

## 8 Conclusion

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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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