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Maria Grazia Martino *Editor*

# The State as an Actor in Religion Policy

Policy Cycle  
and Governance Perspectives  
on Institutionalized Religion



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Policy Cycle and Governance  
Perspectives on Institutionalized  
Religion

*Editor*

Dr. Maria Grazia Martino  
Berlin, Germany

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## List of Abbreviations

AABF	Almanya Alevi Birlikleri Federasyonu
ACF	Advocacy Coalition Framework
APSA	American Political Science Association
BDDI	Bund Deutscher Dialog–Institutionen
BfV	Bundesamt für Verfassungsschutz
BMI	Bundesministerium des Innern
BV	Bundesverfassung
CDU	Christlich–Demokratische Union Deutschlands
CVP	Christlichdemokratische Volkspartei
DİTİB	Diyanet İşleri Türk İslam Birliği
DIK	Deutsche Islamkonferenz
DVPW	Deutsche Vereinigung für Politikwissenschaft (German Association of Political Science)
ECHR	European Convention on Human Rights, European Court of Human Rights
ECPR	European Consortium for Political Research
EKD	Evangelische Kirche in Deutschland
EU	European Union
e.V.	eingetragener Verein
FIDS	Föderation der Islamischen Dachorganisationen in der Schweiz
GG	Grundgesetz
ICCPR	International Covenant on Civil and Political Rights
IPSA	International Political Science Association
ICZ	Israelitische Cultusgemeinde
IGMG	Islamische Gemeinschaft Millî Görüş
IR	Islamrat für die Bundesrepublik Deutschland e.V.
JLG	Jüdische Liberale Gemeinde
KiG	Kirchengesetz
KNB	Katholisch–Nationalkirchliche Bewegung
KV	Zürcher Kantonsverfassung
ND	Νέα Δημοκρατία
NGO	nongovernmental organization

NS	Nationalsozialismus, nationalsozialistisch
NSDAP	Nationalsozialistische Deutsche Arbeiterpartei
OSCE	Organisation for Security and Co-operation in Europe
RE	Religious Education
RKZ	Römisch-katholische Zentralkonferenz
SBK	Schweizer Bischofskonferenz
SD	Sicherheitsdienst
SFS	Svensk Författningssamling
SOU	Statens offentliga utredningar
SS	Schutzstaffel
SST	Nämnden för Statligt Stöd till Trossamfund
SVP	Schweizerische Volkspartei
TFEU	Treaty on the Functioning of the European Union
TÜDESB	Türkisch-Deutsches Bildungswerk
Ucoii	Unione delle comunità e organizzazioni islamiche in Italia
UN	United Nations
VIKZ	Verband der Islamischen Kulturzentren e.V.
WDR	Westdeutscher Rundfunk
WRV	Weimarer Reichsverfassung
ZDM	Zentralrat der Muslime in Deutschland e.V.

# 1 Introduction

*Maria Grazia Martino*

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.

Minkenber (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

information and authority instruments, and even more so for nodality or information-based influence, since these tools place minimal constraints on citizens. When such constraints are required, this is because of the desires of target groups. In this case authority is preferable to organization, since it is less resource-intensive. Decision makers tend to prefer those instruments that have been proven to achieve compliance on the part of the target group, doing so with the minimum expenditure of resources (Howlett 1991: 11).

Authority-based instruments are the state's command and control regulation of nongovernmental actors, self-regulation delegated to nongovernmental actors, and delegation to advisory committees (Howlett and Ramesh 2003: 103–108). Treasure-based instruments are subsidies and tax incentives given by the state to nongovernmental actors, financial disincentives, and interest group funding (Howlett and Ramesh 2003: 108–114). Nodality-based instruments are public information campaigns, investigative commissions, and research projects inquiries (Howlett and Ramesh 2003: 114–116).

### *1.3 The Policy Cycle*

Since first being developed in the 1950s, policy analysis has used the analytical framework of “the policy cycle.” This consists of the following stages or phases: agenda setting, policy formulation, decision making, implementation, and evaluation—which eventually leads to policy termination (Jann and Wegrich 2007: 43). The importance of having knowledge about the policy process was first advanced by Lasswell (1970a). He held that policy science should be problem-oriented, multidisciplinary, and contextual; it is supposed to integrate knowledge and action (Lasswell 1970a: 13 f.). While one strand of early policy analysis in the 1960s was mainly problem-oriented and coincided with policy advice (above all in the realms of defense and economic policy), the other one analyzed the policy process as an alternative endeavor to the study of constitutions and legislatures. Apart from Lasswell, other exponents of this focus have been Easton (1953, 1965), Lindblom (1968), and Simon (1960, 1969; Parsons 1995: 21).

The versions of the policy cycle most widely adopted are the ones by Anderson (1975), Brewer and deLeon (1983), Jenkins (1978), and May and Wildawsky (1978; Jann and Wegrich 2007: 43). Although behavioral theory has raised the criticism that decision making in the real world does not usually proceed in such distinct stages, the perspective of a policy process taking place in distinct stages still counts as an ideal model for investigating policy planning and decision making. Such a rational model states that decision making should be based on a comprehensive analysis of all available information and on the search for the best

way to achieve one's goals. This includes an analysis of both the costs and benefits of every option (Jann and Wegrich 2007: 43). While the different stages were originally conceived as evolving chronologically one after the other, Easton's input–output model transformed the proposed format into a cyclical model, hence the name the policy cycle. It pointed out that feedback processes (loops) between input and output influence each other, so that the policy process is perpetuated. Outputs from policy processes have an impact on society, which will result in inputs to a particular policy process (in the form of demands and support for a certain policy). Although this model might seem closer to reality, it is still an ideal type—since under real-world conditions policy is mostly not the result of a substantive evaluation of a problem and the taking into account of all available information. For the most part, policy processes do not have a clear-cut beginning and end. It is true instead that policies are constantly reformulated, implemented, evaluated, and adapted—but these steps do not follow each other chronologically, with them rather taking place all at the same time (Jann and Wegrich 2007: 44).

#### *1.4 Stage 1: Agenda Setting*

The first required condition for this initial stage is the recognition of a problem and of the necessity for state intervention. This means the problem is put on the government's public agenda—agenda setting. The number of potentially relevant policy problems is infinite (Jann and Wegrich 2007: 46), but most often government action is demanded when it comes to the provision of public goods that cannot be offered by private actors. However, even the decision about whether a problem should be addressed by public or by private actors requires a clear prior definition of the problem at hand (Birkland 2007: 71).

Actors both within and outside the government constantly try to influence the agenda by drawing the state's attention to several different policy problems. This means that by necessity not all political problems receive the same level of attention, and some do not receive any at all. This leads to the question of the mechanism of agenda setting. Key factors influencing agenda setting have been identified as: a plausible definition of a problem, and the creation of a particular policy image that attaches a certain political solution to a problem (Baumgartner and Jones 1993).

Howlett and Ramesh (2003) identify the following actors of agenda setting within the state: elected politicians, public servants, business actors and laborers, the public, think tanks and research organizations, political parties, the media, and interest groups. Social actors and interest groups can force the government to

place an issue on the agenda; interest groups can also have direct access to government agencies, and thus place a problem on the agenda without interference from the public (May 1991). The government can also place a particular problem on the agenda without consulting the public or non-state actors, and only afterward then mobilize support from the public (Jann and Wegrich 2007: 46). A final way of agenda setting is consolidation, when state actors mobilize an issue for which public support is already high (Howlett and Ramesh 2003: 141).

As in every stage of the policy process, rational decision making is assumed to be operating. Alternative decision making models focusing on political pressures and limitations of time, while knowledge and bureaucracy have also been advanced in order to explain how agenda setting is not always a rational process. One important element of such non-rational models is the inter-subjective nature of social experience, and its impact on the inception of issues and policy formulation. Rochefort and Cobb label the processes by which an issue (problem, opportunity, or trend) having been recognized as such and placed on the public policy agenda, is perceived by various interested parties, as problem definition. They are further explored, articulated, possibly quantified, and in some but not all cases, given an authoritative or at least provisionally acceptable definition in terms of its likely causes, components and consequences (Rochefort and Cobb 1993: 57).

Problem definition involves problem description, which of course turns out to be something very different depending on one's chosen point of view. The way of describing a problem also involves making statements about its causality (individual or impersonal causes, intended or accidental causes; Rochefort and Cobb 1993: 63 ff.).

Rogers and Dearing (1987) developed a model consisting of three different agendas: those of the media, the public, and of policy. They hold that these three agendas influence each other: while the media influence the public agenda, the public agenda in turn influences the policy one—which can have an impact on the media one. Another model is developed by Downs (1972): “the issue attention cycle.” In Stage 1, experts and policy makers are the only ones to be aware of the problem and public interest is low. During Stage 2 of alarmed discovery and euphoric enthusiasm, the issue is recognized as a problem. In Stage 3, policy makers and the public assess the costs and benefits of possible measures to counteract this problem. Stage 4 sees a waning of public interest in the issue. Finally, Stage 5 is a post-problem phase wherein the issue is now replaced by new ones in the public agenda. Governments are often confronted with forced choice situations where they cannot simply ignore public sentiment without risking the

subsequent loss of legitimacy or credibility. Whether a policy issue becomes a major topic on the agenda depends on a range of factors: the material conditions of the policy environment (the level of economic development); the flow and cycle of ideas and ideologies, which are important in evaluating problems and connecting them with solutions (policy proposals). The means of interaction of the different variables (actors, institutions, ideas, and material conditions) are highly dependent on the specific situation at hand (Jann and Wegrich 2007: 47).

Cobb and Elder (1972: 82) understand a policy issue as being the result of a conflict between a number of different groups over procedural matters relating to the distribution of positions or resources. In addition, both internal—for example natural catastrophes or technological progress—and external triggers—such as international conflicts—can contribute to the placing of an issue on the agenda. Cobb and Elder distinguish between a systemic agenda—which consists of all the issues that are perceived by members of the political community to be deserving of public attention—and an institutional one—that is, a list of the issues to now be addressed by the government. An issue has to first make it onto the systemic agenda before it can enter onto the institutional one (Cobb and Elder 1972: 86). Agenda building is the result of the dissemination of an issue from a concerned attention group to a wider public. This is more likely to be the case the more ambiguously an issue is defined, the more socially significant it is, the more long-term relevance it has, the more nontechnical it is, and the more it lacks a clear precedent (Cobb and Elder 1972: 88). A special issue within agenda setting is the status that a problem holds within a government agenda. It can be measured by the frequency of hearings convened on this topic in parliament or in cabinet meetings, by the duration of time for which this topic is debated, and by the numbers of committees and staff members newly introduced so as to address this specific issue (Birkland 2007: 75).

May (1991) develops a model of agenda setting by policy type, which consists of the dimensions of the degree of public involvement therein and who the initiator of the debate is. If initiated by societal actors and public involvement therein is high, we should speak of “outside initiation.” If public involvement is low, we should speak instead of “inside initiation.” If debate is initiated by the state and public involvement therein is high, we should speak of “consolidation”; if it is low, of “mobilization” (May 1991: 187–206).

### *1.5 Stage 2: Policy Formulation and Decision Making*

The second stage is the one of policy formulation and decision making. During this stage, expressed problems, proposals, and demands are transformed into

government programs. This includes the definition of the objectives to be achieved by this policy and the consideration of different alternatives. Most often, a clear-cut divide between formulation and decision making is impossible since policies are not always formalized into separate programs (Jann and Wegrich 2007: 48). Policy formulation involves identifying a range of possible approaches to a problem and then determining the specific sets of policy tools linked to each approach. These tools can consist of legislative or regulatory language (sanctions, grants, prohibitions, rights) and of the target group toward which these measures are directed.

Policy formulation requires the recognition of the existence of technical and political constraints on state action. These need not be based on facts; it is enough if important actors in the policy subsystem deem a policy to be unacceptable, thereby excluding it from further consideration in the policy process. Such constraints can be substantive or procedural: while the first belong to the nature of the problem itself (e.g. poverty or global warming), the second rather have to do with selecting an option and then implementing it (Howlett and Ramesh 2003: 145).

The stage of policy formulation is also a potential source of conflict, since it distributes resources and power between those with different social, economic, and political interests (Sidney 2007: 79). In order to explain different styles of policy formulation and decision making, research on this stage of the policy cycle has hitherto been particularly theory-oriented. Some approaches herein include organizational decision theories, pluralist and corporatist interest intermediation, public choice perspectives, and neoinstitutionalism (Parsons 1995: 134). Generally, research on policy formulation tries to understand the context in which the policy makers act and attempts to identify the selectivity in attention given. It assumes that there is a bounded rationality between the actors (Sidney 2007: 79).

In practice rational analysis has its limits, among which figure: the information overload that comes with the modern policy process; the use of analysis to reinforce and legitimate decisions that have already been made, instead of enabling decision makers to choose between options (*ad hoc* explanations); the political bias of analysis; the weak position of analysts in contrast to politicians and bureaucrats; and, the fact that analysis tends to be stronger on the diagnosis of problems and the formulation of policy than on how a policy should actually be implemented (Heineman et al. 1990: 62 ff.).

Mayntz and Scharpf (1975) argued that interdepartmental interaction usually follows the pattern of negative coordination—that is, there is a sequential participation of different departments after the initial policy has been drafted, rather

than positive attempts to actively coordinate policy making. These earlier studies highlighted the prevailing role of the ministerial bureaucracy and top civil servants in policy formulation, while in later ones it was recognized that governments and higher up civil servants are not separate from wider society when formulating policies. Instead, they continually interact with civil society actors and uphold stable patterns of relationships with them, through policy networks. Although the final decision on a particular policy remains with the government and the parliament, this outcome is preceded by an informal process of negotiated policy formation with ministerial departments and the various units within them, with organized interest groups, and with elected members of parliament as the main actors. The processes occurring in the preliminary stage of decision making shape the final outcome of a policy much more than debates within the government or parliament do (Jann and Wegrich 2007: 49).

Bulmer (1990) develops a typology on the different ways of using knowledge (information, advice, analysis, and research) within the decision-making process. The different types of knowledge can be formal or informal, and internal or external. Formal and internal knowledge includes departmental research/inquiry, internal think tank reports or input from internal experts. The important point here is that knowledge is generated within the government. Informal and internal knowledge includes informal discussions between decision makers, gossip, rumor, folklore, and the informal use of advisers. Here, knowledge is also generated within government but not via official channels. Informal and external knowledge includes discussions, consultations, reports, and informally shared information. In this case, the government is on the receiving end of knowledge and the active role is held by interest groups in society. Formal and external knowledge includes commissions, committees of inquiry, judicial reviews, reports from the legislature, commissioned research, and formal consultations.

In the 1970s and 1980s theories of pluralism in policy making (many competing interests without privileged access) were replaced by theories of corporatist policy making (a few privileged associations with strong interests, Schmitter and Lehbruch 1979) and by theories of policy networks (Heckle 1978; Marin and Mayntz 1991). Such networks are characterized by the non-hierarchical, horizontal relationships therein of actors and a high level of self-governance (Jann and Wegrich 2007: 49). The specific form of a policy network is influenced by the national political or administrative culture, the traditions of law, and the setting of constitutional law. Some scholarly attempts have been made to classify different structural patterns in state–society interactions. We distinguish between “iron triangles/sub-governments/policy communities” and “issue networks” created around a particular policy issue. Iron triangles typically

consist of state bureaucracies, parliamentary subcommittees, and organized interests who have shared policy objectives and ideas (Jann and Wegrich 2007: 50). The three points in the triangle are the central agency, the legislative committee, and the elite interest group, which develop symbiotic relationships with each other (Bevir 2010: 253). Issue networks, in contrast, consist of a larger number of actors with more varied backgrounds and more open boundaries (Jann and Wegrich 2007: 50). Because these terms describe processes that are not necessarily contained within the formal structure of government, they have given rise to the labels “governance” and “horizontal government.” Instead of focusing on formal institutional structures, they focus on relations of power, political action, conflict, and coalition building. Policy communities are neither markets nor hierarchies, but they nevertheless react to the increasing fragmentation and complexity of the policy environment in a pluralistic society—since any single center of authority would not be up to the task. As a result, policy making is fragmented into sectors and decision making is decentralized from a central authority to the narrow setting of policy communities (Miller and Demir 2007: 137).

Richardson (1982) established a pattern for policy formulation and decision making that consists of two dimensions: policy making can either anticipate problems or react to them, and it can search for consensus among all interested parties or impose decisions on society (1982: 13). Because the degree of organization of the policy communities will vary from one policy sector to another, a different style of policy making has to be adopted. For instance, policy making with a policy community organized as a loose network will involve more bargaining than it will with a well-organized community.

Until the 1970s scholars were interested in the policy planning and implementation processes of the state. Since then, however, the state as a central actor has lost more and more of its once strong and independent position and has had to face the claims of ever more powerful societal actors, which has made it now impossible to hierarchically implement policy positions—especially in complex policy fields (Raab and Kenis 2007: 190). A network is defined as a form of governance made up of a plurality of autonomous actors, as in a market, and as the capability to pursue autonomous goals through deliberately coordinated action, as in hierarchies (Mayntz 1993b; Raab and Kenis 2007: 191). For instance, networks are said to provide as much flexibility and creativity as a public sector would. Networks allow the actors within them to draw on their own expertise and knowledge base so as to react quickly to unexpected situations. Also the division of labor in networks is said to promote innovation, since each network actor can consequently concentrate on only a few specialized areas (Bevir 2010: 184). Policy communities have both a political and an administrative



function: they are political because they are instrumental in the process of extracting funds from the larger political system; they are administrative because they facilitate management tasks such as coordination, communication, and integration (Miller and Demir 2007: 145). Another approach within policy formulation research is that of policy design. It assumes that policies are specifically designed—including in terms of goals, target groups, an implementation structure, tools, rules, and assumptions. All these factors in policy making are influenced by a specific context, by institutions, and by ideas (Sidney 2007: 84).

### *1.6 Stage 3: Policy Implementation*

The next stage is policy implementation—that is, the execution or enforcement of a policy by the responsible institutions in the public sector. In the ideal case, implementation would include the following steps: How and by which agencies or organizations should the policy be implemented? How should the program be interpreted? How should resources such as budget or staff be allocated? How will decisions based on single cases be carried out? (Jann and Wegrich 2007: 52). In this stage, the policy initiatives and goals established during the policy formulation process are transformed into programs, procedures, and regulations. In order to be effective in this phase, policy makers need to undertake the collection and analysis of information. Data and analysis stemming from policy evaluation are used at this point in order to know which programs and policies work best (Rist 1995). Implementation studies belong to the intersection between public administration, organizational theory, public management research, and political science (Pützl and Treib 2007: 89).

In the 1970s and 1980s implementation research developed into the main field of policy cycle analysis. First it followed the so-called “top-down” approach, that is the hierarchical and chronological path by which a centrally formulated policy spreads out to the local agencies and how its application complies or not with the centrally formulated goals (Jann and Wegrich 2007; Mazmanian and Sabatier 1983; Pressman and Wildavsky 1973; Van Meter and Van Horn 1975). This also assumes a rational model of decision making (Pützl and Treib 2007: 91). A second generation of top-down approaches (Browne and Wildavsky 1984, 1987; Majone and Wildavsky 1978) understood implementation more as an evolutionary and learning process than as a simple linear application. These scholars assumed that implementers are both involved in policy making and in the carrying out of policy from above, so implementers already serve as a bridge to so-called “bottom-up” approaches (Parsons 1995: 465).

Since the mid-1970s this viewpoint has been substituted by that bottom-up approach, which brought the following new perspectives: it acknowledged the central role of implementation agencies in shaping the policy outcome, while policy was considered to be the outcome of the interaction between different actors and different programs. The increasingly recognized role of networks and interest groups also blurred the boundaries between implementation and policy formulation, and helped lead to the abandonment of a hierarchical understanding of implementation (Elmore 1980; Hjern and Porter 1981; Jann and Wegrich 2007: 52; Lipsky 1971, 1980). Bottom-up models stress the degree of discretion which street-level implementers have when applying the policy. These street-level implementers are mostly professionals such as teachers, doctors, and social workers, which can result in a skewed policy implementation—that is, one different to what was originally intended by policy makers. Some scholars who have written on discretion in public policy are: Davis (1969), Gouldner (1954), Hill (1969), Parsons (1995), and Simon (1945).

A third group are the hybrid studies that attempt to incorporate top-down and bottom-up as well as other theoretical approaches, such as in the works of Goggin et al. (1990), Mayntz (1977), or Scharpf (1978)—or the Advocacy Coalition Framework (ACF). The latter explains learning within a particular policy domain (Grin and Loeber 2007: 205) and measures policy change (Sabatier and Jenkins–Smith 1988, 1993, 1999). It was developed as an attempt to reconcile top-down and bottom-up approaches, and also to understand policy-oriented learning. It borrows its unit of analysis from the bottom. It follows the top-down approach in that it assumes that social, economic, and other factors external to the subsystem can affect it (Grin and Loeber 2007: 207). A policy subsystem is defined by its territorial boundaries, a topic, and by all policy participants from every level of government, from interest groups, from the media, and from research institutions (Weible and Sabatier 2007: 126). Within a policy subsystem, policy participants coordinate their behavior with allies within advocacy coalitions so as to influence policy (Weible and Sabatier 2007: 125). They by definition share a policy belief system (Grin and Loeber 2007: 207). The policy subsystems are set within and affected by a broader societal context, one which consists of stable parameters and external events. The stable parameters are: the basic attributes of the problem area; the basic distribution of natural resources; fundamental sociocultural values; and, the basic constitutional structure (Weible and Sabatier 2007: 125).

External changes that can lead to different outcomes are those in: society and economy; public opinion; the governing coalition of the system; and, policy decisions and the impacts of other systems (Sabatier and Jenkins–Smith 1993: 226). The ACF identifies three types of events leading to policy change: external

shocks; a hurting stalemate; and, the general accumulation of scientific evidence. External shocks are events taking place outside of a policy subsystem. They can lead to policy changes in two ways: They can, first, shift resources because of the renewed attention of the public or key decision makers. This adjusts power and can give the advantage to a different coalition with different policy beliefs, which can lead to a policy change. Alternatively, they can change the core policy belief(s) of a dominant advocacy coalition in the policy subsystem, thus leading to policy change. A second mechanism of policy change is through belief change, which takes place with the accumulation of new scientific knowledge (“policy-oriented learning”). In the third mechanism, hurting stalemate, all parties to the negotiations view a situation as unacceptable and agree on changing it beforehand (Weible and Sabatier 2007: 130). The policy programs that evolve out of the interactions of various advocacy coalitions reflect the way in which these seek to understand the world in order to further their policy objectives. This is called policy-oriented learning.

Learning is conceived as inducing long-lasting changes in the policy belief system (Grin and Loeber 2007: 208). Policy-oriented learning is defined as a process involving “relatively enduring alterations of thought or behavioral intentions that result from experience and which are concerned with the attainment or revision of the precepts of the belief system of individuals or collectivities such as advocacy coalitions” (Sabatier 1993: 42). The ACF provides several hypotheses on the behavior of actors in the subsystem. When core beliefs are in dispute, the arrangement of allies and opponents is rather stable over the course of about a decade. Actors within a policy coalition tend to show substantial consensus on issues pertaining to the policy core, but less so on secondary aspects. Before acknowledging weaknesses in the policy core, actors will rather give up secondary aspects of a belief system. The core of a government program is unlikely to be revised as long as the subsystem advocacy coalition that first established the program remains in power. Without any changes coming from external events, the core of a program is unlikely to be revised (Sabatier and Jenkins-Smith 1993: 27 ff.). This model is primarily focused on the elite rather than on street-level bureaucrats, and assumes that learning is something that mainly takes place within the system and its policy subsystems (Parsons 1995: 487).

For instance, Scharpf (1978) introduces the concept of policy networks to implementation research and gives more weight to coordination and collaboration processes among separate but mutually dependent actors (Pützl and Treib 2007: 96). Sabatier (1986) understands policy making and implementation as one process. His work with Mazmanian (1979) is one of the most elaborate top-down

models to date, and synthesizes six necessary and sufficient conditions for the effective implementation of policy objectives: these objectives should be clear and consistent so as to provide a standard for legal evaluation; the causal theory underlying the policy should be adequate; implementation structures should be assembled in such a way as to enhance the compliance of the implementers; implementers should be committed and skilful enough to use their discretion for the realization of policy objectives; the support of interest groups should be given; and, no changes in socioeconomic conditions should take place that might undermine the support of groups for this policy (Parsons 1995: 486).

Parsons (1995) discerns a further step between implementation and evaluation: that of policy delivery. While in the 1970s and 1980s this issue was neglected, it has now taken up a dominant position in public sector management. The fragmentation of actors, institutions and organizations, modes of enforcement, and values not only affects decision making but also delivery. The institutional and organizational setting of policy delivery comprises governmental forms (on the central, regional, and local levels) and the interaction of the public, private, voluntary, and community sectors (Parsons 1995: 492). The sectoral mix contains forms such as public–private partnerships or the involvement of the voluntary sector (Parsons 1995: 499). Dahl and Lindblom (1953) establish a list of alternative politico-economic instruments between which a government can choose for implementing a particular policy: public or private agencies; techniques of persuasion or compulsion; direct or indirect controls over expenditure; organizations with voluntary or compulsory membership; and, government agencies can be autonomous or directly responsible to legislators or members of the executive (Howlett 1991: 5 f.).

Linder and Peters (1989) offer an even more comprehensive approach. They argue that instruments vary according to eight criteria, which are: complexity of operation; level of public visibility; adaptability across users; level of intrusiveness; relative costliness; reliance on market; chances of failure; and, precision of targeting. When selecting or designing policies, governments have to take into account the following criteria: resource intensiveness, including administrative cost and operational simplicity; targeting, including precision and selectivity; political risk, including nature of support and opposition; public visibility and chances of failure; and, constraints on state activity, including difficulties with coercion and any ideological principles limiting government activity (Linder and Peters 1989: 47). Further, we can distinguish between different forms of enforcement. Hood (1986: 48 ff.) distinguishes between four modes of enforcement: In cases of noncompliance, a government can either set the rules aside or modify them in such a way as to induce compliance. A government may use publicity

and persuasion so as to induce compliance (campaigns). A government may also pursue and punish rule violators by legal and police action. Finally, a government may make it physically difficult or near impossible to break the rules. Two central aspects for Hood are how far enforcement should be carried out and by whom. This depends on what level of enforcement a government desires (for example 100 percent of compliance with rules). Who enforces the rules is the same question as who delivers a policy—be it private companies or street-level bureaucrats, the police, or the medical and legal professions.

Burch and Wood (1990) develop a similar framework of government incentives for changing behavior. This framework consists of positive indirect sanctions (behavior-inducing), informal controls (standards, conventions), negative direct sanctions (restrictions and modifying behavior), and formal controls (clear rules, legally binding measures). Which type of incentive is used depends on the form of government in place. Positive sanctions and informal controls are mainly used in pluralistic political regimes where enforcement takes place through bargaining. A combination of formal controls and positive sanctions belongs to a manipulative legalistic regime. Formal controls in combination with negative sanctions feature in authoritarian legalism. Finally, negative sanctions with informal controls are part of tyranny and autocracy. Positive sanctions and informal controls allow for a high level of discretion, while negative sanctions and formal controls for a low level thereof. Formal and negative systems tend to produce policies that do not take into account local needs, are likely to be highly unpopular, and that can only be carried out by force or directives. In contrast, informal controls with positive sanctions imply that the implementers are given broad powers, but at the cost that they do not meet the original policy objectives (Burch and Wood 1990: 184).

### *1.7 Stage 4: Policy Evaluation and Termination*

The final stage of the policy cycle is evaluation and termination or eventually, reformulation. However, research on evaluation has developed into an own part of public policy research and evaluation studies are adopted at every stage of the policy program. Of course, evaluation not only takes the form of scientific expertise but also that of government reports and parliamentary debates between the government and opposition. It is clear that the assessment of policy outputs and outcomes is biased according to the position and key interest(s) of a particular actor. Policy evaluation can assume any form falling between two poles: on the one side, formal techniques such as cost–benefit analyses or other means of quantification carried out by departmental civil servants; on the other,

public protests by affected groups—even if this is a post hoc and informal form of evaluation (Howlett and Ramesh 2003: 209).

Lincoln and Guba (1987) distinguish between four generations of evaluation: In the first period, coming in the aftermath of the First World War, evaluation was seen as a technical exercise in measurement. During the 1940s a second phase involving the description of the patterns, strengths, and weaknesses of stated objectives emerged. Next, in the 1960s and 1970s evaluation developed into a science wherein objective research and standards were used to measure the efficiency of policy programs. Finally, Lincoln and Guba argue that the current fourth generation bears responsive models of evaluation, which do not measure the outcomes from set objectives but the claims and concerns of different interest groups. Among the latter can figure agents (funders, implementers), beneficiaries (target groups), and the excluded (“victims”). In this sense, evaluation is a learning or teaching process and the task of the evaluator is to mediate and facilitate learning.

An obstacle for evaluation is the often vague original definition of policy objectives and aims. Governments have cause to define objectives and aims in such a way—that is, so that they avoid taking the blame in case of failure. Evaluations can lead to different forms of policy learning with alternate consequences for feedback mechanisms, and the possible restarting of the policy program. One result could be to reinforce policies with a positive outcome, another result the termination of an unsuccessful policy. In practice, policies tend to live on even when they are no longer useful (Pollitt 2003: 113; Geva–May 2004: 309). Bardach (1976) has identified the following reasons for this: policies are usually designed to last for a long period of time; policy termination leads to conflict, since its initiators might have to admit that the policy was unsuccessful; policy termination might affect other programs and interests; and, politics rather rewards innovation than “tidy housekeeping.” The analysis of the final stage of the policy cycle has shifted from an initial focus on evaluation to wider issues of policy change and inertia, and to the explanations for this (Jann and Wegrich 2007: 55).

A recent model put forward understands policy evaluation as policy learning. The latter is defined as a “deliberate attempt to adjust the goals or techniques of policy in the light of the consequences of past policy and new information so as to better attain the ultimate objects of governance” (Hall 1993: 278). Another proposed definition sees it less as a conscious activity and more as “a relatively enduring alteration in behavior that results from experience; usually this alteration is conceptualized as a change in response made in reaction to some perceived stimulus” (Hecló 1974: 306). This means in essence that Hall understands lear-

ning as a part of the policy process, while Hecló sees it as an activity undertaken in reaction to a changing environment (Howlett and Ramesh 2003: 221).

More frequently occurring than policy termination is policy succession, which lies at the intersection of innovation, maintenance, and termination. Hogwood and Peters (1983) distinguish between four types of succession: linear (the direct replacement of one policy by another); consolidation (repacking a number of policies into a unified arrangement); splitting (unpacking a policy into a number of separate component parts); and, nonlinear (a complex combination of other types of succession). Both succession and innovation are responses that involve a deliberate attempt having been made to bring about change, but succession is aimed at maintaining a larger degree of continuity in the means and ends of a policy and thus protects secures the corresponding goals or organizational arrangements (Parsons 1995: 572). In contrast, innovation involves the entry of government into a new activity and an intentional change (Hogwood 1992: 18). In its pure form innovation is rare, since new issues face the problem of acquiring enough support to even find themselves on the agenda in the first place.

Policy termination can involve several aspects of policy and organization, such as those identified by Hogwood and Gunn (1984): functional (the end of a service or responsibility, mostly the case for privatizations—for example when the government no longer provides railroad services); organizational (when policy makers abolish an organization, but this is rather unlikely—organizations are rather adapted to new tasks); policy (when policy makers abandon an existing approach and adopt a new strategy or a new definition of the original problem); and, program (when a single program is incorporated into a new policy). However, the perfect termination of a particular policy is as unlikely as the perfect implementation of it is. Hogwood and Gunn (1984) list, further, the following obstacles to termination: intellectual reluctance; lack of political incentive; institutional permanence; dynamic conservatism; anti-termination coalitions; legal obstacles; high start-up costs; adverse consequences; and, procrastination and refusal.

### *1.8 The Policy Cycle: How can it be applied to Religion Policy?*

After having broadly defined religion policy and given a short overview of the policy cycle, we are now equipped with the necessary tools to have a closer look at the issue of religion policy. Concerning religion policy, relevant actors within the government are the ministers of: Justice, Interior Affairs, Culture, Integration and Migration, and sometimes also Foreign Affairs. Relevant social actors and interest groups outside the government are the churches and religious communi-

ties themselves, integration networks, migrant organizations, private religious schools, other NGOs linked to churches and religious communities, the media, and political parties. Other involved actors are the lower levels of bureaucracy for issues such as city planning, protection of monuments, and school authorities. They can try to influence the government agenda by placing a question belonging to religion policy onto the agenda (agenda setting). In some cases, it is officially or unofficially known that one of these actors is particularly close to a certain department in government. Of course, the final outcome is likely to depend on how well the concerned interest groups can successfully negotiate their interests with the government and also how coordination within government takes place.

This also applies for the next step of policy formulation and decision making. In all three types of system of ecclesiastical law, the state grants certain resources to churches and religious communities. It is evident that this is the case in the state church and the cooperation models. But it is even also the case in the separation model, where the state grants indirect subventions to them—that is, the possibility to deduct donations made to churches and religious communities from taxes—and, increasingly, a certain symbolic recognition as the bearers of values as well. As a result, in religion policy the allocation of resources and distribution of power among social, economic, and political interests is also a significant issue. The bestowing of power over churches and religious communities to a certain authority within the public administration is largely restricted to two cases: either in times of change from one ecclesiastical law model to another (see, for example, Martino 2014a on the transition from the state church model to the cooperation model in Italy and Sweden) or when dealing with newer and less established religious communities, such as Muslim ones or African and East Asian migrant churches—which mostly have a legal personality in private law similar to associations. In this latter case, a dynamic and flexible allocation among public authorities in cooperation with policy networks is necessary (Liedhegener 2008: 92 ff. presents the example of German public policy toward female schoolteachers in the country wearing the Muslim headscarf, framed in terms of agenda setting, policy formulation, and policy evaluation).

The division between iron triangles and issue networks can also be applied to religion policy. The necessary constellation of state bureaucracies, parliamentary subcommittees, and organized interests for an iron triangle is more likely to appear for churches with a legal personality in public law and in the state church and cooperation models, where the number of organized interests (of churches and religious communities) is rather low. In contrast, issue networks will rather appear regarding newer and less established forms of churches and religious communities serving migrants, which appear in larger numbers and have a more



heterogeneous background. They will also likely be less well represented within the state bureaucracy, or at least within its upper levels—and thus they rely more on civil society and require more open forms of coordination. In both cases, we can only speak of policy formulation occurring if the organized religious interests are successful in placing their interests onto the government agenda. The government can also make one-off ad hoc decisions without also simultaneously formulating a long-term and coherent religion policy.

Concerning implementation vis-à-vis religion policy, the top-down approach seems rather unlikely to be applied—since, as we have seen, in this policy field it is rare for coherent policies to be formulated. Nevertheless, one-off ad hoc decisions within religion policy could potentially be implemented by a top-down approach. This will rather be the case in centralist and unitary states, since in federalist and decentralized ones the corresponding power is delegated to the regional level. In practice the bottom-up approach will likely appear more often, for example when religious communities deal with schools, city councils, or other municipal institutions when these cases cannot be decided at the local level—being instead transferred to a higher level within bureaucracy. Burch and Wood's (1990) classification of implementation tools (positive and negative sanctions, formal and informal controls) provides a useful framework to which the measures mentioned in the various chapters can be traced back.

What was noted for the stage of policy formulation also applies to that of policy evaluation and termination: a long-term and coherent implementation of this stage is rather likely to happen after the transition from one ecclesiastical law model to another, or when dealing with newer religious communities within the framework of integration policy. In theory, also a number of minor ad hoc decisions in religion policy—such as the abolition of religious education in public schools, removal of the crucifix from the classroom, and the introduction of a supplementary legal form of recognition for religious communities—could be evaluated together. In practice, this is not the case: at best, each of these measures is considered separately. Functional and organizational termination happen when at the end of a separation process of state and church the relevant units within government and public administration are abolished.

Since ecclesiastical law shows a high degree of inertia and citizens identify with it to a large extent (Helbling 2014)—or at least with those parts of it with which they come into daily contact—then policy termination is still more unlikely to happen there than it is in other policy fields. Instead, policy succession will probably more often occur.

### 1.9 Governance Approaches

Governance is defined as “a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed” (Rhodes 1996: 652). It is also the management of networks that consist of several interdependent actors and organizations exchanging resources for the purpose of achieving their own individual objectives (Rhodes 1996: 658). As Osborne and Gaebler (1992) put it: while government means to “row,” governance means to “steer” (the state). While rowing consists of the actual implementation of a policy and especially of the delivery of services, steering involves the laying out of a broad strategy for public policy—perhaps including therein policy goals (Bevir 2010: 180). The term governance is used with many different competing meanings: it either means the changes made within the state and the public sector by which the state abandons its hierarchical structure for developing and implementing public policy, or the shift from bureaucratic hierarchies to markets and networks (from the private and third sectors), or the rise of self-organizing policy networks (which means that the state has to concern itself less with direct action and more with the tasks of managing and steering networks). These networks typically are task-specific, with unlimited jurisdiction, and they operate both at the sub- and supranational levels (Pollitt and Bouckaert 2011: 22). Since governance links the political system to its environment, it has also introduced a stronger focus on policies into Political Science (Pierre and Peters 2000: 1).

Governance is a broader term than government because it refers to the diverse ways in which public services are delivered by any possible combination of public, private, and voluntary sector organizations. Governance approaches also often make reference to any international developments that have led to a decline in the power of the central state (Bevir 2010: 254). Governance refers to self-organizing, inter-organizational networks. It demonstrates the following characteristics: interdependence between organizations and shifting boundaries between the public, the private, and the third sectors; continuing interactions between network members, because of the need to exchange resources and to bargain over goals; game-like interactions rooted in trust and regulated by the rules of the game; and, a significant degree of autonomy from the state, including a lack of accountability to it and a high degree of self-organization. The state does not occupy a privileged sovereign position, but it can nevertheless still indirectly and imperfectly steer networks (Rhodes 1996: 660).

King (2007) and Palumbo (2010) distinguish between three types of governance: by government; with government; and, without government. The first type

describes a style of governing carried out by government structures through the new tools that have recently emerged—that is, the administrative agencies created in the 1980s and 1990s and the regulative institutions established as part of deregulation processes. Despite these forms of delegation, governance of this type remains under the control of the government. Governance with government refers to forms of political intervention where the government and its agents act together with nongovernmental agencies on an equal basis. Finally, we speak of governance without government when it is carried out entirely by societal agents and NGOs. This latter term has attracted the most attention and became synonymous with the overall term of governance (Palumbo 2010: xv). According to King (2007), though, governance without government ignores four key state governance functions: articulating a common set of priorities for society; having consistent and coordinated goals across a large range of policy sectors; steering, also by new instruments such as the private sector; and, accountability—a particular weakness for nongovernmental actors in the governance process (King 2007: 20).

Pierre and Peters (2000) offer an alternative distinction between the forms of governance possible: as hierarchies; as markets; as networks; and, as communities. The first type is conducted by and through vertically integrated state structures, which represent an ideal model of public bureaucracy. The state is separated from society and exercises governance over it by the rule of law and other forms of regulation (Pierre and Peters 2000: 15). The market is understood as a resource-allocating mechanism that is believed to empower citizens to choose between a range of services. This model is mostly perceived as efficient, as hierarchies are considered inefficient. Because of the individual's self-interest, governance as markets also refers to mechanisms in which economic actors cooperate to resolve shared problems without destroying basic market mechanisms (Pierre and Peters 2000: 19). Governance by policy networks can include public institutions and organized interests in a given policy sector. They can assume various forms, such as iron triangles or policy communities. With the transition from government to governance and the decreased reliance on formal legal powers, these networks have gained importance and influence. The last proposed model of governance argues that communities should resolve their common problems without any government interference (“governance without government”), because the state is thought to be too big and bureaucratic to deal with local issues (Pierre and Peters 2000: 21).

Many different definitions for governance networks have been developed: Geddes (2008) distinguishes between public–public, public–private, public–citizen, public–private–citizen, and private–citizen collaborations. Some of these are time limited and single issue, while others are long term and multidimen-

sional. This leads Davies (2011) to define a governance network as the variety of mechanisms available for engaging citizens in greater collaboration with states and market actors.

Two main narratives regarding the emergence of governance have been developed: while the first conceives governance as being an alternative to hierarchies and markets, the second views it as a form of neoliberalism by other means. According to the first narrative, governance is a set of innovations that came into existence spontaneously to solve the collective action problems created by neoliberal reforms and globalization. These two latter processes have led to institutional fragmentation and the crisis of the nation-state as a sovereign agent. Policy networks and public–private partnerships consequently arose as an attempt to deal with these developments (Palumbo 2010: xv). The spread of networks undermines the ability of the state to control and coordinate the implementation of its policies. This is why institutionalists argue that effective public policy now depends on establishing mechanisms for controlling and coordinating networks (Bevir 2010: 183). In contrast, according to the second narrative governance is a centrally managed and enforced project introduced for the purpose of carrying out controversial policies. Policy networks and public–private partnerships are new tools established by the government in order to support its policies. A proof of this is that they are seldom democratic or representative. This latter critical perspective has attracted a growing number of analysts working in the field of governance theory (Palumbo 2010: xv). In much of the literature, the concept of governance is presented as unable to transcend previous conflicts—such as public versus private or bureaucracy versus market. This means that it fails to address these conflicts (Pollitt and Bouckaert 2011: 21).

Governance processes lead to the same outcomes as those of the traditional institutions of government: while both are concerned with creating the conditions for ordered rule and collective action, the difference between them rather lies in the processes that they draw upon. Literature on governance agrees that this term means a style of governing in which the boundaries between the private and the public sectors have become blurred. Thus, governance involves many governing methods that do not incorporate the authority and sanctions of government (Stoker 1998: 17). From a governance point of view, government is only one of many differing institutions steering a free market society (Pollitt and Bouckaert 2011: 21). Stoker suggests the following aspects as important and relevant topics for further discussion: how governance refers to a set of institutions and actors that are drawn from but also beyond government; how governance identifies the blurring of boundaries and responsibilities for dealing with social and economic issues; how governance identifies the power dependence forming part of the

relationships between institutions involved in collective action; how governance is about autonomous, self-governing networks of actors; and, how governance recognizes the capacity to get things done, something which does not rest on the power of the government to command or use its authority. Instead, it sees governments as able to use new tools and techniques to steer and guide (Stoker 1998: 18).

Of course, each of these propositions has also its negative side. It is especially the complex reality of decision making associated with governance and the normative codes used to explain and justify government which diverge. The blurring of responsibilities can lead to blame avoidance or to scapegoating. Power dependence exacerbates the problem of unintended consequences for the government. The emergence of self-governing networks raises difficulties over accountability. Even where governments do steer collective action in a flexible way, governance failure may still occur (Stoker 1998: 19).

The term governance can help to focus on how the public sector can, alone or together with private actors, provide guidance to society and economy. It has to do with the collective choices that cannot adequately be addressed by private actors and where individual self-interest is likely to generate collective damage. Governance also includes some kind of accountability, since the actors involved in it must somehow be accountable for their choices. Governance—in order to be effective—is better enabled by the involvement of the state, so that some former governance approaches that tried to exclude it are wrong. Governments have the monopoly on both the legitimization of force and on rules and procedures for decision making, in contrast to networks—which first have to negotiate about these. Although this style of decision making seems to be democratic, it is slow and rather results in poor decisions being made (Peters 2011: 64). Peters distinguishes the following stages within the process of governance: goal selection, meaning knowledge about the goals that will be reached by a policy; goal reconciliation and coordination, namely the juggling of the different goals that different government actors might have; implementation, referring to the application of Stages 1 and 2 of the policy cycle (this step is most likely to be performed by state actors, but it can also be assisted by ones from civil society); and, feedback and accountability, denoting that individuals and institutions involved in governance have to learn from their actions—both in order to improve the quality of the decisions being made and to ensure democratic accountability (Peters 2011: 65). While governments are still regularly made responsible for any policy failures, they now have ever less control over many of the factors that produced the problems in the first place (Bovens et al. 2001: 12).

While some theories focus on learning as a transfer from one policy area to another, other ones focus on learning and policy change within one particular domain (Grin and Loeber 2007: 202). Theories on policy transfer such as Dolowitz (1997) or Dolowitz and Marsh (1996) understand this concept to be a process in which knowledge about policies, administrative arrangements, and institutions from one period in time are used in the development of policies, administrative arrangements, and institutions in another era and policy area. Knowledge transfer is treated as a dependent variable, and as the result of strategic decisions made by actors inside and outside the government. Special attention is paid to policy entrepreneurs, international organizations, and think tanks, because what is perceived to be “best practice” elsewhere is likely to also become that in one’s own country (Grin and Loeber 2007: 203). Dolowitz and Marsh (2000) also distinguish between a voluntary transfer of knowledge (driven by dissatisfaction with current policy), a direct coercive transfer of knowledge (arising from obligations imposed by international treaties or organizations), and an indirect transfer of knowledge (caused by externalities resultant from interdependence, such as membership in regional organizations). However, contrary to an opinion held by most in the early literature, learning does not imply an increasing rationality in policy making—it is rather the case that policy transfer will privilege the lessons that are consistent with the fundamental assumptions underlying current policies (Grin and Loeber 2007: 204).

### *1.10 Governance Approaches: How can they be applied to Religion Policy?*

Governance approaches can be relevant in several ways when it comes to explaining religion policy. First, they can help to understand the role played by nongovernmental actors in producing policy outcomes. The governance perspective enables the researcher to compare what a policy would look like if it was implemented exclusively by the central government, and what it looks like in practice having been influenced by society. The degree of variation will depend on the country, the policy field, and the issue at hand (Pierre and Peters 2000: 30).

Second, governance explains privatization or delegation from public authorities to networks in society. Such processes also exist in religion policy, such as the transition from the state church to the cooperation model (Bäckström et al. 2004). If we wanted to take this analogy further, a cooperation model would then count as a public–private partnership and a separation one as complete privatization. However, the difference between a privatization of railroads or postal services and a privatization of religion is that in the former cases a state activity is transferred to the market, while in the latter it is transferred to civil society. So, it

would rather be appropriate to compare such a process to the outsourcing of other non-profit-making activities, such as cultural policy or the steering of medical, healthcare, and welfare associations. In their pure form, governance approaches would predict the substitution of a hierarchically structured state church by one with the legal status of an NGO—organized in the form of a loose network that the state is allowed to inspect and prescribe significant goals to. Since this has in reality only rarely been the case, the easiest conclusion to reach would be that governance approaches must also be applicable to other forms of steering. For instance, we can think of separation models in which hierarchically structured churches exist, to which the state may prescribe significant goals such as the provision of values—as stated in the often-reported quote by the former German constitutional law judge Ernst Böckenförde. Another example would be cooperation models in which the churches are allowed to run their own welfare, childcare, and education services, which exist alongside their public equivalents.

### *1.11 Research Question and Structure of this Volume*

These preliminary overviews of the policy cycle and of governance approaches lead us to formulate two alternative hypotheses, ones that will be addressed by the various chapters on different country cases:

- The policy cycle literature would suggest that religion policy is the outcome of public policy formulated in opposition to market and civil society actors (Hypothesis 1).
- The governance literature—regarding the strand of governance without government—would suggest that religion policy is the outcome of the collective interests advanced by policy networks and communities (Hypothesis 2).

It is reasonable to limit Hypothesis 2 to governance without government—that is, governance by networks and by communities—since governance by hierarchies does not seem to differ much from government-centered public policy approaches; governance by markets, meanwhile, can be excluded right from the outset due to the nature of the research, given that most churches and religious communities in Europe do not follow a profit-making logic.

The next paragraphs give an overview of the distribution of competences for religion policy in the countries examined in this volume, in order to assist the reader in keeping track. Not all chapters provide this information, since they set different focuses for their research questions and come from disciplines such as Islamic Studies, History, and Sociology of Religion rather than from Political Science.

When comparing the distribution of competences for religion policy across countries, one has to apply certain caveats. To a certain extent, in all countries general and long-term decisions are taken at the level of the national government and implemented at the lowest and local levels of public administration; furthermore, parliament has the power to change legislation over churches and religious communities in both simple and constitutional law. The variation lies in the different emphases given, and this can be observed in several dimensions. First, the main level of decision making can lie at the national, regional, or local level. Second, it can be a sectoral variation and be attributed to different ministries. Third, it can be distributed in different ways between elected politicians and appointed civil servants. Fourth, different degrees of the “outsourcing” of competence from the state (government and bureaucracy) to civil society (churches and religious communities) can be observed: for instance if churches and religious communities are involved in law making on their own behalf by being involved in a procedure of contracting bilateral agreements with the state, this can be classified as outsourcing. These different competence distributions can be explained by the general organization of the politico-administrative systems: unitary or federal states; centralized or decentralized states; or, senior civil servants holding the status of an independent powers or trustees of elected politicians. Management reforms in highly decentralized states (both unitary and federal ones) tend to be less broad in scope and less uniform in practice than they are in centralized ones (Pollitt and Bouckaert 2011: 51).

Germany is a federal state with a fairly politicized public service (Pollitt and Bouckaert 2011: 50). Both legislative and administrative competences fall mainly to the *Länder* (art. 70, 83 Basic Law), who nevertheless have to comply with the framework set by federal law on the constitutional level (Muckel 2006: 282). A whole subdivision within the Federal Ministry of the Interior, the main actor at the national level, is dedicated to the *Deutsche Islamkonferenz* (German Islam Conference), while competence for churches and religious communities in general falls to one single department in the same ministry (Bundesministerium des Innern 2014). Each *Land* decides itself to which ministry it assigns responsibility for churches and religious communities, mostly doing so to the regional Prime Minister’s Office (as in Lower Saxonia) or to the Ministry of Culture and Higher Education (as in Bavaria). Within domestic society, the Catholic Church and the Evangelical Church in Germany are the biggest players. They hold a legal personality of public law. The Catholic Church in Germany is led by the German Bishops’ Conference, whose president is the highest representative of German Catholicism (Kaufmann 1988: 116). Besides the Catholic hierarchy, several Catholic laymen organizations exist. On the national level, they are represented



by the *Zentralkomitee der deutschen Katholiken* (Central Committee of German Catholics). The Evangelical Church in Germany has a federal structure whose most important part is the *Landeskirche* (regional church). Within the Evangelical Church, the Lutheran, the Reformed, and the United regional churches run their own associations. The president of the Evangelical Church's Council is the central representative of German Protestantism (Kaufmann 1988: 119). The two churches' welfare associations—the Catholic *Caritas* and the Protestant *Diakonie*—are important players in this sector. Both churches are represented to the government: the Catholic Church via the *Katholisches Büro* (Catholic Office) and the Evangelical Church via the *Bevollmächtigter des Rates der EKD* (The Council's Special Representative), who is also responsible for EU-level representation. In addition, the Holy See maintains diplomatic relationships with the German state by sending an Apostolic Nuncio. The two churches also exercise influence via their reserved seats in the supervisory board of the public broadcasting channels. A particular role is reserved for the theological faculties at public universities, over which the churches have a significant influence, and to the Catholic and Protestant Academies—which offer a broad range of seminaries on theological and current questions to an interested audience (Kaufmann 1988: 123).

Sweden is a decentralized and unitary state with an increasingly politicized public service and a corporative administrative culture (Pollitt and Bouckaert 2011: 51). Responsibility for churches and religious communities mainly lies at the central level of public administration: the authority *Nämnden för Statligt Stöd till Trossamfund* (SST), which is subordinated to the Ministry of Culture, distributes subventions to the churches and religious communities and prevents the fraudulent use of the privileges that are granted to registered religious communities. It thus possesses a strong control function, which it shares with another public authority, the *kammarkollegiet*, which is responsible for registering religious communities. Like for other associations in private law, the Supreme Court exercises a certain control over the country's churches and religious communities. At the level of the national government, responsibility for churches and religious communities mainly lies within the Ministry of Culture. Its Department for Cultural Heritage presides over: subventions to the churches and religious communities via the SST; protection of monuments and for cultural goods in the Church of Sweden's possession; the operation of cemeteries; and, the administration of funds allocated for the clergy's salaries. The operation of cemeteries and protection of monuments are the only two areas where the Church of Sweden is still subordinated to public law, which means that the city councils and the lower authorities for protection of monuments also exercise control over

the Church in these areas (law SFS 1988: 950). Minor competences fall to the Ministry of Education concerning higher education in theology, religious education in public schools, and the recognition of private schools, to the Ministry of Foreign Affairs for the Church of Sweden's mission and development aid, and to the Ministry of Defense for military chaplaincy (Martino 2014a: 311). All churches and religious communities have a legal personality in private law. This is independent of whether they have the legal status of private associations, of the registered religious community, or whether they receive subventions by the SST (law SFS 1998: 1591 for the Church of Sweden and SFS 1998: 1593 for the other churches and religious communities, Martino 2014a: 282). Two special dispositions for the Church of Sweden are in force, which stem from its past role as the state church: the Church of Sweden's parish and diocesan councils and its national synod are staffed by representatives of political parties. This means that political forces from society (parties) hold competence for another actor from society (the church), although this system was established at a time when the church was a part of public administration. Finally, the King has the right to appoint a court chaplain. This means that, formally speaking, he counts as a representative of the Church of Sweden to an institution of the Swedish state—even if the purpose of his appointment is a different one, and cannot be compared to that of the German Special Representative of the Evangelical Church.

Switzerland is a decentralized and federal state with a moderately politicized public service (Pollitt and Bouckaert 2011: 50). Competence for churches and religious communities lies at the cantonal level (art. 72 para. 1 Swiss Constitution). At the federal level, art. 15 prescribes freedom of religion and of conscience, and art. 72 para. 2 allows the federal level to take the necessary measures for keeping the peace between the different churches and religious communities. The cantons have the competence to recognize certain churches and religious communities as corporate bodies of public law. All other churches and religious communities have a legal status in private law, existing either as associations or as foundations. Religious communities of public law enjoy the right to hold their own internal elections and to levy church taxes. The canton gives them some assistance in distributing and administering tax revenues (Schmid and Das Schmid 2014: 73); in the case of the Canton of Zurich, the *Finanzdirektion* (Direction of Finance). In order to be eligible for recognition as a corporate body of public law, a church or religious community has to adopt an organizational structure compliant with the principles of direct democracy guaranteed in the constitution, even if this contradicts its own ecclesiology. This grants the canton a strong control function over the church (Schmid and Das Schmid 2014: 73).

France is a unitary and formerly centralized state with a fairly politicized public service (Pollitt and Bouckaert 2011: 50). The main competence for registering *associations cultuelles* (associations for religious service) lies at a lower and decentralized level of bureaucracy, namely the *préfecture* (prefecture) of every *département*. The Ministries of the Interior and of the Economy establish the legal framework for indirect subventions and other kinds of support for these associations. The separation law of December 9, 1905 (last updated on May 19, 2011) established the legal status of *associations cultuelles* in private law. The *Conseil d'État* (Council of State, France's Supreme Administrative Court) is entitled to solve conflicts between associations. A further control can be exercised by the *Cour des Comptes* (Audit Court), where all associations entitled to receive donations must be registered. The Ministry of Culture and Communication is responsible for protection of monuments concerning the country's 87 cathedrals. Within society, the Catholic Church is represented by the French Bishops' Conference. There is no body charged with maintaining relations between the Catholic Church and the government, the parliament, or the presidency. Relationships between the Holy See and the French state are upheld by an Apostolic Nuncio. However, the Jewish communities are represented on the political level by the *Conseil Représentatif des Institutions Juives de France* (Representative Council of Jewish Institutions in France). Churches and religious communities may run denominational private schools. The Minister of Health appoints a *Comité Consultatif National d'Éthique* (National Ethics Advisory Committee for the Life Sciences and Health), which consists of Catholic, Jewish, and Muslim, and Protestant representatives (Ministère des Affaires Étrangères et Européennes 2008).

Italy is a unitary and increasingly decentralized state with a politicized public service (Pollitt and Bouckaert 2011: 50). Competence for the churches and religious communities lies at the level of the national government. It is divided between the Prime Minister's Office and the Ministry of the Interior (law no. 400/1988). While the Prime Minister is responsible for long-term policy formulation in drafting laws and bilateral agreements with churches and religious communities, the Minister of the Interior supervises their implementation by administrative law (law no. 300/1999, Presidenza del Consiglio dei Ministri 2000: 16). The Prime Minister's Office has several committees holding responsibility for religious questions, such as the Interministerial Committee for Bilateral Agreements and the Consultation Committee for Freedom of Religion. Within the Ministry of the Interior, the General Directorate for Cultural Affairs within the Division for Civil Liberties and Immigration is responsible for churches and religious communities. The General Directorate includes the divisions for: policy

toward denominations and exterior relations; Catholic questions; questions relating to other denominations; and, legal questions of religious corporate bodies (Scandura 1992: 34). It supervises the implementation of constitutional and simple law, recognizes corporate bodies driven by the churches and religious communities, confirms the appointment of clergy in the religious communities underlying law no. 1159/1929, and administers the fund for religious buildings (Finocchiaro 2007: 93). Other involved ministries are: the Ministry of Justice (concerning prison ministry); the Ministry of Defense (for military chaplaincy); and, the Ministry of Education (for religious education and the recognition of denominational private schools). The Ministry of Employment determines the clergy's status as employees and the Ministry of Economy and Finance collects and distributes the church tax. Relationships between the Holy See and the Italian state are upheld by an Apostolic Nuncio (Martino 2014a: 131). Within society, the Catholic Church is represented by the Italian Bishops Conference. Although the Catholic Church no longer enjoys a privileged position in formal law since the state treaty of February 18, 1984, it can still exercise a large degree of influence in society via almost all political parties, the media, and several organized interest groups. An exception is the education sector, where the Catholic Church is also granted a privileged position by formal law—it is entitled to provide denominational religious education (RE) in all public schools (art. 9 para. 2 State Treaty). Besides this, it also runs a large number of private schools and universities nationwide (Martino 2014a: 117).

Greece is a unitary and centralized state with a highly politicized public service (Pollitt and Bouckaert 2011: 50). The state is granted the right to supervise the Orthodox Church's self-administration (art. 26 para. 1 of law no. 590/1977). This mostly happens in the following cases: when a decision made by the church requires the implementation of the corresponding law by the state (e.g. when a bishop is appointed archbishop by presidential decree); when representatives of the state have to be present in the church's organs of self-administration (e.g. in the Bishops Council a judge and a tax collector have to be present); and, when administrative courts are entitled to act on behalf of church bodies. In addition, the Council of State (the highest administrative court) can revise every legal decree made by church authorities, except those concerning only spiritual matters (Papastathis 2005: 127). Apart from the administrative courts, the main competence for churches and religious communities lies within the Ministry of Education—which is entitled to implement religion policy. Its General Secretariat for Culture (founded by Presidential Decree no. 417/1987) is divided into the divisions for Church Administration, for Theological Training and RE, and for Adherents to Other Religions (Molotokos–Liederman 2003: 2). The Division for

Church Administration recognizes the appointment of Orthodox bishops in Greece and of religious foundations; it also supervises and administers church possessions and its real estate. It additionally supervises the implementation of legislation on: monasteries (apart from Mount Athos); parishes and their employees; and; questions of expropriation of church property and of new church buildings. The Division for Theological Training and Religious Education appoints staff at theological seminaries and in *Apostoliki Diakonia*. It also founds and supervises theological seminaries, including their curriculums and examinations. The Division for Adherents to Other Religions deals with proselytism, the foundation and direction of places of worship, and the foundations of other Christian denominations. A special division within it is dedicated to non-Christian religions; it also appoints rabbis and muftis in Western Thrace (Papastathis 2001). Apart from the Ministry of Education, the Ministry of Foreign Affairs holds a large degree of responsibility for religious affairs, perhaps the largest in the world. Its Department for Church Affairs is split into three divisions, the first being the Division for Patriarchates and Autocephalous Churches. It rules over the relationships between Greece and: the Ecumenical Patriarchate (the center of all Orthodox churches); the World Council of Churches; and, non-Orthodox churches. The second division is responsible for Mount Athos and foreign religions in Greece; the third deals with Greeks living abroad, their theological seminaries, and their relationships to the Orthodox Church in Greece (Papastathis 2001).

Rather than giving systematic overviews of the distribution of competences for religion policy, the chapters in this volume illustrate specific case studies, examples, and developments from religion policy in these six countries. The two chapters dealing with Germany open the volume, the first by Dirk Schuster illustrating the understanding of religion policy pursued by the Nazi government. Contrary to the commonly held assumption today that National Socialism was atheist and pagan, this chapter comes to the conclusion that this was not actually the case: the Nazi government did not in fact have any consistent and coherent religion policy, but its members acted instead out of their own strategic considerations. At first glance, the topic of this chapter might seem not to fit in with the research question and with the other chapters. It was included so as to show the scope that a nondemocratic government can have in matters of religion policy, so that the following chapters covering different types of democracies might stand out from it more clearly.

The next chapter, by Ufuk Olgun, closes the circle to the present day by asking whether Islam belongs to Germany. It gives an overview of the development of current German ecclesiastical law and the interests lying behind the

establishment of the current system in the immediate aftermath of the Second World War. The Konrad Adenauer government aimed at continuity by including art. 136–140 of the Weimar Constitution into the new constitution, known as the Basic Law. But this government also depended on the Catholic Church and the Evangelical Church in Germany, and relied on their assistance for reasons of deep-rooted ideologies. The growing presence of an ever more diverse Muslim landscape today raises the question of how Muslims communities—and moreover which Muslim communities—should be granted the same rights as the two large churches are.

The chapter by Florian Schmid and Indrani Das Schmid depicts the legal status of the Catholic Church in Swiss ecclesiastical law. After a brief historical overview of Switzerland’s confessional wars, which led to its current arrangement in ecclesiastical law, it explains the distribution of powers in a highly federalist country and a consensus democracy. The canton is the main legislator for religious law, which has had the effect that even a highly institutionalized church with a supranational structure like the Catholic Church has had to adapt to the Swiss Federal Constitution and to introduce bodies such as the Synodal Council—organs which are unknown in other national branches of the Catholic Church.

The next chapter, by Maria Grazia Martino, asks whether a typical pattern can be observed for religion policy after the transition from the state church model to the cooperation one. To control for the influence of denomination, it chooses examples of former state churches from each one of the Christian denominations: Greece for Orthodoxy, Italy for Catholicism, and Sweden for Protestantism. It shows that the ecclesiastical law model has limited explanatory value, since formal ecclesiastical law and its implementation can diverge and given that ecclesiastical law is primed to a large extent by national traditions and developments.

The chapter by Anders Sjöborg investigates how the Swedish state uses the subject of RE in public schools to create cohesion in an ever more multireligious society. He compares official documents on the orientation of RE with the opinions held by students from different religious backgrounds. As a result, he finds that a difference in attitudes exists between those that are held by students considering themselves as religious and those of individuals who do not see themselves as such. Concerning official documents, it shows that the Swedish state continues to construct itself as secular and “the other”—that is, former times or faraway countries—as religious.

Sümeyye Ulu-Sametoğlu presents information on the religious background, organizational structure, and activities of the *Hizmet* or Gülen movement in France and Germany. Originally a small religious group inspired by the teachings

of Fethullah Gülen that diffused across Europe by the handing out of audio cassettes, today it has developed into a wide network that is present in a number of different countries. It works both on a transnational level, since it links volunteers and staff from several different countries, and at a local level, since it has a decentralized structure and varies its activities according to local needs. It has been successful in providing an attractive range of activities to young, second-generation Turks looking for a way to reconcile their transnational outlook, urban lifestyle, and professional ambitions within their faith. At the same time, the movement is beginning to establish itself as a contact partner within Islam for government representatives.

A common feature of all case studies—even also of the first, despite its historical focus—is a legal system that was designed to accommodate one or two major Christian churches. This contrasts with a more diverse religious landscape made up of several not very institutionalized and small religious communities, each with very different needs and self-understandings. This applies to different aspects of the legal regulation of churches and religious communities, such as their legal status as bodies in private or public law or their notions about what the subject of RE at school should be.

By choosing a range of European countries with different types of democracy, state organization, distributions of religions and denominations, degrees of secularization and religious practice, and, last but not least, histories as arrival countries for immigrants with a different religious background to that of the majority state religion(s), we hope to have contributed to the capturing of something of the situation that institutionalized religions in Europe currently find themselves in.

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## 2 Nazi Germany and Religion—Some Thoughts on the Legal Framework Set by Religion Policy in a Polycratic Government System

*Dirk Schuster*

**Abstract** This chapter addresses the question of which goals were pursued by the Third Reich, and more precisely by its government and party functionaries, concerning institutionalized religion. It questions the interpretation developed in the early postwar period and primed by Theology that the Nazis strove for the destruction of institutionalized religion and the forced secularization. If one can even make out at all a central theme in Nazi religion policy, it would be pragmatism: In the initial phase, Adolf Hitler imposed secularism on high party functionaries in order to curtail loyalty to any other authority than the Nazi party. Several times, decisions in religion policy were also taken for the purpose of upholding Germany's reputation abroad. After National Socialism had been consolidated by the mid-1930s, Hitler lost interest in religion policy and left it to Reich Church Minister Hanns Kerrl, to Chancellor of the Nazi party Martin Bormann, to the Nazi party's Representative for Ideological Training Alfred Rosenberg, and later to the director of the Reich Security Main Office Reinhard Heydrich. These functionaries negotiated each decision in religion policy anew, both concerning the orientation of the two large churches (which experienced developments toward Neopaganism or German Christians within their rows) and smaller religious communities such as Jehovah's Witnesses and the Church of Jesus Christ of Latter Day Saints. Mostly, the involved actors, public authorities, and party departments acted autonomously and on their own behalf when it came to political or administrative imperatives and institutionalized religions. However, since a clear list of responsibilities was never established and the security police, party offices, and other interest groups could always assert their own beliefs in religion policy, the result was a constant process of negotiation occurring.

## 2.1 *Introduction*

In the early postwar period, historical research on the role of religion in Nazi Germany was mainly primed by Theology, and especially by Protestant Theology. It portrayed Nazi Germany as having allegedly planned to destroy the churches and Christianity. Even evidence proven to contradict such a theory was interpreted in this way in order to attribute a victim status and an alleged threat of destruction by National Socialism to Christianity (Nowak 2007: 215). It was only at the beginning of the 1990s, once Theology had lost ground as a basis for Church Historiography, that research adopted a more nuanced impression of the relationship between institutionalized religion and National Socialism (Gailus 2011). Nevertheless, the image of an anti-Christian National Socialism still prevails when it comes to assessing the behavior of individual religious actors or institutions during the Third Reich (for some examples, see Deines 2007: 102 f.; Liedtke 2012: 25, 186, 189, 191; Strohm 2011: 74).

Taking into account newer research, I will elaborate on the goals that were pursued by government and party representatives in the Third Reich concerning institutionalized religion or religious communities. If Nowak declares the “theory of destruction” developed over decades not to hold true and labels the heterogeneous behavior of the Nazi party and state as a development of “office Darwinism and a duality of public authorities and party offices” (2007: 215), then we can depart from this assessment and ask whether we are even able to talk of a specific Nazi religion policy having been pursued by the Nazi state. As a preliminary requirement for this, we first have to clarify what stance National Socialism—which does not necessarily mean the Nazi state—assumed toward religion.

## 2.2 *The Separation of Party and Religion*

During the Weimar Republic, the secularization process that had already begun in imperial Germany further intensified. By secularization, we mean “the regression of religious ties and privatization of religious practice” (Wohlrab–Sahr and Burchardt 2011: 61). This development did not necessarily mean the large-scale leaving of the church, since at least formally, more than 90 percent of the German population were still members of one of the two large churches during the Weimar Republic. As one can see from the official statistics on religion from 1939, this would not change during the years of National Socialism (Junginger 2011). If anything we can speak of a religious awakening and pluralization in German society for the first years of the Nazi regime, so that the application of the term “secularization” is actually difficult to justify (cf. Gailus 2007). The still common

description of the Nazi era as a period of forced secularization can rather be traced back to the Church Historiography of the early postwar period, which was primed by Theology. The loss of political power of the Protestant *Landeskirchen* during the Weimar Republic and the Third Reich was used by literature on Nazi religion policy written in the postwar period as a kind of combative term. It designated the loss of political participation by the churches, something imposed by the Nazi state. However, secularization is a term by which “the religious system”—in this case, the two large churches—“define[s] the aggregate condition of its societal environment” (Luhmann 1982: 227). This means that the term secularization becomes useless for referring to the position taken by the Nazi party and state, since it designates a development in society instead of singular political actions.

By contrast, the term secularism is better adapted to designate the nature of the relationship between National Socialism and religion. Wohlrab–Sahr and Burchardt suggest using this term in order to refer to:

“The ideological policy objectives, that is, the explicit ideology of separation [of policy and religion, translator’s note], to movements and measures derived from it,” (Wohlrab–Sahr and Burchardt 2011: 61, editor’s translation).

Since Hitler (1889–1945) understood the Nazi party and state to be the exclusive representatives of the *Volksführung* (*Volk* leadership), he esteemed such an institutional separation of policy and religion to be something of central importance. Institutionalized religion, and above all the two large churches, continually vied with the Nazi party and state for societal control over the German *Volk* (Buchheim 1953: 82 f.). This meant that in order for the Nazi regime to reign supreme the churches had to have their political influence curbed, also within the Nazi party (Siegele–Wenschkewitz 1974: 202–207).

Both Hitler’s behavior during the first years of the Nazi dictatorship and that of Bormann (1900–1945), the Chancellor of the Nazi party, during the regime’s later years have to be interpreted against this background. Hitler forbade the Protestant *Landeskirchen* from exercising any influence on party and state. At the same time, he oversaw the withdrawal of leading party functionaries from positions within the church. Banning the *Landeskirchen* from exercising any influence can be explained by the fact that the regime’s power was not yet consolidated, both concerning domestic affairs and international relations. Hitler and Reich Minister of Interior Affairs Wilhelm Frick (1877–1946) thus instructed both party and state not to intervene in the power struggle that had broken out in the Protestant church at the end of 1933. Another consequence to be avoided was the partisanship of the different factions within the Protestant church regarding

the use of state or party offices for their own ends (Denzler and Fabricius 1995: 55).

Apart from neutrality in the church struggle within the Protestant church, denominational conflicts within the Nazi party—and above all between Catholic and Protestant party functionaries—had to be avoided by the enforced retreating of party members from church positions. This measure was undertaken with the goal of preventing a possible undermining of party unity due to reasons of difference in one's denomination or church policy. Thus, Bormann's classified circular letter from 1941—in which he demanded the elimination of church influence on the *Volk* leadership—was an attempt to roll back church influence within the party. However, on the senior party levels this policy was only implemented to a rudimentary degree right up until the fall of the regime (Nolzen 2011).

The secularism pursued by Hitler was mainly aimed at eliminating all church influence on the Nazi party and state, and thus on the *Volk* leadership. On the other hand, party and state functionaries had to refrain from bias toward a certain denomination or religious organization. The religious doctrine of the church concerned was irrelevant for Hitler. The only important element, one that determined his entire thinking, was the greater power and control that could be gained for the Nazi party and state (Buchheim 1953: 80; Piper 2012: 167–178). It was the propagandized *Volksgemeinschaft* (*Volk* community) that should be implemented, in order to overcome all class boundaries and to establish the *Volk's* unity. The initial purpose of such an understanding was not social integration; rather it was meant to facilitate the exclusion of “the other” (Bajohr and Wildt 2009: 9)—in practice this denoted *fremdrassig* Germans (Germans of other races), such as Jews or those people who were defined as Jewish by the Nazi state. As a consequence, the central idea of the Nazi *Volk* community was expressed by anti-Semitism:

“Since the project of making Germany and Europe “free of Jews” was both a policy goal and a measure in order to establish the *Volk* community by racist exclusion,” (Wildt 2008: 15, editor's translation).

For this reason, the Nazi state's policy toward Jews has to be excluded from this particular analysis as, from a Nazi perspective, the latter did not constitute a religious community but rather an independent race.

Hitler showed little interest in religion policy and did not take any measures in this policy field after the regime's consolidation period ended in the mid-1930s. He preferred to focus instead on the rearmament of the German Wehrmacht and on his expansion policy, in order to conquer more *Lebensraum* for the German *Volk*.



### 2.3 *National Socialism as a Polycratic Government System*

In accordance with these priorities, any measures that the Third Reich took regarding religion policy were almost never initiated by Hitler himself. Like Hitler's prevailing idea of secularism, they were rather negotiated through a differentiation process within the Nazi "polycracy." Within a government system, the term polycracy designates "a pluralism of mostly autonomous rulers that can come into conflict with each other under certain conditions," (Hüttenberger 1976: 420 f.). It is thus a type of regime

"not relying on a universally recognized constitution, but developing according to an uncontrolled growth of the current power relations. The single rulers' positions and competences result from their internal relations during the different periods of historical development," (Hüttenberger 1976: 420 f., editor's translation).

As in many other policy fields, the Nazi polycracy manifested itself in the unclear division of responsibilities concerning religion policy. Public authorities on the national level, different ministries, and central party offices and organizations each held partial responsibility for such policy. Away from the national level, meanwhile, the *Länder* continued to hold some residual competences for the churches—above all when it came to financial affairs, decisions on the appointment of clergy and staff, and to questions of denominational schools (Boberach 1992).

Rulers at the lower and local levels, such as mayors, could also exercise some influence on the type of treatment that churches received within their realms of responsibility. Cases of conflicting views between local representatives of the Nazi party and state were resolved by a negotiation process within the polycratic power structure. Since the rulers depended on each other, they had to come to a mutually satisfactory arrangement. This might have resulted in an outward picture of a "monolithic regime" acting out of a uniform ideology being given (Hüttenberger 1976: 442). However the internal power structure of Nazi Germany shows in truth a different composition, as described by Kershaw:

"The Third Reich's internal administration was fragmented to such a large extent and so badly coordinated that the schedules of competences and authority which overlapped, bore conflicts, and contradicted each other can appropriately be labeled as chaotic," (Kershaw 1988: 143, editor's translation).

Despite this, it would be wrong to assume that the regime was for this reason inefficient. On the contrary, the competition between the governing bodies allowed for a dynamic mobilization within the "sphere of executive politics"—which at the same time caused a "high elasticity for the regime, understood as a smooth elasticity and ability to adapt to varying frameworks" (Hachtmann 2011: 67).

#### 2.4 *The Role of Religion as an Object of Negotiation*

Since Hitler withdrew completely from religion policy after the end of the regime's consolidation period in the mid-1930s and thereafter only intervened occasionally in internal conflicts between the single rulers, conflicts concerning religion policy were settled on the national level between the Church Ministry led by Kerrl (1887–1941), the Nazi party Chancellery led by Bormann, Rosenberg (1892–1946) as the Nazi party's Representative for Ideological Training, and later the leader of the Reich Security Main Office Heydrich (1904–1942) (Bormann 2013: 260). Despite their dismissive stance toward the churches, the latter three should not be perceived as forming a monolithic front against Christianity that took measures against the churches. For instance, Bormann criticized the Nazi *Lebensfeiern* (celebrations of life), created as an alternative to Christian celebrations, given that they would never be able to successfully establish themselves in German society, with its Christian priming (Piper 2012: 347–349). Bormann did not consider the creation of a Nazi "surrogate faith" a realistic goal, or an adequate measure by which to repress the churches' influence in religion policy. The internal conflicts that arose between the different party functionaries and ministries regarding competence for and the arrangement of such *Lebensfeiern* (Piper 2005: 419–423) show that these plans were mainly informed by personal interests and religious ideas. Furthermore, we have to consider that Rosenberg as late as 1940 planned to compose a German book on religion together with Reich Bishop Ludwig Müller (1883–1945), who was supported by the Nazi German Christians. However, this project was never ultimately undertaken (Blaschke 2011: 49). Such a project would have been unlikely to be realized if Rosenberg had been hostile toward all kinds of Christianity.

Every single representative of the Nazi power structure tried to implement his own religious ideas by silencing competitors and forging convenient alliances. This is how Rosenberg and the Führer's Deputy Rudolf Heß (1894–1987) were able to prevent the enacting of the church elections planned by Hitler in 1937, which lay within Kerrl's assigned competences. The same point applies to the centralization of the Protestant church that was favored by Kerrl for the benefit of the German Christians, a feat that would not be implemented because of Heß's and Rosenberg's opposition to it. It was mainly Heß who feared that such a measure would lead to too strong an intervention by the state in internal church affairs, something that he rejected. Although Hitler had already instructed Kerrl to carry out the church elections and campaigned for them, he afterward let

himself be persuaded otherwise by Heß and Rosenberg and thus withdrew his further support for the original plan (Grünzinger and Nicolaisen 1999).

This negotiation process shows clearly the heterogeneous concepts and internal disputes concerning the treatment and distribution of responsibilities vis-à-vis institutionalized religion that existed in the Third Reich. As long as no directive by the Führer to which one could refer existed, the negotiation processes and power disputes on responsibilities, competences, and policy interpretations were carried out at lower levels. The only functionaries holding a stable position within the Nazi power structure were Hitler himself, Reich Propaganda Minister Joseph Goebbels (1897–1945), and Hermann Göring (1893–1946). This means that during the Nazi regime’s twelve years no power equilibrium between the single functionaries operating below the Führer level was ever able to develop (Hüttenberger 1976: 431, 436).

Within the negotiation process, ideological claims and reflections belonging to “religious hegemony” had less meaning than was often assumed to be the case in postwar Historiography. The treatment of religious communities was affected to a much higher extent by pragmatism, above all when it came to external affairs and power implementation within the German state and society. For instance, even as late as March 1933 the Prussian Security Police Office expressed its concerns regarding a possible prohibition of the community of Jehovah’s Witnesses. It feared a political conflict with the US would ensue, also because the American consul general in Germany had spoken out against public measures regarding Jehovah’s Witnesses (Hacke 2011: 42 f.). The eventual outlawing of the community some months later was due to the pressure exerted by the two large churches, which had campaigned in favor of such a prohibition since the Weimar Republic years. Since the Nazis had been in power only for some months in 1933, they aimed to achieve a positive relationship with the churches by taking drastic actions against smaller religious communities (Hacke 2011: 48 f.). This way, Nazi representatives could avoid possible conflicts with the churches and consolidate their power—doing so at the same time also by making concessions to the churches on certain controversial issues. The actual process of prohibiting the Jehovah’s Witnesses was a protracted one that took two more years, since several courts interpreted the application of the “Directive on the Protection of Volk and State” from 1933 (also known as the *Reichstagsbrandverordnung*)—on which most bans against religious communities were based—in different ways (Weber 1955: 111 f.).

A further example of the ambiguous stance of Nazi representatives and authorities on religious communities was the case of the Church of Jesus Christ of Latter Day Saints. Speakers of this church, also known as Mormons, underlined

their shared traits with the new regime as soon as 1933 (Petersen 2012: 267). The Church Ministry, created in 1935 and assigned to Kerrl, soon began to collect incriminating evidence that would enable the outlawing of this community. However, the ministry was never successful in carrying out this plan, since the *Geheime Staatspolizei* rejected the prospect of taking action against the Mormons (Petersen 2011: 135). The crucial factor that saved the latter was not only their declared allegiance to the Nazi regime, but also their perceived political influence in the US. The Nazis thus assumed that police action against the Mormons would have spurred a larger diplomatic conflict with the US than in the case of Jehovah's Witnesses, who lacked such political connections. This explains why the Foreign Office intervened as late as during the Second World War against the plan of *Schutzstaffel* (SS) Director Heinrich Himmler (1900–1945) to ban the Mormons. For the Foreign Office, the perceived image of Germany abroad was of a much larger importance than internal ideological controversies regarding religious communities, also since the US was not yet participating in the war (Petersen 2011: 144, 2012: 286).

The treatment of the Russian Orthodox Church and the Old Catholic Church in Germany also evidence a pragmatic approach being taken by the National Socialist public authorities. The Old Catholic bishop took an oath of allegiance to the German Reich on December 17, 1935, although this measure was not necessary in any sense for membership of the Nazi state (Weber 1955: 102 f.). This ceremony rather has to be interpreted as a symbolic act of loyalty by which the religious community wanted to prove its obedience to the state (Ring 2008: 486–489), with the Church Minister gratefully accepting such an avowal of allegiance.

The heterogeneous behavior shown by different authorities on the national and the local level regarding religious communities also becomes evident in their relationship with the Old Catholic Church:

“The state bodies and the party do not show proof of a uniform stance towards [the Old Catholic Church in Germany, translator's note]. Sometimes, regional differences could be made out, sometimes, different institutions pursued different goals in church policy,” (Ring 2008: 809, editor's translation).

The Security Service, the Nazi party's and the SS's secret police, were mostly hostile to religion and strove to avail themselves of the Old Catholic Church so as to fragment the religious landscape, above all against the interests of the Catholic Church. The Ministry of Propaganda often criticized the Old Catholic combative organ *Der romfreie Katholik*, since it feared a possible disturbance of the peaceful concord between denominations. By contrast the Reich Security Main Office, to

which the Security Service had belonged since 1939, favored this kind of negative press directed against papal authority. It esteemed that the Old Catholics did not constitute any political or ideological danger and that some resistance among Catholics against Roman Catholicism would be a welcome thing (Ring 2008: 417).

The public authorities' stance on the Russian Orthodox Church in Germany was just as contradictory, being mostly primed by political pragmatism. On March 14, 1936, Prussian Prime Minister Göring granted this church the status of a corporate body in public law. The involved ministries, above all the Church Ministry, harbored by taking this measure the intention of promoting a positive image of the Nazi state abroad. In addition to this, the building of the Orthodox *Christi Aufersteher* Cathedral in Berlin (inaugurated in 1938) was financed by public subventions. On the other hand, several ministries and Hitler himself declined to contribute to the financing of the church building, so that the Church Ministry had to carry the main burden for this.

The Church Ministry hoped to gain allegiance from and influence over the Russian Orthodox Church by promoting such measures. In addition to this, the ministry also aimed to develop a positive impression of Nazi Germany among the Orthodox churches in the Balkans, so that they would pressure their respective governments to integrate themselves into an "anti-Bolshevist front," (Shkarovskij 2004: 11–29). The Church Ministry and the Foreign Office made several attempts to establish Orthodox seminaries, but these measures were never to be successful because of the resistance shown to them both by the party chancellery as well as by other such authorities (Shkarovskij 2004: 11–29).

In this example, the Church Ministry was primarily motivated by the desire to acquire wider loyalty and by the wish to create a favorable image of Germany abroad. If certain measures such as the creation of Orthodox seminaries were not successful, this was because of the intervention of several party and state offices. To a certain degree, instrumentalization was intended—but only as far as not to favor one religious community over other ones. If the dangers of such preferential treatment or, as shown by the example of the Old Catholic Church, of conflicts between denominations arose then other state authorities would intervene. Maintaining the harmony between denominations was of central importance for the regime.

The different actors involved, such as public authorities or party offices, acted on their own behalf most of the time when it came to political or administrative imperatives enacted toward institutionalized religion. However, since a clear division of responsibilities was never established and the security police, the different party offices, and other interest groups always tried to pursue their own

interests, the result was the negotiation process already described—what the outcome of this would be was not always clear in advance. Even the neutrality of party and state vis-à-vis religious communities mandated by Hitler and labeled as secularism was not enforced in a strict manner, since the Church Ministry tried on several occasions to intervene in the internal disputes of the Protestant *Landeskirchen*.

The central idea underlying this polycratic power structure was the common claims to power and responsibility for *Volk* leadership that were adhered to by the Nazi party and state (Buchheim 1953: 82). There was a genuine interest on their part in achieving complete control over the whole population, encompassing all social strata and classes (Hüttenberger 1976: 438)—and thus also all religious communities, including the large churches. A religious community's ideological proximity to National Socialism—and, thus, to better opportunities to control it—did not necessarily result in more benign treatment by the Nazi state and party. If a particular religious worldview was esteemed by the responsible ministries to be too strange, this could have negative consequences for the religious community adhering to it. For instance, the Saxon Ministry of Interior Affairs banned the *Bund für Runenkunde* in July 1934, since these “rune gymnasts” and their activities were likely to ruin National Socialism's reputation as a serious political movement—despite the membership therein of many high-up party functionaries (Wedemeyer-Kolwe 2012: 470–472).

The situation in the territories that were annexed from 1938 onward, the *Reichsgaue*, concerning the responsibilities of party and state offices would witness a completely different development track to the one in the so-called *Altreich* (that is, the territory which belonged to the German Reich until 1937). A lack of space forbids this issue from being developed further here. In the *Reichsgaue*, there was no parallel structure of party and state offices, rather the responsible *Gau* leader oversaw the whole public administration. This decreased the influence of the state and party offices hailing from the *Altreich* and increased the power of party organizations—above all, of the SS (Nolzen 1997: 249–251).

For instance, the concordats with the Catholic Church that were in force for the *Altreich* did not apply to the territories annexed after 1937. In the *Warthegau*, a region surrounding the city of Poznań (Posen) occupied by and incorporated into the German Reich in 1939, all institutionalized religious communities were granted the legal status of associations in private law. Concerning the *Warthegau*, however, we have to consider the fact that it was mainly inhabited by Catholic Poles (Stasiewski 1959: 49 f.), whom the Nazis hoped to decrease the Catholic Church's influence over—and thus to soften their resistance to German settlements.

The developments in the *Warthegau* also show that reforms in formal law regarding religious communities were no longer enacted by directives issued at the government level, but mainly by those promulgated at the lower and local levels of public administration (Gürtler 1958: 172–175). In this sense, a policy of the strict separation of religion and political power was implemented, designed to roll back the churches' influence and to extend the opportunities available to the state to take over instead. Of course, this was met by significant skepticism within the churches. This extraordinary legal status had direct consequences on the local level, both for the large churches and for smaller religious communities. For instance, local representatives of the public administration in the *Warthegau* issued some temporarily and locally limited prohibitions of the Seventh Day Adventist Church (Löbermann 2003: 189 f.). In contrast, in the *Altreich* some prohibitions against this religious community had been issued since the end of 1933, but these were withdrawn after only a short time. This community was not subject to any further restrictions until 1945.

In the eastern regions of occupied Poland, areas with a large Ukrainian population, the National Socialists supported the local Orthodox Church in order to garner the Ukrainians' loyalty to the *Generalgouvernement*. This procedure would be repeated in other occupied territories:

“The German authorities' church policy in the *Generalgouvernement* was of central importance, since it was there that they strove for the first time to split the Russian Church into several independent churches by exploiting nationalist tendencies. The Ukrainians were played off against the Poles and the Russians in the *Generalgouvernement*. This strategy was protracted in the occupied Eastern territories such as Ukraine and Belarus,” (Shkarovskij 2004: 53, editor's translation).

As Shkarovskij describes, this policy was preceded by the negotiation process between local functionaries and ministries in the *Altreich*—a process wherein the Church Ministry would lose all its influence.

### 2.5 *The Nazi State as an Actor in Religion Policy—An Attempt to Differentiate*

The aforementioned examples do not claim any exclusivity and could be expanded and modified at will. They give proof of the heterogeneous structure of the Nazi state regarding institutionalized religion. The minimal amount of consensus underlying all decisions taken by party and state representatives can be said to have been due to each's wish to control the whole German population. All religious communities had to subordinate themselves this principle, and National Socialism as an ideology did not allow for any behavior that contradicted or opposed it—whether by individual citizens or religious institutions.

All other measures, prohibitions, and tolerations can be traced back to an internal negotiation process between the different party and state representatives who were able to claim some form of responsibility. Since a clear list of responsibilities was missing, the authorities depended on the issuing of a directive by the Führer stating which procedures to follow and how competences should be distributed. Since Hitler soon after 1933 decided to withdraw from such secondary areas of conflict as religion, the floodgates were opened for the pouring forth of the office Darwinism mentioned at the beginning of this chapter.

The examples mentioned show that at no point during the Third Reich was there such a thing as a uniform Nazi religion policy founded on ideological principles and programs. Even the principle of secularism and the attendant separation of politics and institutionalized religion mandated by Hitler were not coherently applied. The different bodies within the Nazi power structure rather acted out of their own ideologies or followed a simple, self-serving pragmatism. If a religious community could successfully be instrumentalized for the implementation of political or ideological goals it would be done. Examples of this are the initiatives of the Security Service to ensure the Old Catholic Church's loyalty in the ideological struggle against the Catholic Church's influence, despite the Security Service's hostile attitude to all religions.

As a consequence, the developments described for the *Altreich* have to be assessed by taking into account several different aspects. Although we can, in light of several administrative decisions taken, certainly identify different actors as having maintained a hostile stance on religion, the example of the Russian Orthodox Church in the *Generalgouvernement* shows that the goals of power politics determined the authorities' chosen behavior to a much larger extent than any presumed ideological principles did. If anything, institutionalized religious communities played the role of instruments used for the purpose of implementing political goals. These goals did not arise out of a uniform political ideology, since they often conflicted with the interests of other Nazi public authorities. The question of how far the religious communities allowed themselves to be instrumentalized for such purposes in order to gain some advantages goes beyond the scope of this chapter, though it would be an interesting topic for further research nonetheless.

This analysis shows clearly that the Nazi regime never pursued a uniform religion policy. Nevertheless, the Third Reich can be understood as a "unity of all rulers, who despite all conflicts agreed with each other most of the time" (Nolzen 2000: 450); importantly, the regime's political objectives were never called into question. The lack of explicit political objectives in religion policy and the poly-cratic government system, with its facilitation of an uncontrolled growth of power



structures, prevented the development of a clear and coherent religion policy in Nazi Germany. This is why we ultimately cannot speak of a Nazi religion policy. It seems more appropriate to speak instead of the religion policies pursued by the single rulers and authorities between 1933 and 1945. Even when we do choose this focus, we still have to ask to what extent the different understandings of religion policy—with their varied consequences for the religious communities concerned—were actually applied.

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### 3 Does Islam belong to Germany? On the Political Situation of Islam in Germany

*Ufuk Olgun*

**Abstract** This chapter addresses the question of to what extent Islam can be considered a part of the German ecclesiastical law system and of German society, from the perspective of religion policy. After a historical overview of the development of contemporary German ecclesiastical law I analyze the considerations that have led religion policy in different time periods since the German Empire. The second part discusses the current landscape of Islam, and policy toward it, in Germany. The focus herein lies on the *Ahmadiyya Muslim Jamaat*, the first Muslim organization in the whole of Germany to be established according to a uniform organization model. However, it holds pariah status within worldwide Islam and is considered to be heretical. We conclude that religion and integration policy are two different and separate policy fields that have to be examined both on the analytical level and within practical policy making. We agree with the hypothesis that if the *Ahmadiyya* was granted the status of a corporate body in public law so quickly, this was because its leadership mostly consists of German converts to Islam. Since the Salafists and several other movements belonging to the realms of Islamic extremism are also made up of German converts, we judge such a policy to be highly questionable. We conclude that most Muslim organizations in Germany and the religion policy pursued by them, are the projects of the elites in society, which neither fit with German ecclesiastical law nor include the majority of the Muslim population in the country. Nor are they accepted by the majority of the German population. In summary, we can observe that the Muslim community in Germany has grown more heterogeneous both with regard to its ethnic composition and to its legal status. Any German religion policy of the future will have to take these developments into account.

### 3.1 Introduction

“Does Islam belong to Germany?” This question was answered by former German *Bundespräsident* Christian Wulff with a “Yes,” which caused strong reactions from among German public opinion. However, if bodies from public administration, the Federal or *Land* governments, and their parliaments and parties are asking themselves this question, we first have to clarify what is even meant by it. Does the term “Islam” designate the so-called “cultural Muslim” who believes in but hardly practices at all his religion? Or, does it rather refer to the Islamic extremists who plan to abolish the German constitution, with its division of powers, and replace it with the sharia? Does the term “Germany,” meanwhile, denote the German population and society wherein Islam is supposed to reside, or the German legal system of institutionalized religion as it applies to the two large churches? Would this mean that Islam also has to become as institutionalized as the latter in order to obtain the same rights and duties? This chapter discusses these questions from the perspective of religion policy. The first part analyzes the situation surrounding current religion policy in Germany; the second deals with the landscape of policy toward Islam in Germany. The concluding part, meanwhile, takes up the question of whether Islam does indeed belong to Germany or not.

### 3.2 Religion Policy in Germany

Before dealing with these important questions, some central terms have to first be defined and discussed. Religion policy is a term that in the past has often been understood as being synonymous with *Staatskirchenrecht* (ecclesiastical law). The use of the term *Kirche* (“church”) in *Staatskirchenrecht* shows that this area of law was targeted first and foremost at regulating the relationship between the Christian churches and the German state. As early as during the years of the German Empire, the churches were important actors in areas such as school education, hospital care, welfare services for the indigent, the elderly, and the disabled, care for widows and orphans, and marriages and divorces. This made any intervention by the state in these domains redundant. This distribution of responsibilities between the public authorities and the churches has been passed on for centuries in Germany and in its predecessor states. This arrangement had been called into question from the late 19th century onward, and at the latest with the founding of the Weimar Republic. The secularization process brought some radical changes to the political and socioeconomic structures of Germany, a development which had begun some years earlier in other European countries such as France. Otto von Bismarck introduced civil marriage and a public welfare system

for social insurance, which in many policy fields provoked the shifting of competences from the churches to the state. The *Weimarer Reichsverfassung* (Weimar Constitution) includes the so-called *Kirchenartikel* (“church articles”), art. 136–140. Ecclesiastical law was thus elevated to the level of constitutional law, done with the purpose of repressing the country’s religious communities. In this way these articles caused an increasing loss of power and influence on the part of the churches.

After the Second World War, the *Kirchenartikel* were incorporated into the *Grundgesetz* (Basic Law). These articles continued to grant both churches the privileged status of corporate body in public law, bestowing tax privileges for the building of churches and social institutions such as retirement homes, schools, and kindergartens (by the Protestant *Diakonie* and the Catholic *Caritas*)—as well as giving them the right to impart denominational religious education in public schools as a part of the standard curriculum. These measures were taken for the following reason: on the one hand, the state needed the churches as supporters for the reconstruction of the German political system and society, on the other, the Christian and Conservative government led by Adenauer’s Christian Democratic Union needed the Christians and the churches in order to guarantee the political stability of the nascent Federal Republic. The laicist and nonreligious politicians insisted on the *Bremer Klausel* (a clause which allowed for a more independent religion policy for the *Länder* and for a stricter separation of church and state). Since this kind of religion policy existed already in Bremen before the Basic Law with the *Kirchenartikel* was passed, it was allowed to persist.

This historical overview allows the interpretation to be made that prior to the Second World War German religion policy had rather a laicist background, and aimed at rolling back the churches’ influence in society. In contrast, after the Second World War the privileges granted to the latter by their holding of the status of corporate bodies in public law encouraged them to found social institutions and to provide the teachers in public schools. Although a further motivation for this measure was surely an overall lack of available teachers, the main reason for it was the intention to transmit Christian values to the country’s children so as to undermine any Nazi or Communist thinking. Presumably, during the Cold War the danger of Communism was perceived as more of a threat than National Socialism was. During these years, there still was no mention of the dangers of Islamic extremism however.

### 3.3 *Muslim Religious Communities in Germany*

Having described this framework of religion policy in Germany, the question of how Muslim communities fit into it now arises. Most of the country's present-day Muslim communities came into existence after the Second World War. The *Ahmadiyya Muslim Jamaat* (hereafter, *Ahmadiyya*) was one of the first Muslim communities to be formally organized, since it began as soon as in the 1950s as a movement to build mosques and to publish Quran translations. With the mass immigration of Muslim guest workers, several loose mosque associations were founded—these later merged into larger umbrella organizations. In the chronological order of their foundation, these are: the *Islamische Gemeinschaft Millî Görüş* (IGMG, 1972),<sup>1</sup> the *Verband der Islamischen Kulturzentren e.V.* (VIKZ, 1973), the *Islamrat für die Bundesrepublik Deutschland e.V.* (IR, 1986), the *Diyanet İşleri Türk İslam Birliği* (DİTİB, 1984), the *Almanya Alevi Birlikleri Federasyonu* (AABF, 1989), and the *Zentralrat der Muslime in Deutschland e.V.* (ZDM, 1994). Along with the foundation of these umbrella organizations, more regional or local ones were also established in several different parts of Germany—these are in some cases independent from the umbrella organizations. Some of them also have their own names despite their membership in a particular umbrella organization, while some were already founded earlier than the relevant umbrella organization was and only became members thereof later on.

Most Muslim religious communities in Germany are Sunni Orthodox: from the largest to the smallest, their ordering is the DİTİB, IR, VIKZ, and ZDM respectively. By contrast, the *Ahmadiyya*—which founded its first congregation in 1953 in Hamburg and today has about 35,000 members in Germany (with a total of 200 million followers worldwide according to its own figures)—is ostracized for being heretical, persecuted, and excluded from the Muslim *umma* by Orthodox Muslim groups. The reason for this is that *Ahmadis* worship Mirza Ghulam Ahmad, the eschatological messiah predicted by Mohammed and Jesus Christ, as the *Mahdi*—the incarnation of Jesus and an apocalyptic prophet—and the Califs as his successors. For a detailed analysis of the *Ahmadiyya* movement and its religious beliefs, see Schröter (2002) and Olgun (2014).

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1 The name's literal translation is "national view." The *Islamische Gemeinschaft Millî Görüş* is a political association of Turkish migrants found in several European countries, and is affiliated to the conservative and religious Turkish party Saadet Partisi (formerly, Refah Partisi, Welfare Party). It is perceived as controversial because of its Islamist and antidemocratic tendencies.

### 3.4 *The Recognition Process*

Despite—or perhaps because of—this pluralism of Muslim religious communities in Germany, several representatives of Islamic organizations in the country are each demanding their own formal recognition as a Muslim community by German politics and society so that they may be integrated into majority society and represented in politics. This strong desire for recognition also stems from these representatives' wish to demonstrate to the Muslim population in Germany who stands for “the real Islam.” We have to distinguish here though between being given factual recognition in the sense of the public's perception and acceptance of them as a religious community and receiving recognition in formal law, such as being granted the status of a corporate body in public law. The former type of recognition as a spokesperson for Islam is tied to the claim to “value its involvement in society as a provider of services” (interview with Bekir Alboğa, DİTİB, U.O., March 22, 2013). The Muslim communities aspire to being accepted as official dialog and negotiation partners by the German state. One of their most important claims is the right to impart denominational RE in public schools as part of the standard curriculum, according to art. 7 para. 3 of the Basic Law. The granting of the status of corporate bodies in public law would also bring tax privileges to these organizations—such as the right to be exempt from property tax for mosque buildings, or to receive subventions for the foundation of welfare associations as is already the case for *Diakonie* and *Caritas*—and would lend support for their foundation and running of Islamic retirement homes, hospitals, and kindergartens.

The common request made by Muslim and other non-Christian religious communities in Germany is to be treated on the same basis as the two large churches are. This point applies to the more established Muslim communities to an even higher degree. In order to make the way easier for such equality of treatment, the Muslim communities have taken to modeling themselves on imitating the churches. For instance, they have taken over some elements from the Catholic Church's clerical hierarchy or from the regional structures of the Protestant synods. Such organizational structures are unknown in traditional Islam: the Quran does not give any directions on political or religious organization, while traditional Orthodox Islam recognizes the prophet as the only authority and later also the Calif—which does not exist anymore. For this reason, we can speak of a clericalization of Islam in Germany. The large number of interviews that have been conducted with the functionaries of different Muslim organizations show that the churches are mentioned as ideals to which they aspire. They even go so far as to use Christian Latin and Greek terms like “synod,” “diocese,”



“clergy,” or “diaconic.” However they nevertheless also underline that the alleged clericalization of Islam only concerns the organizational forms and structures of Islam in Germany, and not the religious content of its doctrine. This assertion is probably made in order to defend themselves from being reproached by Muslim countries for being “Westernized,” “European Muslims,” or “deviant Muslims.”

### 3.5 *From Integration Policy to Security Partnership*

When most of the early Muslim religious organizations were founded in the 1970s and 1980s, their dominant paradigm was “integration.” In contrast, today the most frequently mentioned idea in connection with Muslim religious organizations is “security policy.” German Islam policy has thus undergone a paradigm change. At a time when Muslims were still mostly perceived as an “integration problem” for being individuals who were ignorant of the German language and rejected the Western way of life, the functionaries in Muslim organizations stood out in their leadership by their excellent knowledge of German and their acceptance of the Western way of life. They made public appearances as political actors and approached politicians, entrepreneurs, newspaper editors, and Muslim and non-Muslim citizens alike. While the early Muslim religious communities were mostly busy dealing with their own organizational structures and statutes, today they are open to contact with their non-Muslim environment—for example by organizing “days of the open mosque,” exhibitions on Islam, and book fairs. The more established Muslim umbrella organizations such as the DİTİB, IGMG, or VIKZ are practically forced to challenge the mission activities carried out by the newer and fundamentalist organizations such as the Salafists or the *Ahmadîyya* with something, since the latter work on a highly professional level. Examples of this are free Quran distributions, a massive presence in all social networks, or remedial teaching for children. As distinguished from the established Muslim organizations, the ultimate goal of these newcomers is not formal recognition as spokespersons for Islam, but rather the replacement of the legitimate democratic order by the sharia. Muslim organizations being involved in German politics and society in these ways has led to resentment and gradually caused a paradigm shift so that Islam policy is no longer understood as a part of integration policy, but now of security policy instead.

A clear sign of this paradigm shift was the foundation of the *Deutsche Islamkonferenz* (German Islam Conference, DIK) in 2006. This measure did not come about as the result of the National Integration Program introduced by the Federal Government in 2005 for the purpose of further “integrating” Muslims or Islam, as one might have expected, but as a reaction to the heightening of Islamic extre-

mism that began with the terror attacks of September 11, 2001. According to the Muslim communities interviewed, after these terror attacks even more Germans converted to Islam than ever before. Both for the established and for the new Muslim organizations, these attacks offered an opportunity for rebutting the portrayal of Islam delivered by Al-Qaeda and the Western media respectively and thus for intensifying their mission activities. The media's Islamophobic attempts to exclude this religion from society thus actually had almost the reverse effect, since it caused a conversion of many atheists and agnostics to Islam and sometimes even their recruitment for Islamic jihad. Pictures and videos of German and European jihadists fighting in Afghanistan and Pakistan would cause outrage in both Germany and abroad.

The DIK's orientation toward the security paradigm also becomes clear from the names chosen for its different working groups, such as: "Security and Islamism"; "German Society and Value Consensus"; or, "Religious Issues in the Light of the German Constitution." This focus is also evident from the fact that the DIK has been led by the Federal Ministry of the Interior right from the beginning. It has come as no surprise that the debates in the DIK's working groups and plena have thus far mainly focused on the dangers stemming from certain parts of organized Islam in Germany, and on possible ways for Muslims to subdue them.

The only thing that has been remarkable is the outrage of some DIK participants—among them also the representatives of the Coordination Council of Muslims—regarding certain statements made and initiatives taken by then Federal Minister of the Interior Hans-Peter Friedrich, which were largely covered by the German media. Some examples of these sources of controversy were the "Initiative for a Security Partnership" and the campaign "Missing," which is targeted at parents and friends of teenagers radicalized by *da'wa*<sup>2</sup> actions and who try to make a reconciliatory approach to them.

On the other hand, the controversies around the DIK have caused every criticism voiced of extremist or criminal movements within organized Islam to be labeled as "Islamophobia" or "attacks on Islam." This hypersensitivity and lack of tolerance by sections of organized Islam in Germany in the face of their mere criticism is due to such questioning being perceived as an attack against Islam and the Muslim *umma*. This both creates new concepts of the enemy and genera-

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2 *da'wa* literally means "invitation to God's path," and designates the Quranic mandate for Muslims to call on non-Muslims to adopt Islam (Sura 16, Verse 125; Sura 25, Verse 52). Some Muslim organizations, such as the Muslim Brotherhood or the Muslim World League, conduct large-scale *da'wa* campaigns. Since the first international *da'wa* conference in Medina in 1977, an extensive literature has developed on this subject.

tes feelings of solidarity with competing Muslim organizations for the collective fight against that enemy. The Organization for Muslim Cooperation, led by former IGMG members and by Turkish Prime Minister Recep Tayyip Erdoğan, has made several attempts to ban Islamophobia by law both nationally and internationally, and furthermore to place it on the same level as anti-Semitism and racism. It may be doubted whether this is reconcilable with the basic human right to religious freedom, both in its positive and negative dimensions.

These Muslim organizations reject a historical-critical analysis of both the Quran and the *hadiths* as Islamophobic. This applies also to a critical perspective being taken of Muslim organizations, unless it is directed toward one that has already been labeled as “un-Islamic” and thus excluded from the *umma*, such as the *Ahmadiyya*. The *Ahmadiyya* has been persecuted and excluded from the *umma* ever since its foundation in 1889. This ostracization sharply contrasts with its own self-understanding, according to which it alone represents the “true Islam.” However, this is a self-understanding that is held by every Muslim religious community. The *Ahmadiyya*’s exclusion from Islam has happened in quite drastic terms, ones that have never been the case for any other Muslim religious community in Germany: *Ahmadis* are labeled *kuffar* (“nonbelievers”) by other Muslims. By using the term in this way, it gains a new quality: The prophet Mohammed still used *kuffar* to designate those who had not pronounced the *shahadet* (“testimony”): “There is no god apart from Allah, and Mohammed is his prophet.” To this group belonged the members of the “falsified” book religions, the Jews and the Christians, and all polytheists, pagans, and nonbelievers. Today, this term is mostly used as an aggressive term of hostility and insult. By contrast, the *Ahmadis* actually repeat the *shahadet* several times a day when reciting the Quran, during ritual prayer, and during sermons. They reply by using *kuffar* to refer to all other Muslims, because the latter deny the messiah that was announced by the prophets Mohammed and Jesus. For instance, the *Ahmadi* Abdullah Uwe Wagishauser interprets the term *kafir* (singular of *kuffar*) as meaning a “denier of the announced messiah” instead of a “nonbeliever.”

Against this background, it becomes even less comprehensible that German religion policy or Islam policy has only recognized and granted the status of a corporate body in public law to the *Ahmadis*, who are denigrated as un-Islamic and heretical by all other strands of Islam both in Germany and worldwide.

### 3.6 The Recognition of the *Ahmadiyya*

In the first part of this chapter, the framework of German ecclesiastical law was revealed. The application of the so-called *Kirchenartikel* presents a problem when

it comes to the recognition of religious organizations, since they do not define further the term “religious community.” This has led to a debate within German constitutional law regarding under which conditions one can speak of a religious community. The debate has come to a head regarding denominational religious education as a part of the standard curriculum, since art. 7 para. 3 sentence 2 of the Basic Law states that: “Independently of the state’s regulatory law, religious education is imparted according to the religious community’s doctrine and principles.” The debate covers such questions as whether the religious community imparting religious education has to be officially recognized by German law, and, if this is the case, whether it has to be a corporate body in public law or just an association in private law. The range of opinions held by the various Muslim organizations span from the view that not even a status as an association in private law is needed to the one that the religious community demonstrably has to represent all Muslims living in Germany.

The situation is complicated even further by the *Bremer Klauseln*—that is, by the *Länder* laws with their own directives on RE which were in force before the Basic Law came into being. This is the case in the *Länder* of Berlin, Brandenburg, Bremen, and Hamburg. However, in the last few years most of the *Länder* governments have adopted the legal opinion that a religious community does not have to hold the status of a corporate body in public law, and that as such the status of an association in private law is sufficient. Such a religious community does not have to represent all Muslims living in Germany, but it should have enough registered members in the *Land* where RE has to be imparted. In some cases, this process has come to pass quite smoothly—such as for Alevi religious education in Hesse, Lower Saxonia, and North Rhine-Westphalia. Both the Orthodox Muslim organizations and the Alevis agreed on the fact that it was not about Muslim religious education but about an Alevi one. In contrast, the Orthodox Muslim organizations have been trying for at least 30 years to impart Muslim religious education in German public schools. This has failed because of the competition between the different Muslim organizations and because of the catalog of criteria to be met as established by the Federal and the *Länder* governments. Here is an example drawn from the DIK’s catalog of such criteria:

“A religious community consists of natural persons, with the exception of umbrella organizations. A community is characterized by the minimum requirement of an organization structure. A group of people must have united with the goal of practicing their religion together. Common worship according to a certain religious denomination is the objective of the religious community. Any other goals, such as the cultivation of a certain culture or customs, do not constitute a religious community and may thus only be classed as the secondary goals of a religious community. Religious communities distinguish themselves from religious associations by the fact that they fulfill all tasks assigned to them by the religious denominations. In contrast, a religious

association only covers some aspects of religious life,” (Bundesministerium des Innern 2008: 1 f., editor’s translation).

All *Länder* not based on the *Bremer Klauseln* stipulate an almost identical list of criteria. While the DITIB and some other such organizations have been able to establish themselves in certain *Länder* and have thus begun to impart RE as a part of the standard curriculum, the *Islamische Föderation Berlin*, a member of the IR, has been fighting for this status for 20 years in front of the Berlin judiciary. The *Ahmadiyya*’s situation is completely different. No sooner than in 2010—in the context of the Hessian government’s Round Table, to which some selected Muslim organizations had been invited to get to know each other—did it apply for the first time for permission to impart RE in Hessian schools. This application was approved at the end of 2012, and the *Ahmadiyya* was henceforth granted the right to impart Muslim RE along with the DITIB. Other Muslim organizations—such as the IGMG or the *Islamische Religionsgemeinschaft Hessen*, another member of the IR—felt betrayed by this decision, given that since decades they have repeatedly failed in their efforts to assert this right. Several Muslim congregations in Hesse have already threatened to boycott Muslim religious education because of the *Ahmadiyya*’s participation.

This development was carried one step further by the *Ahmadiyya*’s recognition as a corporate body in public law in April 2013, being the first Muslim organization to be granted this status. Again, the application was only made a short time before by *Ahmadi* leader Wagishauser to the Round Table. This recognition is also seen by the other Muslim organizations as being an affront to them, given that they themselves have been trying for decades to achieve such formal recognition.

The following facts illustrate further the *Ahmadiyya*’s position from a Muslim perspective: In 1976 the Pakistani government passed a law on blasphemy which forbade the *Ahmadis* from calling themselves “Muslims” and from observing religious practices such as ritual prayer, fasting, and attending the mosque. The Pakistani *Ahmadis*’ passports were marked with the entry “*Ahmadiyya*” in order to stigmatize them and to prevent them from going on pilgrimage to Mecca. The Saudi Arabian authorities, meanwhile, ban the *Ahmadis* from entering their territory.<sup>3</sup> Considering the pariah status that is held by the *Ahmadiyya* among global Islam, it seems even less understandable that this religious community has been the only Muslim organization to be granted the privileged status as a corpo-

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3 Entry to Mecca and Medina is prohibited for non-Muslims, but they may travel to all other cities in Saudi Arabia. Ahmadis, however, are banned from entering the entire territory of Saudi Arabia.

rate body in public law by the German state—that is, it has been given the same privileges as the two large churches.

### 3.7 *Religion Policy does not equal Integration Policy*

Muslim religious communities were not the only ones to be astonished when the *Ahmadiyya* was granted this recognition. Politicians, the media, and the Turkish community in Germany were equally surprised by this decision, even more so given that most of them had never even heard of this organization. The Turkish community's questioning of whether the *Ahmadiyya* was granted this recognition because it is led by a German should raise some concerns, because the country's Muslim religious communities are still largely addressed in terms of integration policy—both in the DIK's context as well as by the different German parties and the media. The public discourse still depicts Muslims mainly as an integration problem (Frindte et al. 2012), a reading that is highly questionable considering the composition of the contemporary Muslim landscape in Germany.

Wagishauser is not the only German among the *Ahmadiyya*'s leadership; the organization's spokesperson, Hadayatollah Hübsch (born Paul-Gerhard Hübsch), also shares this nationality. He has previously been the *Ahmadiyya*'s press relations officer and imam of the Nur mosque in Frankfurt. He has the reputation of being one of the most well-known German converts to Islam and has been invited to participate in a number of talk shows, for example by Michel Friedman. His daughter, Khola Maryam Hübsch, is the president of the *Ahmadiyya*'s women's organization. She is also very present in the German media, for example appearing on Sandra Maischberger's talk show.

Being led by German converts, the *Ahmadiyya* can reject the reproach that it constitutes “an integration problem.” These office holders are German citizens who were born in Germany and grew up there. They speak fluent German and can demonstrate a professional record in Germany. The same goes for Abu Hamza, born Pierre Vogel, the Salafists' spiritual leader in Germany. Even by Muslim standards, Salafists are considered as being very fanatical and extremist. They favor a rigid, authoritarian, and patriarchal government system. But how can the reproach of Muslims constituting “an integration problem” be upheld when applied to a convert like Vogel who has grown up in Germany?

What about Ayyub Axel Köhler, does he also count as “an integration problem”? Köhler converted to Islam when he was no older than 25. He has been known as one of the most important actors in and propagators of Islam in Germany for decades. Among other things, he is one of the founders and the longtime president of the ZDM, president of the *Deutsche Muslim-Liga*, the first

speaker of the Coordination Council of Muslims, and a member of the board of trustees of the *Christlich–Islamische Gesellschaft*. This list of roles could be expanded much further.

There is also a long list of further German converts playing a leading role within organized Islam in the country. In contrast, the list of non-German Muslims—such as Turkish or Arab ones—playing a successful and leading role in the various efforts to institutionalize Islam in Germany is a much shorter one. The time when Islam in Germany just consisted of guest workers building backyard mosques is long gone. The leading functionaries of modern organized Islam are rather either German converts or perfectly integrated Germans of Turkish or Arab descent.

Can we still speak of “an integration problem” when German Salafists call for jihad or when German converts such as Köhler explain in their publications that “(Islam’s) religious principles and Islamic law (the sharia) show the total claims held by religion to man and society” (1981: 28) even though “this does not make the Muslim social structure a democracy, since this government form is completely alien to Islam” (ibid.: 33)? A German *Ahmadi* such as Hübsch fears that the introduction of a Muslim RE supervised by the German state without the participation of the *Ahmadiyya* or other Muslim organizations could lead to “Islam light.” The *Ahmadiyya*’s German leader states that many children and their parents still do not belong to any Muslim organization and that providing Muslim religious education at school would be an excellent opportunity to change this situation.

If being integrated designates having a fluent knowledge of German, contacts existing between migrants and Germans, or migrants having career opportunities independent of the German welfare state, Islam policy cannot be understood as a part of integration policy, since all leading functionaries of the aforementioned Muslim organizations fulfill these criteria to the same extent that non-Muslim Germans do.

In addition, the later generations of descendants of guest workers also fulfill these criteria. Mostly, the Muslim organizations label them “cultural Muslims” at best, since they hardly practice their religious customs (if at all) and do not assume any positions of responsibility in mosque congregations or umbrella organizations. This hypothesis is supported by the large studies that have been done and extensive statistics gathered. According to surveys conducted by the *Zentrums für Türkeistudien* (2009) as well as to publications such as *Muslimisches Leben in Deutschland* (DIK 2009) and *Muslime in Deutschland* (Bundesministerium des Innern 2007), as few as 30 percent of those in Germany who call themselves Muslim, religious, and attend mosque at least once a week feel

represented by the country's established Muslim organizations. This offers strong proof for the hypothesis that the Islam policy carried out by the religious communities is ultimately the project of the country's elites, and thus is one that does not reach out to the Muslim population at large. The gap between the various organizations' leadership and membership bases also seems to be increasing ever further.

### 3.8 Conclusion

In many ways, organized Islam does not fit in into German law, politics, and society. Furthermore, Muslim religious organizations neither fit into the German concept of ecclesiastical law nor do the concepts concerning Islam policy that they hold to match up with the ideas of the German majority population or most of the Muslims living in Germany. While the *Kirchenartikel* were introduced into German ecclesiastical law about a 100 years ago in order to promote secularization and to curtail the churches' influence, German Muslim organizations have been trying for years to profit from these articles so as to be formally recognized and to obtain the same privileges as the two large churches. When the churches were granted their privileges after the Second World War, this happened so as to include them in the reconstruction of the German state and society. However, even guest workers and "cultural Muslims" significantly contributed to this reconstruction. As such, it might now be asked what else organized Islam can do in order to "become part of Germany"? If we take into account the claims and activities of the different leaders of organized Islam around the globe, it becomes evident that their main goal is the Islamization of the West. This is declared frequently and openly in their sermons, in statements in talkshows, and in the publications that they distribute on the streets everywhere in Germany—and as such this intention is not just a reproach made up by opponents.

The Ahmadiyya's formal recognition was a first step toward the institutionalization of Islam in Germany. The introduction of Muslim religious education in Hessian public schools by the Ahmadiyya—and also by the DİTİB, despite its lack of recognition—has created some opportunities for tying children and their parents to organized Islam, for gaining new members therein, and perhaps also for welcoming some new German or Christian converts to the Islamic faith. It has been demonstrated in this chapter that German Islam policy is currently by no means an adequate tool for integrating these "foreigners." It becomes inevitable that conflicts and new forms of religious segregation within the Muslim community will arise because of the Ahmadiyya's recognition—at least until there is



formal recognition of some Orthodox Muslim organizations such as the DİTİB or IGMG as well.

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## 4 Switzerland: No Religious Peace without Public Arrangements —or, Why the Catholic Church in Switzerland has to adopt Provisions from Swiss Democracy, as Exemplified by the Canton of Zurich

*Florian Schmid and Indrani Das Schmid*

**Abstract** By using the example of the Catholic Church in the Canton of Zurich, this chapter describes the legal basis and the schedule of responsibilities in Swiss ecclesiastical law. The first part of the chapter retraces the historical development of the four religious wars that the country experienced and how they gave light to the religious peace on which the current ecclesiastical law system is based. The second part of the chapter explains the current schedule of responsibilities and the division of powers between the federal and the cantonal level. It then proceeds to outline the process of recognition of the Catholic Church in the Canton of Zurich. For some centuries, the Reformation repressed the Catholic Church in the public sphere. It was only in 1963 that cantonal legislation would finally allow for its recognition as a *Landeskirche*. This went along with the introduction of a legislative body (the synod), an executive body (the synod council), and a judiciary body (the recourse commission)—structures that are unknown in Catholic ecclesiology. Correspondingly, the Catholic *Landeskirche*'s leadership has had a hard time to accept these structures. We conclude that the current system nevertheless has to be preserved, since it supports consensus democracy—also through the elements therein taken from direct democracy. Consensus democracy alone is able to preserve the equilibrium between different ethnic and religious groups in Switzerland.

### 4.1 *Switzerland Today: A Christian Identity and a Secularized State*

Although the Swiss Federal Constitution opens with the words “In the name of God the Almighty” (Bundesverfassung 1999: 1) and the first verse of the Swiss

national anthem—the so-called “Swiss Psalm”—is steeped in Christian symbols, Swiss religion policy in reality hardly plays a role at all on the federal level. No more than two articles of the Federal Constitution deal with religious questions: art. 15 introduces freedom of belief and conscience while art. 72 establishes the relationship between church and state on the federal level. These two articles reflect two different developments: on the one hand, the guarantee of individual freedom of religion and, on the other, public arrangements targeted at preserving religious peace (Rhinow 2000: 16). However, the religious peace that has developed in Switzerland is not actually as given as it might seem from an outside perspective.

#### 4.2 *Peace between Denominations—Switzerland’s Conflict-Ridden Past*

Over centuries, Switzerland has been involved in numerous internal conflicts between Catholics and Protestants that have resulted in several armed confrontations. These circumstances can be traced back to the 16th century, when the cantons of central Switzerland—Luzern, Schwyz, Unterwalden, Uri, and Zug—were deeply Catholic and conservative, while the cantons of Bern, Geneva, and Zurich were already influenced by Calvin’s and Zwingli’s Reformation. In 1529 and 1531, the Kappel Wars broke out because of the irreconcilability of these two opposing theological views. These battles were intended to resolve the question of the denomination to which Switzerland should belong (Meyer 2009). While the first Kappel War could have been avoided by diplomatic negotiations, in 1531 the Catholics won out against the Reformed troops. This war resulted in the so-called *Landfrieden*. This kind of peaceful agreement had already existed in the Middle Ages, being implemented to curb feuding and violent crimes. With the Reformation and the development of partisanship according to denomination, the *Landfrieden* acquired a new quality and importance (Bächthold 2010).

All in all, Switzerland would witness four wars between Catholics and Protestants in the Early Modern era (1529, 1531, 1656, and 1712)—they all resulted in a *Landfrieden*. These peace treaties supplemented and modified the legal status established by the *Bundesbriefe* (contracts establishing relations between Swiss cantons) and were of central importance for the development of Swiss history from the Reformation up until the revolution of 1848 (Bächthold 2010). They could also be understood as the first measures belonging to the constitutional state by which Switzerland influenced religion policy in its cantons.

Despite the intervention of the Swiss federal state in religion policy by way of the *Landfrieden* alliances, the denominational conflicts between progressive and conservative cantons persisted. This was exacerbated even further by events in

1841 and 1843, triggered by the so-called “Aargau conflict” over convents. In 1835 the Great Council of the Canton of Aargau subordinated all convents to public administration. Shortly before this, the government had prohibited the acceptance of novices into convents and denominational schools (Pfyl 2000). It was only in 1843 that the Great Council would agree to reestablish four convents. After this measure, it declared the conflict on convents to be solved. However, this was not actually the case, as became clear in the question of how to deal with the Jesuit order: while the progressive forces wanted to prohibit it, the Catholic Conservative forces supported it. Eventually, the seven Catholic Conservative cantons of Fribourg, Luzern, Schwyz, Unterwalden, Uri, Wallis, and Zug came to perceive their values and independence as being in danger, and so united in an alliance for the protection of Catholicism and cantonal sovereignty. However, the country’s liberal forces viewed this construction as a separatist alliance that had to be fought against. In 1847 this crisis escalated into a civil war (Roca 2012), which was won after 25 days by the liberal forces. After the war, the hearing of the estates’ representatives assigned the costs of battle to the Catholic Conservative and neutral cantons. These costs amounted to 6.18 million Swiss francs. However, in 1852 the cantons were exempted from having to pay the remaining 2.2 million Swiss francs (Roca 2012). This policy of including the losing side in the subsequent political process was continued in the following decades as well.

As a consequence of the 1847 civil war, some of the demands made by the Catholic Conservatives were included in the Federal Constitution of 1848 that created the modern Swiss federal state. Cantonal sovereignty was guaranteed by introducing the federal structure, of which not only the *Ständerat* (Council of States) and *Ständemehr* (the necessity of the agreement of a majority of cantons, in addition to a popular majority, in order for a mandatory referendum to be passed) are examples—the attribution of responsibility for schools and churches to the cantons is representative of this as well. An exception to accommodating the Catholic Conservatives’ claims is the prohibition of the Jesuits, who were abolished as late as 1973. In addition to the vertical distribution of powers, a horizontal one was introduced as well: In 1891 Josef Zemp was elected as the first Catholic Conservative representative to the *Bundesrat* (Federal Council), which until that date had been dominated by the progressives. This resulted in a mutual recognition, a balance of power, and an accommodation between the two camps (Linder 2012: 3).

But these changes did not herald the end of all theological tensions. While the 1860s were marked by détente and by a weakening of the Conservatives, the latter regained their majority in all seven cantons by the beginning of the 1870s (Vattner 2014: 98). The Catholic Conservative forces merged these cantons

together with their refugium in the wood to a Catholic reservation and a place of resistance. This place, the canton authority and Catholic hierarchy gave shelter to Catholics against the dominant liberal and progressive forces (Altermatt 1972: 37–38). This territory included central Switzerland and the cantons of Appenzell Innerrhoden, Solothurn, and Wallis.

In contrast, on the federal level the Catholics lost ground against the liberal Protestants during the *Kulturkampf* (1847–early 1870s, Linder 1999: 16). They had to accommodate all of the Protestants' claims, such as the denominational neutrality of the state, the separation of church and state, and the renouncement of all privileges for the church—ranging from education to religious marriage (Linder 1999: 16). A further aspect of Protestant dominance was that the Catholics were not represented at all in the *Bundesrat* as a political force until 1891 (Klöthi 1999: 167). Political Catholicism reacted to this disadvantaged position by founding organizations such as the later *Christlichdemokratische Volkspartei* (CVP), Christian trade unions and newspapers such as the *Neue Zürcher Nachrichten*, and schools and other associations for different groups in society. This establishment of a Catholic counterculture was aimed at reconciling all social differences (Linder 1999: 17).

Swiss society was largely influenced by socioeconomic differences both before and after 1848. Despite this, the country's last civil war is usually depicted as having been one fought between denominations. This reading overlooks the fact that both sides instrumentalized religious feelings of belonging in order to promote their respective political claims and issues. As an example, the radical liberal faction did not fight for Protestantism, but for radical and liberal social progress. Under its denominational veneer, the civil war was thus really a conflict between tradition and modernity, between the countryside and the city, between the periphery and the center (Altermatt 1991: 136); Catholic anti-Modernism hence aimed to halt the onward march of Protestant radical modernity.

Due to the political structures established since 1848 in the Swiss Federal Constitution—such as the core political institutions or the principle of power sharing—these tensions between Catholics and Protestants have not resulted in any other armed conflicts since the civil war. The principle of power sharing applies both in the vertical and in the horizontal dimension. The vertical one designates the inclusion of former enemies into public affairs, for example by electing them to the *Bundesrat*; the horizontal one, meanwhile, designates what the federal structure of the Swiss state is. By the chosen structure of the *Ständerat*, the same voting rights are granted to the small Canton of Uri as they are to the large Canton of Zurich. This way, the small, rural, and Catholic cantons could acquire a disproportional influence and constituted a corrective force to the

mostly liberal *Nationalrat* right from the outset (Linder 2012: 3). In addition, most powers were anyway attributed to the cantons, such as the competence for religion policy. This granted large freedoms to the Catholic cantons and allowed them to adapt to the new era of the laicist state. All in all, we agree with Swiss political scientist Linder when he states (2012) that the sharing of political powers and the political inclusion of the Catholic Conservatives into the liberal state were the basis for the permanent settlement of the conflicts between denominations in the country.

### 4.3 Stability by a Dual Structure—The Canton of Zurich as an Example

The Federal Constitution dedicates, as noted, only two articles to religion policy: art. 15 to freedom of religion and conscience and art. 72 to the relations between church and state. This means that we cannot speak of the federal government being an actor in Swiss religion policy. This is due to the federal structure of the Constitution, which grants competence for the relation between church and state to the cantons instead (as per art. 72).

Most cantons regulate the relationship between church and state by granting a church official recognition as a *Landeskirche* with the status of a corporate body in public law (see Table 1). For instance, the Catholic Church was recognized as a *Landeskirche* in the Reformed Canton of Zurich as late as 1963. In addition, the cantons of Aargau, Appenzell Innerrhoden, Baselland, Bern, Glarus, Jura, Nidwalden, Obwalden, Schaffhausen, Tessin, Wallis, and Zurich all offer other religious communities the chance to be recognized as *Landeskirche*. In Zurich, the two Jewish communities *Israelitische Cultusgemeinde* (ICZ) and *Jüdische Liberale Gemeinde* (JLG) have made use of this opportunity.

All religious communities that do not have this kind of public recognition—such as Buddhist, Christian Evangelical, Hindu, or Muslim organizations—are subordinated instead to Swiss private law. This means they either have the status of an association or of a foundation.

As described above, all cantons hold competence for religion policy. Art. 130 of the *Zürcher Kantonsverfassung* (Cantonal Constitution of Zurich) states that the canton recognizes the following religious communities as autonomous corporate bodies in public law and, thus, as *Landeskirchen*: the Catholic Church, the Christian Catholic Church, and the Reformed Church. Within cantonal law, they act autonomously and on their own behalf (*Zürcher Kantonsverfassung* art. 130 para. 1 lit. a ff.). This means that they have the right to hold internal elections concerning their own affairs and in accordance with the democratic principles of

**Table 1:** The Recognition of Churches as Corporate Bodies in Public Law on the Cantonal Level

	Catholic	Christian Catholic	Jewish	Reformed
Aargau	X	X		X
Appenzell Ausserrhoden	X			X
Appenzell Innerrhoden	X			X
Basel-Land	X	X		X
Basel-Stadt	X	X	X	X
Bern	X	X	X	X
Fribourg	X		X	X
Geneva				
Glarus	X			X
Graubünden	X			X
Jura	X			X
Luzern	X	X		X
Neuenburg				
Nidwalden	X			X
Obwalden	X			X
Schaffhausen	X	X		X
Schwyz	X			X
Solothurn	X	X		X
St. Gallen	X	X	X	X
Tessin	X			X
Thurgau	X			X
Uri	X			X
Waadt	X			X
Zug	X			X
Zurich	X	X		X

Source: Authors' own compilation.

the constitutional state, which are laid down in a decree subordinated to the mandatory referendum (Zürcher Kantonsverfassung art. 130 a). Moreover, they have the right to levy taxes (Zürcher Kantonsverfassung art. 130 para. 3 lit. b).

These articles from the cantonal constitutions establish precise rules for the relationship between church and state on the cantonal level. The Canton of Zurich registers the members of the recognized churches in order to obtain a basis for administrative assistance, which is provided by the canton and the municipalities to these churches. Some examples are the distribution of church taxes or of pastoral positions. On the other hand, the recognized churches enjoy the right to levy taxes. Not only their members but in fact all legal persons resident in the Canton of Zurich have to pay church taxes. This even applies to those citizens

who are not members of any recognized *Landeskirche*, since the Canton of Zurich finances all *Landeskirchen* in part with their taxes. In addition, the canton supervises all church bodies (Zürcher Kantonsverfassung art. 130 lit. D. 5). Taken to an extreme, we could say that the Canton of Zurich mostly steers religion policy by tax policy.

In order to accurately assess the importance of the Catholic Church's recognition as a *Landeskirche* in the Canton of Zurich, we have to consider that it practically disappeared from the public sphere there after the Reformation. Only some 300 years after the Reformation would the first public Catholic mass be celebrated in Switzerland. In 1863 the cantonal parliament of Zurich passed the first legal bases concerning the running of the Catholic Church. But the definitive legal order establishing the dual structure of church and state was only created in 1963, as done by the canton's legislative body. On the one hand, they recognized the Catholic Church as a corporate body in public law and, on the other, the body's and the synod council's representatives entitlement to vote (which was then called *Zentralkommission*, "central commission") given that they are parts of the body. In 1983 this structure was further enforced by creating a legislative synod organ for the church on the cantonal level. In addition, a religious community that applies for recognition as a *Landeskirche* has to conform to the following democratic, organizational forms of the constitutional state, and to guarantee their upholding:

- a vote on the amount of the church tax
- election of the clergy
- passing and approval of the budget
- an active franchise for the election of ecclesiastical authorities (KiG 2007: 2A§5).

These principles correspond to the right to participation in direct democracy as guaranteed by the Swiss constitution. Although *Landeskirchen* are autonomous by principle, this only applies within the framework of cantonal law. By contrast, their organizational structure has to be established while still observing the democratic principles of the constitutional state (KiG 2007: 2A§5). This means that the cantonal council supervises the cantonal church bodies and that it takes note of their annual budgets (KiG 2007: 2A§5). To summarize, the state—or rather the canton—has overall responsibility for the supervision of the churches, also of the Catholic Church.



**Table 2:** The Catholic Church's Structure in the Canton of Zurich

Church Bodies (Designation)	Church Bodies (Explanation)		Church Bodies in Public Law (Designation)	Church Bodies in Public Law (Explanation)
The Swiss Bishops Conference	6 dioceses 2 autonomous abbeys	Switzerland	The Central Catholic Conference	Federation of all Cantonal Churches in Switzerland
Bishop	1 auxiliary bishop 4 vicar-generals chapters The Bishops Council The Priests Council Diocesan Council for Pastoral Care	Diocese of Chur	Biberbrugg Conference	Representatives of the Cantonal Churches in the Diocese of Chur (Glarus, Graubünden, Nidwalden, Obwalden, Schwyz, Uri, Zurich)
Vicar-general	Vicariate-general Chapter for Pastoral Care Cantonal Council for Pastoral Care	Canton of Zurich	Catholic body of public law	Cantonal Church of Zurich with the following bodies: Synod (legislative) Synod Council (executive) Appeals Committee (judiciary)
Priest	Vicar Congregation Chair Pastoral Assistant Staff for Pastoral Care Parish Council Council Foundation for the Congregation Church	Congregation	Church congregation	Church congregation in a city or region with the following bodies: church congregation parliament (legislative) church board (executive) audit committee (judiciary)

Source: Authors' compilation

The *Landeskirchen* have to observe the *Kantonsverfassung* not only in its vertical dimension but also in its horizontal one, by their bodies of public law. By creating the dual structure of church and state bodies of public law, the Swiss state interfered in the Catholic Church's organization. In practice, this means that

the synod or the synod council as church bodies of public law are not subordinated to the Holy See, but rather to the *Kantonsverfassung*.

In 2010 a reform of the *Kirchengesetz* (Law on the Church) required the establishment of an appeals committee. Since then, the synod has represented the legislative power, the synod council the executive power, and the appeals committee the judiciary power—so that the Swiss state’s democratic structure is now represented on the cantonal level vis-à-vis the Catholic Church. All *Landeskirche* members holding the right to vote can be elected to these bodies of public law according to democratic principles. In addition to these opportunities, all citizens can influence religion policy by using elements from direct democracy such as a referendum. This means that the Swiss state legitimizes its activities in religion policy not only through the dual structure and constitution in place, but above all, through the presence of its main organ—the citizen entitled to vote.

#### 4.4 Future Challenges

Today, the established relationship between church and state in Switzerland is challenged in many ways, and above all, by a changing demography. An ever-growing number of Muslim citizens raises the question of how the members of this religion can be integrated into the legal structures of Swiss public law. Since parties from the right like to defame these citizens as scapegoats for social ills, this question is extremely topical. Islam is thus demonized, and fears of losing one’s identity are compensated for by initiating campaigns against this alleged Muslim threat. An example is the newly introduced and alarming art. 72 para. 3 of the Federal Constitution, which prohibits minarets. It can be doubted whether this article even holds up in international law. In any case, it should raise concerns that its initiators—above all the right-wing, populist *Schweizerische Volkspartei* (SVP)—interpret the changing of the Swiss population’s demographic as indicative of a deeper conflict in society. The protests raised by the Muslim population in Switzerland were accordingly taken as proof of an alleged threat to the Christian faith.

What is actually happening, though, is rather a shifting of conflict cleavages: while some decades ago intra-Christian conflicts between Catholics and Protestants mainly afflicted Switzerland, today we witness instead the artificial escalation of the notion of a conflict between religions—that is, between Christianity and Islam. Independent of this development, the Muslim umbrella organization *Föderation der Islamischen Dachorganisationen in der Schweiz* (FIDS) commissioned in spring 2014 an expert investigation of whether Islam could officially be recognized as a *Landeskirche* in the Canton of Basel. Apart from the require-

ments laid down in constitutional law and that apply to all *Landeskirchen*, in the case of a positive result the article on minarets would have to be negotiated anew or discarded altogether. Thus, the result of a democratic referendum—the one on the article about minarets—contrasts with this Muslim organization's application to become a *Landeskirche* according to Swiss law. We have no doubts that this will lead to severe conflicts and disputes, and that the legal basis of coexistence in Swiss society will have to be defined in new ways.

Another challenge that will have to be faced is the need to soon reflect on a new definition of the *Landeskirchen's* status in public law, since a growing percentage of Swiss citizens are either leaving the churches or do not belong to a religious community at all. Demographic changes are further contributing to this shift in religious affiliations: most ecclesiastical authorities are overaged, although no figures for this currently exist that comply with academic standards. The reason for this is that most church congregations do not conduct any surveys among their authorities. This clearly represents a lack of knowledge, since both surveys and their evaluation would give a detailed picture of a church's situation. Probably, such initiatives have not yet been undertaken because many politicians in Swiss municipalities and cities began and conclude their political career as members of an ecclesiastical authority. This entanglement does not allow them to take a neutral stance, one that would encourage them to indulge in self-criticism. As background information, it should be noted all political offices in the country's municipalities and cities (apart from in the large ones of Basel, Bern, Geneva, Lausanne, and Zurich) are honorary. Only political offices above that of senior civil servant are paid a salary. A further challenge henceforth will be to reflect on the legitimacy of all legal persons being obliged to pay church taxes for legal persons, since only recognized *Landeskirchen* benefit from this money.

Another future challenge to be faced is the Catholic Church's current stance on the Swiss constitutional structures, which it clearly mistrust. For instance, when the 50th anniversary of the Catholic Church's recognition as a *Landeskirche* were celebrated in June 2013, the Bishop of Chur (to whose diocese Zurich belongs) stated that he was not pleased with the celebrations since the existing ecclesiastical law system contradicted the church's core structural nature (Mente 2006). Martin Graf, the senior civil servant of Zurich, answered this with the sharp criticism that apparently the protected worlds of Chur and Rome had remained stuck in the Middle Ages. He declared that he did not understand why Chur's church hierarchy could not perceive the benefits of the current ecclesiastical law system, as their predecessors had done in 1963. The government of the Canton of Zurich, in its role as an executive body, stated that it stood up for the existing structure in constitutional law within the framework of the neutrality

of the state, since it had brought religious peace to the country (Kanton Zürich, Medienkonferenz 2013). Bishop Vitus Huonder rejected this, however, as an “attack against freedom of religion” (Mente 2006).

#### 4.5 Conclusion

If we observe the historical development of churches in Switzerland, we come to the realization that religious peace between them developed out of several armed conflicts and civil wars. Swiss society was deeply divided according to denomination up until the 1970s. This situation would only change with the introduction of nonpartisan structures in public law. The *Landeskirchen*'s subordination to the Swiss constitution gives opportunities to participate in direct democracy. These elements are central pillars of Swiss consensus democracy, which has until now facilitated the peaceful coexistence of different ethnic and religious groups within the country's population. If consensus democracy was abolished, the power balance would only shift to the benefit of one single party—but certainly not to that of all groups. The Bishop of Chur and the Holy See have a hard time understanding this, since they value Roman Catholic canon law higher than the Swiss Federal Constitution. An implementation of their scale of values would only lead to undemocratic behavior and decisions though. In addition, this would create a dangerous precedent for other religious communities in Switzerland and thus jeopardize the peace between denominations there—a tolerance that had been so hard to attain prior to 1848.

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# 5 Denominational Influence on Religion Policy after the State Church? Evidence from Greece, Italy, and Sweden

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**Abstract** This chapter tests whether we can identify the existence of common patterns in religion policy after the transition has been made from the state church model to the cooperation model. Within religion policy studies, a special focus lies on the treatment of religious minorities on the level of central government—governments whose members are country nationals and thus also primed by the prevailing religion—, on lower levels of public administration—for whose public servants the same thing is supposed to apply—, and on the level of civil society. This chapter analyzes three countries with a former state church, each of a different denomination: Greece, Italy, and Sweden. My results show that denomination—and, more precisely, the degree to which it binds the individual believer—has a high explanatory value for a state’s religion policy and the treatment of religious minorities. Obstacles to the full integration of religious minorities arise either from a high level of secularization or from the majority population being deeply anchored in the majority religion, which leaves no room for deviation.

## 5.1 Introduction

Syrian Orthodox Christians living in Sweden join the Church of Sweden while continuing to belong to their own church, as they perceive this as a way of assimilating themselves into the local culture (Egnell 2008: 309). Buddhist sects in Italy invent a god in order to adapt their draft for a state treaty to the Christian model, hoping that it will then be approved more quickly. Greek firefighters employ only Orthodox staff for safety reasons (Groen 2003: 443). These examples show us that after the transition from the state church model to the cooperation one, the former state church is still the implicit model that shapes the government’s and the public administration’s image of what a church or religious community should be like, both concerning its religious doctrine and its administrative struc-

ture. The treatment of religious minorities, which are mostly also immigrant religious communities, in such contexts should be a meaningful test of this hypothesis. In order to control for the influence of denomination three countries were chosen with a former state church, each of a different denomination: Greece for Orthodoxy, Italy for Catholicism, and Sweden for Protestantism. Legal orders regarding the recognition of religious communities and their permitted range of activities are likely to follow the corresponding legal orders adhered to by the former state church, either for reasons set in constitutional and ecclesiastical law or for denominational (mostly ecclesiological) ones. We assume that in the collective conscious, the prevailing religion is still deeply connected with national identity.

### 5.2 *Case Study 1: Sweden*

The distinction between simple law and constitutional law might seem arbitrary, since formally speaking the constitution has the status of a simple law. However, this distinction is maintained here for the sake of comparison. Chapter 2 para. 6 of the Swedish Constitution of 1975 (Basic Rights and Freedoms, last amended by law no. SFS 2010: 1408) grants all citizens the freedom to practice their religion alone or in community with others. However, the basic right to religious freedom is protected by the constitution only for individuals and not for groups (corporate freedom of religion, Larsson and Sander 2008: 41). Concerning religious minorities as groups, it only contains the less binding mandate to help promote them. The disposition on religious freedom was upgraded to the status of an absolute right by a constitutional amendment made in 1976. An absolute right cannot be restricted by other laws or legal acts (Alwall 2000: 152). Para. 4 of the Order on Succession to the Throne of September 26, 1810 prescribes that all princes and princesses entitled to succession have to be members of the Church of Sweden.

Simple laws on the Church of Sweden are: the Law providing Guidelines on the Church of Sweden (no. SFS 1998: 1591) and the Law on the Institution of the Church of Sweden (no. SFS 1998: 1592). The former transforms the church from a part of the public administration without any legal personality, one regulated by public law, into a registered religious community governed by private law. This type of legal personality was introduced during the separation process completed in 2000 (Friedner 2005: 544). This law also prescribes some significant goals to the Church of Sweden: it decrees that the church is an Evangelical Lutheran, democratically organized, and nationally active religious community. As a consequence, it cannot issue any regulations contradicting the legal order of the state; for instance, it is forced to appoint individuals to all the positions in its hierarchy

according to the principle of democratic representation. In theory, it would be possible to elect a whole synod, the leading body of the Church, without a single pastor (Gustafsson 2003: 68). The church's activity is still governed by public law in the two areas of running cemeteries (Law on Burials no. SFS 1990: 1144) and protection of monuments (law no. SFS 1988: 950, Kulturdepartementet 2012). Its activity vis-à-vis protection of monuments is subventioned and, in addition, the church is allowed to use the public taxation system for collecting church membership fees.

For religious communities, a three-step system of legal statuses is in force. The lowest step corresponds to an association in private law, which only has to comply with the following definition: "a community for religious activity that holds religious services" (SFS 1998: 1593 para. 2). The next step consists of the registered religious community, which in addition has to issue a statute that discloses its internal decision processes, its leadership, and a distinguishing name. The third step concerns the religious communities that are represented in the public authority *Nämnden för Statligt Stöd till Trossamfund* (SST) and obtain public subventions. However, being registered as a religious community is no guarantee of representation within the SST (Friedner 2007: 217). So, the status of the Church of Sweden can be placed somewhere between that of a registered religious community and of one represented in the SST. The central authority, the *kammarkollegiet*, is responsible for registrations. This procedure has a purely administrative nature, since the *kammarkollegiet* does not assess the religious community's theological doctrine (Friedner 2005: 544).

Law no. SFS 1998: 1593 allows registered religious communities to use the tax system to levy their membership fees under the condition that they are involved in the fight against racism and discrimination and are in favor of gender equality. These conditions also apply for the granting of subventions via the SST. Once a year, the SST has to report back to the government on which measures the subventioned religious communities have taken to fulfill these anti-discrimination goals. Subventions are reduced for those religious communities that use the public tax system (Ekström 2003: 260).

The uniform legal status in private law of religious communities has seen the following criticisms be voiced: Since religious communities count as associations in private law and underlie the law of associations, it is not the religious community's leadership who decides about the conditions for membership therein but the Supreme Court. This means that not all baptized Catholics living in Sweden officially count as members of the religious community "Roman Catholic Church," although from the Catholic Church's perspective they are members. This recognition would only be possible if the Catholic Bishop of Sweden issued



such a law. The Catholic lawyer Dan Hanqvist (2003) perceives this system to be a discriminating measure taken so as to keep numbers within religious communities low. In contrast, the Church of Sweden did not have to solve this problem after separation since all of its members were automatically taken over as members of the new religious community “Church of Sweden.” This criticism is also expressed by some Oriental churches based on apostolic succession, who perceive their status of legal personalities in private law to be humiliating (Hanqvist 2003b: 618).

The separation process has introduced more autonomy and self-government to the Church of Sweden and a stronger bond between the state and the country’s religious communities. The system of collecting membership fees is also widely accepted nowadays, although the Evangelical “free churches”<sup>4</sup> were for a long time skeptical about any interference therein by the state. The Catholic and Orthodox churches accept it because they also use a tax system in other countries (Ekström 2003: 259). Only a few privileges or perceived privileges for the Church of Sweden persist. For instance, the Catholic Church and the free church *Missionsförbundet* criticize the fact that a separate law was issued for the Church of Sweden, that the king is obliged to be a member in it, and that it has responsibility for all cemeteries. The umbrella organizations of the free churches and the SST express similar concerns, and define the Church of Sweden as still not being separated from the state since the law prescribes significant tasks to it (Ekström 2003: 237).

In practice, the strict system of controls against discrimination is not as tight as it might seem. Even such religious communities who do not implement all goals required by the law receive subventions, which sometimes causes conflicts. In 2003 Minister for Civil Affairs Marita Ulvskog asked the *Missionsförbundet* to ordain homosexual pastors. She in fact even made the subsequent granting of the subvention dependent on it. A similar initiative was taken by Minister of Integration Mona Sahlin, who suggested forcing all religious communities to offer homosexual couples the chance to marry. This was settled by the Minister of Justice, who explained that no religious community could be forcibly obliged to marry a couple since this issue falls within the religious community’s right to self-determination. In 2003 the ombudsman for discrimination evaluated 21 religious communities regarding their treatment of homosexuals. The Pentecostal Church, the free church *Bibeltrogna vänner*, and the Muslim community failed

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4 This term lacks a precise English translation. The Swedish term *frikyrkor* designates mostly the Evangelical, but also Old Lutheran, churches that were recognized by the dissenter law no. SFS 1860: 46.

this evaluation (Ekström 2003: 285). A similar issue is whether the state should intervene if the Catholic Church and the Muslim community forbid women to become clergy in Sweden (Svanberg and Westerlund 2008: 348).

In 2004 the Pentecostal pastor Prediger Åke Green was sentenced to a month in prison because of a sermon he gave against homosexuals. The clergy's right to religious freedom has to be balanced against the need to restrict the freedom of expression for the sake of protection of all groups in society. The court of first instance *tingsrätten* decided in favor of homosexuals' right to protection against defamation. The court of second instance *hovrätten* took the opposite stance in favor of the right to religious freedom, since it can hardly be restricted due to its current status in Swedish constitutional law. The court stated that a clergyman was entitled to interpret the Bible as he wishes, as long as his views still have a connection to it. It thus annulled the sentence. Because of its complexity, the case was transferred to the Supreme Court, which upheld the *hovrätten's* decision (Nilsson 2005: 312). This is an example of how individual rights are valued higher than collective ones in Sweden: While an individual clergyman discriminating against homosexuals is protected by law, if the Pentecostal Church as a religious community officially expressed the same views it would lose its subventions.

The most noticeable conflicts between religious minorities and the Swedish state are over the claims made by the Muslim community in relation to the observation of prayer hours and religious holidays at school and at work, Islamic RE in schools, funeral rites, the building of mosques, and ritual slaughter (Gunner 2008; Johansson 2002; Karlsson and Svanberg 1997; Larsson and Sander 2008; Roald 2009). The country's Jewish population also feel discriminated against by the current legislation on circumcision and ritual slaughter (Andersson 2005: 362 ff.). These minorities perceive the state as being hostile to religion, so that the real division is not between Protestants and minorities but between secularists and religious groups. The Church of Sweden follows an ambivalent line on integration. On the one hand, it includes groups with several different languages and nationalities while a number of parishes have introduced Bible readings and prayers in other languages. At the same time, it has failed to react to the claims made by Jews and Muslims for more generous legislation on religious slaughter and circumcision. This can be explained by denominational factors; that is, by the narrow scope of a Protestantism that has reduced or abolished most visible forms of religious practice such as dietary requirements. An exception to this understanding of religion are the groups for interreligious dialogue that were founded in the 1990s, who fight for the public recognition of the right to ritual slaughter (Gunner 2002: 75).

When taking into account the meaning of the church for Swedish national identity, we can state that up until church–state separation church membership was widely considered to be an element of national identity. Since then, however, many Swedes have perceived the church to be an organization existing purely for religious purposes, for which their faith is not strong enough—and consequently have left it (Dahlgren 2008; Lindberg 2009). While in past centuries the principle of the unity of the people, religion, and the state played the role of civil religion, during the 20th century the welfare state took over this unifying role from the church (Demerath 2000; Lindberg 2009). This approach is mirrored in formal integration policy, which followed the experts’ opinion in SOU 1996: 55 and was thus passed as law in 1997. These new guidelines established an “integration and diversity policy” for the whole population. Some politicians and immigrants have criticized this policy as a return to the former *folkhem* (“people’s home”) ideology, because it does not bestow any collective rights on religious groups (Larsson and Sander 2008: 26 ff.).

The process whereby the welfare state gradually took over the unifying role of the church was accompanied by a strong decline in religious practice: If one looks at baptism records, 70 percent of Swedish people formally belonged to the Church of Sweden in 2010. On an average Sunday, however, only 5 percent of the population attends a religious service (Church of Sweden 2010; Eurobarometer 2005; Lövheim 2007: 83; Svanberg and Westerlund 2008: 34).

### 5.3 Case Study 2: Italy

The formal abolition of the state church by the concordat of 1984 did not abolish the Catholic Church’s privileges. The legal status of the Catholic Church differs from that of other religious communities: it is a corporate body organized under public law (Ferrari 2005: 215). For the country’s other religious communities, a three-level system of legal statuses applies: just below the Catholic Church are those religious communities possessing a state treaty (Saracino 2001: 53); below them are the religious communities without a state treaty but that are recognized as religious communities as such (Barberini 1994: 210; Cardia 1996: 168; Long 1990: 361); and, finally, there are those religious communities governed by private law (Cristallo 2007: 30). The Catholic Church is also granted more rights in other fields too; for example, the concordat allows it to choose the teachers who are paid by the state to give (confessional) RE in public schools (Pagano 1990: 144). The most important change brought out by the abolition of the state religion has been that, since then, religious minorities may conclude state treaties. This possibility had already been introduced in art. 8 of the Constitution of 1948

but was impossible to implement, because all efforts to do so were blocked by Christian Democratic governments or by pressure from the Catholic Church (Long 1991: 47; Saracino 2001: 64).

87 percent of Italians formally belong to the Church (Vacca 2006: 26), while 26.5 percent attend Mass every Sunday (Garelli 1996: 77, 2011; Nesti 1997: 52). This high percentage of people practicing religion is not explained only by Catholicism, but also by the Second Vatican Council that actively involved lay people through different forms of participation. For this reason, religious practice in Italy is highest among people of around 60 years of age. The persecution and torture of religious minorities pursued by the Counter-Reformation helped spread the idea that other religions were something to be mistrusted. Fascism could easily appeal to this mentality and reinforce the message that Catholics equal Italians, and non-Catholics anti-Italians. As there has been no thorough national coming to terms with the Fascist past, this mentality is still widespread in Italian society (Nesti 2006: 2; Stewart–Steinberg 2007: 15).

The main topics of debate in religion policy since the state treaty of 1984 have been the conflict over the displaying of the crucifix in the classroom, the conflict over the imparting of RE, and the conflict over attempts to pass a general law on religious freedom—which is the other side of the coin of concluding state treaties with individual religious communities. From a legal point of view, it was not necessary to pass a law on religious freedom, since this right was already guaranteed in art. 3 of the Constitution and the Sineo law no. 735/1848 included in art. 3. It, rather, simply had fallen into oblivion because it was never actually implemented (Long, correspondence to author, September 8, 2012).

The conflict over religious education began with an interpellation by the center-left Member of Parliament Franco Bassanini to Minister of Education Franca Falcucci in 1986, because she did not let parliament vote on the bilateral agreement concluded on RE between the Italian government and the Holy See in 1985. As a solution, parliament asked the government to establish an alternative school subject to RE. The extreme position taken was that since RE had become an elective subject this had to apply also to the alternative subject (an opinion hold by some parents), and that those students who chose RE were discriminated against (an opinion hold by the Holy See, Pagano 1990: 127 ff.). The conflict continued as a result of the involvement in the issue of the media, the government, parliament, the Holy See, courts (including the Council of State and the Constitutional Court), the Waldensian Protestant Church, and trade unions. It was finally settled by the two rulings of the Constitutional Court no. 203/1989 and no. 13/1991, which stated that neither Catholic RE nor the alternative subject could be mandatory (Long 2007: 106). The dissatisfaction of the country's religious

communities with this ruling could be seen, for example, in the statement issued by the Jewish community in its annual meeting in 2006 that the imposition of the religious principles and beliefs of one group on all others represented an unacceptable totalitarianism. The Protestant churches supported it, meanwhile, although the Bishops Conference defended the status quo (Long 2007: 116). The Holy See thereafter issued circular no. 520/2009, which places Catholic RE on the same level as the mandatory subjects (Panizzari 2009: 202 f.).

The conflict over the crucifix in the classroom was triggered by a teacher in 1987, who refused to work in a room with a crucifix on display after the abolition of the state church (González-Varas Ibáñez 2005: 207). This resulted in an interpellation by the Ministry of Education to the Council of State about the currently unclear legal situation (Robbers 1998: 68). This is why this conflict mostly played out within the realm of jurisprudence. In some schools, the principals removed the crucifix so as not to offend their growing number of Muslim students. The Catholic Church expressed regret about this, but did not fight this development because it esteemed RE to be a more powerful tool for evangelization than the crucifix (Guolo 2003: 138). The plaintiffs were teachers and campaign workers who refused to fulfill their duties for the state in a room having a crucifix; the defendants were center-right parties such as the Northern League (Jouvenal 2003: 70 f.). The Council of State eventually passed sentence no. 556/2006, which defined the crucifix as a symbol of tolerance and laicism and not of religion per se (Camera dei Deputati, February 7, 2007). This conflict culminated with the European Court of Human Rights (ECHR) ruling of *Lautsi vs. Italy*, which declared that a crucifix in the classroom violated both parents' right to the free education of their children and children's freedom of conscience (Luzzatto 2011: 46). The government immediately gave notice of appeal and was backed by the President of the Republic therein. No one shared his stance against the crucifix however (Luzzatto 2011: 103).

The conflict over a law on religious freedom began with the suggestion by the Giulio Andreotti government on September 13, 1990 to pass such a law (Jouvenal Long 1998: 83 f.). Since this proposal included the provision to deduct donations for religious communities up to 2 million lire from taxes and the audit court esteemed this to be excessive, it was not passed in parliament. The next such suggestion was made by the government on March 24, 1998. It proposed to allow religious communities and their members to observe dietary requirements and holidays in public institutions, and furthermore to introduce an oversight body that should report to parliament each year on the situation of religions in Italy (Naso 2000: 43). This bill expired because of the end of the legislature and was not taken up in the next legislature. In 2001 and 2003 two more drafts of a law on

religious freedom were made in parliament. The debating of them was delayed because the Northern League wanted to make them more restrictive in light of the events of September 11. Because of the end of the legislature, all bills expired (Mazzeschi 2007: 53). The religious communities pressured for the passing of such a bill, because they no longer wanted to be subordinated to law no. 1159/1929 (Cristallo 2007: 30). In 2006 Protestant Member of Parliament Valdo Spini proposed another bill that had no lasting consequences. Its authors also reminded the government that four state treaties with religious communities still had to be signed into law (Senato della Repubblica, November 14, 2006).

In 1998 the center-left government passed the first law containing coherent guidelines vis-à-vis integration policy, the Turco–Napolitano law no. 40/1998. It was based on the recognition of cultural pluralism, the rejection of assimilation, and the taking of an intercultural approach. The term “exchange” acquired a central importance and migrants and the public administration were encouraged to get to know each other better. Respect for the integrity of the individual was a central concept herein. On the level of implementation, the law introduced the figure of the “cultural mediator” as a bridge between migrants and the public administration (Campani 2008: 185). A general problem regarding integration processes lies in the still weak degree of development of civil society and the limited identification of the average Italian with their state. There are two reasons for this: first, Italians perceive their state to be far removed from the people and, second, Catholicism functioned as a civil religion for many decades, a role that it only lost in 1994 with the collapse of the *Democrazia cristiana*. For the integration of immigrants, this carries the problem that the Italian identity is not open to non-Catholic migrants (Guolo 2003: 151 f.). As a consequence, religious boundary setting is higher than in the European average: many Albanians, for example, convert to Catholicism in order to be socially accepted (Iosifides et al. 2007).

However, there is also another side to growing religious pluralism in Italy: as a reaction to the growing number of non-Catholic immigrants settling there, more initiatives on interreligious dialogue have been founded. Laymen from different religions have become involved in the association “Secretariat for Ecumenical Activities,” in the network for Jewish–Christian friendship, and in the S. Egidio Community. The monastery of Camaldoli becomes a center for Jewish–Christian dialogue and the monastery of Bose for Orthodox–Catholic dialogue (Naso 2000: 243). Since the beginning of the 1990s, some bishops have opened interreligious meeting and research centers in the country’s largest cities (Zatti 2008: 158). The diocese of Milan is one of the most active dioceses: Archbishop Dionigi Tettamanzi opened a forum of religions there, in which several Christian, Muslim,

Jewish, and Buddhist groups participated. There are also now several Catholic youth organizations maintaining contact with their Jewish and Muslim counterparts (Bombardieri 2009: 179 ff.).

The Catholic Church's position on Islam can be identified as follows: On the level of the Holy See, the prevailing stance is openness to dialogue. On the intermediate level of the Italian Bishops Conference, Islamophobic positions prevail. On the local level of the parish, an openness to dialogue and collaboration is most frequently found, for example when Catholic priests offer prayer rooms to Muslims who do not have access to a mosque (Allievi 2010: 112 ff.). Skeptical voices within the Catholic Church hold that Catholics give up their identity in inter-religious dialogue, and furthermore castigate Islam for denying Christianity's central teachings (Guolo 2003: 83). Some of them, such as the *Gruppo di Ricerca e Informazione Socio-Religiosa* (Working Group for Socio-Religious Research and Information), have also become involved in initiatives taken to halt the diffusion of those religious communities that they perceive to be dangerous.

The only measure taken regarding Islam during the second Silvio Berlusconi government (2001–2006) was the foundation of the Islam Council by Minister of the Interior Giuseppe Pisanu. Strong criticisms were raised about this council because the Muslim organization Ucoii, which represents most Italian Muslims but is influenced by Islamist currents, was also part of it. On the other hand, the Islam Council also had some progressive and liberal Muslims members, like Souad Sbai—who has distanced herself from Islamism. The Northern League called the foundation of the Islam Council “a huge error.” Soon after its foundation, the Ucoii's representative, Nour Dachan, refused to sign a declaration on Israel's right to existence. As a consequence, the Islam Council met only once more and concluded its work without achieving any results (Panizzari 2009: 191).

Although Romano Prodi's electoral program promised a law on religious freedom and increased interreligious dialogue at school (Panizzari 2009: 199), the return of the center-left to government from 2006–2008 did not bring any further progress to Italy's integration policy (Campani 2008: 216). On June 14, 2006 Minister of the Interior Giuliano Amato reestablished the Islam Council. Dachan fuelled the tensions within and about this authority by comparing Israel with Nazi Germany. Ucoii representatives initially refused to sign a “Charter of Values for Citizenship and Integration,” since they saw it as discrimination to ask this only of Muslims. However, Sbai threatened to quit the Islam Council if the Ucoii did not sign (Panizzari 2009: 202 ff.). This conflict was eventually settled by opening up the charter to other immigrant groups and religious communities as well (Bombardieri 2011: 109). On March 13, 2008 the Islam Council handed in to the Ministry of the Interior a declaration on the implementation of the charter and on

the foundation of a federal council of Muslims. The charter confirmed the principles of freedom of religion, of equal rights for men and women, and of human rights. It expressed the need of Italian Muslims to have an official representative on the national level in order to counter any biased perceptions of them, to run mosques according to their own needs, to solve the question of the education of Imams, and to ensure their freedom from being influenced by foreign and Islamist organizations (Ministero dell'Interno 2008: 50).

The third Berlusconi government (2008–2011) did not take any measures at all for the further promotion of integration. The fact that the Islam Council was founded during the tenure of a center-right government (Panizzari 2009: 228) was due, as noted, to the personal initiative of Pisanu, who is particularly open to this issue. Within the center-right, he was alone in this pluralism. While the small centrist parties that succeeded the *Democrazia cristiana* are not against Islam as a basic principle, they do however emphasize that the Christian and Italian identity cannot be questioned by a Muslim one. The Communist party, meanwhile, has aligned itself with the Muslims' position and now appoints mostly Muslim candidates of all parties (Bombardieri 2011: 146).

To conclude, we still cannot speak of social equality existing between the Catholic Church and religious minorities in Italy—those minorities that have concluded a state treaty only enjoy in theory most of the rights that they are entitled to claim, while they in reality still have to struggle in order for them to be implemented. As an example, a polling day was once set on a Saturday—only after the Jewish community reminded the authorities that this would exclude them from voting was the day changed (Naso 2000: 213). Those minorities who have not yet concluded a state treaty, such as the Muslims, enjoy fewer rights. The problem lies in the procedure: each state treaty has to be approved by government and parliament, and this usually takes many years. The result is that some religious minorities, hoping to get their treaty approved more quickly, adapt their draft version to those treaties that have already been approved—even if this contradicts their religion. This has been the case for the Buddhists, who do not worship a God in the monotheistic sense of the word—but they nevertheless included a similar deity concept in their draft state treaty (Pin 2006: 25; Naso 2011). As a general observation, center-left governments and parties demonstrate a higher degree of awareness about integration policy and sensitivity to the needs of Muslims and other migrants. Therefore, it is easy to conclude that religion policy concerning the influence of the Catholic Church on Italian politics and society is more or less the same among both the center-right and the center-left, but integration policy is more restrictive among the center-right than the center-left.



#### 5.4 Case Study 3: Greece

The current Greek constitution of 1975 contains two articles establishing the legal status of the Orthodox Church. Art. 3 declares the Orthodox Church to be the “prevailing religion” in Greece (Konidaris 2003: 228). The literature is divided on how to interpret this term. Some scholars hold that it barely has descriptive value and means that the majority of Greeks belong to this religion (Athannasiadis 2008: 102). An example of this interpretation are Zervakis and Auernheimer (2009), who state that this constitution implemented the separation of church and state because the church administers itself and no longer enjoys the protection of the head of state. The Ministry of Foreign Affairs interprets “prevailing religion” to mean that the Orthodox Church does not have the right to exercise authority over other religious communities; it refers rather to the religious affiliation of the majority of Greeks and the importance of this church for Greek history and society (Kyriazopoulos 2001: 530). Other scholars maintain that a descriptive statement would be worthless in a constitution and is thus likely to bear normative implications in the sense of the official religion of the Greek state, which should be granted special treatment and privileges (Papastathis 2005: 116). This means that the literature on ecclesiastical law is divided as to whether a state church or a coordination system is in force in Greece.

Art. 13 protects religious freedom as a special case of individual freedom, according to art. 5 para. 1 of the Greek Constitution. Although the President of the Republic does not formally have to be Orthodox, he, the government, and the members of parliament have to swear an oath on the Holy Trinity to the Archbishop (art. 33 para. 2 and art. 59 para. 1) when assuming office. This is an indirect way of claiming an Orthodox president (Papastathis 2005: 125). The only exception applies to Muslim members of parliament, who may swear on the Koran instead (art. 59 para. 2, Zervakis and Auernheimer 2009: 820).

The principle underlying the redaction of the constitution was the desired coexistence of state and church on an equal basis. This hope, held by many members of parliament, was not fulfilled however, since the relationships between state and church have become even tenser since 1975 while the numerous privileges granted to the church have devalued the principle of religious freedom in the sense of art. 3 (Konidaris 1994: 173). The Council of State delivered two judgments in 1976 and 1978 that the separation of state and church as prescribed in the constitution had not as yet been completely implemented. National law does not take a firm stance on the question of the ecclesiastical law system in force and thus contradicts the international and EU law to which the Greek state is also tied. Since there is no complete separation between the state and the pre-

vailing religion, the relationship between the state and the churches has been transformed into one between the prevailing and the “known” religions instead. Art. 72 para. 1 says that parliament has to ratify the Church Order passed by the Holy Synod, so that it counts as a public law. But a correct interpretation of the Constitution means that such a Church Order falls within the church’s internal affairs, since it only concerns its own members (Kyriazopoulos 2001: 534).

Between 95 and 98 percent of Greeks belong to the Orthodox Church. Eighty-one percent of Greeks believe in God. Although 45.9 percent of the population only attends services at Christmas, Easter, and on special holidays, this is due to the fact that the Orthodox Church does not prescribe attendance at church services as a duty (European Values Study 2008; Special Eurobarometer 2005). The relationship between the nation-state and the Orthodox Church is strong. The education system cultivates a sense of national identity that emphasizes homogeneity (Karakatsanis and Swarts 2003: 240). During the Kosovo conflict a majority of the Greeks identified with the Serbs as “brethren in Orthodoxy,” which led to a hostile atmosphere for Catholics and Muslims in Greece (Groen 2003: 444).

Religious communities can acquire a legal personality in either public or private law. The Orthodox Church, the Jewish communities, and the mufti offices are corporate bodies in public law. The other known religious communities have a legal personality in private law (Konidaris 2003: 223), which means they can choose between the legal form of the corporation or of the civil association. This grants them the rights to contract treaties, to purchase real estate, and to work as employers, but for carrying out religious acts they need a special permit from the Ministry of Education. There is no coherent system for registering new religious communities. The state does not interfere in the religious communities’ self-administration, apart from in the cases of the Jewish communities and the Muslim *evkaf* foundation. The religious communities thus enjoy more freedom than the Orthodox Church does (Papastathis 2001, 2005).

The Muslim minority of Turkish origin living in Western Thrace (but not Muslim immigrants) has been granted the same privileges as the Orthodox Church. They may build mosques unimpeded and receive subsidies for the protection of historical mosques. They may take a day off school or work on their religious holidays. Administrative jurisprudence based on the sharia is carried out by three muftis (Athanassiadis 2008: 201). For Jews, a similar system works with the rabbinical Beth Din Council (Papastathis 2005: 136).

The legal situation is worse for the country’s other religious minorities though. While Catholics and Protestants mostly complain that the Orthodox Church claims to speak for all Greeks, Jehovah’s Witnesses suffer from their

meetings being disrupted by Orthodox priests, inspections by the police, and building licenses for their churches being denied. Many members of minorities say they feel treated like strangers when it comes to their rights but like Greeks when it comes to their duties. It is still almost impossible to make a career in the diplomatic service, in the army, or in the police service without being Orthodox. Many Albanians in Greece thus convert to Orthodoxy when applying for a job (Labrianidis and Limberaki 2001, quoted by Kiprianos et al. 2003: 155).

Greece's religious minorities—that is, Catholics, Jews, Muslims, Protestants, and Uniated—have continually demanded the abolition of all discriminatory legal acts. Public authorities discriminate against them on a regular basis, for example by denigrating them in public, by not allowing their members into the police service, by registering non-Orthodox conscripts separately, and by forcing spouses of mixed marriages to commit themselves to the Orthodox baptism and education of their children. This is witnessed and criticized regularly by the ECHR, the US, and international human rights organizations like Amnesty International. However, these actors are perceived as unilaterally biased. Greek human rights organizations such as Greek Helsinki Watch or the Hellenic League of Human Rights consequently enjoy much greater support from within the majority population.

Greece became an immigration country in the 1980s. Because of its self-perception as a homogeneous nation, it has not yet developed a consistent integration policy (Triandafyllidou 2009: 162). In 1996, law no. 2413 on intercultural education was passed—this defines intercultural education as “the organization and operation of school units [...] that provide for the education of young people with [...] cultural differences” (Kazamias and Zambeta 2000: 90). In practice, intercultural education consists of Greek language support and has hitherto been implemented in only 26 schools nationwide (Pavlou 2007: 9). The *συνηγορος του πολίτη* (ombudsman), created by law no. 1477/1997, is the only functioning anti-discrimination body. After the introduction of it, illegal activities undertaken against religious minorities became less frequent (Pavlou 2007: 14).

In the last few years, the indication of one's religious affiliation in the ID card and the visit of Pope John Paul II have been major controversies in religion policy. The indication of religious affiliation in ID cards was introduced in 1946 by law no. 87, when these documents were first introduced. In 1986 the socialist government made this indication voluntary by law no. 1599. The Conservative *Νέα Δημοκρατία* (ND) government withdrew this reform in 1991 by passing law no. 1988/1991. However, two years later it decided to make this indication voluntary again. In 1997 the government signed the Schengen Agreement. It also passed a law on privacy protection (no. 2472/1997) that meant citizens were no

longer forced to disclose their profession, citizenship, marital status, and religious affiliation to public authorities (Molotokos–Liederman 2003: 296). In 2000 the Minister of Justice announced the introduction of new ID cards without all these superfluous details, to mark the implementation of this law (Payne 2003: 267). The European Parliament had asked the Greek government already in 1993 not to accommodate the Orthodox Church's claims, but rather to implement its prescribed duties as per the constitution and EU law (Kyriazopoulos 2001: 521). Even the UN's Special Rapporteur on Religious Tolerance expressed his concerns about this regulation, since the indication of religious affiliation goes against international conventions (Anderson 2002: 14).

The Archbishop, however, was furious and subsequently organized mass demonstrations and the collection of 3 million signatures. Prime Minister Kostas Simitis replied that ID cards just have to contain the necessary data for identifying a citizen and mentioned the EU debate on standardized ID cards. Archbishop Christodoulos requested an appointment with Simitis, which the latter refused after stating that the question belonged to the state's competence alone. He referred the archbishop to the Ministry of Education, since it is responsible for questions of joint decision making by the state and the church. The Holy Synod reacted by labeling this a humiliation (Auernheimer 2001: 224). It called upon church members to write "Christian Orthodox" on their ID cards as a protest (Auernheimer 2006: 269), and organized regular and large mass demonstrations. Minister Dimitris Reppas judged these actions to contradict the church's character and repeated that the responsibility for ID cards lay within the state alone (Auernheimer 2001: 224).

The government refused to hold a referendum on this question, since it stated that human rights cannot be the object of referenda. About half of the population favored a voluntary indication (Auernheimer 2001: 227). Archbishop Christodoulos gave several speeches illustrating the importance of Orthodoxy for Greek national identity. He held that the state only has the task of preserving this identity against the Western forces determined to undermine it (Payne 2003: 266). In 2001 the Council of State judged the indication of religious affiliation to be against the Constitution. The Archbishop blamed again the prime minister for being influenced by international pressure. The President of the Republic stated again that according to the Constitution and to simple law the status quo did not have to be changed. This confirmed the removal of the indication. The conflict enjoyed throughout its duration broad coverage in the media, which contributed to the further fueling of it (Molotokos–Liederman 2003: 296).

The following positions were represented in this conflict: All parties agreed on the need to respect religious minorities. Defendants of the indication favored

first a mandatory indication and then, after 2000, a voluntary one. They understood the indication as a practical way of recognizing the official status of minorities and respecting their needs. Some even mentioned that no Catholics or Muslims had ever complained about discrimination arising due to this disposition. They also stated that a removal of the indication could lead to attempts by minority organizations to undermine Greece's ethnic and religious homogeneity. A second group favored dialogue between the church, the state, and the population at large and thus desired a referendum. The opponents of the indication referred to the principle of religious freedom, and pointed out that this indication had been introduced by the Nazi government in 1940 in order to identify Jews. Even in the case of voluntary indication, the lack of such an indication could be discriminatory (Molotokos–Liederman 2007: 147).

Among the country's religious minorities, Catholic, Jewish, and Protestant representatives spoke out against the indication. Jehovah's Witnesses held a neutral stance, because they adhere to the principle of noninterference in public affairs. In contrast, they would prefer to call themselves "Christian Jehovah's Witnesses," a nomenclature that is not accepted by the Orthodox Church as it claims to reserve use of the term "Christian" for itself alone. A member of parliament belonging to the Muslim minority in Western Thrace was against the indication for religious reasons. But he esteemed the indication to be useful as a way to prove that one belongs to the recognized Muslim minority and hence to be granted the corresponding rights thereof. In the case of abolition, an alternative solution such as special ID cards would have to be introduced (Molotokos–Liederman 2007: 150).

During the visit of Pope John Paul II, the controversy that arose was about the prime minister's intention to receive the Pope in his capacity as a head of state. Even high Orthodox clergy, speakers of Mount Athos, and Old Calendarists expressed their opposition to this. Within the state, ND did not support the church as usually but actually favored the visit. Soon, this convinced all actors within the state to receive the Pope like any other head of state. It was only later that Archbishop Christodoulos also consented, but with the strategic consideration of avoid another conflict with Simitis and perhaps therewith an important loss of influence within the Greek population. By contrast, Catholics and Protestants expressed moderate enthusiasm for the visit (Molotokos–Liederman 2007: 150).

On this matter, the state defended its position with reference to the pluralist argument. The Pasok government used the EU context and European standards of religious freedom to justify its decision to remove the indication of religious affiliation. In a similar way, the Pope's visit was presented as an element of modern nation-states upholding relations with each other. The government also argued that this visit would contribute to better Catholic–Orthodox relations. This proved

true, since the Pope begged for pardon for Constantinople's plunder by the crusaders in 1204. This gesture had a large symbolic value for Orthodox believers, and was widely covered in the Greek media (Molotokos–Liederman 2007: 150). Conversely the Orthodox Church represented both events as examples of Greece being pressured to homogenize with and adapt to the EU's religious pluralism and political liberalism. Archbishop Christodoulos herein often mentioned the alleged pressure from the EU to separate Orthodoxy completely from the Greek state.

These two events reveal how underestimated the extent of pluralistic feeling within both the church and the state previously was. Claims for a referendum on the indication of religious affiliation were backed not only by Old Calendarists, Mount Athos, and higher clergy, but also by ND parliamentary opposition and even by some Pasok members of parliament. The Simitis government's position was backed by Catholics, Jehovah's Witnesses, the Muslim minority in Western Thrace, and Protestants. The changing alliances made by ND and Pasok with the church were mostly determined by electoral strategies and external pressure (Anderson 2002: 25).

### 5.5 *Conclusion*

Common features for all three of the countries studied here are that both the majority and the minority populations perceive membership in the former state church to be a part of national identity, albeit with local variations. This effect is perhaps weakest in Sweden, although no significant comparative data exists. Since Catholicism and Orthodoxy both serve as a strongly binding force as an alternative identity to the nation-state, while the Italian and Greek nation-states have been weak for several centuries, the connection between national identity and religious affiliation is high. In the Orthodox case, the self-perception of being an alternative model to "the West" and the EU is also added into the mix.

For Sweden, it does not prove true that the legal order established for religious communities corresponds to Protestant ecclesiology or the former state church's legal order, since the Church of Sweden was a part of public administration. The only feature in the current legal order that can be traced back to the state church system is that laws on the religious communities are issued unilaterally by the government and not contracted bilaterally. Perhaps, the range of permitted activities for religious communities is implicitly modeled on the Protestant image—but this could also be explained by the low level of religious practice occurring. Apart from this, this thesis would be contradicted by the orientation toward liturgy and rituals followed by the Church of Sweden since Archbishop Nathan Söderblom's

term of office, which has adopted a large number of rituals belonging to Catholic or Orthodox Churches.

For Italy, the highest degree of legal order established for religious communities—that is, the state treaty—is modeled in the Catholic concordat image. However this legal order does not grant equal rights to all religious communities, largely privileging the Catholic Church instead. This goes both for symbolic policies, such as the displaying of the crucifix in classroom, and for significant ones—since there is a Catholic jurisprudence but no Jewish or Muslim one, and Catholic religious marriages enjoys a higher level of recognition than Jewish or Muslim ones do.

For Greece, the Jewish and Muslim communities have the same legal personality in public law as the Orthodox Church does. But, we observe the different treatment of older religious communities whose religious identity is also connected to a distinctive ethnic identity. As such, perhaps this element can be interpreted as an extension of the image of the population provided by the Orthodox Church with its strong ties to national identity. Also the high degree of self-determination that the Orthodox Church, Jews, and Muslims all enjoy can be explained by this factor. The privileges held by the Orthodox Church consist of it having a significant influence on policy, politics, and society and having no peer from among the religious minorities.

All in all, then, the assumption that societies primed by religions—like Catholicism and Orthodox Christianity—that are wide ranging, highly socially cohesive forces, and proponents of high levels of religious practice are able to empathize with new immigrant religions sharing the same features, such as Islam, is thus not correct.

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## 6 Dealing with Religious Diversity: The Aims and Realities of Religious Education in Sweden

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**Abstract** In several Western countries there is now a growing awareness that teaching RE may contribute to greater social cohesion in an increasingly diverse society. This chapter examines the relationship between the official aims and intentions of the Swedish state regarding RE and school students' attitudes to this subject. It argues that we must consider the cultural context in which such education takes place; in this case, Sweden has developed over a short period of time from a mono-cultural society with a Lutheran state church into a religiously and culturally diverse society, while the country can furthermore be seen as highly secularized on the individual level. The aims of RE are analyzed through the study of official documents. Students' attitudes regarding RE and religious and cultural diversity are monitored by a nationally representative classroom questionnaire, and with observations drawn from focus group interviews with students aged 18–19 in upper secondary schools. The investigation presented in this chapter leads to the conclusion that there is currently a gap between the lofty intentions of the state regarding the teaching of RE and students' attitudes to it. This reflects how Swedish society constructs itself as secular by depicting being religious as the “other.” An urgent task for future studies is, therefore, to identify how the teaching of RE could be further developed so as to better realize the current high aims for the subject in a society as increasingly diverse as the Swedish one.

### *6.1 Introduction: RE in a Secularized and Diverse Context*

Sweden has been characterized as one of the most secularized countries in the entire world (Pettersson and Esmer 2005, 2008). Two recent reports on young peoples' attitudes in Sweden proved that religious ignorance among upper secondary students correlates with prejudices. The reports argued that a lack of know-

ledge about religion may be related to the harboring of anti-Semitic and Islamophobic attitudes (Löwander and Lange 2011; Skolinspektionen 2012).

In light of this, it is indeed interesting to take a look at the institution of RE in the Swedish school system. In this chapter I will look more closely at the Swedish case by first examining the government's motives for promoting RE in Swedish schools. These are regulated by the *Skollagen* (the Education Act) and by the national curricula of RE, which all are binding for both state as well as private schools. The first research question is therefore: What is the purpose of RE in this highly secularized Swedish society? Attention will then shift to the attitudes toward religious diversity existing among school students. These attitudes are monitored by means of a questionnaire circulated among students regarding their take on RE and religious and cultural diversity, being complemented by some focus group interviews with students on their views of religion in society. The second research question is then: What is the relationship between students' attitudes to RE and religious and cultural diversity on the one side and variables such as cultural traditions, a foreign background, and religiosity on the other? Taken together, answering these two research questions illuminates what the government's ambitions are for RE in Swedish schools and offers a preliminary evaluation of whether these goals are being met. On a general level, doing this will also help to shed light on what the chances are of fostering a greater sense of social tolerance if close attention is not paid to the surrounding cultural context.

## 6.2 Religion and the School in Sweden

Mandatory education in Sweden goes back to the establishment of the *Folkskolan* ("People's School") in 1842. During the 19th century public education was closely linked to the Evangelical Lutheran state church. The overall image of Swedish society at the time was that of a highly homogeneous peasant country, with the teaching of Christianity being related to the Lutheran Catechism. During the modernization process of the 19th and 20th centuries, this situation came to change however. Industrialization and urbanization created competition with the church regarding popular mobilization, and the workers' associations, temperance organizations, and free church movements (Baptists, Methodists, Pentecostals, etc.) represented the new possibilities of modern life (Gustafsson 2000). Even though the church stepped up to the challenge, its monopoly on worldviews was gradually diminished and a functional differentiation process unfolded affecting many societal institutions, including the education system (Bexell 2003; Bäckström 1999). In 1919 the content of the school subject of Christianity was changed from its Lutheran profile to a more general Christian one, focusing on

the ethical teachings of Jesus—an orientation found to be instrumental in promoting values of solidarity in society. During the 1950s and 1960s the subject of Christianity started to also include focus on other religions, the morning prayer was abolished, and the role of church officials in relation to the upper secondary schools was scrapped. Eventually the nondenominational subject of *Religionskunskap* replaced Christianity as a subject in school, with it having a focus on providing an outside perspective on religions. Instead of instruction in a specific religious tradition, the new subject gave orientation about a range of religions, mainly focusing on the so-called “world religions”—but also on ethical and existential issues. Using Grimmitt’s classic typology, this was a shift from “teaching into” a certain religious tradition to “learning about” religion (Grimmitt 1973; Löfstedt 2011).

In relation to religion and its role in Swedish society, there are three principal distinctions that can be made in those contexts where some kind of policy on religion can be discerned. These three distinctions, which all are relevant to the Swedish case, are: a) whether there are confessional schools, b) what form of RE exists therein, and c) what other activities and relationships are there between the school and organized religion, referring to any rituals and official connections between state schools and religion. To begin giving a picture of religion in Swedish schools, it is necessary to draw attention to the provisions of the *Skollagen* as well as to the general clauses found in the introductory chapters of the standard curriculum. Herein the emphasis lies on objectivity, meaning the neutrality and nondenominational status of education in Sweden—and that all education “shall be based on science and proven experience” (Skollagen 2010). These statutes also stress that parents shall be able to send their children to school “confident that they are not influenced in any particular ideological direction.”

Regarding the first of the three distinctions mentioned above, it can be said that denominational schools have been allowed in Sweden since the free school reform of 1992. The number of free schools with a denominational orientation is very low; about 1 percent of all students attend a denominational school in Sweden. All schools—including both free and denominational ones—must follow the Education Act and the national curricula (*Läroplan för det obligatoriska skolväsendet, Läroplan för gymnasieskolan*, Skolverket 2011). As for denominational schools, the regulations distinguish between teaching (which cannot be denominational) and education (school activities outside of teaching in classroom, which can be denominational—but if so, these are voluntary). A central argument when passing the law permitting denominational schooling was that any prohibition would lead to denominational schools going underground, avoiding public monitoring—something which was seen as a negative eventuality. The rights of

parents to choose education in accordance with their beliefs according to the European Convention on Human Rights were of course also central in the debate, but in the Swedish discussions this was clearly balanced with the right of the child to education and to both a positive and a negative freedom of religion (Berglund 2008, 2013; Löfstedt 2011).

When it comes to existing forms of RE, since the reforms of the 1960s brought an orientation toward world religions, ethics, and existential issues has taken precedence—being taught by those who were trained in a university and who are employed in the same way as the teachers of other subjects are. Not seldom do teachers of RE also teach other humanities subjects such as Geography, History, and Social Studies (Löfstedt 2011; Olivestam 2006).

Concerning the third aspect, that of other activities and relations between the school and organized religion, these are sometimes a matter of debate. We can give one example of such points of contestations: It concerns the general school assembly that closes the school year, being sometimes held in a church. This is often the case, especially in primary schools—among large sections of the population it is seen as a taken for granted tradition, despite some criticism thereof based on the separation of church and state as well as the negative freedom of religion arguments (Sjöborg 2014, forthcoming). The *Skolinspektionen* (Swedish Schools Inspectorate) ruled (2010) this to be allowable, as long as a school assembly held in a religious space is carefully directed by the school—with the aim of fostering school comradeship, tradition, and inclusion—and that the act is voluntary. In various debates and rulings overseen by the Inspectorate it is understood that the individual integrity of the student is not infringed upon by being in a church building with other classmates or by singing a Christmas carol, but that it is impinged upon by reading the Lord's Prayer or singing a Christian hymn. However, it can be noted that some traditional Christmas carols are in fact Christian hymns. The issues raised in such discussions have concerned not only end of year ceremonies, but also Christmas nativity shows and traditional craft markets around Christian holidays (Sjöborg 2013a).

### 6.3 *High Aims: Learning to Deal with Diversity*

We will now turn the focus for the rest of this chapter to the second of the distinctions mentioned above: RE. According to the standard curriculum, the subject of RE pursues certain core aims—in both primary and secondary schools. We will focus here specifically on the standard curriculum for the upper secondary school, because it is at this school level that we also studied students' attitudes. The current curriculum stipulates the aim of RE to be that:

“students widen, deepen, and develop their knowledge about religions, worldviews, and ethical models, and different interpretations of these,” (Skolverket 2011b, author’s translation).

Noticeable here is the emphasis on religions (which in other sections of the standard curriculum is referred to as world religions, and often includes the Old Norse and Sámi religions) and worldviews (such as New Secularism, Existentialism, Ecosophism, etc.), along with on ethical models. However, of specific interest here is the following passage that concerns one sentence that was added by the government late in the political process:

“knowledge about and understanding of Christianity and its traditions is particularly important as this tradition has provided the value foundations for Swedish society,” (Skolverket 2011b, author’s translation).

Such an addition reflects a politico-cultural discourse related to cultural heritage, which was present in the two rounds of revisions of national curricula made by Conservative–Liberal governments (in 1994 and 2011 respectively).<sup>5</sup> Keeping these formulations of RE’s central aims in mind, they are combined with dense statements like this:

“The teaching shall start out from a view of society characterized by openness regarding lifestyles, attitudes to life, and differences between people and give the students the opportunity to develop a readiness to understand and live in a society characterized by diversity. The students are to be given the opportunity to discuss how the relationship between religion and science can be interpreted and understood, for instance regarding issues such as creation and evolution. The teaching shall lead to the students developing knowledge about how peoples’ moral attitudes can be motivated by religions and worldviews. They should be given opportunities to reflect over and analyze other peoples’ values and beliefs, and thereby develop respect and understanding for different ways of thinking and forming a life. The teaching should also give the students the opportunity to analyze and evaluate how religion can be related to, for instance, ethnicity, gender, sexuality, and socioeconomic background,” (Skolverket 2011d, author’s translation and emphasis).

There is clearly a normative aspect in the standard curriculum for RE—one that is salient also in the new syllabus for the subject (Skolverket 2011c). According to the latter, RE “provides advanced knowledge, as well as greater understanding of people with different religions and views of life.” The specific contribution that the subject of RE should make is outlined in a detailed manner. Indeed, the subject’s aim can be seen as a part of civic education or *Bildung*. The goal of greater understanding is central therein. The quoted passage illustrates the centrality of analysis of, and reflection around, the relations between values and beliefs

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5 It should also be noted that the religious–cultural–political addendum of Christianity in the sections “Aims” and “Core Content” is not reflected in the section about “Marking Criteria,” wherein only the expression “world religions and worldviews” is used.



on the one hand and peoples and institutions such as groups and societies on the other. Understanding is thus thought to arise from the analysis of and reflection on values and beliefs. This represents an instrumental view of RE related to diversity in society, one which can be noticed also on the European level of policy making. The increasing religious and cultural pluralism of Europe is sometimes understood by policy makers as a potential social problem and a challenge to social cohesion. Researchers on RE (Jackson 1997; Weisse 2010), alongside institutions like the Organisation for Security and Co-operation in Europe (OSCE 2007), have argued that RE is important to increase intercultural understanding. In other words, there are high expectations from Swedish society vis-à-vis RE. At the same time, it should be noted that these high expectations on the part of the state can be problematized: Why is it that specifically religious diversity needs to be “dealt with,” or, put differently, subjected to understanding? Is it perhaps the case that the Swedish state in this way constructs itself as secular by construing the “other” as religious (cf. Lövheim and Axner 2011)? Against this background, it is interesting to contrast these expectations with the actual experiences of school students and to listen to their own views on RE.

#### 6.4 *RE and Society—The Students’ Perspectives*

Our questionnaire circulated among upper secondary school students in Sweden included several items that are of interest to this chapter. The study was conducted in 2009–2010 among a representative sample of school attendees, with 1850 pupils participating (Sjöborg 2013b). The study also included a set of focus group interviews, used to illustrate the quantitative data on the students’ relationships to religion through RE. We will focus on two aspects here: attitudes to RE and attitudes to religious and cultural diversity within Swedish society.

Table 1 demonstrates the results for five statements regarding attitudes to RE. What are the effects of different variables? While there are interesting, though minor, differences between the subgroups of a foreign or Swedish background, or a Muslim and Christian tradition respectively, the most important differences in Table 1 are actually found in Columns 6 and 7. With the exception of Muslim students disagreeing with the statement that RE should be mainly concerned with Christianity, it was religiosity that brought out the most salient differences in relation to the statements examined. Almost two thirds, 64.6 percent, of religious students believed that RE increases understanding between people, while only little more than one third, 39.3 percent, of nonreligious students agreed with this statement. Of the religious students, 56.4 percent said RE helps them make up

**Table 1:** Attitudes to RE in Relation to Ethnic Background, Cultural Background, and Religiosity<sup>6</sup>: Percentages that agreed with Five Proposed Statements (4–5 on a 5-step Scale).

	All	Foreign back-ground	Swedish back-ground	Muslim tradi-tion	Christian tradition	Non-religious	Religious
	n=1850	n=328	n=1417	n=158	n=837	n=1473	n=377
RE increases understanding between people	44.7	53.0	43.1	53.1	51.3	39.3	64.6
RE helps me to make up my own mind	41.4	52.3	38.9	46.6	49.5	37.3	56.4
RE gives me knowledge to better understand society	42.1	49.8	40.4	49.7	48.1	37.2	60.6
RE should mostly be concerned with Christianity	16.7	21.0	15.8	11.0	24.0	14.6	24.4
RE should cover all religions just as much equally	57.3	70.0	54.9	68.4	58.1 <sup>ns</sup>	52.9	73.7

their own mind about what to believe while only 37.3 percent of the nonreligious agreed here. 60.6 percent of religious students said RE helps them better

6 *Ethnic background*: By foreign background is meant that the person and/or both of his/her parents were born outside Sweden. With Swedish background is meant that a person either was born in Sweden or that at least one of their parents was. *Cultural background*: The questionnaire included an item on the question of to what degree the respondent felt they belong to certain traditions. 45.2 percent of all pupils stated that they belong (moderately, quite a lot or completely, Steps 3–5 on a 5-step scale) to a Christian tradition, while 8.5 percent stated that they belong to a Muslim tradition. *Religiosity*: The questionnaire included an item on religious self-definition, where 10.9 percent answered that they consider themselves as “religious” while 16.7 percent agreed with a self-definition as “believer.” Since it is obviously possible to combine different identities, there was some overlap in the sense that 174 respondents agreed quite a lot (4) or completely (5) with both of these self-identifications, while another 79 respondents agreed moderately (3) with one of these labels and quite a lot or completely with the other. Due to this outcome a new category was created from the self-definitions of “religious” and/or “believers” (Steps 4 and 5), named as the new category of “religious”—consisting of 377 individuals, or 20.4 percent of the students surveyed. Thus, henceforth “religious” refers to this said new category. The latter category is compared to all other students, labeled “nonreligious.”

understand society, compared to 37.2 percent of nonreligious students saying so. This shows that religious students appreciated many of the key features of RE, which is interesting in relation to the high aims of the subject discussed above. The main finding from Table 1 is that it is religiosity—rather than ethnic background or cultural tradition—that brings about differences in attitudes to RE. This also pertains to the statement about greater understanding between people, one of the main goals of RE. This result is consistent with the findings from several countries regarding students' attitudes to the teaching of RE in schools (Jozsa et al. 2009; Sjöborg 2013b; Skeie and von der Lippe 2009). In Table 2, we present the results concerning students' attitudes to religious and cultural diversity in Swedish society.

Table 2 presents the results for the attitudes to six statements regarding religious and cultural diversity in society. The first column (“All”) shows the results for all students. 68.3 percent of all students agreed with the statement on the general freedom to speak about one's religion at school or work. 34.4 percent stated that clothes and symbols related to religion should be allowed in Swedish workplaces. These two items reflect one's freedom of religion perspective: it was noticeable that for the statement concerning *speaking* about religion a little more than two-thirds agreed, while for the statement regarding *visual representations* of religion only one-third did. This is worth noting since it represents a distinct difference from when it comes to tolerance of religion: the results here indicated that the degree of tolerance may shift depending on whether the matter concerns someone's freedom to speak about their religion or someone's freedom to wear visual representations of it. One interpretation could be that the visual presence of religions is perceived as being more provocative than a verbal one is. Regarding the items on the banning of Christian church bells or Muslim calls to prayer, 22.2 percent agreed with the statement on the former while 42.2 percent agreed with the statement on the latter. Such a result may reflect a greater level of unfamiliarity with the presence of Islam than with Christianity in Swedish society among the students surveyed. Two statements concerned immigration and assimilation policy. 52.3 percent agreed that immigration to Sweden should be restricted, while 61 percent agreed that immigrants should adapt to Swedish values. From the wording of the first of these statements it cannot, however, be discerned whether the respondents wish to keep the present restrictions or rather are urging an increase in the existing restrictions on immigration.

The subgroup comparisons provided some interesting results. Students from a Muslim tradition were less in favor of banning Muslim calls to prayer and actually opposed a prohibition on the ringing of church bells to the same extent as

**Table 2:** Attitudes to Religious and Cultural Diversity in Society on the Basis of Ethnic Background, Cultural Background, and Religiosity

	All	Foreign back-ground	Swedish back-ground	Muslim tradition	Christian tradition	Non-religious	Religious
	n=1850	n=328	n=1417	n=158	n=837	n=1473	n=377
Everyone ought to be able to freely talk about their religion in school or at work	68.3	72.9 <sup>ns</sup>	67.6	63	71.8	66.3	75.9
The ringing of church bells should be banned if disturbing to the neighborhood	22.2	18.3	23.1	14.1	16.7	24.2	15
Muslim calls to prayer should be banned if disturbing to the neighborhood	42.2	32.6	44.2	15	43.7	43.9	36.1
Immigration to Sweden should be limited	52.3	37.2	54.9	28.4	55.4 <sup>ns</sup>	55.2	41.3
Clothes and symbols related to religion (veil, turban, cross, etc.) should be allowed in Swedish workplaces	34.4	47.7	31.6	55.9	35.7 <sup>ns</sup>	30.5	48.8
Immigrants should adopt Swedish values	61	48.6	63.7	39	61.6 <sup>ns</sup>	63.8	50.8

other students did. As regards the statement on the prohibition of Muslim calls to prayer, nonreligious students and students from a Christian tradition were more in favor of this than other subgroups were. In general, the nonreligious students can be seen as having been about as open to religious and cultural diversity as other subgroups except regarding the wearing of clothes and symbols and adaptation policy, for which they were less tolerant.

Taken together, the results in Tables 1 and 2 show that even though just over four out of ten students agree with the central aims of RE (RE increases understanding between people, RE helps me make up my own mind of what I believe, RE gives me knowledge to better understand society), the stark differences that are apparent between religious and nonreligious students brings to our attention that RE does not really seem to instill greater intercultural or interreligious understanding. It is, however, necessary to remember that this is not a controlled effect study and the results could, for instance, differ over time or if the survey was repeated again after a completed course of RE.

### 6.5 *Listening More Closely to the Voices of the Students: Focus Group Interviews*

A limited number of the students surveyed were also interviewed in focus groups. These group interviews revealed that, when talking about religion and religion in school, the students would stress central late modern values such as autonomy, individual freedom, and reflexivity when describing themselves and their view on religion (Sjöborg 2013a; Rosvall 2013; Witkowsky 2010). Depending on whether or not these students are religious, this comes in different forms: *Students claiming not to be religious* often refer to a scientific discourse for constructing autonomy. From the focus groups, the following representative ways of stating this can be highlighted: “Religion is something that people used to believe in before, in the old days, when they did not know better. Now we understand more”; “They cannot help it, they were raised that way”; “It can be good to know at least something about religion when you go to, like, Thailand.” These illustrative quotes demonstrate that among these students religion is constructed as something that is distant in time or place, a phenomenon that is not associated with modernity, progress, and science. In this way, these pupils construe themselves as autonomous and reflexive. *Students claiming to be religious* talk, meanwhile, of their beliefs existing in contrast to commercial and superficial ideas, which they feel impose restrictions and limitations on the freedom of thought of the majority of society. These students construct religion as something that enables them to be autonomous. They stress their reflexivity, and underline their freedom with regards to both: 1) the demands to be and behave in a certain way in majority society and 2) that they have not accepted any religious dogmas uncritically. Summing up the impressions from both categories, the students construct as different the respective “other” that they feel opposes modern central values. These others are seen as not being as independent and free as they themselves are. This was true among both the religious as well as the nonreligious students inter-

viewed. From these focus groups, it can be seen that both these categories of students—religious and nonreligious—choose to construct the other by stressing their own agency and reflexivity.

The interviewed students live in a time when autonomy and freedom are seen as core values. They also live in a society that, as compared to other ones around the world, can be said to be permeated by these values to the extent that their way of talking about RE and religion is colored by this specific cultural context. Esmer and Pettersson (2007) even characterize individual integrity and autonomy as sacred values in the Swedish context, and demonstrate that traditional religious values are rather invisible on a micro level.<sup>7</sup>

## 6.6 Conclusion

In this chapter we have shown that the intended purpose of teaching RE in the highly secularized Swedish society is that school students learn to deal with social diversity, specifically by deepening their knowledge on world religions, ethics, and existential issues. The hope herein is to increase tolerance and respect for people with different worldviews, enabling greater cohesion in a culturally and religiously diverse society. The second topic that we addressed was the relationship between school students' attitudes to RE and religious and cultural diversity on the one side and variables such as cultural traditions, foreign background, and religiosity on the other. The main point made was that it is necessary to take into account the cultural context in which these students live. Our interpretation is that in such a highly secularized society as the Swedish one, the learning *about* approach (orientation concerning world religions, facts) has clear limitations, at least if the above mentioned high aims with regard to the subject are to be reached. This investigation established some gaps in attitudes between nonreligious and religious students concerning RE and religious and cultural diversity. Religious students are more likely to appreciate RE's key features, and hence appear more tolerant. A reasonable interpretation of this finding is that the formulation of RE aims and the means of measuring tolerance are closer to a religious worldview than to a nonreligious one. Expressed differently, the findings suggest that religious students understand better what RE is meant to be and to achieve, and it is therefore easier for them to agree with statements on tolerance.

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7 It is also necessary to remember that even though the interview groups contained members of different major and minor religious traditions and denominations, such as agnostics, Assyrian Orthodox, atheists, Catholics, Jehovah's Witnesses, active and less active Lutherans, Muslims, and Pentecostals, the need to relate to the Swedish cultural norm of individual integrity and autonomy when talking about religion held strong.

Taken together, addressing these two research questions has thus illuminated what the Swedish state's ambitions are regarding the teaching of RE in the country's schools, and offer a tentative evaluation of whether these goals are currently being met. On a general level, this points to the difficulties that will be faced when it comes to fostering a sense of greater social tolerance if careful attention is not paid to the surrounding cultural context.

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## 7 European Turks in between Local and Transnational Islamic Networks —The Hizmet Movement as a Translocal Actor in the Religiosity of Turks in France and Germany

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**Abstract** This chapter retraces the development of the *Hizmet* or Gülen movement from a small group in Turkish İzmir into a transnational network operating in several countries, one offering a wide range of services such as remedial teaching schools, media channels, and NGOs and that is highly attractive for second-generation Turks of Europe. The first part of the chapter explores the history of Turkish immigration to France and Germany and the structures of Muslim organizations existing among Turkish immigrants in these countries. It describes how associational life among the first generation of Turks focused on the mosque, on various informal services gathered around it, and on a “cultural folk Islam” tied to Turkish ethnicity. It was only later that some transnational, but also fundamentalist, Muslim organizations such as *Süleymancılar*, IGMG, or *Kaplıancılar* appeared. Following on, in the second part of the chapter I outline the historical development of the *Hizmet* movement and its current structures in France and Germany. By using several interactions between *Hizmet* representatives and members of the national governments in France and Germany as examples, we show the degree of acceptance and institutionalization that the movement currently enjoys. As a general conclusion we suggest that *Hizmet* offers an alternative religiosity because of its transnational orientation, its decentralized, bottom-up structure, and its combination of secular and pious practices, allowing young Turkish Muslims to become involved in society, to be successful, and to live their faith in a way that suits them and their values.

## 7.1 Introduction

This chapter is an attempt to explore the local and transnational ties to Islamic networks of the second and third generations of immigrant Turks<sup>8</sup> in Europe, with particular attention being given to those living in France and Germany. With the focus of the paper being on the *Hizmet* (“service,” academically known as Gülen) movement, we will explain how within the space of 30 years this movement has turned into a transnational and global organization from its origins as a local group based in İzmir, Turkey. Given that the movement has transformed into a global network, it is interesting to investigate how and why many youngsters in Western Europe’s Turkish Diaspora respond to the movement’s new ideas regarding a modern form of piety, educational strategies, and dialogue with non-Muslims. Based on our doctoral research<sup>9</sup> within the formal institutions and *sohbets* (“informal circles of religious conversation”) of the movement in France and Germany, this chapter will first give detailed information on the Euro-Turks’ religious organizational structure—and particularly on the *Hizmet* movement and its relations to the state. The chapter then finishes with a discussion of the *Hizmet* movements as a form of alternative religiosity in the Islamic worldview of Euro-Turks.

## 7.2 Ethnic, Local, and Transnational Networks within the Framework of European Islam

Within the 15 million Muslims already existent (such as in the Balkans) alongside the descendants of Muslim immigrants in Europe, the Turkish population therein is estimated to be around 4.5 million people. Therefore, Turks are one of the main components of immigrant Muslims in Europe—alongside North Africans, “Black Muslims” from the Horn of Africa, and Pakistanis (who mostly reside in Britain).

The Turkish presence in France and Germany started in the 1960s in the form of “guest workers” (*Gastarbeiter*). Turkish labor immigration to France was enabled by a joint treaty between Turkey and France and continued until 1974, when France put a stop to the immigration of foreign workers to the country.

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8 We use the term “Turk” as a social entity throughout this paper, regardless of people’s definition of themselves as German, Kurd, etc.

9 This is qualitative research based on the socioanthropologic methods of in-depth interview and participant observation, conducted with more than 60 young girls and women. It started in spring 2010 in France and is now continuing in Germany. Our participant observation takes place in weekly *sohbets* as well as in relevant educational, cultural, and leisure settings. Our interlocutors are 15 to 30 year old high school and university students, mostly second generation Turks in France and third generation ones in Germany. Nearly half of them are veiled, and are either sympathizers with or activists in Gülen movement organizations in their local context.

From 1974 until today immigration has continued with new facilities that arose for refugees, especially after the military coups of 1971 and 1980 and in light of the Kurdish issue in the southeastern and eastern parts of Turkey. The Turkish population in France currently amounts to around 400,000 people (Danış and Üstel 2008). In Germany, the first wave of Turkish labor immigration was realized illegally in 1957 and became legal with a treaty concluded in 1961. The recruitment of such workers continued to be widespread until 1970, and slowed down considerably after the 1980s. But immigration from Turkey to Germany still continues today for different reasons. There are now 3 million Turks living in Germany, 800,000 of whom are German citizens.

After the second generation started to attend school and to work in Europe, the descendants of Turkish immigrants permanently settled, became citizens, and thus now are an integral part of Europe's demography. As the French political scientist Kepel (1997) has noted, new generations of immigrants create hybrid identities between the ideas of "settlement and exclusion" and "the myth of return."<sup>10</sup> As a result, they form an alternative identity that respects religious duties and prohibitions while also affirming a community-based Islamic one. For some scholars, Turks seem to be part of a closed community that maintains a relationship only to the country of origin (Tribalat 1998). Being community-based is not only a fact of life for Turks. Even if the expression "Muslims of France" refers to a multiethnic, multicultural, and multisectarian community (Subaşı 2008), there is always a differentiation therein on the basis of religious, political, and ethnic differences—something that results in what some scholars have called a "ghettoization" or "marginalization" of Islam (Karlsön 2000).

For the Muslim youth in Europe to whom "entry to the club" is refused because of their immigrant origins, and who are divided within their community because of ethnic and sectarian differences, Islam offers a space that protects him or her from an "alien" outside world—neutralizing, moreover, its differences (among others, Khosrokhavar 1997; Wieviorka 2001). It gives such youth strength to face society in such a way as to be able to cast off or reverse the stig-mata of racism and discrimination (Göle 2003). At this point, two major sources intervene that supply the need of belonging to a larger community: one is of a national and local kind, meaning formal networks organized and provided by the host country. In order to minimize the risk arising out of migration some European states sponsor the Muslim organizations representing their migrants. We can

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10 The myth of return stands for either the ideal of the immigrants to make money and then return to their home country, or the illusion of the host country's politicians that the immigrants will eventually go back home so it is not necessary to invest in them while here.

even observe denominational Muslim RE being taught in public schools in countries like Belgium and Germany. The other source is of a transnational kind, mostly transferred from the country of origin in the form of associative structures. Some Muslim countries send imams abroad in order to fulfill the religious needs of their nationals living overseas, or have even gone as far as to founded mosques and Quran schools on European soil.

As for Turkish migrant associational activities both in France and Germany, powerful transnational organizations—far more than local factors—have an influence on the Turkish community, serving as sources of information and political motivation (Yağın–Heckmann 2007). The most important of these is the DİTİB, a branch of the Turkish *Diyanet İşleri Başkanlığı* (henceforth, *Diyanet*)—the presidency of the Turkish Ministry for Religious Affairs. *Diyanet* is a national instrument of control over religion as well as an ideological tool of political power to promote Sunni Islam (Çitak 2012). *Diyanet*'s transformed role as a transnational actor started with its foundation of ten consulates of religious services in the Turkish embassies of Europe in 1978. The real change in *Diyanet*'s role though has taken place since the 1980s, when it first began to establish bilateral agreements with various European countries in order to send imams to them (Çitak 2012). According to Çitak, this new settlement of *Diyanet* can be explained, first, as a way to fulfill the religious needs of immigrant Turks and, second, as the Turkish state's quest to combat the political and religious currents that are considered a threat to their activities in Europe. Third, this represents the using of Islam as a practical tool to strengthen unity and national solidarity, by preserving and enforcing the ethnic-national consciousness of Turkish immigrants in Europe (Çitak 2012: 11–12). Even if host country officials perceive *Diyanet* activities as being those of a “benign” form of Islam, especially after September 11, this organization does not answer always all the needs of the second and third generations of Turks living in Europe. This is because only since very recently have the imams sent from Turkey been required to speak at least one European language and young European Turks invited to Turkey to receive education as imams. Before, even the text of the *khutba*<sup>11</sup> read to the audience in weekly Friday prayers was the same as the one read in mosques in Turkey, and imams spoke only Turkish with their communities (Bruce 2012).

Associational activity has always been important for the Turkish diaspora in Europe, in order to create social networks, help find work, and generate solidarity among themselves as a response to the stigmatizing forces of the host country. For the first generation, Islam was a tool with which to protect their children from

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11 *Khutba* is the Muslim sermon read/pronounced during the weekly Friday prayer in the mosque.

the vices of the outside world, ones that they had never faced in their small towns and villages in the country of origin—so they welcomed and participated in branches of Turkish transnational Islamic movements in Europe. The religiosity of Euro-Turks, especially for the first generation, centered around the mosque complex. The coffeehouses, barber shops, shopping centers around the mosque enable retired people to make friends, socialize, and fulfill their daily needs. Most frequently, the cultural role of the mosque still outweighs its religious one. For the first generation, the mosque stood for a protector of their “cultural folk Islam” or Turkishness rather than of their conscious piety. In that sense, their piety can be summarized as a mixture of “popular religiosity, national customs, Islamic rules of conduct, mysticism, folk knowledge, folklore and magic with Islamic elements” (Thoma–Venske, cited in Tetik 2012: 121). This is more a local, ethnic type of Islam closed to any global or transnational interpretation of the faith, one which gained ground after the Islamist renewal in Muslim societies of the 1980s.

One of the most important religious communities, *Süleymancılar* (who claim to have been the first religious organization for immigrant Turks in Germany), appeared in the form of mosques and Quran schools in the second half of the 1970s. It holds an exclusivist point of view vis-à-vis the host society. *Süleymancılar* seems to be a traditionalist community, with its idealization of the Ottoman state and an inverted community with little interest in the local issues of the host society (Caymaz 2002). On the contrary, founded around a political Islamic perspective and an Islamic extremist party of Turkey, *Millî Görüş* is more open to the host society as well as to the other Muslim communities of Europe. Holding the name IGMG, it is now the largest Islamic organization in Germany. Castigated at first for being anti-Semitic and anti-Western, it transformed its structure and image with members drawn from the young generation in the 1990s, who hold more open perspectives toward modernity and Westernization. However, that did not change the minds of the officers in the *Bundesamt für Verfassungsschutz* (German Federal Office for the Protection of the Constitution), who continued to monitor their activities for fear of the organization’s possible inclination toward radicalism. The IGMG seeks to play the role of intermediary between Islamic countries and Islamic organizations in order to form an Islamic union in Europe, as well as the role of official representative of Muslims in Europe. This is why it is partly in alignment with *Diyabet*, partly with other Islamic religious communities (Caymaz 2002: 255). Even if it has a lesser influence with regard to other religious institutions, we should also name the fundamentalist movement *Kaplan-*

*cilar*<sup>12</sup> among the transnational Islamic communities existing for Turks in Europe. These transnational religious structures have been preoccupied mostly with building mosques, Quran schools, and dormitories in which Islamic instruction can be provided to young immigrant Turks.

As the French sociologist Amiraux (2003) states, these associations compete with each other for investment in various realms of activities such as sport, teaching, social aid, and *halal*-oriented business and over the reconstitution of especially the first generation's basic needs to practice religion, construct mosques, and organize Islamic funerals. These cleavages can even be observed in the names such as "the mosque of *Süleymanci*" or "the mosque of *Millî Görüş*" given to these buildings by Turkish immigrants, which is ironic enough given that in Islam all the soil on Earth belongs to God—so it is possible to pray anywhere and everywhere. Amiraux (2003) argues that the *Refah Partisi*, by using the associational structures of *Millî Görüş* in Europe, has succeeded in using migration as a "transnational social space" for organizing some steps toward its conquest of political Islam in Turkey. This argument verifies also the testimony made by some of my interlocutors, who believe that some religious organizations (such as *Millî Görüş*) in their early years did not try to fulfill the interests of the immigrant Turkish population but rather used them only for the benefit of their own agendas and politics in Turkey.

Especially after September 11, the idea of a "transnational Islam" having an effect on the European Muslim youth and global Islamic networks with their implementation of the Western perception of Islam have gained ground. As Vertovec defines it, "transnationalism refers to the existence of communication and interactions of many kinds linking people and institutions across the borders of nation-states and, indeed, around the world" (2003: 312). By the same token, the concept of an Islam that transcends the frontiers of the nation-state has been the subject of great debate in transnationalism theories. These theories failed to take into account religious issues for a long time, something that is difficult to understand given that the earliest versions of transnationalism came either from the activities of Christian missionaries or from the ideal of a global *umma* for Muslims.

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12 A Turkish extremist group founded in Cologne, Germany in 1985 by Cemalettin Kaplan, and led by his son Metin. It was created with the aim of furthering the internationalization of Islam, by giving itself the name "Union of Islamic Societies and Communities" (*İslami Camiler ve Cemaatler Birliği*) while its leader claimed to be the caliph. This group and its activities have been banned in Germany since 2001.

“Although concentrations of Muslims in Europe are based on a mutual relationship between a specific European country and corresponding geographical area (France–North Africa, Germany–Turkey, Britain–Indian subcontinent), the transnational nature of the Muslim population in Europe plays a role in the process of European integration. Many Muslim organizations see in the construction of the European Union an opportunity to bypass their own ethnic and national cleavages and to create something closer to what an *umma* should be,” (Roy 2004: 103).

The *umma* doctrine asserts the unity of Muslims as a transnational, transethnic community. Once a historical-theological ideology,<sup>13</sup> it has since been reinterpreted by some transnational Islamic organizations among which can be named the *Tablighi Jamaat*,<sup>14</sup> the *da'wa* societies, and some Sufi communities (Lubeck 2001). Globalization and Muslim cosmopolitanism have facilitated the spread of transnational Islamic networks through the provision of new global transportation and communication capacities. Therefore, these opportunities for communication and associational activity have reunified once isolated and dispersed Muslim societies in the global *umma* (Lubeck 2001). In contrast to their parents' nation-based, traditional, and ethnic or sectarian perceptions of Islam, the new generation of Muslims has turned to Muslim thinkers and scholars who stress a more universalist and critical interpretation of religion (among others, Saint-Blancat 1997; Tietze 2002). According to Mandaville, this highly educated youth creates and renovates spaces and spheres—such as reading groups, new associations for the interpretation of the Quran, and new activities of leisure or art in *halal* conditions—in order to live their religion in conformity to the conditions of European secularist daily life. They use new media channels like satellite television or the internet, all of which have resulted in the creation of a new Muslim public sphere. These new Muslims are participating in social movements' activities and are creating new frameworks for living a social life in the cosmopolitan, transnational environment of big European cities, in contrast to their parents who preferred to live in more isolated places and who reduced Islam to the memorizing of the rules of the daily prayers. This next generation emphasizes dialogue and communication, thanks to the transcendings of the borders of nation-states (Mandaville 2003). As Tarrow (2005) argues, younger people are more likely to participate in issues at the continental or global levels than their elders.

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13 Literally meaning “nation” or “community,” *umma* is used especially by Islamic extremists to designate a (political) reunion of all Muslim believers.

14 Literally meaning “Community of Predication,” it was founded in India at the end of the 1920s with the aim of reinvigorating the belief of Muslims of the world through a literal Quran interpretation.

Yet one cannot simultaneously neglect the peril of radicalized Islam (such as al-Qaeda),<sup>15</sup> which has gained more ground by traversing boundaries as well. By and large, transnational Islam has also deepened existing tensions and controversies between diverse Muslims, as well as created ambiguities between local and transnational interpretations of the faith. In other words, it has been hotly debated whether the local public sphere should complete the transnational one—because while the latter gives access to ways of belonging to the European sphere, some Muslims play down its importance and instead advance the benefits of merging themselves into the transnational *umma* ideal (Salih 2004). Thus, young European Turks are faced to three kinds of Islamic way of life, corresponding to their family tradition or the current political ideologies: The first is the choice to be part of the Muslim global *umma* and to fight for the good of Muslims in the host society or the entire world as a political Islamic extremist. The second way is to become an isolated Muslim and neglecting contemporary developments in his/her society. The third way is to adhere to a moderate and/or transnational version of Islam and, at the same time, to be aware of the issues at the local level of the host society, as the *Hizmet* movement suggests to do.

### 7.3 *The Hizmet Movement, a Brief Introduction*

The *Hizmet* movement—generally known in the academic world as the Gülen movement—is a civic social movement rooted in moderate Islam (Ebaugh 2010), being initiated and inspired by the Turkish Muslim scholar, educational activist, and preacher Fethullah Gülen (born 1938). Founded in İzmir at the end of the 1960s as a small local group centered around him, the movement turned into a global one after its initiation of founding schools in the Turkic world of the ex-Soviet Union in the 1990s. People from the movement have initiated centers of education and dialogue, schools, universities, and media structures both in Turkey and in over 140 countries worldwide. Activism within the movement is mainly carried out by volunteers such as students, academics, business owners, professionals, public officials, men and women, and younger and older people who all contribute to *Hizmet's* various organization structures and activities throughout the world.

The *Hizmet* ideal is based on the Sufi principle that sees the virtuous human being as a tolerant individual, as an altruistic person who makes sacrifices for humanity in general (Ergene 2009). Gülen promotes a worldview of activist

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15 Especially since the Syrian war began, young European Muslims have been the target of recruitment drives by radicalized Islamic extremist groups as warriors for a so-called “sacred jihad.”



pietism (Özdalga 2003), which shows also his view on the possibility of the new Islamic model harmonizing Islamic principles with modern values (Ergene 2009)—or what can be called a “(re)Islamization of modernity” (Park 2009). This is the example of a devout Muslim who sacrifices him or herself for the sake of humanity and with the motivation to please God in this life so that God would be pleased of him or her in the afterlife. The ideal virtuous human or his concept of an *altın nesil* (“golden generation”) for Gülen is shaped by good manners, a high valuing of humanity, and a culture of ethics in one’s everyday behavior in order to be a *temsil* (“good representative”) of Muslims.

Gülen has been the inspiration for building secular educational institutions, undertaken by those who have keenly followed his ideas. This has been done in order to nurture “the representatives of the understanding of science, faith, morality, and art who are the master builders of those coming after us” (Gülen 1998: 128), who reunite science and religion as in the golden times of Islam—with the representatives thereof being that golden generation. The teachers who work all over the world in these institutions even in the most difficult situations see Not merely based on educational activities, *Hizmet* is the name of all kinds of secular or religious activities undertaken in service of the people regardless of religion or ethnic origins.

Based also on Sufi principles, this ideal human has also a pro-democracy and pro-dialogue perspective. In Gülen’s words: “We expect love and respect, tolerance and forgiveness, and liberality and affection, especially from God. But can we expect these if we do not first offer them to others?” (2002: 43). He has for years been actively promoting interfaith and intercultural dialogue, long before the September 11 attacks happened, by for example gathering people from different ethnic, religious and ideological background around *Journalists and Writers Foundation* founded in 1994 in Turkey, by his initiatives. Known as a modern-day Rumi,<sup>16</sup> he has always condemned every kind of violence—even if committed in the name of Islam. He argues that if a Muslim kills a human being from the perspective of jihad, he or she cannot be considered a Muslim any more (Gülen 2009).

After this brief introduction to the *Hizmet* movement we will first outline the institutionalization and social capital of the movement as a translocal structure in Europe, and afterward explain why young European Turks consider it attractive to be active within the movement.

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16 Jalaladdin Muhammed Rumi, popularly known in Turkey as Mevlâna, was a 13th century Persian Muslim poet, theologian, jurist, and Sufi mystic.

#### 7.4 *The Hizmet Movement in France and Germany*

The institutional consolidation of the *Hizmet* movement in Europe started rather late as compared to the other Turkish religious groups there. In the decade when Turkish immigrants first started arriving in Europe the Gülen movement was still only a local community in İzmir. On the individual level, there were sympathizers to the movement to be found among the Turkish workers who either knew of it from Turkey or through Gülen and his students, who visited several cities in Europe and gave conferences for the Turkish community. There was a “cassette distribution” period when Turkish workers handed out recordings of sermons given by Gülen to their family and friends in order to diffuse his message. Moreover, some families sent their children first to religious summer camps organized by the movement and later to its private schools in Turkey. With the engagement of the second generation of Turks in Europe in the late 1980s and the early 1990s, the first *Hizmet* institutions such as student dormitories and learning centers started to appear. As the children of the first immigrant generation, they perceived the necessity of a good education for themselves and for their children, who had less successful results and higher drop-off rates in school than non-immigrant students. That is the reason why they tried to build the first educational centers by taking *dersanes* (“after-school tutoring centers”) as role models, which were founded by sympathizers of the movement in Turkey, which are famous for their nationwide success and ethical training. For Europe, supporters of the movement stressed the importance of secular education—despite the presence there of Turkish and other religious groups mostly interested in the foundation of mosques or Islamic schools. This does not mean that the movement organizes completely secular activities. Muslim participants in the movement emphasize being pious in their everyday life—suggesting to cultivate this through personal prayers and *sohbets*. But they prefer to create mostly secular activities based on a religious motive, such as the importance of *ilim* (science) for Muslims, equal rights of women, or ways of entertainment in *halal* conditions—all of which refer to the Quran or the *hadiths*.

In France and Germany, the most visible and successful structures founded by the movement’s sympathizers are the tutoring centers and private schools. In Germany, *Pangea Bildungszentren* give remedial courses to students from elementary to high school, language courses for adults, integration courses, and schooling for parents in more than 150 cities nationwide. Its French equivalent is *Etudeplus*. It provides more or less the same kind of educational activity in more than 20 French cities. They do not have any RE in the standard curriculum, nor do they officially make any references to being Turkish or immigrant. Some years

ago, these educational centers had different names and were dispersed throughout the country. It was only recently that they decided to form an umbrella organization and to adopt a uniform name in order to create a sort of brand and gather together their different experiences. The first educational centers in Germany were opened at the end of the 1990s, and the experience and success gained from them have been transferred to newly founded private schools. The first private *Gymnasien* and *Realschulen* were established in Berlin, Dortmund, and Stuttgart. Nowadays, even more of these private schools exist in a number of cities with a large Turkish population.

In France, private schooling by the movement's participants is founded again on the tutoring centers' experiences. The first private college, the *Collège Educative*, was opened in a Parisian suburb in 2008 with another recently following in Strasbourg. Even if they are mostly frequented by students of Turkish origins, these private schools do not want to be considered as "Turkish" schools, but rather as German or French ones. The nationalities of the teachers differ, and there is a tendency in both countries to choose more than one principal of Turkish or of host country origin to manage the schools. The schools also involve parents and education experts as a board of consultants. The private schools as well as the tutoring centers are very sensitive about not being perceived as religious schools. In France, even if it is possible to establish confessional private schools *Hizmet* participants prefer to create a *laïque* school<sup>17</sup>—meaning there are no RE classes or religious symbols at school, not even headscarves for students and teachers. In Germany, teachers are not veiled either, but students can be as in other German public schools. As such, there is a strict adaption of the secularist educational law in Gülen-inspired schools. As Irvine observes, such an avoidance of direct controversy and playing a barely visible role in the current struggle over permission to wear the headscarf in the classroom happens in order to keep with "the general goal of the organization to avoid highly charged political battles that could detract from its educational mission" (Irvine 2010: 80). *Hizmet* educational centers and private schools prefer offering ethical training over religious instruction, by arguing that the latter is rather the job of the mosques or Quran schools. This type

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17 Founding a *laïque* school in France by Muslim people, as has been the case with the Gülen movement, has been a really surprising issue for many. Because public schools forbid the headscarf, fail to take into account religious stances such as different views on evolution, only offer non-segregated swimming lessons, and their canteens do not offer *halal* food, many Muslim parents feel obligated to instead send their children to private Muslim schools or to found their own Muslim ones—as the rules for this are very loose in France. As such, it would be "smarter" for the movement's participants to open a Muslim school as other Muslims do, but they in fact seem to have preferred founding secular ones.

of training involves not only an Islamic reference to it, but also conveys “traditional Turkish values” such as respecting one’s family. The emphasis on one’s culture and values thus gives the student the ability to synthesize his or her two cultures, so that they might be better equipped to solve the problems that they encounter in everyday life in the host country (Irvine 2010: 70). As mentioned above, ethical training is given not always by instruction<sup>18</sup> but mostly by manners and role models—sometimes by offering extra hours of motivational or citizenship courses, or alternatively by spending a lot of time with the student outside of school such as in sport activities, leisure trips, or shopping excursions. The extract below from an interview conducted with a *Betreuerin* (“tutor”) at the *Gymnasium* Eringerfeld in Paderborn shows how a sense of citizenship is transmitted by setting an example and how such an education changes those who participate in the movement:

“I cannot give the child a continuous education but I can show her an event that we experience together and then she takes her lesson from it. We had last year a Germany week in which we taught them that in order to love a place one should first learn about it. Because sometimes the students come and say “I want to go away from Germany,” then we say: “No, Germany is a beautiful country; we should stay here,” then we encourage them with projects of citizenship. I think we should change many things. The biggest *Hizmet* for us is to change the prejudices, then the society changes already. Even if all of them think we are terrorists you will represent the contrary. No, we are a trustful community. Many Turkish people passed until now but bad events did not happen. We should talk to the Germans, then, we will learn to like them. That is why when we go somewhere with the students we greet the Germans. When they speak to us we answer immediately. We show that we are open, transparent. In the past we had German friends but it was a limited friendship. We did not go to their houses, we did not eat at their houses. Our family did not teach it to us. But now we go to them, invite them, talk to them spontaneously. It is thanks to *Hizmet* that we have changed a lot. If we taught every student and our children about it, it would be perfect in the future to live in Germany,” (Zehra, 25 years old, author’s translation).

This example also shows how the schools and education centers founded by the movement’s sympathizers try to accommodate themselves to the political and civil culture of the host country. It seems, though, that the movement’s members choose the schools that are most similar to the philosophy of Gülen—like tolerance, respect for others, and adjustment to the host country’s rules. Given that the multicultural public policy approach is valued in Germany, the discourse of the *Hizmet* schools and tutoring centers seems to be arranged to be in conformity with it. The Berlin TÜDESB schools, for example, define their objectives as being:

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18 Some Gülen-affiliated schools in Germany provide *Ethik* lessons in the standard curriculum, wherein students learn about Christianity, Judaism, and Islam from the perspective of their shared universal and ethical values.

“The social integration of students and fellow citizens from immigrant families is particularly important to us: We want to create an understanding of different cultures, customs, and values, and to break down prejudices. Stimulating dialogue, promoting friendships, and strengthening values such as respect and tolerance is one of the most important tasks of TÜDESB. With a targeted intercultural education, we create the foundation for a modern society and the participation of all people therein,” (TÜDESB 2014, author’s translation).

In addition to the shared values that the schools defend in the German case, the French context underlines also citizenship (*citoyenneté*). In France, citizenship denotes the virtue of the principle of the equality of all citizens, regardless of their origins, based on the fact that France is defined as “the Republic” and is built on “one nation” unlike other “multinational” countries. The website of *Etudeplus* in France thus puts citizenship at the heart of its educational philosophy:

“Tutoring sessions and recreational activities are oriented in order to understand the rights and duties of each other, and so as to learn to exercise civic duty,” (Etudeplus 2014, author’s translation).

In order to fulfill this goal, they also organize visits to the National Assembly, participate in nationwide charity activities, and offer seminars on the prevention of drug use.

The educational structures founded by Gülen participants are first and foremost secular ones. Their curricula depend on the national and/or *Länder* (state) level instruction models. Encouragement to learn several languages is stressed very much in their discourse, with Turkish being the third after French/German and English. In most cases they partially depend on state funding, while at the same time parents pay an education fee. Even if the tutoring centers and the private schools are known in the media as “Gülen schools,” their directors deny any inherent attachment to the Gülen movement—arguing that the founders of the schools are almost always inspired by Gülen’s message of favoring schools, but the schoolsboard and/or staff are mostly made up of people who even do not know him. In other words, for them, some of the people who founded these educational structures have been inspired by the philosophy of Gülen or by the observation of other countries’ concrete examples of successful education, and thus accept their personal connection with the movement. But there are other educational institutions, sometimes non-Muslim, that are also inspired by this new kind of personal ethical training practiced by the movement participants but that are not necessarily attached to the movement. Their directors argue that it would also be erroneous to call them Gülen schools, because although they are private covering their financial expenses still partially depends on state subventions and their application of the state model of instruction. However, in my opinion, a school called “Turkish” or “Gülen” would not count as an official title,

but just indicates its orientation like calling a school Montessori does. This kind of simplification in nomenclature is thus natural and inevitable.

The other widespread Gülen-affiliated institution in Europe is the dialogue society. As mentioned above, interfaith and intercultural dialogue—based on a respect of the other nurtured by seeing all people as God’s creatures sharing the same values—is one of the core notions of the Gülen philosophy. The dialogue societies and associations leaning on that idea all over the world have been tools to create good relations between Gülen movement volunteers and citizens from the host country (who mostly have other religions than Islam) on the one hand and a way to promote Gülen’s ideas on the other. One of the earliest and the most effective ones in Germany has been the *Forum für den Interkulturellen Dialog*, founded in 2002 in Frankfurt. Last year the umbrella organization *Bund Deutscher Dialog-Institutionen* (BDDI) was created, which includes 14 dialogue associations in Germany. The French version is *Plateforme de Paris pour le dialogue interculturel*, founded in 2005. Their activities in both countries include lectures, roundtables, and discussions among people from different ethnic, religious, professional and social statuses, trips to Turkey, intercultural dinners with Turkish, German, or French guests, and so on. These activities aim to promote intercultural dialogue and a constructive approach to cultural diversity, to eliminate mutual fears and prejudices.

The list of other Gülen-affiliated organizations in Europe is long. Some of the most important of them are the newspaper *Zaman* (a branch of the Turkey-based daily *Zaman*, printed both in France and Germany as separate versions), *Saman-yolu Avrupa*, (a TV station based in Frankfurt, broadcast in Turkish across Europe), cultural centers, and entrepreneurial, youth, women, and charity associations. The idea behind such a variety of activities is first to reach out to every group in society with *Hizmet* ideas and actions, and, second, to show that Islam is fully compatible with a modern, urban, and cosmopolitan lifestyle. There is no official recognition of the movement either by the French or the German state, since it lacks a coordination center or a supranational entity. The movement does not aim to establish such a structure either, because it wants to rely instead on civil society and to be active in a decentralized, autonomous, and independent way. This insistence on an autonomous structure becomes clear in their relationship with other Turkish or Islamic groups as well. As Irvine (2010) contends, the *Hizmet* movement-affiliated centers do not maintain close relationships with the latter—because they think that it would be difficult to control the behavior and sometimes extremist inclinations of some of them.

This does not mean, though, that the movement is not seeking recognition from state or municipal authorities or looking for support or partnership from

within French and German civil society. On the contrary, the movement's members make an effort to be on good terms with local authorities and civil society members, and therefore invite members of parliament, those from the public administration, ministers, and other associations' representatives to join their organizations for partnership and cooperation. For that reason, they also adapt their structures to the existing legal status in each city or country. In Germany, all Gülen institutions are *eingetragene Vereine* (e.V., registered nonprofit voluntary associations based on the German Civil Code), whereas in France they are established according to the *association loi de 1901 à but non lucratif*, which carries the same meaning as its German counterpart. The funding of these institutions also comes in part from the state, but most of it is from voluntary donations given by sympathizers to the movement or collected via membership fees.

In the following, the relationship between the state and the movement-affiliated establishments will be exemplified by one case from each country in which the state's recognition of the activities of the movement is most visible. The first of these is the traditional French–Turkish friendship dinner held at the French National Assembly by the French–Turkish friendship group of the members of parliament. For the last five years, its guests representing Turkey and Turkish migrants in France have been *Hizmet* associations, ranging from women and student to entrepreneurial and dialogue ones. These meetings show that some French officials at the national level accept the *Hizmet* movement participants as interlocutors and allies for some common civil society projects organized for the benefits of the French community by their citizens with a Turkish background.

The second example is that in the last three years in Germany *Hizmet* members have argued that “defamatory news about the *Hizmet* movement” has been diffused and publicly debated, as initiated by the *Stuttgarter Zeitung*, several *Der Spiegel* articles, and a *Westdeutscher Rundfunk* (WDR) documentary film entitled “The silent army of the Imam” in 2013. The debate opened by the media continued with written inquiries being made about the activities and members of the movement by some members of parliament at the Federal and *Länder* levels. In one of them, namely by the leftist party *DIE LINKE*, Member of Parliament Hakan Tas wrote to the Berlin Senate—in response to questions such as what the movement's financial relations with the state are—asking whether the movement has a hidden agenda like Scientology or *Opus Dei* do. The Senate stated that there is no evidence that the *Hizmet* movement is involved in any extremist activity that would require it to be monitored by the *Bundesamt für Verfassungsschutz*, referring to another report on the movement written in 2011 in Baden-Württemberg. It is also stated that neither the *Hizmet* movement nor the association TÜDESB or designated members have broken any regulatory laws in their organizational

context. They also claim that there is no clear evidence of Gülen being directly linked to these organizations, except as a thought leader (Abgeordnetenhaus Berlin, September 20, 2012). Realizing the ambiguity that this questioning by the media about the motivations and agenda of the movement had caused in the German public sphere, the movement's members subsequently decided to found their own information desk in Berlin—the *Stiftung Dialog und Bildung*. It works as a representative of the *Hizmet* movement in Germany. Rather a latecoming initiative, its existence still does not mean that the movement is now undergoing a centralization process. However, it is a sign that the movement acknowledges the need to become officially recognized and that this is more likely to be achieved through it having some sort of PR structure.

Although the institutional structure of the movement in Europe is not subordinated to a supra- or transnational body, as is practiced by some other Muslim or Turkish communities in Europe, it does show some features of a transnational entity because of its global distribution of social and private capital. Can a local settlement coexist with a transnational one? According to Park (2009), the movement's qualification as transnational comes from its geographically dispersed educational activities and its commitment to dialogue with other faiths. Since the 1990s the small community of Gülen followers has evolved into a movement due to globalization, and more precisely due to the new satellite technology, network connections, and media opportunities that that process has brought with it. As the world comes to rely more and more on knowledge, the movement is gaining many opportunities to act through its educational institutions by placing knowledge at the center of the ideal of *Hizmet* (Yıldırım 2011). Knowledge is also imparted by the media. The movement has its own media network with newspapers, books, printing houses, magazines, and radio and television channels, through which it imports the knowledge it creates in its educational institutions—while it is also becoming better known as a result of creating its own public sphere (Yıldırım 2011). The movement is no longer a small community closed to the outside world and committed to traditional ways of practicing Islam, but one that opens itself to public discussion and engages with critics as part of contributing to the formulation of a modern form of Islamic religiosity. As Reetz (2010) defines,

“[...] most globalizing Muslim networks have to be seen as both translocal and transnational at the same time. The difference between the two terms is in pointing to different directions and in the qualities of the interaction. Translocality transcends the limitations and the boundaries of the local, but is not necessarily transnational, whereas all transnational interaction is probably also translocal. In comparison, the translocal will also include sociological, religious, and cultural qualities and will be a reminder of its other side, the local, as well, whereas transnational more



points to the political dimension, and importance of crossing the borders of nation states, creating a separate grit of reference,” (Reetz 2010: 296).

What makes the *Hizmet* movement transnational is mostly the perspective of its discourse, which is aimed at transcending boundaries through the books of Gülen that have been translated into more than 36 languages, his audio-video sermons, and vast numbers of people mobilizing across nations after being inspired by the *Hizmet* ideal. This means that transnationality comes from *Hizmet* ideas, as cultural capital, and from *Hizmet* actions, projects, and institutions, as social and private capital. On the other hand, as there is no central organization controlling the movement’s structures, movement volunteers in each country or city decide on their own service projects and build the institutions related to that particular city’s unique needs—whether they are educational, entrepreneurial, dialogue, charity building, or all of these at once—by using local volunteers’ funds and personal engagement. As such, it is not surprising to see non-Muslim and non-Turkish staff and volunteers working within *Hizmet* structures all over the world. These translocal activities make the Gülen movement more like an autonomous civil society than like a small religious community, in marked contrast to other Turkish community groups in Europe.

As Agai (2010) observes, in addition to the formal organization of the movement there is also an informal network created by the life-long allegiances between former teachers and students and their families, so that although there is not a direct line between central and peripheral structures there is always a flow of ideas and people. Volunteers in the movement can either be mobile across the borders of different *Hizmet* areas (for example a volunteer can be recruited for an educational project and then move on to an activity in the movement’s media) or across national borders. This latter kind of international mobility is possible because volunteers in the movement travel to visit each other, so as to learn and to exchange know how. This is how *Hizmet* ideals and people are mobilized worldwide, while they simultaneously stay at an extremely local level as well.

### 7.5 Conclusion

Our research conducted within the ranks of the *Hizmet* movement in France and Germany confirms that more and more young Turkish Muslims in Europe are attracted by a transnational affiliation to this global movement. As opposed to their parents’ solidarity networks based on ethnicity, this new generation of Turks is creating innovative multiethnic and multireligious spaces. Within their translocal spheres they are actively participating in *Hizmet* projects, which is transforming them into members of the global-transnational community of the

*Hizmet* movement. This is also making Europe no longer be a place hostile to them, and rather one to fulfill *Hizmet* ideals in. The reason why they can rely on this movement is its difference to the other Turkish associations in Europe. The importance given to secular high education by the movement and its pacifist, pro-dialogue characteristics attract Muslim Turkish youths. Many of them wish to distance themselves from ethnoreligious conflicts and from the either purely religious or purely political issues that are raised and pursued by the other networks and associations. The nonviolent side of the movement protects them from the peril of becoming radicalized or marginalized, as is the case for some fundamentalist Muslim networks. The *Hizmet* community's orientation toward active involvement in society turns them into conscious and responsible actors and citizens vis-à-vis taking initiatives in the European public sphere, wherein stigmatization or racism because of their immigrant origin is still widespread. Therefore, those European actors of the *Hizmet* movement who have initiated and developed secular pro-Western institutions based on a religious motive within their local context, in conformity with the state or federal law, are a part of the ongoing transformation process of this movement from within. They are now turning it into more of a translocal civil society on European soil than a purely religious community from Turkey, as it originally was in the 1970s.

## 7.6 Bibliography

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## 8 Conclusion

*Maria Grazia Martino*

This concluding chapter proceeds as follows: First, it evaluates which actors were involved, which goals were formulated, and which instruments the government used in religion policy in the countries studied in this volume. It examines the most relevant measures taken in religion policy, by applying first the policy cycle approach and then after the governance approach. In a second step, it establishes a typology and then asks whether it can refute the two hypotheses developed in the introduction:

- The policy cycle literature would suggest that religion policy is the outcome of public policy formulated in opposition to market and civil society actors (Hypothesis 1).
- The governance literature—regarding the strand of “governance without government”—would suggest that religion policy is the outcome of the collective interests advanced by policy networks and communities (Hypothesis 2).

### 8.1 *Nazi Germany*

Schuster’s chapter shows that, formally speaking, the main competence for religion policy lay at the level of the national government, given that there was a Church Ministry from 1935 onward. This fits with the high degree of centralism in the Nazi state’s public administration. Beside this, a set of unclear competences for religion policy were distributed between different ministries and public authorities at the national level and central party authorities and organizations. In part, even the *Länder* retained residual competences for financial matters, decisions over clergy and church staff, and denominational education. The public administration at the national and regional level also had an impact. Indirectly, foreign states perceived as important can also be defined as actors: the US ambassador intervened in favor of the Mormons, while a favorable policy toward Orthodox churches was adopted in the hope that this would secure the loyalty of the Balkan states.

In practice, after the consolidation period that ended in the mid-1930s three senior party functionaries negotiated each decision in religion policy between them: Chancellor of the Nazi party Bormann, the Nazi party's Representative for Ideological Training Rosenberg, and Director of the Reich Security Main Office Heydrich. This fits with the definition put forward by Dye (1972: 2) that public policies are the result of decisions made by governments, not by actors from the private sector or civil society. However, in a nondemocratic state this goes without saying, since all organizations from civil society were repressed and subordinated to the control of the government. It is even questionable whether the Nazi party during its period of government can be considered as an actor from society, as is the case for parties in democratic states. At best, the German Christians and the Evangelical Church's Reich Bishop can be considered as actors from society, since they were supported by the Nazi government without being formally dependent on it as an organization. But their influence is not comparable to that which an actor from society in a democracy might have, since their degree of divergence from the Nazi government was not higher than those held by senior party functionaries within the government.

The policy goal here was the elimination of all influence on the part of the two large churches within the Nazi party, the state, and society, since Hitler perceived them to be competitors for loyalty and legitimation. Agenda setting and religion policy formulation took place through ad hoc decisions made by Hitler, or after the mid-1930s through negotiations between Bormann, Heydrich, and Rosenberg—and for the newly annexed territories, between local party functionaries as well. Eventually, the Church Ministry was deprived of practically all competences.

Policy instruments used to pursue this goal were: the deliberate neglect of conflicts within the churches, so as to not give them any attention; the persuasion of party members to withdraw from voluntary positions in the churches, and sometimes also from church membership; symbolic policies; the recognition of churches and religious communities; subventions; and, regulations and restrictions.

In the case of the outlawing of the Jehovah's Witnesses, it was even the Prussian police authority that intervened against the ban—while the two large churches could exercise influence on the Nazi government to make it pass the prohibition. A similar procedure took place for the Mormons, where the Church Ministry tried to have them outlawed but could not make its opinion prevail against the will of the Gestapo. Later, the Ministry of Foreign Affairs supported the police on its chosen position. This is a case of a negative decision—that is, not to pass a policy—stemming from negative coordination within the govern-

ment and the public administration. The oath taken by the Old Catholic bishop, the official recognition of the Russian Orthodox Church, and the subvention of its cathedral in Berlin count as symbolic policies. This applies also for the legal status of associations in private law that was issued to all churches and religious communities in the territories annexed after 1937.

## 8.2 *The Federal Republic of Germany*

Olgun's chapter casts light on contemporary German religion policy, with a special focus on state policy toward Muslim organizations. The actors involved in religion policy are: the Federal and *Länder* governments; the two large churches; the Muslim organizations AABF, *Ahmadiyya*, DİTİB, IGMG, IR, VIKZ, ZDM; the courts of law; the media; the Turkish community in Germany; and, indirectly, countries with a Muslim majority that observe German religion policy such as Turkey. Both due to the nature of their audience and because of the now much higher degree of globalization and transnationalism, these actors' influence is much greater than could have been the case during the Nazi era. Some of the Muslim organizations and movements in Germany count as transnational communities, since they have members in a number of different countries worldwide.

The policy instruments used are: the introduction of the German Islam Conference (DIK); the recognition of Muslim organizations as corporate bodies in public law—and, in connection with this, the issue of individual rights such as the right to offer denominational religious education in public schools; the regulation and restriction of religious communities; and, court trials.

While the National Integration Program that was formulated in 2005 can be understood as a long-term policy formulation, the DIK can be classified as a reactive measure taken to counter growing Islamic extremism (this can also be seen from its concentration on security issues). There are functional equivalents to this on the regional level as well, such as the Hessian Government's Round Table. Due to the research focus of this chapter, we cannot retrace the whole policy cycle of agenda setting, policy formulation and decision making, policy implementation and policy evaluation, and termination for the DIK, the National Integration Program, or the Round Table. However, a few inferences can still be made:

The fact that programs such as the DIK, the National Integration Program, and the Round Table were even introduced at all shows that agenda setting was successful. As we have seen, the stage of policy formulation is a potential source of conflict given that it distributes resources and power between different social, economic, and political interests. This happened with the *Ahmadiyya*, since it



receiving recognition meant an allocation of power from the state or the *Land* to an actor from civil society. The recognition given can perhaps be understood as an example of the implementation of the DIK, the National Integration Program, and the Round Table. We do not know whether this recognition was already planned from the beginning, in which case it would fall under policy formulation, or whether it was rather a short-term decision—in which case it would count as policy implementation and an interpretation of the principles formulated earlier. September 11, 2001 surely counts as an external event that led to policy change and induced policy learning.

The three points in the iron triangle are the central agency, the legislative committee, and the elite interest group, who develop symbiotic relationships with each other. Perhaps we can classify the agencies commissioned by the Federal Ministry of the Interior, the corresponding parliamentary committees, and the leadership of Muslim organizations as an iron triangle. Possibly, also the two large churches count as an elite interest group within this iron triangle. Olgun's chapter describes how some Muslim organizations, such as the AABF, obtain recognition more easily than others and that the leaders of all Muslim organizations become more closely involved with the government but alienate themselves from the majority of Muslims living in Germany. The extensive protests expressed by the country's other Muslim organizations after the recognition of the *Ahmadiyya* can thus count as policy evaluation, even if these are an ad hoc form of it that exists outside of the policy cycle.

If we test the alternative hypothesis and retrace the events in terms of governance without government, we cannot observe these Muslim organizations having much influence outside of the iron triangle. An exception is perhaps the DIK in its capacity as a forum of exchange, but it being an initiative led and introduced by the Federal Ministry of the Interior goes against this interpretation. While the government used to limit its activity to single decisions before, the introduction of the DIK was a coherent and long-term policy. The government's competences for restricting, regulating, recognizing, and subventioning Muslim communities were neither extended nor limited. As far as Muslim communities are responsible for organizing themselves, they can be considered self-organizing, inter-organizational networks. Governance without government is defined as when governing is carried out entirely by societal agents and NGOs. However, as far as the federal and the regional governments and public administrations have the power to regulate and restrict the activities and the legal status of Muslim communities, they do actually play a role—so that we cannot speak of governance without government in the German case. Hypothesis 2 is thus proved wrong by this instance.

### 8.3 *Switzerland*

In Schmid and Das Schmid's chapter on Switzerland, the process that can be explained by the policy cycle or by government approaches is the recognition of the Catholic Church in the Canton of Zurich. The involved actors were the Swiss Federal government, the canton governments, the public administration on both levels, the Catholic Church, the Protestant Church, and, today, the Muslim communities and the Muslim population.

The confessional wars between Catholics and Protestants can count as the period before the policy cycle, since experts and policy makers were the only ones who were aware of the problem. The Federal government established peace treaties between the Catholic and Protestant cantons, who mainly held responsibility for religion policy.

Perhaps the issue of the policy cycle can be said to have begun in 1835 with the Aargau conflict over Catholic convents. It was the Aargau Council—that is, the government—that set the agenda by subordinating convents to its jurisdiction. This caused a grown sensitivity within all churches and religious communities, which perhaps also led to a higher politicization of the issue. It spilled back to the cantonal level and resulted in a coalition between the seven Catholic cantons who felt threatened, and eventually led to the civil war of 1847. This conflict was settled by the approval of the current Swiss Federal Constitution in 1848, which granted the competence for religion policy to the cantons. This can be labeled as the stage of policy formulation, in which resources and power were allocated out between political and religious interests. Since this happened at the same time as the establishment of the Swiss federal institutions it is impossible to speak of coordination between departments or iron triangles, given that this would require the prior existence of a bureaucracy—and thus of a functioning state. The political system of a consensus democracy also involved the minoritarian Catholics of the country to some extent. Although the chapter does not tell us whether the constituent assembly explicitly pursued the goal of establishing religious peace and of controlling the Catholic Church (goals and objectives in policy formulation), this is what happened in practice. Since the Catholic cantons realized they were in a minority on the national level, they founded their own media, parties, and associations—thus moving the denominational cleavage from the political to the societal level. At the utmost, we can interpret these Catholic associations from civil society as issue networks as they governed themselves. Perhaps we might also assume that in the mainly Catholic cantons iron triangles came into existence at the cantonal level after 1848.

The conflict between Catholics and Protestants was settled by the following structures in the constitution: First, by Catholics having the same opportunities to be elected into the *Bundesrat* (Federal Assembly) and, second, by them being overrepresented in the *Nationalrat* (Assembly of the Cantons), which assigns one seat to each canton regardless of size. Additional features were the confirmation of the main competence for religion policy being at the cantonal level, which enabled opportunities for Catholics to found organizations in civil society. That this policy was successful can be seen from the lack of further conflict between Catholics and the Swiss state. Probably, opposition to the system in force shifted from the Catholics as a population to the Catholic Church in Switzerland as an institution.

The next phase of the policy cycle, policy implementation, consists of the transformation of the policy initiatives and goals formulated during the policy formulation phase into programs, procedures, and regulations and of the allocation of resources such as budget and staff. Since the Canton Parliament of Zurich already granted the first legal bases for the constitution of the Catholic Church in 1863, this can be interpreted as the policy formulation phase. Its implementation followed later, in 1963, with the formal recognition of the Catholic Church as a corporate body in public law. The actual regulations consisted of the provisions to introduce the following bodies and institutions: a legislative and an executive body; a direct vote on the extent of the church tax rate; direct election of the priest; approval of the budget and granting of the right to elect ecclesiastical offices; and, additionally since 2010, an appeal commission as a judiciary body. These are regulations and restrictions introduced by the Canton of Zurich for all churches and religious communities who want to be recognized.

The present period can be interpreted as the last phase of policy evaluation. On the level of society, the cleavage between Catholics and Protestants has become less controversial and replaced by one between Christians and Muslims instead. At the utmost, on the Catholic side the conflict partner has switched from being the Catholic population to the being leadership of the Catholic Church in Switzerland—who do not accept the existing regulations in ecclesiastical law. This can be labeled as the post-problem phase, where the issue is replaced by a new one in the public agenda.

While the chapter does not give a formal evaluation of the regulation system for Swiss churches and religious communities it does tell us that the system has been stable for the Catholic Church since 1963, and furthermore that it was amended in 2010. This can be interpreted as the reinforcement of a policy esteemed to have been successful by the Canton of Zurich government. However, there might be other perspectives on this policy: First, the Muslim umbrella

organization FIDS, since it also has sought the required formal recognition as a corporate body in public law instead of becoming involved in changing the system, esteems the policy to have been successful and to be applicable also to Muslim communities. Second, the growing number of Swiss citizens without membership in a church or religious community—which undermines the quest for democratic legitimation of the church bodies. Third, the perspective of the leadership of the Catholic Church in Switzerland, who would prefer a more hierarchical legal structure to be in place. As such, the latter two examples might be taken as a sign that this policy has outlived its original purpose, and, as we have seen, policies tend to live on even when they are no longer useful.

As far as it is the public sector that provides guidance to society and requires that its actors are held accountable to it, we can also speak of governance in this case. But when the distinguishing criterion for governance is that the boundaries between the public and the private sector have blurred this question is less easy to answer. The fact that the Catholic Church had to introduce democratically legitimized institutions modeled after the Swiss constitution is not representative of a blurring of boundaries, but fits rather within the traditional regulation framework of the policy cycle approach. It is more the case that many elected politicians and appointed civil servants begin their political career in Swiss church offices, which makes them reluctant to evaluate religion policy in terms of resources, staff, and competences using all the available information. This is what Stoker (1998) described as the “blurring of responsibilities” and “blame avoidance.”

#### 8.4 *Italy*

As Martino shows, in Italy, the issues of the policy cycle or governance approaches are: the Islam Council, the crucifix in the classroom, the debate on religious education, and a law on religious freedom versus the conclusion of more state treaties. The actors herein are: the central government, the center-right and center-left parties, the Holy See, the Italian Bishops Conference, the dioceses and parishes, the public administration on all levels, the Jewish and Muslim communities, the Protestant churches, and the courts, among which the Constitutional Court and the Council of State both play an important role.

Iron triangles typically consist of state bureaucracies, parliamentary subcommittees, and organized interests, who all share common policy objectives and ideas (Jann and Wegrich 2007: 50). The three points in the triangle are the central agency, the legislative committee, and the elite interest group, who develop symbiotic relationships with each other (Bevir 2010: 253). In the Italian case, the

only occasions when legislative committees were involved were during the several attempts to pass a law on religious freedom. So we could, perhaps, for this issue speak of actors being organized as iron triangles: the members of parliament in favor of passing such a law are the central agency and the elite interest group is the religious communities addressed by law no. 1159/1929, but also as well those religious communities with a state treaty whose rights have nevertheless not been sufficiently implemented to date. Issue networks, in contrast, consist of a larger number of actors with different backgrounds and more open boundaries. Perhaps we can speak of issue networks regarding the opponents of religious education and of the displaying of the crucifix in classroom. Both issues united such diverse actors as Protestant churches, trade unions, parents, teachers, center-left parties, and Jewish and Muslim communities. By contrast, in the case of the defendants of RE and the crucifix in classroom we observe iron triangles. The Bishops Conference can count as a part of an iron triangle in the case of RE, as it has managed to secure the state bureaucracy's support. For the crucifix in classroom, the iron triangle consists of center-right parties and the state bureaucracy. This would also explain why they win over opponents. The actors in the Islam Council issue perhaps take a middle ground between the two models, since roughly speaking the center-right parties are against and the center-left parties in favor of the crucifix in classroom.

Agenda setting involves the recognition of a problem and of the necessity of state intervention therein. This means that it is put on the government's public agenda by the government, by social actors, or by interest groups. The conflict over RE was placed on the agenda by an opposition member of parliament against the minister of education and can be understood as an attempt to gain power resources. The conflict over the crucifix in classroom was put on the agenda by an actor from civil society, a teacher, who was protesting against a lack of implementation of the new state treaty. The conflict over a law on religious freedom was placed on the agenda by the government, who suggested to pass such a law. The foundation of the Islam Council in 2003 was also initiated by a Minister of the Interior and can be interpreted as an implementation of the Turco-Napolitano law no. 40/1998. Although it was passed by a government of the opposition in parliament, this was compensated for by Pisanu's position within the right—one that is universally shared by the left.

Policy formulation and decision making involves the transformation of expressed problems, proposals, and demands into government programs. It includes the definition of objectives to be achieved by this policy and the consideration of different alternatives. The only issue wherein this has been the case is the Turco-Napolitano law, which formulates the goals and principles of the recognition of

cultural pluralism, the rejection of assimilation, an intercultural approach, and interpersonal exchange and respect for the integrity of the individual. In the case of religious education each actor seems to have held to his own goals, which contradict those of other actors—but no coordination on a higher level has taken place. The same applies to the crucifix in classroom where a coherent policy has only been formulated by the Northern League, and even this only in a defensive way by depicting a negative scenario that has to be avoided. The elaborations made by the courts are no long-term policies, but merely decisions concerning single cases. In the case of the law on religious freedom the policy goal to be achieved equals the law itself, into which the claims made by the religious communities have been merged. The involved members of parliament do not plan on having to bring it to the table again and again. This means that since no coherent and long-term policy has been formulated, the issues of RE and the crucifix in classroom need not be considered regarding the further steps of the policy cycle. They have failed because of the impossibility of all involved actors making joint decisions. Their repeated placement on the government's agenda counts as an informal type of policy evaluation.

Policy implementation includes the steps of the specification of program details—in other words, the distribution of competences between agencies or organizations—, the allocation of budget or staff, and the issuing of relevant procedures and regulations (Jann and Wegrich 2007: 52). This corresponds to the initiative of the Islam Council in handing in to the Ministry of the Interior a declaration on the implementation of the charter and on the foundation of a federal council of Muslims. Finally, policy evaluation as the assessment of policy outputs and outcomes and policy termination can only be observed in informal forms, but not as the result of scientific expertises or government reports. At the most there are parliamentary debates between government and opposition, and informal protests by religious communities.

If we apply governance approaches to the Italian case, the foundation of the Islam Council is an example of where the Ministry of the Interior has tried to steer and coordinate action between different organizations from civil society. This expectation has two focuses: on the one hand coordination between all Muslim organizations and on the other coordination between the Muslim organizations and the state, understood as the government and the public administration. The “Charter of Values for Citizenship and Integration” is an attempt to regulate the Muslim organizations by their self-commitment to it. Conflict with Muslim participants therein was settled by opening the charter up also to other immigrant groups and religious communities as well. The declaration on the implementation of the charter and on the foundation of a federal council of Muslims handed in by

the Islam Council to the Ministry of the Interior represents a success for this initiative regarding steering and inducing self-commitment, although in the long term new Muslim umbrella organizations were founded and new collective interests now claim to speak for all Muslims in Italy. Anyway, a policy field with a large number of actors having a low degree of institutionalization and a large number of Muslims who do not belong to any organization is perhaps best explained and steered by governance approaches. We cannot speak of governance without government here, since the Ministry of the Interior is still involved in steering the Muslim communities and in exercising authority and overseeing sanctions, and retains competence for religious communities within its responsible divisions. However, the group of the Muslim communities rather resembles a loose policy community or policy network than a hierarchy.

The delay in the conclusion and implementation of state treaties vis-à-vis the religious communities can count as governance in the negative sense, as can the falling into oblivion of the Sineo law and the failure to pass a new law on religious freedom. Here, by contrast, governance approaches do not explain very much. The conflict over the law on religious freedom has mainly been carried out by actors from parliament and government, with the audit court being an actor from public administration and the late intervention by the religious communities as actors from civil society. The state has kept its full competence for delivering services and public policies, which has happened independent of its decision not to change the status quo in formal law (or, its non-decision to pass a new law). The same probably goes for all of the observed divergences between equal status in formal law and the lack of actual application of these rights to religious communities. Here, the policy cycle carries a greater explanatory power.

### 8.5 *Greece*

The actors involved in religion policy are the President of the Republic and the national government, and within the latter the Prime Minister, the Minister of Justice, the Minister of Education, and the opposition party. Within the Orthodox Church, it is its leadership on the national level: the Archbishop, the Holy Synod, higher clergy, Old Calendarists, and Mount Athos. The following religious minorities are involved: Catholics, Jehovah's Witnesses, Jews, the Muslim minority in Western Thrace, and Protestants. The international and EU levels are far more involved than they are in other countries. The most important actors in these two issues are the European Parliament and the UN's Special Rapporteur on Religious Tolerance. Actors from civil society are the international and Greek human rights organizations and the media. Public administration does not play a large role,

since these two issues are already very controversial on the level of decision making by elected politicians, so that the conflict is not passed down to the level of implementation by the public administration.

Within the policy cycle, agenda setting consists of the recognition of a problem and of the necessity of state intervention therein—which result in its placement on the government’s agenda. Both policy issues can be understood as the result of a conflict between different groups over procedural matters referring to the distribution of positions or resources: in the case of the indication of one’s religious affiliation, whether it is the state’s or the church’s competence to decide over ID cards; in the case of the Pope’s visit, whether he should be treated like any other head of state by the prime minister and without any interference therein from the Archbishop. Both cases belong to symbolic politics.

For ID cards, agenda setting and problem recognition were both led by Pasok and ND governments from 1986 on—as well as by EU and international actors. The European Parliament had asked the Greek government already in 1993 not to accommodate the Orthodox Church’s claims, but rather to implement its duties according to the constitution and EU law (Kyriazopoulos 2001: 521). The UN’s Special Rapporteur on Religious Tolerance expressed his concerns about this regulation meanwhile, since the indication of religious affiliation goes against international conventions (Anderson 2002: 14).

The stage of policy formulation and decision making consists of the transformation of expressed problems, proposals, and demands into government programs. It includes the definition of objectives to be achieved by this policy and the consideration of different alternatives. For ID cards the stage of policy formulation and decision making can be said to have begun in 1997 with the government’s signature of the Schengen Agreement and the approval of law. no. 2472/1997, which definitely formulated the policy goals. In this case, problems and demands were mainly expressed by the EU and international actors.

The stage of policy implementation involves the specification of program details, the allocation of resources and staff, and decisions about individual cases. In the case of ID cards the question was not about which agency should issue them or at what rate old ID cards should be replaced, but rather just about the removal of superfluous indications of religious affiliation in 2000. This act was even presented as an implementation of the law no. 2472/1997 by the Minister of Justice.

The subsequent massive protests and mobilizations by the Archbishop belong to the stage of policy evaluation. They resulted in a loop that raised the possibility of a new episode of policy formulation (a referendum) occurring, but this was not ultimately successful. The Prime Minister’s reference of the matter to the



Ministry of Education, since this body is responsible for questions of joint decision making by the state and the church, can be interpreted as an example of negative interdepartmental coordination. The final decision on policy evaluation by the state was enacted by a court sentence passed by the Council of State and by a statement by the president of the republic not to change the new policy (policy maintenance). Contrary to what often happens in the policy evaluation process, this time policy goals were even easy to measure—since they were formulated in a very concrete way and consisted of just the one single removal of an indication of identity.

For the visit of Pope John Paul II agenda setting was made by the Prime Minister, since it was he who expressed the intention to receive the Pope in his capacity of a head of state. In this case agenda setting coincides with policy formulation, decision making, and even implementation, since state visits always follow established patterns and there is no need to decide on new allocations of resources or agencies. The opposition expressed by high Orthodox clergy, speakers of Mount Athos, and Old Calendarists corresponds to policy evaluation, as does the ND's support. The subsequent persuasion of all actors to join the government in its stance, even if only for strategic reasons, can be interpreted as policy learning—in the sense of an activity undertaken in reaction to a changing environment (Hecló 1974: 306).

Governance approaches, on the other hand, can be applied as far as the Orthodox Church—as an actor from civil society—can be said to be strong and exercise a significant influence on government policy. But one point that would speak against interpretation in terms of governance approaches is that there has not been a deregulation of previous state activity. Instead, the Orthodox Church has been able to establish itself as a traditionally strong power and as a substitute for the either weak or entirely nonexistent nation-state throughout Modern Greek history. In both issues we even observe the Greek state having decided on issues that the Orthodox Church claims lie within its own domain; that is, the government has tried in these cases to increase its regulatory competence. Another argument for not using governance approaches is the strong degree of centralism in the Greek public administration. The Orthodox Church is clearly part of an iron triangle to which the public administration and, to a certain extent, ND members of parliament also belong. The opposition of Pasok and the religious minorities rather assume the form of an issue network, because of their heterogeneous background and looser boundaries. For Greece, therefore, the policy cycle model has significant explanatory power, while governance approaches can only be applied to a limited extent.

## 8.6 Sweden

The actors involved in religion policy are the Church of Sweden and the government, and within it mostly the Ministers of Culture, of Civil Affairs, and of Justice, the parliament, and the public administration (the SST and *kammarkollegiet*). The SST plays a more substantial role since it also expresses opinions, while the *kammarkollegiet* is just an implementation agency. The religious communities involved are the Catholic, Orthodox, and Oriental churches, the Evangelical free churches, and the Jewish and Muslim communities. In lawsuits dealing with religion, jurisprudence in all its instances also plays a role. Mostly, however, jurisprudence just has an administrative function, since the Supreme Court holds final responsibility for religious communities in their capacity as associations. Since the government and the public administration have delegated competence for significant matters within religion policy to the religious communities themselves, there are no iron triangles between actors. To presume that state bureaucracies, parliamentary subcommittees, and organized interests share policy objectives in religion policy is unrealistic. In contrast the religious minorities and the groups involved in interreligious dialogue do form an issue network, since they are made up of a large number of actors with different backgrounds and open boundaries.

An application of the policy cycle to Swedish religion policy since the year 2000 indicates that we can rather speak of anti-discrimination policy than of religion policy here. No policy goals have been placed on the government agenda and no coherent government programs destined for implementation have been formulated. In contrast, this is the case however for supervising the behavior of churches and religious communities regarding anti-discrimination policy. The objective that was defined in this policy was the goal to protect the newly created category of the “registered religious community” against misuse, although no alternative nomenclatures were considered for adoption. This policy is implemented by the yearly controls carried out by the government and the SST, as well as by law no. SFS 1998: 1593—which establishes the procedure and the actual content of the anti-discrimination goals. The allocation of resources—in this case, subventions made via the SST—is a potential source of conflict, but rather between each religious community and the government than between the religious communities themselves. The fact that some religious communities who do not fulfill all legal requirements for anti-discrimination goals are nevertheless also granted subventions represents a deviant policy implementation. However the fact that despite the conflicts over the marriage of homosexual couples, the appoint-

ment of female clergy, or the treatment of homosexuals in general the policy has not changed yields a mainly positive evaluation of it.

Governance means changes in the state and the public sector by which the state abandons its hierarchical structure regarding the developing and implementing of public policy, or the shift from bureaucratic hierarchies to markets and networks (from the private and third sector), or the rise of self-organizing policy networks (which means that the state has to concern itself less with direct action and more with the tasks of managing and steering networks, Bevir 2010: 251). These networks typically are task-specific, and with unlimited jurisdiction, and they operate both at the sub- and supranational levels. We speak of governance without government when governing is carried out entirely by societal agents and NGOs. This is practically the case in Sweden, since the state only maintains a marginal regulatory function: via the Supreme Court, by the formal legal order, and by the parliament's power to change it.

The perception of hierarchies as inefficient, as suggested by governance approaches, was even followed by corresponding reforms in the Church of Sweden, since throughout the 20th century democratic institutions were introduced alongside church offices at all levels (parish, diocese, national) of the institution. The only element from governance approaches that does not fit with the relationship between the Church of Sweden and the state is the claim that boundaries between the private and the public sector have become more blurred. On the contrary, the degree of blurring of private and public institutions was actually higher before separation, while now the Church of Sweden belongs almost exclusively to civil society. As predicted by governance approaches, both the government and the public administration have the power to give directions to and impose sanctions on the religious communities, for example by withdrawing subventions paid to them.

If we cannot speak of a policy cycle or of a consciously formulated religion policy for the period since 2000, this means that competence for churches and religious communities was almost completely transferred to civil society with the separation (since churches and religious communities have a legal personality in private law). On the other hand, this means that governance approaches can explain a lot and that the separation process in Sweden was the lead example for the deregulation of a public policy. The Swedish case is perhaps out of all those considered here the one for which governance approaches can explain the most.

### 8.7 France

As Ulu-Sametoğlu shows, the *Hizmet* movement with its large number of dependent institutions and extensive media is an important actor in religion policy. The *Plateforme de Paris pour le dialogue interculturel*, which organizes lectures, roundtables, and discussions between people from different ethnic, religious, professional and social statuses, probably enjoys special visibility within the religious communities.

Within the public administration one actor is the *préfecture* of every *département*, as the main competence holder for registering *associations culturelles*. Indirectly the Ministries of the Interior and of the Economy also count as actors, since they establish the legal framework for indirect subventions and other kinds of support for these associations. All ministries in the central government also play a role as allocators of direct subventions since the court ruling by the Council of State on May 4, 2012 that allowed public subventions to religious communities (Conseil d'État 2014). The reason why all ministries are involved is that which ministry it is that actually grants subventions depends on the actual intended purpose of them, for example subventions come from the Public Agency for Environmental Protection if the purpose is a new heating system for a church (Conseil d'État 2014a). Further actors are the Council of State, which has the last word in all matters regarding associations, and the audit court, where associations are registered.

A special role within the French government falls to the Ministry of National Education, since it is responsible for recognizing private schools such as the *Collège Educactive* ones run by *Hizmet*. The legal basis for this is law no. 443, para. 3–4 of the French Education Code. The Ministry of National Education pays the salaries of contracted teachers and up to 10 percent of the private school's investments (Ministère de l'Éducation Nationale 2014). It also establishes the standard curriculum to which all private schools have to conform. The parliament only has a marginal role, since it could theoretically become involved in changing the legal order affecting *Hizmet*. It holds a mainly symbolic role here, especially in the form of the Turkish–French friendship group of members of parliament. The Turkish public agency DİTİB, which is dependent on the Turkish Ministry for Religious Affairs *Diyanet*, represents how another state has influence on religion policy in France.

Finally, the large number of both formal and informal associations from civil society that depend on *Hizmet* and their large number of volunteers and supporters count as an actor. The totality of the *Hizmet* organizations and networks can be understood as an issue network, because of the open boundaries and differ-

ent backgrounds therein—which also, furthermore, aim to appeal to non-Muslim French citizens as well. Since this chapter does not describe any concrete policy initiatives undertaken by the French government, parliament, or public administration vis-à-vis *Hizmet*, addressing instead just the present status quo and developments in society, we can exclude the application of the policy cycle right from the beginning. However, the application of governance approaches is possible.

Governance approaches cannot apply in the sense that the state has abandoned its hierarchical structure for the developing and implementing of public policy or delegated some of its activities to networks from civil society, since the degree of regulation exercised by the French state towards churches and religious communities has been the same ever since 1905. At the utmost, we could actually interpret the Council of State's decision to allow public subventions to religious communities as a decision in the opposite direction of giving more responsibility and control to the state. However we can speak of governance insofar as religious communities take the form of self-organizing policy networks, which the state manages and steers via the lower levels of public administration, the Council of State, and the audit court. The activities of *Hizmet* can certainly be explained by governance approaches when it comes to self-determination and organizing their own projects. These would classify as governance by networks and by communities, for which the state only sets the framework in formal law. Ulu-Sametoğlu shows evidence that the *Hizmet* movement actually has an explicitly formulated long-term policy goal, unlike the French government: it corresponds to the teachings of Gülen. This correlates with Peters' (2011: 65) stages of goal selection, goal reconciliation, and coordination, with the first two stages having been implemented by *Hizmet* as an actor from civil society. The traditional French–Turkish friendship dinner at the French National Assembly held by the French–Turkish friendship group of members of parliament counts as a symbolic policy of recognizing the *Hizmet* movement. The involved members of parliament take the *Hizmet* movement's participants as interlocutors and allies for some common civil society projects.

To conclude, governance approaches apply here in the sense that the French state only sets the legal framework for religious communities, but not in the sense that a programmatically planned deregulation, delegation, and privatization of public competence for religious communities has taken place. On the other hand, by looking at the distribution of competences for religious communities we can almost exclude the formulation of a coherent religion policy—thus discounting the application here of the policy cycle model.

### 8.8 *General Observations*

When considering the explanatory value of policy cycle and governance approaches, certain caveats have to be applied: To a certain degree, both approaches overlap. The retracement of events from religion policy in terms of governance without government is difficult to distinguish from bottom-down approaches in policy implementation. The description of the different stages within governance processes made by Peters (2011) also bears some similar features to the policy cycle. Thus, policy cycle and governance approaches can only be treated as separate and alternative hypotheses if the policy cycle is narrowed down to a government-centered process and governance to governance without government. The alternative approaches within both research strands were also considered as potential ways to capture intermediate degrees of the described phenomena.

As some general guidelines applying to religion policy in all countries studied in this volume, we can make the following statements: The public administration plays an important role for religion policy in many countries, since it is responsible for policy implementation. Jurisprudence often plays the role of the last instance, and mainly, the highest authority in administrative jurisprudence (the Council of State). This is explained by the legal personality in private law that religious communities hold in several countries. Parliament rather plays a very marginal role. It would only be involved if the matter at hand was about changing the legal order in simple or constitutional law as applied to churches and religious communities, as has been the case in both Italy and Sweden (Martino 2014a). Government plays a more important role, since its ministries are the main actors in decision making and these decisions can then be implemented either at the lower levels of the ministry or in decentralized unitary states, in the decentralized parts of the public administration. When the Prime Minister does intervene, this mostly happens to establish a new direction within religion policy and also to ensure concrete and coherent policy formulation.

Some policy instruments that the state may use in religion policy are: the formulation of long-term and coherent policies in coordination forums such as the DIK; the recognition of religious organizations as corporate bodies in public law—in connection with this, the issue of single rights for churches and religious communities, such as the right to offer denominational RE in public schools; the regulation and restriction of religious communities; and, court trials. Of course, depending on the distribution of competences as per the national constitution, this also applies to the regional and local levels as well. As long as it is given a margin of discretion, the public administration can also exercise those of these rights that do not include any legislative competence. It can thus be granted the

competence to decide for itself which religious organizations to recognize or which restrictions and regulations to introduce, or even in some cases to formulate coherent long-term policies. But the ability to issue individual rights to churches and religious communities belongs to the legislative power, and is unlikely to be delegated to the public administration.

No patterns can be detected about how explicitly competences are distributed for different issues within religion policy, since this often depends on ecclesiastical law—which shows a high degree of inertia and leads to the maintenance of historical structures.

The comparison between several modern Western democracies and Nazi Germany in terms of religion policy was made in order to detect any significant characteristics that might be explicitly attributed either to democracies or to dictatorships. The most distinguishing feature of Nazi Germany is that it was the three senior party functionaries who took most decisions there, and that the party in question was one single one deeply intertwined with the government and the public administration. But this applied to all policy fields during the Nazi regime, and is not a specific feature of Nazi religion policy per se. Concerning decisions made within this particular policy field, these were ad hoc and followed no long-term strategy. Instead, they were influenced by conflicts within the party and strategic thoughts targeted at increasing the government's power. Competences were distributed in an almost casual way between the national and the regional level and were not clearly defined in relation to each other, since Hitler did not attribute any great importance to this policy field. As such, there are perhaps two features that can be identified as typical features of religion policy in a dictatorship: a large amount of de facto power for the senior party leadership, which is intertwined with the government, and the ambition to increase government power and control over religious communities. In contrast, the existence of a Church Ministry is no distinguishing feature of a dictatorship, since such a ministry can also exist in democratic state church systems (for example in Sweden from 1840 to 1968, Martino 2014a: 310). It is rather a typical element of state church systems, which again shows how unclear the competence distribution in the Nazi regime was—especially given that the Weimar constitution that established the cooperation system was still formally in force throughout the entire Nazi era.

Whether the main competence for churches and religious communities lies with the central government or with regional or local ones depends on the overall distribution of competences according to each nation-state's constitution. This can be observed in Germany, Switzerland (regional or cantonal level), Greece, Italy, and Sweden (national level). The exception is France, where the main responsibility for religious communities lies at the local level of public administra-

tion. But for the French case it is difficult to quantify effective competence for religions communities, since the extent of this in general is very low and all responsible levels limit themselves to setting the legal framework. The lack of substantial competence for these organizations can be explained by the fact that France is the only country studied in this volume to be based on a separation model.

To the extent that governments hold competence for religious communities and there is no separate Church Ministry, this can fall mainly to the Prime Minister's Office and to the Ministries of the Interior, Culture, Education, and/or Foreign Affairs. The Prime Minister's Office is responsible for it in some German *Länder*, in Italy, and de facto also in Greece. The Ministries of Culture and Education hold primary responsibility in some German *Länder*, Greece, and Sweden. The Ministry of the Interior is primarily responsible in Italy and, to the extent that it is possible to talk about it, also in France. This is a decision targeted at keeping religious communities under control and a symptom of mistrusting them: in Italy regarding religious communities other than the Catholic Church (a decision taken during the Fascist era) and in France regarding all religious communities. The Ministry of Economy also has competence in France and the Direction of Finance in Switzerland (Canton of Zurich). In some countries, churches may use the public tax system for collecting their membership fees (Germany, Greece, Italy, Sweden, Switzerland). This mostly is the case for those churches and religious communities that enjoy a higher level of recognition (corporate body in public law, except for in Sweden where they still count as legal personalities in private law—but there they still have to be registered as religious communities as a second step). But we cannot deduce where this is the case that the Ministry of Economy or Finance or the audit court holds the main competence for religious communities, since other government ministries might still hold an even larger share of competence for this policy.

The degree of involvement of the Ministry of Foreign Affairs depends on how transnational the prevailing church or religious community is, in combination with the amount of government competence for religion policy (that is, the de facto ecclesiastical law model). The clearest example of this in our sample is Greece, whose Ministry of Foreign Affairs has a whole division dedicated to Church Affairs. Orthodox Churches are led by the Ecumenical Patriarchate as a supranational authority. During the separation process in Italy, the Parliamentary Committee for Foreign Affairs, the Apostolic Nuncio to the Italian government, and the Italian ambassador to the Holy See were also strongly involved (Martino 2014a: 228 ff.). In contrast a majoritarian Protestant church is tied by its ecclesiology to the national government and has no binding supranational authority, from



which it follows that there is no need to grant competence for religion policy to the Ministry of Foreign Affairs. For countries with two or more large churches or religious communities, it is likely that none of them are sufficiently strong to shape public opinion to an extent that would justify the granting of competences to the Ministry of Foreign Affairs. Muslim communities with ties to Muslim majority countries could perhaps become an interesting exception to this rule in future. Finally, for countries based on the separation model it goes without saying that no political intention to place competence for religion policy with such an important government department will be found therein.

A further question related to this is whether foreign actors are involved in national religion policy. This also depends on the degree of transnationality of the religious community—for example, a policy directed at the Catholic Church or the Muslim community is likely to involve the Holy See or agencies from Muslim states such as the DİTİB. In contrast, the involvement of EU and international actors in religion policy are a clear sign that EU and international law are violated by national legislation and practice *vis-à-vis* religious communities. While, on the one hand, EU law clearly attributes competence for ecclesiastical law to the member states (art. 6 para. 3 Lisbon Treaty), on the other both EU and international law have introduced extensive protections of the basic right to freedom of religion in its individual positive, negative, corporative, and collective dimensions—as well as targeted discrimination on religious grounds (art. 10 and 21 TFEU, art. 9 and 14 ECHR, art. 27 ICCPR). Among the countries considered in this volume, such violations of EU and international law—ones that would require the intervention of supranational authorities—are only found for Greece—and also for Italy in the case of the last crucifix-related ruling by the ECHR in 2009.

How often religious communities have to sue depends on the extent of their overall inclusion in decision making processes. The less inclusive and bilateral these are, the more often the religious communities have to refer to jurisprudence. The extreme case is perhaps Sweden, where the case of Åke Green seems to have been the only such one to have arisen since the country's separation of church and state. Even previously when the Law on Religious Freedom no. SFS 1951: 680 was in force it engendered no lawsuits (Wickström 2009: 27). In fact, the legislation process in Sweden takes place with the large involvement therein of the country's religious communities via the remission procedure. Switzerland, with its high degree of direct democracy, shows similar features. On the other hand, that the Council of State as the highest authority in administrative law is explicitly mentioned as an authority in religion policy (France, Greece, Italy) shows that self-governance by the religious communities without any interference from

the state is perceived as the norm. This even applies for such different *de facto* ecclesiastical law models as these three.

Reading through the various chapters in this volume, it is difficult to quantify the amount of competence that is held by elected politicians versus that of appointed civil servants. More exact descriptions would be needed, and we would also have to distinguish between competences granted in formal law and ones that are exercised *de facto*. In order to obtain a fully accurate impression, it would also be necessary to assess the relationship between the competences of elected politicians and civil servants across all policy fields and then to compare whether religion policy presents an exception to or norm within this overall distribution. However, on the basis of the available data we can draw the following conclusions at least: First, if the public administration is supposed to hold significant competences for religious communities it is not necessary that the state in general also has such large amounts of competence in religion policy, since religious communities can be regulated on the same terms as other associations—as is the case in France. In contrast, second, a necessary condition for substantial competence within the public administration seems to be an extensive hierarchy, which among the countries examined here is the case in France, Greece, and Italy. The reason for this is that more levels of hierarchy are involved in these cases, given that even if competence lies at the lower levels of that hierarchy a bottom-up coordinating authority is still needed. The other likely extreme is Switzerland, with its large share of competence not just for elected politicians but also for common citizens via direct democracy.

Whether the same authorities hold competence for all religious communities or competences are instead distributed differently according to the religious community in question depends on the following factors: In Germany, although some churches and religious communities have different legal statuses, competence lies with the same authorities—with the exception of the subdivision for the DIK within the Ministry of the Interior. In France, Sweden, and Switzerland, responsibility for all religious communities lies with the same authorities. This is regardless of the fact that in both Sweden and Switzerland these communities can assume different legal statuses. In Italy, competence for the Catholic Church lies with a division within the Ministry of the Interior separate from that for other religious communities. In Greece, meanwhile, competence for other religious communities lies with a separate division within the Ministry of Education. In the divisions of the Greek Ministry of Foreign Affairs, competence for the Orthodox Church and for other religious communities is more intertwined. We can thus generalize that where all churches and religious communities enjoy *de facto* more equal rights, competence for them is also more likely to lie with the same autho-

rities. This causal link probably works both ways: if competences for the prevailing religion and for religious minorities are distributed to different authorities, civil servants are also more likely to perceive their areas of competence as being different. Furthermore, if administrative tasks are carried out by different authorities they are also more likely to vary—and thus to result in different treatment than if they were dealt with by the same authority.

### 8.9 *Final Thoughts*

From this overview of a selected few European countries and their religion policy some general conclusions can be drawn. First, religion policy is definitely also a policy field in democratic countries even if it lacks any coherent and long-term policy formulation. Our case studies have shown by the example of Nazi Germany that dictatorships do not always have a long-term religion policy formulation either. Thus, the widespread assumption in Political Science that religion policy is a somewhat typical feature of nondemocratic countries and certain historical eras can actually be refuted. Second, if religion policy lacks coherent and long-term formulation, it is rather difficult to explain this lack by the policy cycle approach. Since this policy field involves rather many actors from civil society, governance approaches often have more explanatory value herein. Especially in states where religious communities or the public competences for them show a higher degree of statehood—that is, where religious communities are more likely to be corporate bodies in public law, actor coalitions are closer to the iron triangle typology than to the issue network one, and competence for religious communities in government or public administration is higher—the policy cycle can however explain something of the religion policy in place. This is true especially for a public administration with a high margin of discretion. These patterns of behavior are specifically European, and their investigation deserves to become a counterpart to US research on religion and politics—which takes for granted the separation model, with its corresponding private law legal status for churches and religious communities. Third, religion policy and ecclesiastical law are intimately linked with each other: religion policy generates and amends ecclesiastical law. These are connections and processes worthy of significant further research, something that we hope to have catalyzed and contributed to with this volume.

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