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Beyond the separation of church and state:
Explaining the new governance of religious
diversity in Spain

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Abstract

Religious affairs have gained prominence in Spanish politics in recent years. Two factors have played a crucial role in raising the profile of religion in the policy agenda: first, the growth of religious diversity due to the rapid influx of immigrants from the global south that has led to the emergence of multiple challenges and controversies concerning the accommodation of religious diversity; second, the effects of the Al-Qaeda attacks on Spanish soil that fostered policymakers' perception of the need to "do something" to reinforce Muslim newcomers' loyalty to the host country. In light of these events, the Spanish policy approach has changed considerably in the last years, being the creation of the public foundation *Pluralismo y Convivencia* in 2004 being the most illustrative case in point. The aim of this paper is to explain the transformations in the governance of religious diversity in Spain. Drawing upon qualitative fieldwork done between 2010 and 2013, we argue that three different political logics underlie the developments leading to the current policy outcome: the logic of democratization, the logic of securitisation of Islam and the logic of the Europeanisation of politics. In this paper we explain these transformations by using a sequential combination of three theoretical approaches: a) the church-state relations approach, b) the theory of control and c) the European convergence perspective.

Keywords: Religious diversity, governance, Spain, church-state model, soft-power policies, Catholic Church, religious minorities

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Introduction

Today, religion is gaining ground in the European public sphere and religious issues are becoming increasingly relevant in the policy agenda of most European countries (Ferrari, 2008). Spain is not an exception in this regard. Religious affairs are acquiring greater prominence and significant changes leading to the reformulation of the traditional pattern of church-state relations have occurred in the last decade. The main transformations, condensed in the creation of the *Fundación Pluralismo y Convivencia* (“Pluralism and Coexistence Foundation”, the *Foundation* onwards) in 2004, revolve around the following four trends: a) the evolution from a top-down political approach towards a more networked governance perspective; b) the growing relevance of soft-power strategies over the previous legalistic approach; c) the widening of the target groups of the policies developed; and d) a slight shift from the historical clericalism-anticlericalism confrontation towards issue-framing in pluralistic terms.

Several theories have attempted to explain the governance of religious diversity, especially of Islam, in European liberal democracies. Among them, three stand out as major contributions: a) the church-state relations approach (Fetzer and Soper, 2005; Soper and Fetzer, 2003, 2007); b) the theory of control (Turner, 2007a, 2007b; Cesari, 2009), and c) the European convergence theory (Ferrari, 1995; Koenig, 2007, 2008; Minkenberg, 2012). These theoretical approaches have frequently been conceived as exclusive explanations of the political responses and institutional arrangements to govern religious diversity. However, taken separately they leave gaps uncovered and cannot offer an all-encompassing account.

To overcome such compartmentalization, Tatari (2009) advocates the need to combine different theories to offer a more comprehensive explanation of this reality. Her analytical framework articulates different components, such as ideology, state, church-state structure and Islam institutional framework, derived from four different theories: the ideological theories, the political opportunity structure theory, the church-state relations theory and the resource mobilisation theory. She argues that to explain state accommodation of Islam it is necessary to unfold the relation between all of the different variables to one another, while placing the analysis in a historical institutionalist perspective. Tatari provides a detailed compound model to understand policies of accommodation but fails in detecting causation mechanisms and in establishing a hierarchy of the different components within the general model. Therefore, despite her effort to offer a comprehensive and more dynamic explanation, her proposal falls short in two respects: it fails in identifying the causes behind policy

change, and in disentangling the country-specific and global trends in this policy area.

In this paper, we follow Tatari in calling for a more comprehensive and dynamic approach to the governance of religious diversity. However, in order to overcome the limitations of her model, we consider that since institutional and policy changes occurring in the field of religious diversity governance are complex, a “more process-oriented analysis” based on “dissecting and disaggregating” (Koenig, 2009: 294) static national models is needed. Adopting a diachronic perspective permits us to disentangle the various stages or episodes of the changes and the political logics underlying them, as well as identify the causal mechanisms behind each of them. In this diachronic approach, the multi-causality does not rely on the simultaneous interplay of different components, as in Tatari’s proposal, but on the diachronic succession of different changes, each of which is explained by its own causation mechanism.

The aim of this paper is to explain the changes in the current governance of religious diversity in Spain. More specifically, we focus on the creation of the *Foundation* in 2004 and the direction and content of the policy developments that occurred from that moment on. To account for this final policy outcome, we track the unfolding of the church-state pattern since its establishment during the democratic transition in 1978, and especially after the attacks in Madrid in 2004. Exploring the different stages of this complex process of institutional change, we arrive at the present time, where we witness a *governance turn* in the policy regulation of religious diversity. In this vein, taking recent institutional developments of the church-state relations pattern in Spain as an illustration, we demonstrate the impossibility of portraying stable national models and the necessity and convenience of tracing the process and identifying the specific explanatory mechanisms accounting for specific events at each moment in time.

Analysing the Spanish case is relevant for various reasons. First, religion is gaining prominence in the public sphere – notably due to the increase in migration-driven religious diversity and the effects of the Al-Qaeda attacks on Spanish soil – while little research has been conducted from a sociological perspective to date¹. Second, Spain represents a unique case of institutional change in the governance of religious diversity within the European context in that it has created a public foundation (*Fundación Pluralismo y Convivencia*) to deal with (and fund) religious minorities (Hernández, 2006). And third, this institutional development has taken place in a

1 As an exception, it is important to mention the article by Astor (2014) that makes a very significant contribution to the field and has many points of convergence with ours.

previous mono-confessional country where the Catholic Church and the state have traditionally walked hand in hand. In this sense, the article will add to the understanding of country-specific traits as well as common features of the current governance of religions in Europe.

The article draws on qualitative fieldwork conducted in Spain from 2010 to 2013 consisting of interviews and document analysis. Eight semi-structured interviews with national and regional policy-makers and public officials were conducted. Policy documents and governmental data (parliamentary debates, commission reports, meeting minutes and archives, among others) as well as institutional documentation (mainly websites and reports) were analysed with content analysis². The articulation of these two methods under the logic of complementarity (Caracelli and Graham, 1993) allows us to contrast the informants' perspective with information contained in official documents.

We will begin in outlining the main assumptions of the three abovementioned theories. We then continue by briefly describing the recent religious transformations that have occurred in Spain since the democratic transition in 1978. We then examine the main changes in the Government's approach to religious diversity by adopting a process-oriented lens. This then allows us to outline three major stages or phases and identify the politic logics behind them as well as the sequence of explanatory mechanisms at work. We conclude with a final discussion of the findings and their theoretical and methodological implications.

Theoretical background

As already mentioned, several theories have been developed in the last years in an attempt to account for the institutional and political transformations that have occurred in many European liberal democracies to accommodate the needs of increasing religious minorities. Three theories suggesting different mechanisms of institutional change or stability stand out as key contributions: a) the church-state relations theory; b) the control theory; and c) the European convergence theory.

2 The fieldwork has been done both in the framework of the R+D project, "GEDIVER-IN: La gestión de la diversidad religiosa en centros hospitalarios y penitenciarios en España", funded by the Ministerio de Ciencia e Innovación, reference number CSO2010-21248, the research project, "Espai públic i diversitat religiosa: Quin rol per les autoritats locals?" is funded by the Diputació de Barcelona.

The first approach is based on the contribution made by Fetzer and Soper (2005) about the crucial role of church-state relations in explaining cross-country variation regarding state policies on religious diversity affairs. Based on the *path dependence* mechanism (Hall and Taylor, 1996), this contribution holds that the policy approach to religious minorities in each country is shaped by the particular historical, legal, social and cultural context, which generates a dependency that is difficult to overcome. Path dependency refers to the long-lasting stability of some policies and institutional patterns resulting from contingent events in the past (Mahoney, 2000). This institutional inertia is due to the high costs of reversal (Levi, 1997; Pierson, 2000). In this sense, variations between countries in the governance of religious diversity must be understood as the result of specific church-state patterns set at a specific moment in history.

Bryan S. Turner (2007a, 2007b) stands as a referent of the *theory of the control* over religious communities. This approach explains recent changes in public policies on religious diversity issues mainly as a response to the desire of political authorities to exert substantial control over Islamic communities. International conflicts such as the 9/11 attacks, the war in Iraq, and the Danish cartoon affair have had a broad impact on the media's construction of religion as a public problem in Europe (Kraler, 2007) and have contributed to raising awareness of the relevance of religion in the present world among 'secular elites' (Berger, 1999). In the last years, states' attention towards religious diversity, and especially towards Muslim communities, has increased significantly, especially by means of controlling and securitizing their activity (Humphrey, 2009). This is the case not only in Europe (Cesari, 2009), but also in societies in Southeast Asia and the Pacific, as evidenced by Bouma et al. (2010). New Zealand, Australia and Singapore, to name but a few, have also implemented policies aimed at directly or indirectly surveying and controlling Muslim communities.

Complementarily, the *convergence theory* accounts for a certain degree of isomorphism between the different church-state regimes of governance of religious diversity in Europe (Ferrari, 1995; Minkenberg, 2012). This perspective assumes that transnational institutional forces, such as the European Court of Human Rights, have great influence in the national management of religious diversity. In this sense, although legal and institutional isomorphism does not change national policies completely, it "alter[s] actor configurations within given policy fields including those of immigration/integration and the management of religious diversity" (Koenig 2007: 925). Thus, institutional transformations in religious governance can partly be explained by "the diffusion of a 'multicultural' citizenship model and the emergence of a 'common European model' of religious governance" (Koenig 2007: 925).

Each of the previous theoretical approaches emphasizes a different independent variable to account for the institutional change in the governance of religious diversity: the Church-State pattern, the aim of controlling Muslim communities, and the influence of transnational forces and actors in national policy-making processes, respectively. In our attempt to explain the changes occurred recently in Spain, we argue that due to the various political logics underlying the policy developments at different moments in time a sequential combination of the three mechanisms is needed. Moreover, following Koenig (2009), we claim that tracing the institutional and policy transformations diachronically offers a more dynamic perspective, adding value to the explanation. In that sense, instead of combining the different causal mechanisms simultaneously, each of them is accountable for the explanation of one of the different stages of the process. The final policy outcome is therefore understood as the result of a series of sequential policy changes each of which is driven by a different context-dependent political logic.

The policy approach to religious diversity in Spain: Explaining recent changes

Religious transformations in contemporary Spain

The Spanish social and religious landscape has experienced severe transformations in recent years. There have been substantial social and religious changes that are playing a crucial role in drawing policymakers' attention towards religious diversity issues.

Firstly, Spain has undergone a substantial process of secularization (Pérez-Agote, 2010) in the last decades. From the democratic transition onwards, church participation rates have decreased substantially all around the country and the public popularity of the Catholic Church has fallen considerably. However, in the last ten years the Church has played a more active role in the public sphere. Thus, while the country is heading towards church participation rates similar to those of Northern Europe, the leadership of the Spanish Catholic Church is repositioning itself in the public and policy confrontationally and taking on a more visible and active role (Aguilar-Fernández, 2012)³. As such, every time the government has announced a legislative

3 From 2004 onwards, the Catholic Church has promoted several public demonstrations and played a more public role than before. The campaigns and protests have covered a

change in the area of religious affairs, the Catholic Church has launched a strong campaign against it (Díaz-Salazar, 2008; Aguilar-Fernández, 2012). More recently, the Catholic Church has lobbied successfully for the strengthening of (Catholic) religious education in schools' curricula (*El País*, 17 May 2013).

Secondly, Spain has experienced an “immigration boom” in the last fifteen years, which has transformed the religious profile of its population. From being traditionally a country of emigration, it became one of immigration (Arango, 2000). The immigrant population increased from 2.95% of the Spanish population in 1998 to 12.1% in 2012⁴. The ensuing religious diversity has provided a considerable boost to pre-existing communities and promoted the creation of new ones (Díez de Velasco, 2010; Martínez-Ariño et al., 2011). According to official data (Observatorio, 2013), Catholicism remains the most common religion with almost 23 000 (78,7%) active places of worship⁵ in 2014. However, other traditions are also occupying a relevant position in the field. The number of Muslim places of worship has grown considerably in the last fifteen years, with more than 1300 (4,5%) in 2014 all over the country. These are not equally distributed throughout the Spanish territory. Regions like Catalonia, Madrid, Andalusia and Valencia concentrate the vast majority of them (Observatorio, 2014), Catalonia witnessed an increase in the number of mosques and oratories between 2004 and 2013 from 139 to 231 (DGAR/ISOR). Similarly, many of the pre-existing Protestant communities have doubled in size while many missionaries coming from the global south, especially Pentecostals, are creating new churches all over Spain (Griera 2013). In 2014 there were more than 3540 (12,2%) places of worship belonging to the different branches of the Protestant Churches and over 700 (2,4%) Kingdom's Halls from Jehovah's Witnesses (Observatorio, 2014).

This growth and visibility of religious minorities is also generating new challenges for the accommodation of religious needs, ranging from the religious food requirements of Muslim pupils in schools⁶ (*Webislam*, 5 August 2010; Fernández-Mostaza et al., 2009), to the emergence of NIMBY reactions against the emergence of (mainly

wide range of topics, such as the defence of Catholic schools, opposition to the Same Sex Marriage Act, and opposition to the Abortion Act, apart from those directly related to the defence of their privileged position compared to other religious minorities in the legal system.

4 INE. Instituto Nacional de Estadística. *Explotación del Padrón Municipal* (1998-2012). Accessed: December 11, 2013. www.ine.es

5 Constitutional ban on religious affiliation data collection obliges us to used data on places of worship.

6 Interview with a local politician (2008).

Muslim (Astor, 2011) and Pentecostal) places of worship, the demands of Jews to abstain from examinations on Saturdays⁷ or the necessity of rethinking the presence of Catholic symbols in public institutions⁸. Moreover, the intensity and impact of these challenges is amplified by the fact that most of the immigrants are first-generation economic migrants. Their fragile economic situation makes it more difficult for religious communities to meet their needs in the private market, while their unfamiliarity with the country's customs, institutions and bureaucracy complicates their participation in the public sphere and their capacity for making visible (and legitimating) their claims for public support and funding. Additionally, the negative perceptions and stereotypes of Muslims among the Spanish population, and the emergence of far-right groups and political parties (Hernández-Carr, 2011), make the accommodation of immigrant religious populations even more challenging as well as forces policymakers to take action on the issue.

Explaining the main changes in the policy approach to religious diversity in Spain

So far, the literature on the changes underwent by traditional church-state patterns to face the challenges posed by migration-driven religious diversity has often erred on the side of static national modelling (Bader, 2007). In this analysis of the Spanish case we argue that there is not a stable national pattern for the regulation of religious diversity in Spain, but rather a context-dependent policy approach. Particular political logics underlie the on-going configuration of the governance of religious diversity at different moments in time. Three different logics – democratization, securitisation of Islam and Europeanisation of politics – delineate three phases in the process. The first stage started with the Spanish democratic transition in 1978, the second commenced with the outbreak of religious issues in the public agenda in 2004 and the third phase concerns the actual process of policymaking and crystallised in the creation and work of the *Foundation*. Each of these phases, driven by a different political logic, can be explained by one of the three aforementioned *explanans*. The emergence of a different political logic at each moment in time and the passage from one phase to the next does not automatically invalidate the effects of former logics. Rather, the characteristics of the new rationale overlap and blend together with those of the previous phase(s).

7 Interview with a national Jewish representative (July 2013).

8 Interview with the Spanish Director of Religious Affairs between 2008 and 2012 (May 2012) and prison managers (March and May 2012).

Constitutional disestablishment and the legal recognition of minorities

Since the democratic transition, the institutionalized pattern of church-state relations in Spain has evolved significantly. The first phase of this process comprises the years between the constitutional disestablishment in 1978 and the intensified political problematization of Islam from 2004. This stage, traversed by a democratizing logic, laid the foundations of the legal system regulating religious affairs in Spain, starting with the Catholic Church and incorporating religious minorities afterwards. Its main guiding principles are: the formal definition of the state as non-confessional, the right to religious freedom, the principle of equality, the recognition of the positive value of religion, and the consequent policy of selective cooperation with religious organizations (Hernández, 2007; Moran, 1994). These principles resulted in different laws and regulations, unaltered from its original form over the years. The most relevant are: 1) the Spanish Constitution; 2) the concordat agreements between the Spanish Government and the Holy See; 3) the Religious Freedom Act; and 4) the cooperation agreements between the government and the federations that represent Spanish Jews (*Federación de Comunidades Judías de España*), Muslims (*Comisión Islámica de España*), and Protestants (*Federación Española de Entidades Religiosas Evangélicas de España*).

In 1978, three years after Franco's death, the Spanish Constitution set the basis for the democratic regulation of religion. It included the recognition of the freedom of worship and the disestablishment of the Catholic Church by stating that 'no denomination has an official status' (Martín Sánchez, 2008). However, despite not recognizing any religion as official, it explicitly mentions the Catholic Church. Particularly, article 16 states: "Public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions".

Simultaneously, the concordat agreements, signed in 1976 and 1979, defined the relationship between the Spanish State and the Catholic Church. They regulate four areas: legal issues, economic affairs, educational and cultural matters, and the military chaplaincy provision. These agreements grant direct funding to the Catholic Church and ensure religious education in public schools as well as chaplaincy provision in public institutions such as hospitals, prisons and the army (Llamazares, 2005). The concordat agreements have the status of an international treaty, thus requiring a wide parliamentary majority to amend or change them.

In 1980, the Religious Freedom Act was passed, codifying the freedom of thought and religion and defining the procedures by which the State might protect the indi-

vidual and collective rights of religious minorities. This general law establishes the characteristics and the rules of the Advisory Commission on Religious Freedom that, together with the Spanish Ministry of Justice, is responsible for protecting the right to religious freedom and for the implementation of measures necessary to this right.

Finally, the cooperation agreements (1992) between the Government and the Muslim, Jewish and Protestant Federations — signed, not by coincidence, in the year of the commemoration of the fifth century of the expulsion of Jews and Muslims from the Iberian Peninsula (Rozenberg, 1996) — grant rights to these religious minorities, including the right to religious teaching at school, the right to be buried according to one's religious beliefs, or the right to religious care at public hospitals (Fernández-Coronado, 1995). Driven by a democratising logic, these agreements emulated roughly the agreements with the Catholic Church. To sign them, the Spanish Government compelled the Jewish, Protestant and Muslim communities to be organized around single entities, which are since legally institutionalized as the official interlocutors for these faith communities.

After a period of significant expansion, this legal framework has remained untouched over the years. There have been several attempts to modify it but any has proved fruitful. An example of this is the failure to change the Religious Freedom Act (*El País*, 11 November 2010) or the concordat agreements, despite their large presence in the public debate and the attempts to transform them each legislature (PSOE, 2008; *El País*, 28 June 2010; *El País*, 2 December 2013). It is also worth noting that despite this legal system being fairly inclusive with minorities (Morera, 2002), the mechanisms adopted for ensuring its implementation were extremely weak. The Spanish legal framework was originally designed in a top-down manner and left no room for the participation of other actors such as regional or local governments (Seglers, 2004), making its implementation more difficult. Therefore, many of the rights legally awarded to religious minorities have been undermined in practice. For some, the cooperation agreement with the State: *“has not been developed at all. They [politicians] approved it, but there is no single regulation to do anything; nothing at all. It is a generic agreement, without a single regulation!”*⁹

To account for this particular development of the legal framework, which incorporated the legal recognition of some minorities over time, we draw upon the premises of the church-state approach and its mechanism of path dependence. In this regard, the Spanish democratic Transition is identified as the critical juncture (Hall

9 Translated excerpt from an interview with a national Jewish representative (July 2013).

and Taylor, 1996)¹⁰ wherein the regulatory bases of the legal system were established. The decisions made at that historical moment have strongly influenced the evolution of the legal regulation of religious affairs and set the benchmark (opportunities and constraints) by which the governance of religious diversity occurs in Spain from then on.

The atmosphere during the democratic transition – both the tacit agreement between political parties to avoid becoming trapped in endless and dangerous discussions about religious issues and the more “positive” attitude of the post-Vatican II Catholic Church in Spain (Linz, 1991) – favoured a church-state agreement that widely benefited the Catholic Church. Besides the multiple preferential treatments in terms of funding and recognition awarded to the Catholic Church in comparison to religious minorities (García Ruiz, 2013), the concordat agreements also received the status of international treaty. This made them extremely difficult to modify. Thus, the characteristics of the church-state pattern can explain why the Spanish Government opted to award new benefits to religious minorities by signing cooperation agreements rather than modifying the concordat agreements. The obstacles to changing the rules set in the democratic transition have shaped the subsequent policy towards religious minorities.

Posed in more analytical terms, there has been a self-reinforcing process of institutional reproduction in which at least two different path-dependence mechanisms intervened. First, there was a utilitarian mechanism of cost-benefit analysis accounting for the institutional reproduction in the sense that the costs of redesigning a completely new church-state pattern were higher than the potential benefits (Mahoney, 2000). Second, from a power perspective, the continuity of the legal framework in question can also be understood as the result of the influence and symbolic power of veto of the Catholic Church in the policymaking processes in Spain.

In a nutshell, the path-dependence mechanism permits to take the role of history into consideration and identify the reasons for the stability of the church-state legal pattern and its partial replication for religious minorities during the democratising period. It also provides insights for explaining country-specificities in the regulation of religion. However, different mechanisms are needed to explain the timing and direction of further institutional and policy developments since they were induced by different political logics.

10 Hall and Taylor define critical juncture as “moments when substantial institutional change takes place thereby creating a ‘branching point from which historical development moves onto a new path’ (1996:942).

The problematisation of religious “otherness” after 2004

The Government's policy towards religious diversity in Spain has been deeply transformed, both in its modes of governing and contents. The year 2004 witnessed crucial and rapid policy transformations as religion became problematized in the public sphere and entered the public agenda. Two factors played a crucial role in raising its profile in the agenda of policymakers. First, with the rise of religious diversity due to the rapid influx of immigrants from the global south (Martínez-Ariño et al., 2011; Moreras, 2002) religious homogeneity was no longer the norm as more and more religious minorities and their claims gained public visibility. Second, the effects of the train bombings in Madrid fostered policymakers' perception of the need to “do something” to reinforce Muslim newcomers' loyalty to the host country (Laurence, 2006) and opened a macro-window for policy reform (Keeler, 1993). In that sense, since the legal regulation of religion at force appeared to be insufficient to deal with the new reality, policymakers felt the necessity to reformulate their relation to religious minorities, and especially to Islam, to recover control over religious communities.

The control theory explains the timing of the change. The attacks of March 11 triggered a policy review and had a direct effect on Spanish authorities' perception of Islam as a public issue that had to be regulated and controlled by the government. In this context the institutional church-state arrangements became perceived as out-dated or insufficient to manage religious diversity, and especially Islam. Consequently, a new public policy on religious affairs was initiated with the aim of gaining significant control over Muslim communities, as well as countering radical positions. This is the reason most of the changes in the governance of religious diversity issues in Spain were undertaken immediately after the bombings in 2004: “*the bombing attacks were a ‘turning point’ for all of us and when I took over the position of Director of Religious Affairs I was convinced of the need to foster a new approach towards religious minority issues*”¹¹.

The control mechanism explains why religious issues were defined as a problem (Stone, 1989) and incorporated into the policy agenda at a particular point in time. Moreover, it helps establish parallels with the situation in other European countries, where the logic of securitising Islam was also underlying politics. However, the control approach does not clarify why the Spanish Government adopted a particular policy approach. Indeed, as Casanova states:

11 Translated excerpt from an interview with the Spanish Director of Religious Affairs between 2004 and 2008.

The terrorist attacks of 11th September 2001 and the resonance of the discourse of the clash of civilizations have certainly played an important role in focusing European attention on issues of religion. But it would be a big mistake to attribute this new attention [to] issues of religion solely or even mainly to the rise of Islamic fundamentalism and to threats and challenges which it poses to the West [,] particularly to Europe (Casanova, 2008: 71).

This explanation permits elucidation of the causes of the outbreak of religious “otherness” as a political problem in 2004. However, since the concrete institutional and policy change from that moment on is traversed by a different political logic (Europeanisation of politics), a different explanation is required to account for the direction of the changes. Tracing the process from 2004 onwards sheds light on the concrete path followed by the Spanish Government in its redefinition of the governance of religious diversity.

The “governance turn” in the policy paradigm towards religious diversity

As mentioned earlier, empirical evidence shows that on the path towards the Europeanisation of politics there has been a shift from a legal to a governance policy paradigm towards religious diversity since 2004. These transformations are especially evident and condensed in the creation, policies and activities of the *Foundation*. The General Direction of Religious Affairs of the Spanish Ministry of Justice founded this organism, which includes representatives of religious minorities on its board, in 2004. Its main goal is to promote religious freedom and develop the constitutional principle of cooperation between the state and the confessions by funding the non-cultic activities of some religious minorities (Hernández, 2006). In its quest for real equality, the *Foundation* supports measures for the integration of religious minorities into Spanish society (Contreras, 2007) such as funding religious minority federations and communities for their institutional strengthening and coordination as well as for their cultural, educational and social activities. Moreover, it also organises training for religious leaders, provides funding for the adaptation of municipal cemeteries to the necessities of Protestants, Jews and Muslims and promotes research in religious diversity issues, among many other activities (Díaz Rubio, 2013).

The *Foundation* serves as a good illustration of the governance turn for it has been the main driver behind the changes in the modes of regulation of religious diversity in recent years. We identify four main changes in this area, the two first referred to the modes of governance and the last two concerning the specific content of those policies: a) the evolution from a top-down political approach towards a more net-

worked governance perspective; b) the growing relevance of soft-power strategies over the previous legalistic approach; c) the widening of the target groups of the policies developed; and d) a slight shift from the historical clericalism-anticlericalism confrontation towards an issue-framing in pluralistic terms.

The evolution from a *top-down approach to policy formation towards a more networked governance perspective* is the most evident change. Historically, the Ministry of Justice monopolized the handling of religious affairs and the policy program was defined, developed and implemented in a top-down hierarchical manner. The creation of the *Foundation* marks a policy shift in this area. In fact, the main reason for having an organization like the *Foundation* was to “to avoid the bureaucratic and rigid procedures of the public administration and to be able to react faster and in a more precise and flexible manner”¹². In a sense, the *Foundation* finds itself amidst the tension between the more hierarchical and rigid national regulations and institutional configurations and the European trend towards prioritising governance-based policies. The *Foundation* negotiates its position amid this tension by filling some of the gaps in the implementation of the previous hierarchical system through direct relations with the officially recognised federations of religious minorities.

In this trend towards a networked approach, the *Foundation* has played a fundamental role engaging local councils in the governance of religious diversity. This effort crystalized in the foundation of the *Observatorio del Pluralismo Religioso en España (Observatory of Religious Pluralism in Spain)*, promoted together with the *Spanish Federation of Local Governments* in 2011. The aim of the *Observatorio* is to empower local authorities and administrations through the provision of guidelines, best practice and accurate information to cope with the emerging challenges posed by religious diversification. In a few years, local councils have acquired an increasingly leading position in dealing with religious affairs in Spain (Itçaina and Burchianti, 2007). Regional governments have also become relevant actors in the last decade¹³, some by creating their own government structures to deal with religious diversity (Griera, 2009), others by organizing training workshops aimed at civil servants in collaboration with the *Foundation*.

12 Translated excerpt form an interview with the Spanish Director on Religious Affairs between 2004 and 2008.

13 Interview with the Spanish Director of Religious Affairs between 2008 and 2012 (May 2012).

The second main change in this policy turn is the *growing relevance of soft-power* (Nye, 2004 in Crewe, 2011)¹⁴ *strategies over the previous legalistic approach* to religious affairs. To avoid the obstacles of the rigid and bureaucratized (Motilla, 2004) legal framework, and as a result of the growing “anxiety” of authorities over the importance of preventing an outbreak of controversies in religious matters, the historical legalistic approach to religious affairs is being substituted by one that privileges soft-power policies. In this sense, while in the past the Spanish Direction of Religious Affairs “*was conceived more from the normative perspective, today (...) the focus is on the management of diversity and the relations with the administration*”¹⁵. The broader trend towards the Europeanisation of Spanish politics (Borrás et al., 1998; Morata & Fernández, 2003) underlies this reorientation of strategies and policies.

The main evidence of this turn towards a soft-governance approach is, again, the creation of the *Foundation* in 2004 and the nature of its policies and activities in addressing religious affairs. Two of the best examples are the *Foundation’s* policy of selective funding and the training programs for religious leaders. The competitive funding program for religious minorities (Contreras, 2007; Garcimartín, 2006; Díaz Rubio, 2013) does not finance worship services, but educative, cultural and communal projects developed by religious minority communities (Contreras, 2007). This funding system, which comes from the national budget, represents a correction mechanism of the previous unequal treatment between the Catholic Church and religious minorities¹⁶ (Hernández, 2006). However, beyond being a tool for achieving the constitutional principle of equality, it has also become a strategy to build closer relations between political authorities and religious communities and a way to foster the involvement of religious communities in promoting “good governance”. In

14 “Joseph Nye (2004) defines soft power as the ability to achieve one’s ends through persuasion and attraction as opposed to coercion or payment (‘hard power’)” (Crewe, 2011:465).

15 Translated excerpt from an interview with the Spanish Director of Religious Affairs between 2008 and 2012 (May 2012).

16 Nonetheless, while the benefits enjoyed by the Catholic Church have the status of rights and are constitutionally guaranteed, the advantages given to religious minorities are generally less secure and dependent on the context. Such is the case of funding policies, which in the current context of economic crisis are suffering considerable budgetary cuts. In this sense, the budget allocated to the *Foundation* from the Spain Government Budget has suffered a sharp decrease in the last three years, passing from 5 million euro in 2010 to 1.5 million in 2013 (SEPG, 2010 and 2013). These budgetary have meant a sharp decrease in the amount of money allocated to religious minorities’ cultural, educative and social projects, passing from 2.5 million euro distributed in 2011 to 855.000 euro in 2012 and to 425.000 euro in 2013 (*Fundación Pluralismo y Convivencia* Website; Díaz Rubio, 2013).

this sense, the *Foundation* aims at “building good relations among religious groups, encouraging good values and strengthening social cohesion”¹⁷. Second, as happened in many other European countries (Birt, 2006), the *Foundation* launched a training program for imams and Muslim leaders conducted by the UNED (National University of Distance Education)¹⁸ between 2005 and 2010 with the intention of promoting their “integration” in Spanish society and training them in a “moderate” Islam.

In sum, rather than fostering new norms and laws, this new political approach intends to regulate religious issues by promoting changes in religious communities’ behaviour and functioning through the exercise of political persuasion and “seduction” of their leaders. These governance tools are perceived by the political authorities as complementary to the security agenda and appear as a plausible strategy to bolster social cohesion and prevent the outbreak of conflicts in this area. They seek to avoid bureaucratic constraints and thus become more easily implemented among religious communities themselves, in line with neoliberal governmentality (Foucault, 1991).

But why has the Spanish Government adopted such particular means in the redefinition of the governance of religious diversity? A plausible response for the salience of “non-legislative modes of policy-making” (Héritier, 2002: 186) is to be found in the theoretical proposal by Martikainen. Generally speaking, “novel forms of state guidance through public administration reforms (the so-called ‘New Public Management’)” (Martikainen, 2013: 130) are spreading among countries pushed by neoliberalism and globalization. This trend towards governmentalizing the state and society (Shore, 2011) promoted at the European level is shaping the agendas and policymaking processes in member states. More specifically, the emergence of new modes of regulating church-state relations – namely the decentralization of religious governance through networks and the prominence of soft-power and self-regulation strategies over legal, formal relations (Martikainen, 2013) – in Spain as well as in other countries, seems to be well explained by this more general “governance turn” (Shore, 2011: 288) in European politics.

Two main changes in the new governance of religious diversity in Spain are also identified at the level of policy contents. The first one is *the broadening of the target groups* towards which the policy action is addressed. The creation of the *Foundation*

17 See *Fundación Pluralismo y Convivencia* Website: http://www.pluralismoyconvivencia.es/que_pretendemos/ retrieved in December 2013.

18 Many other training programs have been held all over Spain – most of them by Muslim organizations with the support of regional or local governments.

and its funding function represents a decisive step towards granting real equal treatment to minority religious groups. Before the formal legal recognition of religious minorities in the 1980s, the Catholic Church was the only religious community to have an agreement with the state and receive public funding. Muslims, Jews and Protestants gained formal recognition at the end of the 1980s when they were legally recognised as “deeply-rooted religious communities”. This indeterminate legal category recognises the widespread and quantitatively significant presence of some religious groups in the country over time (Fernández-Coronado, 1995; Hernández, 2006). It was the first formal requisite allowing these communities to sign the cooperation agreements with the Spanish Government in 1992¹⁹. However, these agreements did not include a budget for their implementation. Therefore, it is the creation of the *Foundation* and its funding for religious minorities that is the crucial change in widening the target population of the religious affairs policy.

The second major transformation in the content of the policy approach towards religion in Spain is *the transformation in the way the issue is being framed politically*. There has been a shift in the conceptualisation (Chong and Druckman, 2007) of religious issues, passing from a public discourse strongly marked by the confrontation between anticlericalism and clericalism (Díaz-Salazar, 2008) towards new discourses that go beyond that ancient dichotomy by emphasizing the country’s religious pluralism and the individuals’ right to religious freedom. This narrative is more present in the media and is progressively weakening the symbolic monopoly of the Catholic Church in representing the country’s religion. The *Foundation*, together with other actors, such as interfaith associations, public authorities or religious minority leaders is the main agent fostering this new discourse. It is actually playing an active role in this task by commissioning studies and research projects on the new religious pluralism and widely disseminating its conclusions, organizing conferences and public events on religious pluralism and lobbying for raising awareness of it among public officials (i.e. police officers and doctors).

Similarly, the *mise-en-scène* of religious diversity through interfaith performances is also gaining ground; so are the invitations to minority religious leaders to official public events and the promotion of open house days at places of worship (Griera and

19 In the country there is “the requirement that a religion be recognized as deeply-rooted in Spain in order to enjoy active participation with the State. Once a religion is recognized as deeply-rooted, the denomination can sign an agreement of cooperation with the State entitling it to certain legal and economic advantages such as tax benefits and protection of its ministers and locations of worship” (Motilla, 2004: 583).

Forteza, 2011). Political authorities in collaboration with the *Foundation* are involved in projecting a new public image of religious diversity by linking the image of religious minorities to well-established values such as dialogue, moderation, respect and peace. This policy shift opens new opportunities of recognition for religious minorities but simultaneously generates soft forms of regulation, intervention and control (Edmunds, 2012; Haddad & Golson 2007; Griera, 2012).

The convergence theory offers some useful insights to explain the direction in the specific content of the policies adopted. The process of Europeanisation has meant a certain degree of convergence towards basic legal principles and policies of religious governance. Furthermore, as argued by Koenig (2007), there are processes of diffusion of cognitive and cultural frames focusing on human rights, which are indeed altering domestic policymaking processes. This could explain, for example, the promotion of interfaith dialog (heartened by the Barcelona Declaration²⁰) as well as the increase in the general attention given to the rights of religious minorities. In sum, the convergence theory provides some information about the influence of external factors in the direction adopted by religious diversity policies at the national level.

However, adopting the convergence theory separately also presents limitations in explaining why Spain is the only European country adopting the public foundation as the institutional form to address religious diversity. The reason for this is to be found in the Spanish political structure. The Spanish Administration, drawing upon favourable legal regulations, is increasingly opting for foundations as a model of administrative organization (Consuegra, 2004). This strategy, used to gain more flexibility and rapidity in the provision of public services, has also been adopted for the governance of religious diversity. The form of the *Foundation* facilitates overcoming the rigidity of the church-state legal framework. Therefore, country-specific structural conditions have to be considered alongside common European developments to explain specific policy outcomes.

Conclusion

The governance of religious diversity is an ongoing policy process rather than a stable, rigid and unidirectional national model. Particular political logics underlie the con-

20 Framework launched in 1995 by the Ministers of Foreign Affairs of the 15 EU Members and 14 Mediterranean Partners.

figuration of the governance of religious diversity at different moments in time. The literature has privileged three alternative explanatory mechanisms to account for the current governance of religious diversity in European countries: a) the church-state relations theory, b) the theory of control and c) the European convergence trend. In this article, we have adopted a process-oriented analysis of the evolution and recent transformations in the governance of religious diversity in Spain that integrates a sequence of the three mechanisms. We have shown that tracing how the historical process has unfolded permits us to disentangle the different political logics underlying specific policy developments. More specifically, dissecting the historical process helps in identifying the various factors that converge in the institutional change at different points in time. It also allows distinguishing the effects of such mechanisms in the different dimensions of the policy change leading to the creation of the *Foundation*.

Three different logics – democratization, securitisation of Islam and Europeanisation of politics – underlie the recent transformations in the governance of religious diversity in Spain. Each of them is predominant in a different period of history and delineates a phase in the process leading to the current policy outcome.

First, the logic of democratization is behind the development of the legal church-state arrangements since its foundation during the democratic transition in 1978. The recognition of the right to religious freedom and the cooperation agreements with Jews, Muslims and Protestants were a sign of the will for democratic reconciliation. Adopting a path-dependence perspective has allowed us to disclose the factors that contribute to the stability of the legislative matrix of church-state relations and its subsequent emulation for the case of some religious minorities. Moreover, through path-dependent reasoning, it also becomes possible to understand why under the rigidity and bureaucratic constraints of the traditional church-state model, the increasing religious diversity was perceived as a challenge and later on as a problem that needed to be solved.

Second, under the logic of the securitization of Islam, significant changes took place in the governance of religious diversity in Spain. The creation of the *Fundación Pluralismo y Convivencia* is the best example of this transformation. To explain the timing of this institutional change, the control mechanism stands as the most appropriate. In other words, this theory helps explaining why religious diversity issues gained prominence in the policy agenda at a certain point in time. More specifically, it helps in identifying the 2004 Al-Qaeda attacks as the turning point in the emergence of a new policy approach towards religious minorities. The bombings can be

understood as the force pushing religious diversity to be perceived as a problem that has to be addressed politically. The terrorist attacks were crucial in raising policy-makers' awareness of the increasing Muslim population in Spain, and indirectly, for provoking the major visibility of other religious minorities in the public sphere.

Finally, under the general logic of the Europeanisation of politics, the modes of regulation and the content of policies have varied substantially. To understand the direction of the institutional and policy change in Spain, the approach on the general spread of neoliberal non-legislative modes of policy-making and, more specifically, the affirmation on the trend towards European legal, normative, cognitive and cultural convergence, offer useful and convincing insights. First, taking into consideration the wide spread of soft-power governance tools, we can account for the governance turn in Spain and especially for the centrality of the *Foundation* and its policies over traditional legalistic policymaking processes. In this sense, the editing of best practices in several areas such as alimentation, cemeteries and the management of religious diversity in public institutions and urban space is a clear sign of this policy shift. Second, the European convergence theory points to the development of a transnational legal and policy field of religious governance that impacts the national policies and institutional developments. This is exemplified by specific policymaking processes, such as the Barcelona Declaration, which explains the adoption of a general governance approach and the implementation of specific actions (i.e. the promotion of interfaith dialog). However, considering country-specific structural conditions alongside policy diffusion processes allows us to offer a more precise account of the concrete policy outcome.

The findings of this research have both methodological and theoretical implications. First, they show that the complexity of the changes oblige us to go beyond the analysis of the legal state-church regime. This means looking not only at formal regulations, but also at the "practices of application, implementation and interpretation" (Maussen, 2007: 5) of such laws. Second, our findings suggest that particular political logics underlie different stages of the institutional and policy change leading to the current policy outcome. We have shown the relevance of taking sequential and developing process-oriented perspectives to explain cumulative change in this policy field. Identifying the main stages of the change and pinpointing the particular mechanisms explaining its various dimensions has proven to be a fruitful procedure to account for the *governance turn* in the policy approach to religious diversity in Spain.

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