

1 Introduction

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Although church and state are two of the oldest institutions created by man, until recent times religion had barely been the object of study in Political Science at all. The relationship between the political and the religious spheres has been examined mostly by other disciplines, such as Anthropology, English Literature, History (predominantly Church History and History of Religions), Law, Sociology and Theology. Correspondingly, the most commonly held view of the role of religion in Western politics has been one of decline. As in secularization theory, the predominance of the secular state over religious actors has been taken for granted, except when dealing with newer religious communities within the framework of integration policy. In any case, religion is mainly seen as a source of conflict in politics, one which has to be kept out of the public sphere—or, at least, religious interests have to be depoliticized (Minkenberg 2010: 224).

Those who uphold such a view fail, however, to recognize several important factors: first, the different models of ecclesiastical law that have developed in Europe over the course of centuries and that assign authority over churches and religious communities to several actors in government, public administration, and society; second, the role of several churches and religious communities in exercising influence in the public sphere and in representing the collective interests of their employees and believers; and, third, the impact of parties based on religious interests, which in Europe mostly correspond to Christian Democratic ones. While up until the 1990s Political Theory was the only sub-discipline within Political Science to show an interest in religion (Liedhegener 2011: 191), this changed rapidly after several political scientists proclaimed the return of religion to politics (Leege and Kellstedt 1993, quoted in Minkenberg 2010: 227; Liedhegener 2011). This was followed on an institutional level by the foundation of: the section “Religion and Politics” by the American Political Science Association (APSA) in 1987; of the section “Religion and Politics” by the International Political Science Association (IPSA) in 1986; and, of the section “Politics and Religion” by the German Association of Political Science (DVPW)

in 2000. The European Consortium of Political Research (ECPR) also founded a standing group “Religion and Politics” in 2006 (Minkenberg 2010: 229).

When searching for literature on religion policy, it is striking to observe that this term is mainly used for former eras or for nondemocratic states (see also, Liedhegener 2008: 86). This would suggest that democratic states do not conceive of religion policy as a separate policy field or do not aim to steer religion. Only a few scholars in recent times have diverged from this understanding and thus identified religion policy as a policy field in Western democracies in its own right. Willems (2001: 137) defines religion policy as “all political processes and decisions aimed at ruling the religious practice and the public states of religious symbols, practices, and religious communities.” Liedhegener (2008) shows that the term “religion policy” can actually assume quite different meanings: On the one hand, in being applied to democratic systems it denotes decisions taken in ecclesiastical law and in dealing with religious pluralism by governments and political parties. Sometimes, this aggregate—consisting of the constitutional, of constitutional practice, and of previous political decision making—is labeled the “structure of religion policy.” This term is broader than “ecclesiastical law,” because it also takes into account the behavior and decision making by the legislative and the executive. At the same time, in a more narrow sense religion policy can also refer to democratically legitimized decision-making processes based on the majority rule: that is, a strategic policy aimed at regulating the relationship between the state, society, and institutionalized religions (Liedhegener 2008: 91).

Adhering to these understandings, this edited volume aims to develop a theory about which instruments the modern state has available to it for steering religion policy. Within Comparative Public Policy, it follows the sectoral logic of religion policy, while at the same time adopting a cross-national perspective—which implies that informal norms and formal institutions in a given country have shaped religion policy. Among these informal norms and formal institutions figure the distribution of religions and denominations, the ecclesiastical law model, sub-constitutional laws regulating churches and religions communities, patterns of behavior toward religion in this particular society (which can be explained by theories from Sociology of Religion), the perception of a link between national identity and religious affiliation, and much more. Although churches and religious communities are civil society actors, it is the state that sets the frame within which they can act. This happens both on the institutional (polity) level, by the decrees of ecclesiastical law, and by a specific religion policy that has been adopted in order to reach a desired outcome. Which incentives and steering mechanisms set by the state produce which effect, which role in society, and

which self-image for the churches and religious communities? Under which conditions do these incentives and steering mechanisms achieve their objective(s)? This volume aims to answer these questions by looking at the solutions that are found in various different European countries.

From a historical perspective, the European territorial state emerged by differentiating itself from existing and competing authorities and thereafter claiming sovereignty over them, namely the Catholic Church, the Holy Roman Empire, the feudal system, the leagues of cities, and city-states. Once emerged, the territorial state had to forge its own institutions and normative principles. The territorial dimension implied that no other sphere of authority could be tolerated within the state. This eventually led to a long battle between church and state over control of the people. The result was a functional division of labor: while states have to take care of bodies, churches have to take care of souls. In their attempt to establish a single sphere of authority, absolute sovereigns tried to connect directly with their subjects and to do away with the legitimacy of all intermediate bodies such as the church, the nobility, and city elites. The normative tool used for this purpose was to draw a line between those interests served by the state—labeled “the public/national interest”—and those represented by all intermediate bodies—“particular/special interests.” The public nature of the state’s role and the general character of the interests that it served helped to legitimize it. This dichotomy was fostered further by the establishment of a state bureaucracy: on the one side was the state/public/general interest, on the other side the society/private/particular interest. This split has survived up to the present day. The modern state is said to be based on internal hierarchy and external autonomy; however, governance approaches continue to question both of these elements (Piattoni 2010: 66).

Churches and religious communities are usually considered as societal actors rather than as public institutions. An exception to this view are Protestant state churches, but even in countries where such institutions exist the current tendency is toward considering them societal actors. This should make religion policy particularly suited for the application of approaches that grant a less central role to the government, and to higher levels of bureaucracy and a larger role for networks, organized interests, and street-level bureaucracy. The policy cycle is an approach that can be applied to both state- and society-centered policy fields, while in governance approaches the role of society clearly prevails. This is why these two approaches were chosen for examining religion policy in this work.

The perspective adopted herein is one of Comparative Public Policy, since it understands religion policy as being a state activity. This is even the case when the state limits itself to setting the legal framework for churches and religious communities, chooses a separation model, and follows a policy of minimal inter-

vention: the crucial point is that, in theory at least, the state has the necessary tools for intervening should it so choose. The volume also assumes that “nations matter,” in the sense that a certain path-dependent pattern of policy making can be identified for each and every nation. Not all chapters focus on single country cases; those that do deal with more than one country adopt a comparative perspective, which allows them to draw conclusions about each state and religion policy on a more abstract level.

1.1 State of the Art: Religion Policy from the Perspective of Political Science

Minkenberg (2010) classifies current research on religion within Political Science as follows: questions on religion and polity are church–state relations in simple and constitutional law and the legal status of churches and religious communities. The newer literature mostly uses a mixture of institutional, denominational, and sociological criteria for classifying church–state relations, while neglecting political ones (Minkenberg 2010: 239). A general tendency witnessed across contemporary Europe is that people are becoming increasingly unwilling to accept the unequal treatment of individuals and communities because of their particular religious affiliation (Portier 2012: 104). The domain of religion and politics consists mainly of the interaction therein of religious parties and other collective interests, above all Christian Democratic parties. Finally, this domain also includes areas that both the church and the state claim to have authority over, such as welfare, family, or education (Minkenberg 2010: 250).

Foret and Itçaina (2012) identify two further areas in need of research. First, the religious factor within political institutions has not yet been investigated in a satisfactory manner concerning questions such as what elected politicians and public servants believe, how they deal with these beliefs, the impact of religion on political decision making, the formation of coalitions, the socialization of leaders, and the legitimation of the public order. Second, there is the issue of politics within religious institutions—for example how decisions are made within different religious institutions or which power relationships are in play between the various different tendencies to be found within religious institutions. Minkenberg (2003) suggests treating church–state relations as autonomous and coherent actors shaping the outcomes of public policies, instead of as institutions wherein actors pursue their own interests. A similar view is held by Willems (2008), who identifies the issues of creating equal individual and corporative freedom of religion while also respecting power relations and the desires for recognition by religious minorities and majorities as now important questions as regards religion policy.

Liedhegener (2011) suggests an alternative classification for current research: religion and political violence; religion and government (church–state relations, religion policy, freedom of religion); religion and collective decision-making processes (power and influence of political actors); and, religion and civil society (integration of pluralist societies). It is the second of these, religion and government, that is of interest to this particular volume. Within the sub-discipline of Comparative Politics, the relationship between the state and churches or religious communities existing in its territory is of central interest. Comparative Politics shares this view with Law. The assumption underlying this new interest is that different legal arrangements concerning churches and religious communities can explain the political significance of religious denominations in different political systems, and their different policies. A central goal of this kind of research is to find meaningful criteria for developing a descriptive typology vis-à-vis the arrangements between a state and churches or religious communities, one which helps to apply a theoretical continuum reaching from theocracy to caesaropapism (Liedhegener 2011: 196).

Furthermore, Grzymala-Busse (2012) argues that Comparative Politics should take religion policy more seriously. She identifies the following two ways in which religion can influence politics: first, via the impact of religious identity and doctrine on the individual level of citizens; second, via the influence exercised by religious hierarchy and doctrine in arenas such as voting, public policy, and the welfare state (Grzymala-Busse 2012: 420). Doctrinal differences can affect political expectations, institutional configurations, religious political coalitions, and the fungibility of religion. No matter whether the state either supports or represses religion, it is as fundamentally shaped by religious convictions, ideas, and popular mobilization, and so are its citizens (Grzymala-Busse 2012: 426). A similar thought is advanced by Martino (2014a: 499); when assessing the legal status that a state bestows to a church or religious community, we have to apply the following criteria: whether this legal status was established unilaterally or bilaterally in agreement with the religious community itself; to what extent the decision-making actors within the state are affected by the religion held by the majority of the population (henceforth, majority religion) and, the scope of the majority religion.

Minkenberg (2012) provides a comprehensive analysis of church–state relations from the perspective of Comparative Politics. First, he assesses the classical approaches stemming from Ecclesiastical Law, such as Robbers (2005)—who classifies European countries into state church models (Denmark, England, Finland, Greece), cooperation models (France, Ireland, the Netherlands), and separation models (Austria, Belgium, Germany, Italy, Portugal, Spain). Chaves

and Cann (1992) broaden the perspective by adding political and economic criteria to the legal ones. They measure the following six items: 1) is there a single official state church?; 2) are some denominations officially recognized but others not?; 3) does the state appoint or approve religious leaders?; 4) does the state pay the salaries of church personnel?; 5) is there a system of ecclesiastical tax collection (indirect subventions)?; and, 6) are there direct subventions to the church(es)? As a result, Ireland, the Netherlands, and France fall into the separation model, Austria, Germany, Great Britain, Italy, Portugal, Spain, and Switzerland into the model of partial establishment, and Denmark, Finland, Norway, and Sweden into the model of full establishment (Chaves and Cann 1992: 280).

Next, Minkenberg (2012) investigates the relationship between the ecclesiastical law model and the distinction between presidential and parliamentary democracies. Among those states that are based on a presidential model, the United States has a separation regime and Switzerland a cooperation one. As regards semi-presidential models, France and Ireland have a separation regime, Austria and Portugal a cooperation regime, and Finland a state church regime. For parliamentary regimes, Australia, Canada, the Netherlands, and New Zealand have a separation regime (all monarchies), Belgium, Germany, Great Britain, Italy, and Spain a cooperation one, and Denmark (and at that time, also Sweden and Norway) a state church. Among parliamentary regimes, both those with a separation regime and those with a state church are monarchies. The likely explanation for this is that a state church would compete with a president entrusted with executive powers in a presidential republic as a source of identification for the citizens. As such, in those instances where parliamentary democracy has been introduced in an evolutionary way, the state church has been preserved; in cases of a revolutionary change having taken place meanwhile, the state church was overthrown and replaced by a separationist model (Minkenberg 2012: 89).

A further important factor could be the relationship between the ecclesiastical law model and the distinction between majoritarian and consensus democracies, since the type of democracy which is in force predicts the degree of centralization of political power and of its inhibition by checks and balances. Among consensus democracies, the Netherlands has a separation regime and Austria, Belgium, Germany, and Switzerland a cooperation one. Among mixed forms of democracy, Australia, Canada, and the US have a separation regime, Italy, Portugal, and Spain have a cooperation regime, and Denmark and Finland a state church regime. Among majoritarian democracies, France, Ireland, and New Zealand have a separation model and Great Britain a state church. Minkenberg (2012) detects a pattern of all consensus democracies falling within the cooperation

model, and all mixed or majoritarian democracies within the separation one. The cooperation model in the four “pure” consensus democracies of Austria, Belgium, Germany, and Switzerland can be explained by their historical experiences of mediating between the conflicting religious interests stemming from the Reformation period. These countries gradually emerged as ones fragmented into denominations, and also saw an important role for Christian Democratic parties arise after the Second World War.

1.2 *Comparative Public Policy*

Many competing definitions of “public policy” exist, although they all share the following characteristics: they agree that public policies are the result of decisions made by governments. This includes positive decisions, negative decisions, and non-decisions (Howlett and Ramesh 2003: 165). The best known definition for this is “anything a government chooses to do or not to do” (Dye 1972: 2). It states that the agent of public policy making is the government, and not actors from the private sector or from civil society. Another definition put forward by Jenkins understands public policy making as being “a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve” (Jenkins 1978: 21). This perspective makes clear that public policy making is a process of interrelated decisions, and also that a government’s capacity to implement a particular policy might affect the kinds of decision that it takes (Howlett and Ramesh 2003: 6).

Comparative Public Policy is defined as the use of a comparative approach to investigate policy processes, outputs, and outcomes. This includes not only the positive activity of decision making but also those decisions that are not made (Dodds 2013: 13). From an alternative viewpoint Comparative Public Policy is understood as a strand of research that seeks explanations for state activities (*Staatsaufgaben*, Grimm 1996), one using mostly cross-national and cross-time analysis. In a narrower sense, it can be limited to state activities—in other words the domains wherein the state does things to its subjects, in both the coercive and the liberating sense. If we understand the term as having a wider meaning, it can also designate areas lying beyond the realms of the state, that is, all areas where the state is to be made responsible for outputs and outcomes. In an era of increased privatization and of blurred boundaries between the public and the private sectors (which has resulted in the broad usage of the term “governance”), this second definition is more suited (Lodge 2007: 277).

Broadly, three approaches have influenced research in Comparative Public Policy: habitat, responsive government, and institutions. While the first two point to external sources shaping government policies, the latter one highlights the importance of internal factors. Habitat-based approaches stress the importance of socioeconomic factors in shaping public policies (Lodge 2007: 277). Approaches based on responsive governance explain the different ways in which governments react to external pressures for change. Finally, approaches based on institutions show the influence thereof, and path dependency.

One particular strand within this latter approach bases itself on the assumption that “nations matter”, that is, that interactions between informal norms and formal institutions cause different “national styles”. National polities have some structural and cultural features that make it more likely for them to formulate and implement public policy in a certain way. These national styles are thought to be the same regardless of the characteristics of the issue and of the policy sector in question (Richardson et al. 1982: 13). Although the hypothesis of a convergence of ecclesiastical law models and of religious governance in Europe has been advanced by many scholars (as Koenig 2007 has done by investigating European isomorphism in religious questions on different levels, including consortia on the European level—such as the Catholic Commissions of Episcopates of the European Community or the Protestant Conference for European Churches), we hold that national differences and policy styles are still prevailing over that convergence. This especially proves true for public administration culture, which is usually marked by a high level of inertia. National administrative styles play a significant role in understanding the development and reform of systems of public administration, and in the public policy process as well (Knill 1998, 1999, 2006).

By “policy style” Richardson (1982) understands a stable pattern of policy making that stems from the interaction between a government’s approach to problem solving and the relationships between the government and other actors in the policy process. A government’s approach to problem solving can reach the extremes of a proactive and technocratic approach or alternatively a reactive and diplomatic one. While in the former government is thought to have the capability to prevent social problems, in the latter *laissez-faire* ideology and uncertainty about the causes of problems prevail (Bovens et al. 2001: 16). Broad formal policy systemic factors also influence how systems react to policy challenges, either at the level of macro-institutional political system features or within meso-level institutional mechanisms such as interaction patterns between state and society actors. These approaches stand in contrast to other ones that emphasize rather the importance of policy sectors for shaping a particular outcome. These

two approaches, the national and the sectoral ones, could be established as two viable alternatives within comparative policy analysis (Lodge 2007: 279).

For instance, the German policy style is anticipatory and based on consensus. Germany is a corporatist federal system with a technocratic élan, but also strong sectoral traditions. At the federal level, this leads to the expectation of a proactive and consensual policy style being adopted. The British *modus operandi*, meanwhile, is reactive and based on consensus and the Dutch one reactive and impositional (Richardson et al. 1982: 13). France is a presidential system with a centralist, technocratic bureaucracy and a political culture where the state is still widely appreciated as being the essential mechanism of public governance. This leads to a proactive and impositional policy style. Sweden is a corporatist unitary system with a strong social engineering ethos, long viewed as the model welfare state. The expected policy style there is strongly proactive and strongly consensual. Bovens et al. find that centralized and government dominant systems such as France are less fit to approach new and poorly defined issues, which is just the type of challenge that is becoming more common in the present-day world. A high degree of consensual democracy, by contrast, is more successful than a majoritarian system is (Bovens et al. 2001: 642). The reason for this lies probably in the positive use of networks to link together state and society, and also to connect different parts of the government. Increasingly, governments also need to be able to link diverse policy areas up with each other and to coordinate different policy interventions (Bovens et al. 2001: 650).

Public policies can be classified according to the resources used for producing and implementing them, and to the types of instruments that they use. The scope of public policy refers to the decision makers involved, their interactions with different policy instruments, and the groups affected by public policy. Among the resources available, Knoepfel et al. (2007) list: consensus between political-administrative actors, financial resources, force (as the traditional prerogative of the state), human resources, information, infrastructure, law, organization (as a structure of interaction between policy actors and policy targets), the amount of time that can be dedicated to policy making, and political support.

Policy instruments can be classified in many possible ways, for example according to their degree of coerciveness or regarding the extent to which they affect actors inside or outside government (Dodds 2013: 23). An example for the first means of classification is Lowi's (1964) separation into constitutive, distributive, redistributing, and regulating policies. These types consist of combinations of the likeliness of coercion being achieved through the policy instrument, and whether sanctions are directed toward individual citizens or to their environment instead. Distributive and regulative policies are targeted at individual

conduct, while redistributive and constitutive ones shape the domain of conduct (Dodds 2013: 25). This classification typology partly overlaps with that of Almond and Bingham Powell (1992), who separate into policies of distribution, extraction, regulation, and symbolism. Many of the policies that Almond and Bingham Powell attribute to regulation—such as family relations, protection of the individual, and religious activities—traditionally belonged to the church's sphere of influence rather than to the state's. This reflects the fact that, historically speaking, citizenship was based on one's membership of a certain church (Minkenberg 2007: 7).

However, the most widespread form of classification for policy instruments is the one proposed by Hood (1983): authority, nodality, organization, and treasure. Nodality means "the interest in how governments acquire knowledge or use information to affect behavior"; it is used in the literature on policy transfer and learning. Authority, meanwhile, means "the interest in how governments use authority"; it is used in the literature on the regulation of societal actors. Treasure means "the interest in how governments raise and spend money"; it is used in the literature on total public expenditure, taxation, and welfare state spending. Organization means "the interest in how governments directly organize their own architecture or provide services"; it is used in the literature on changes in public management policy (Lodge 2007: 280). Hood's classification scheme is not, however, a continuum, and he argues that these instruments are technically interchangeable.

However, he does not mean that the choice of policy tools is unproblematic; if it were, it could be left to technocrats. Instead, it is rather a matter of faith and politics. Governments will be more likely to choose certain tools due to legal and resource constraints, political pressures, and the lessons learned from past instrument failures (Hood 1986: 118 ff.; 141 ff.). The instruments used will also vary depending on which pressure groups the government wants to appease. If such groups are large and well organized, the government will utilize persuasion and expenditure. The larger the group to be concerned, the more likely governments will use passive and not coercive instruments. The latter will rather be used for redistributing resources among groups. For every category, policy tools can be classified into "effectors" and "detectors." For nodality, effectors are advice and detectors surveys. For treasure, effectors are grants/loans and detectors consultants. For authority, effectors are laws and detectors registration. For organization, effectors are service delivery and detectors statistics (Hood 1986: 124 f.). This means that the choice of policy instrument is a question of available state resources and capacities in tandem with the nature of state aims and the capabilities of target groups. Hood argues that governments tend to prefer the

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