

Law and Religion

The worlds of law and religion increasingly collide in Parliament and the courtroom. Religious courts, the wearing of religious symbols and faith schools have given rise to increased legislation and litigation. This is the first student textbook to set out the fundamental principles and issues of law and religion in England and Wales. Offering a succinct exposition and critical analysis of the field, it explores how English law regulates the practice of religion. The textbook surveys law and religion from various perspectives, such as human rights and discrimination law, as well as considering the legal status of both religion and religious groups. Controversial and provocative questions are explored, promoting full engagement with the key debates. The book's explanatory approach and detailed references ensure understanding and encourage independent study. Students can track key developments on the book's updating website. This innovative text is essential reading for all students in the field.

Russell Sandberg is a lecturer at Cardiff Law School, researching at its Centre for Law and Religion. He has written widely on law and religion, notably as a Specialist Contributing Editor for *Jowitt's Dictionary of English Law*. He chairs the Law and Religion Scholars Network.

Cambridge University Press
978-1-107-00379-8 - Law and Religion
Russell Sandberg
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CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Tokyo, Mexico City

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9780521177184

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First published 2011

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Sandberg, Russell.

Law and religion / Russell Sandberg.

p. cm.

Includes index.

ISBN 978-1-107-00379-8 (hardback)

1. Church and state – England. 2. Freedom of religion – England.

3. Religious minorities – Legal status, laws, etc. – England. I. Title.

KD8600.S36 2011

342.4208/52 – dc22 2010052387

ISBN 978-1-107-00379-8 Hardback

ISBN 978-0-521-17718-4 Paperback

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Preface

The aim of this book is to provide a succinct exposition and critique of the new legal framework concerning religion. It explores the extent to which English law¹ now accommodates religious difference and provides a detailed account of recent legal changes, questioning whether the new laws actually further the protection afforded to religious individuals and groups. It also asks whether it is now possible and desirable to see law and religion as a distinct legal sub-discipline akin to family law or sports law.

Law and Religion furthers many arguments and ideas which I have developed whilst completing my doctorate on 'Religion, Law and Society' at Cardiff University and through teaching the postgraduate master's degree in Canon Law and undergraduate module on Comparative Law of Religion at Cardiff Law School. Interactions with students on these courses have improved the text. This book develops many arguments and ideas that I have previously presented or published elsewhere.² The feedback of editors, peer reviewers, readers and conference delegates has been invaluable. A number of these previously published works – indeed many of the better ones – have been co-written and I owe a special debt to my co-writers for helping me to develop the ideas and arguments that follow. This book is designed to complement these earlier publications³ and other leading works in this field. *Law and Religion* is also complemented by a number of online materials provided on the website of the Centre for Law and Religion at Cardiff.⁴ Readers might be particularly interested in the weblinks, lists of recent publications and the Case Database provided on the webpages dedicated to the Law and Religion Scholars Network.⁵

I am indebted to a large number of individuals who have helped develop *Law and Religion*. I owe a special debt to my colleagues at the Centre for

¹ This book focuses upon the law of England and Wales, with some comparative references to Scots law. The distinct legal, political and religious situation in Northern Ireland is outside the scope of this work.

² The full references to these are provided at the relevant point in the text.

³ In particular, this book is intended to complement M. Hill, R. Sandberg and N. Doe, *Religion Law: United Kingdom* (The Netherlands: Kluwer Law International, 2010), which provides a comprehensive encyclopaedic elucidation of the law in this area, and the essays published in N. Doe and R. Sandberg (eds.), *Law and Religion: New Horizons* (Leuven: Peeters, 2010).

⁴ See www.law.cf.ac.uk/clr/. ⁵ See www.law.cf.ac.uk/clr/lrsn.

Law and Religion at Cardiff and to members of the Law and Religion Scholars Network and the Interfaith Legal Advisers Network. In particular, I am beholden to Professor Norman Doe and Honorary Professor Mark Hill QC for their encouragement, advice and friendship. Many of the arguments developed in this book were first stimulated in conversations with them. Frank Cranmer has been especially helpful, keeping me abreast of developments in the field and casting an eye over draft chapters. I am also grateful to a number of other colleagues at the Centre for Law and Religion at Cardiff: Dr Rebecca Catto, Rt Rev. Paul Colton, Eithne D'Auria, John Duddington, Dr Rev. Gerard Garrett, Anthony Jeremy, David Lambert, Professor Peter Luxton, Dr Javier Oliva, Dr Augur Pearce, Rev. Gareth Powell, and Layla Welford have all helped to develop the ideas expressed here. Professor Peter Edge and David Harte, who examined my doctoral thesis, have also offered valuable suggestions.

The support of colleagues at Cardiff Law School has been particularly important to me, especially Professors Gillian Douglas, Nigel Lowe, David Miers, Bob Lee and Dr Urfan Khaliq. I am grateful to Cardiff Law School, the James Pantyfedwen Foundation and the Sidney Perry Foundation for providing funding during my doctoral studies. I am also thankful for the administrative support provided by Sharron Alldred, Sarah Kennedy and Helen Calvert at the Postgraduate Office of Law School and for the research assistance provided by two personal tutees, Anna Mahoney and Jacqueline Trow. I also wish to thank the staff at Cambridge University Press, particularly Sinead Moloney, for their professional commitment to the text. My greatest debt, however, is to my family. This book is dedicated to my parents and to my sister Julia and my brother Marcus for their support, which has been the stuff of legend.

Russell Sandberg

Maesteg, South Wales
August 2010

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