guided the discussion in the third panel, which scrutinised the situation in the USA and Canada (with a presentation by Cole W Durham Jr) and

3 Ibid.

4 See <<http://www.iclars.org>>, accessed 4 February 2009.

5 G Davie, P Berger and E Fokkas, *Religious America, Secular Europe: a theme and variations* (Ashgate, 2008).

Latin America (with a paper by Juan Navarro Floria). Durham outlined a complex picture of the US legal landscape, with the substantial loosening of the strict separation principles combined with the role of the initiatives by different states. The Supreme Court in Canada also seems to be moving to a strict scrutiny approach. Navarro Floria stressed the need to engage in a serious reconstruction of the scholarship in law and religion in South America. Giuseppe Casuscelli outlined the new trends in the regulation of the church–state relationship in Europe. He stressed the need for ‘great courage’ from European institutions and the necessity for a responsible approach to the subject.

Seven workshops were held on the final day. The purpose of the workshops was to find a common ground for understanding the significance of religion in various political contexts. There was an interest in the day-to-day practice of religious groups at various social levels, as well as more conceptual work on terminology and methodology. Asher Maoz chaired the first session, which dealt with ‘Proselytism and the right to change religion’; Malcolm Evans headed the second, on ‘Religious symbols in public institutions’; Giovanni Barberini the third, on ‘State and religion in post-communist European countries’; Francesco Margiotta Broglio the fourth, on ‘La laïcité en Europe’. In the afternoon, Fred Gedicks chaired the workshop on ‘Freedom of religion and freedom of expression’; and Mathias Roe was in charge of ‘The legal status of Islam in Western countries’. Marco Ventura chaired the final session, on ‘Church and state in Northern Europe’, where Professor Mark Hill gave a presentation unpacking the complexities of multiple church–state relations – some established, some disestablished and some non-established – suggesting that many of the different European models of church and state find expression in microcosm in the United Kingdom.

The ICLARS General Assembly was chaired by Silvio Ferrari, during which it was agreed that the next congress will be held in Santiago del Chile at the Pontifical Catholic University in September 2011. Professor Ferrari concluded the conference with a final analysis that a deep exercise of responsibility both from states and different religious group is needed. He suggested that the approach taken by Robert Cover<sup>6</sup> might be helpful.

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6 See R Cover, ‘The Supreme Court 1982 term – forward: nomos and narrative’, (1983) 97 *Harvard Law Review* 4.