Abstract

We argue that European democracies are experiencing a new politics of religion where decisions concerning the governance of religious minorities are increasingly negotiated in the national political arena. Not only has this led to different policy changes in different countries. It also renders political power relations and parliamentary majorities the main drivers of these changes. Christian democratic parties, in particular, are important actors in this process and, perhaps counterintuitively, are generally associated with more liberal stances toward religious regulation. However, as strategic actors, Christian democratic parties adapt their policy approach depending on the structural conditions of a country and therefore on shifts in voter bases and preferences. Whereas growing religious pluralism has led Christian democratic parties to adopt more discriminating policies toward religious minorities, processes of secularization push them toward more liberal treatments of religious minority groups.
Introduction

European regimes of religious regulation are currently under considerable strain. Given the growth in ideological pluralism and the increased visibility of religious minorities, political conflicts over the status and rights of religious groups, the public display of religious symbols, as well as religious education in public schools have advanced to salient political issues in many European democracies (Bader 2007; Casanova 2007; Koenig 2007; Koopmans, Michalowski, and Waibel 2012; Minkenberg 2008; Monsma and Soper 2009). As a result, there is currently much debate about whether European democracies hold on to their path-dependent divergent institutional arrangements or converge to a common European model of governing religious diversity (Bader 2007; Koenig 2007). On the one hand, case studies suggest that states’ policy reactions differ widely across Europe and mainly reflect national traditions of dealing with past religious conflicts (Davie 2000; Fetzer and Soper 2006; Monsma and Soper 2009). On the other hand, legal scholars observe the emergence of a common European approach to the regulation of religious diversity as part of a more general policy harmonization which is based on the three liberal principles of the right to religious liberty, the autonomy of religious groups and selective co-operation between the state and the religious sector (Durham, Jr. 1996; Ferrari 2002; Robbers 2005). Both perspectives not only differ in their descriptive predictions regarding the recent trends in religious policy but also stress different causal mechanisms for the explanation of policy change. Unfortunately, as we will demonstrate both perspectives also have their limits in accounting for the empirical patterns in European religious policy.

The present paper advances this debate by looking at the dynamics and changes in European religious regulation from a strictly comparative politics perspective. It provides answers to the following questions: How, if at all, has religious policy in Europe changed over the last two decades? And more importantly, what are the driving forces behind these changes in the governance of religion? We argue that European democracies are experiencing a “new politics of religion” where decisions concerning the governance of religion are increasingly negotiated in the national political arena. Not only has this led to different policy changes in different countries. It also renders political power relations and parliamentary majorities the main drivers of these changes. Christian democratic parties, in particular, are important actors in this process and, perhaps counterintuitively, are generally associated with more liberal stances toward religious regulation. However, as strategic actors, Christian democratic parties adapt their policy approach depending on the structural conditions of a country and therefore on shifts in voter bases and preferences. Whereas growing religious pluralism has led Christian democratic parties to adopt more discriminating policies toward religious minorities, processes of secularization push them toward more liberal treatments of religious minority groups.
The empirical evidence to support our argument comes from a newly coded data set for 30 European democracies (27 EU member states plus Iceland, Norway, and Switzerland) that extends the data collected by the second round of the Religion and State Project (RAS2) (Fox 2008; 2011), resulting in a total observation period of two decades (1990-2011). The empirical strategy adopted in this paper thus conforms to the appeal that “[i]nstead of being legalistic, normative, or case-study orientated, the approach should be empirical, analytical, and comparative” (Minkenberg 2002, 231). It is also similar in spirit to the recent study of changes in citizenship rights for immigrants by Koopmans, Michalowski, and Waibel (2012), which also touches on issues of religious rights.

Results suggest that there are no signs of convergence in the modes of religious regulation across Europe. Quite to the contrary, the empirical evidence not only shows a persistence of specific national patterns but even an increasing divergence of European policies towards the religious sector. This holds for the treatment of religious minority groups and the restrictive or supportive regulation of religion in general. In their policy choices, especially concerning the discrimination of religious minorities, European democracies have reacted more strongly to the structural challenge posed by a growing religious pluralism than to processes of secularization.

In terms of explaining these changes in religious regulation both the path-dependence and the convergence perspective fall short. While history and cultural religious tradition are associated with different levels of religious regulation, there are no distinct developmental trajectories related to either Orthodox Christianity or a socialist past that would suggest a path-dependence in policy change. And counter to the arguments of the convergence thesis, transnational institutions and legal forces have not contributed to a common European model of religious governance and liberalization of religious regulation. While joining the EU results in an increase in restrictive regulation toward religion in general, overall there are no differences between member and non-member states. At the same time and in contradiction to the idea of liberal norm diffusion strong domestic courts are associated with higher levels of religious discrimination as well as more general restrictions and more state support of organized religion. Further, European democracies with judicial review have not experienced different changes in religious regulation than states where laws are not checked by domestic constitutional courts.

Instead, and in line with the idea of a “new politics of religion” national political processes and parliamentary majorities lie at the heart of recent changes in religious regulation. As the results show higher parliamentary seat shares for Christian democratic parties are generally associated with lower levels of religious discrimination, less restriction of the majority religion and less state support for religion. However, these changes in religious policy are conditional on the structural changes in religious composition of the population. Here, the two processes of religious pluralization and
secularization lead to different results. While an increase in religious pluralism pushes Christian democratic parties to more discrimination of religious minorities, secularization has the opposite, namely a liberalizing effect. We explain this context sensitive effect of Christian democratic parties by highlighting the utility of discrimination and non-discrimination for Christian democratic parties and their voters in different settings. The empirical results remain robust to a series of robustness checks.

Religious parties are often described as “uncompromising” and “not committed to electoral democracy” (Rosenblum 2003, 42) in the one extreme and Christian democratic parties as “religiously inspired, yet secular, parties” (Kalyvas and van Kersbergen 2010, 188) in the other. The data we present suggests, Christian democratic parties are neither nor. Instead, they are highly predictable actors and align their policy of religion to the societal context and the interests of their electorate. This includes the context sensitive adaptation of a religious policy which serves the interests of their voters and significantly impacts the treatment of religious minorities in Europe. Thus, Christian democratic parties are central actors in reshaping and liberalizing religious regulation.

**Explaining Change in Religious Regulation**

Despite its relevance for pressing issues such as immigration and integration, social policy, and cohesion, as well as for public safety and terrorism, we are only beginning to understand how European states adapt to the political challenges posed by the rapid shifts in religious demography. Scholars have mainly focused on normative discussions that often remain removed from institutional as well as social realities. Alternatively, they have relied on qualitative studies of single cases that, while useful for the generation of hypotheses, are limited in their ability to test them and by necessity hard to generalize. And while there are some recent large-N studies, these are too global in focus as to inform the specificity of the European context (Fox 2007; 2008; 2011; Grim and Finke 2006; 2011; Grim and Wike 2010): the empirical fact that state discrimination of religious minorities is lower in democracies and higher in Muslim majority countries, for instance, cannot explain policy variation across European democracies built on a Christian tradition.

We will develop our own argument which views Christian democratic parties as the main drivers of religious policy change in Europe and then briefly review the competing alternative explanations which we summarize in terms of the convergence and path dependence hypotheses. As we demonstrate, our model allows and explains a far greater variation in the change of religious policy.
The religious party perspective: A new politics of religion

Our central hypothesis is that the direction of change in religious policy in a given country will depend on the particular political actors in power. Since political parties are committed to maximizing their share of votes, they generate programmatic differences that match the preferences of their electorate and that they try to implement as government policy (Schmidt 1996). If a religious organization or group is linked to a political faction and the respective party is in power, religious policy is likely to change in favor of this particular religion (Gill 2008). In our context, therefore, one could argue that Christian democratic parties aim in particular to protect and to privilege the dominant Christian religious tradition. As a result, state support of the dominant religion and religious discrimination against minorities should increase when Christian democratic parties have influence in parliaments, while general restrictions of religion should decrease.

However, a policy of strong state support for the dominant religious tradition and of discrimination against minorities might not be politically enforceable or even in the best interest of the voters of Christian democratic parties. As we will demonstrate both theoretically and empirically, the question which strategy religious parties choose is highly dependent on the religious composition of the population of a country. The processes of religious pluralization and secularization change the opportunity structure of religious parties and lead them to implement different religious policies depending on the specific religious make-up of the electorate in a given country.

According to the pluralist school of democratic theory, parties try to maximize their voting share by propagating policies that meet the tastes and interests of the electorate (Downs 1957). The question at hand therefore is under which conditions policies of non-discrimination are of use for the voters of Christian democratic parties. Non-discrimination as a universal principle is – even for religious voters – highly ambivalent: It does not only protect the practice of oneself’s religion but also the practice of others. These deviant religious practices can be received as a threat to the wellbeing of oneself or others (esp. women, children, animals).

We formalize this model of individual utility of religious freedom as:

\[ U_{religious\ freedom}^{i} = \rho^{i}G \frac{|n_{r}-n_{d}+n_{s}|}{n} - \sigma^{i}G \frac{n_{r}+n_{d}}{n}, \]  

where \( U_{i} \) is the utility of religious freedom for an individual voter \( i \) following the religion \( r \). The coefficients \( \rho \) and \( \sigma \) are mixing parameters. They indicate how ‘productive’ the individual is in religious matters compared to secular matters. They are set to be positive and add up to 1. The higher \( \rho \) is, the
more productive the individual is in religion and the higher he or she values religious freedom. As such, $\rho$ shows the relative religious capital of $i$ (Iannaccone 1990, 299). $n$ denotes the number of all members of a society, $n_r$ the number of all adherents of the religious tradition $i$ follows, $n_d$ the number of adherents of all other religious faiths, and $n_s$ the number of all nonreligious members of the society. $G$ is the degree of government guarantee of religious freedom or non-discrimination as a universal principle protecting all religious traditions.

$$\rho=1, \sigma=0$$  
Secular

$$\rho=0.5, \sigma=0.5$$  
Secular

$$\rho=0, \sigma=1$$  
Secular

Figure 1: Individual utility of religious freedom. The position of each point in the ternary plots indicates the make-up of the society: The closer it is to the secular, the religious, and deviant religious corner the point is, the higher is the proportion of those in society following this specific religious faith or secular outlook. The color of each point indicates the utility of religious freedom. The brighter a point is, the more useful and less harmful is religious freedom in the specific constellation for the individual. The three ternary plots represent a strictly religious individual ($\rho=1, \sigma=0$), a moderate ($\rho=0.5, \sigma=0.5$), and a strictly secular individual ($\rho=0, \sigma=1$).

Figure 1 illustrates the opportunity structures for religious policy decisions of Christian democratic and other religious parties. When we consider a religiously homogenous society experiencing secularization, we focus on the points from the left edge to the top in each ternary plot. In this scenario, for voters following the religious tradition of the Christian democratic party (left ternary plot) the utility of religious freedom is always high. Therefore, the struggle for non-discrimination on religious grounds is a classical function of Christian democratic and other religious parties. As “parties of religious defense” (Lipset and Rokkan 1967, 15) they focus on safeguarding and enhancing religious freedom and non-discrimination against hostile or insensitive secular societies and governments (Rosenblum 2003, 25–26). Fox (2015, 32) calls this viewpoint the “secular-religious competition perspective”.

The ternary plot on the right illustrates the utility of religious freedom for the non-religious voters.
Focussing again on the points from the left edge to the top, it shows that religious freedom is the less harmful to secular voters the less religious a society is. This explains why Christian Democrats in Europe successfully “toned down their religious message in effort to capture the median voter” (Kalyvas and van Kersbergen 2010, 188). To maximize their voting share they rely on voters who are not specifically religious and would not support a strong state support for religion – as they could benefit more from state support in other sectors. However, they would not oppose guarantees of religious freedom and non-discrimination if they do not perceive any religion as a threat. Christian democratic parties could therefore opt for religious freedom and non-discrimination as universal principles as these are the only achievable goals under these circumstances – and even reduce state support for religion if necessary for winning future elections.

It is a completely different story if not a secularizing society or state is the challenge, but religious contestants. We can analyze the change when observing the points from the left side to the edge on the bottom on the right. Setting aside the extreme spot on the bottom on the right, the utility for religious freedom decreases for religious and secular individuals to the extent deviant religious traditions grow stronger in a society. This indicates that only as long as there are no deviant religious communities which are harmful (or perceived as such), an advancement of non-discrimination is in the best interest of many voters of Christian democratic parties. Otherwise, a reduction of religious freedom is strategically useful for Christian democratic parties serving the interests of voters sharing their religion and non-religious voters. In the European theatre, many religious voters don’t seem to be afraid to lose ground to secularism but to a rising Islam – the main statistical contributor to religious diversity in Europe in the last decades.

Negative associations with Islam are prevalent in many European countries and a majority of Europeans is convinced Islam doesn’t fit into the Western World (Pollack 2014). As the deadly attacks perpetrated by religious extremists in Madrid, London, Paris, Brussels, and elsewhere show, this critical assessment may well be based on actual risks. Although the mere numbers of Muslims in Europe do not pose a threat to the Christian or secular hegemony in European countries – except for Bosnia and Macedonia (Pew Research Center 2015) – the public vastly overestimates the actual numbers of Muslims (cf. Wittlif 2014 for Germany). In this context, the utility of non-discrimination for voters of Christian democratic parties does not outweigh the losses they expect due to simultaneously enhanced freedoms for Islam. Thus, Christian democratic and other parties opt for discrimination as “intolerance of individuals would motivate the government [...] to favor the majority religion by subsidizing its practices and by restricting religious expression of minorities” (Barro and McCleary 2005, 1343).

Let us finally have a quick look at the extreme bright spot in the bottom right edge of the first ternary...
plot. This is the “environment where no single religion commands a majority market share” for which Gill (2008, 46) claims that each denomination will prefer religious liberty. Our model predicts the same – however, situations like this are rare in Europe. We will next outline the perspectives competing with our model.

**Alternative Explanations**

The extant alternative approaches in the literature – which we summarize in terms of the convergence and path dependence hypotheses – differ with regard to the central actors expected to drive changes in religious policy as well as the decisive contextual constraints structuring their behavior.

**The convergence perspective**

According to the convergence thesis, European regimes of religious regulation should grow more similar over time because of a shared commitment to basic human rights norms and liberal principles of equal treatment, including religious freedom and state neutrality (Durham, Jr. 1996; Ferrari 2002; Koenig 2007). The most general expectation one may draw from the convergence hypothesis is that the country variation in religious policy at the end of the period under study (2011) should be lower than it was at the beginning (1990). This should be the case for all three measures of state regulation of religion. Following the concept of $\sigma$-convergence, this is easily checked by comparing the standard deviation at t1 to the standard deviation at t2 (Holzinger and Knill 2005).

Beyond predicting a decrease in the variation of religious policy over time, the convergence perspective also predicts that European democracies increasingly adopt a particular approach of regulating the religious sector. In other words, the convergence hypothesis is a directed one, formulating expectations about upward or downward shifts of the mean from t1 to t2 (Holzinger and Knill 2005). And while it is difficult to cast the expected policy equilibrium of a European model of religious regulation in terms of precise index scores, it is possible to quantify these theoretical expectations at least to some degree.

The principle of religious liberty, for instance, would be perfectly met when there is a complete absence of state restrictions on the individual and collective religious practices, especially the practices of religious minorities (Fox 2008; 2011; Gill 2008). Therefore, should the convergence perspective hold, the index scores for religious discrimination would – in the limit – tend toward zero. In a similar vein, the principle of autonomy of religious groups and of noninterference by the state would be fully
realized when political actors refrain from all forms of restriction or control of religious organizations, including the majority religion. Again, the respective expected index score at the level of full convergence would be zero. With regard to the principle of selective cooperation it is less clear what index score best describes such an arrangement. Cooperation between religious organizations and the state covers a wide variety of forms and various fields, such as education, welfare provision or public health. At the minimum, however, one would expect the European states to converge to a positive score greater than zero on the index for state support of religion.

The argument of the convergence thesis focuses on the impact and growing importance of supranational institutions that provide new legal frameworks for the regulation of religion (Koenig 2007; Soysal 1994). The obvious supranational institution in our case is the EU. While the EU has no regulatory competence in matters of national church-state relations (Robbers 2005) it nonetheless restricts domestic policy choices toward religion by means of a centralized mechanism of human rights protection. Religious freedom and the principle of equality and non-discrimination are enshrined in the European Convention for Human Rights (ECHR) and enforced by the European Court of Human Rights in Strasbourg (Fox 2013, 142; Koenig 2007). As a result of this European human rights regime, EU member states should not only have religious policies more in line with liberal principles of religious regulation but also move quicker toward this policy equilibrium than non-member states (cf. Koopmans 2012; Koopmans, Michalowski, and Waibel 2012). Of course, it is unlikely that the European states will already have reached complete policy convergence during the limited period of the two decades studied. Assuming incomplete convergence, one would rather expect that the religious regulation in 2011 is closer to this European model than it was in 1990. Thus, levels of religious discrimination should presently be lower than they were two decades ago.

A somewhat softer variant of the convergence thesis recognizes that EU member states have considerable room in the interpretation and actual implementation of EU legal norms and that, therefore, domestic courts play a crucial role in forming religious policy (Bader 2007; Joppke 2001; Koenig 2007). According to this view, the European convergence toward liberal norms of religious regulation results from internal mechanisms where “legal professionals often function as institutional entrepreneurs translating European normative expectancy structures into domestic public policy projects” (Koenig 2007, 926). Indeed, in many instances domestic courts have defended liberal principles against the regulatory ambitions of political parties and decisions of parliamentary majorities. Therefore, again following Koopmans, Michalowski, and Waibel (2012), one would expect European countries with a tradition of judicial review to have more liberal religious policies and faster changes toward full religious liberty and anti-discrimination.
The path dependence perspective

According to the path dependence hypothesis, European states’ religious policy is the result of cultural path dependencies that lead to different outputs in a given country (Koopmans, Michalowski, and Waibel 2012). The descriptive expectation is therefore that the variation in religious regulation across Europe should either remain the same or even increase between 1990 and 2011. The assumption is that the level and direction of change of religious regulation in European countries will depend on their historical political legacies and cultural heritage.

Today’s diversity of regimes of religious regulation is the result of several critical junctures related to religious schisms and political revolutions that have led to different confessional cleavage structures and church-state conflicts across Europe (Martin 1978; Rokkan 1970). This political legacy not only explains current cross-country differences in religious policy but may also shape the potential for policy change because it defines the opportunity structure and “affects the ideological assumptions made by political elites and the public about what is politically feasible” (Fetzer and Soper 2006, 20).

Further cultural legacies that are likely to be important in this regard are an Orthodox religious tradition which differs markedly from Western Christianity (Fox 2008; Madeley 2003) and, in particular, a socialist past. Until 1990 European countries with a socialist past were under the rule of anti-religious regimes repressing religion in general and now had two decades to develop their own approach to religious regulation (Fox 2013, 142; Pfaff 2011).

Data and Methods

To assess the relative empirical plausibility of our own argument and the two competing perspectives on the dynamics of religious regulation, we conduct a macro-quantitative comparison of 30 European countries over a period of two decades between 1990 and 2011. The country sample includes all 27 EU member states at that time period plus Iceland, Norway, and Switzerland.

Measuring Religious Regulation

Understanding and explaining the change in religious regulation requires that we move beyond crude legal typologies or abstract theoretic models and focus on what states actually do (Bader 2007; Enyedi 2003; Koenig 2007; Minkenberg 2002). Church-state relations are not adequately captured by a mere dichotomy distinguishing one ideal type, e.g. established religion, from another ideal type, e.g.
separation of church and state; rather, they present a complex and multifaceted set of official laws, policies, and administrative actions that aim to regulate religious affairs. State regulation of religion comes in two basic forms – restriction and support. On the one hand, actions of the state may place legal restrictions and administrative limitations on the practice of religious faiths as well as on the operation of religious organizations. On the other hand, states may also grant constitutional privileges and financial subsidies that support religious organizations and their various activities.

Treating religious regulation as a gradual phenomenon not only captures the empirical complexity more adequately but allows us to assess the direction of convergence processes in terms of the extent or strictness of regulation (Drezner 2001; Holzinger and Knill 2005; Plümper and Schneider 2009). It also lets us more readily connect available religious policy options to the preferences and behaviors of political actors.

We draw on a measurement instrument provided by the second round of the Religion and the State Project (RAS2) (Fox 2008; 2011) to operationalize religious regulation regimes – religious liberty, religious autonomy, and selective cooperation. These indices are currently the most comprehensive and convincing measures of government regulation of religion (Traunmüller 2012).

Religious liberty is measured using the Religious Discrimination Index which captures a total of 30 different types of restrictions that are placed on religious minorities but not on the majority. Prominent examples include restrictions on building places of worship such as mosques, the wearing of religious symbols, or restrictions on the running of religious schools. Each item in this index was coded on an ordinal scale from 0 to 3 to grade the severity of the restriction. The index thus ranges from 0 to 90.

Since the RAS2 data only cover the period 1990-2008 and quite a few changes in religious regulation took place only recently, we combine the RAS2 with our own data of 30 European countries that relies on the same coding scheme but extends the observation period up to the year 2011. For the six-year period where the two data sources overlap (2003-2008) the inter-coder agreement is at a satisfactory correlation of \( r = .75 \). We rely on the RAS2 data up to the year 2003 and use our own data from then on. In any case we control for the different data source by adding a dummy variable to our models.

Explanatory Variables

In accordance with the hypotheses discussed in the section above we consider the following explanatory variables. To measure the strength of religious parties we rely on their share of parliamentary seats in the national parliament. This information as well as the classification of a party as religious is taken from the Comparative Political Data Set III (CPDS III) coded by Armingeon et al. (2014). The seat share is taken as both time-varying as well as time-variant (see the model
specification further below.)

To capture the religious social structure of a country we rely on the new *World Religion Dataset* (WRD) provided by Maoz and Henderson (2013) and calculated the commonly used *Religious Fractionalization Index* (Alesina et al. 2003) to capture religious diversity. This index indicates the probability that two randomly drawn persons in a country belong to different religion. This measure does not include the non-religious share of the population, which we instead consider separately as a measure of secularization. Since the WRD only includes figures in 5-year intervals and ends in 2010, we imputed the missing values. Both measures of religious social structure are treated as time-varying and time-invariant variables in the models.

Whether a democracy has judicial review is coded as a binary time-invariant variable and is also taken from the CPDS III. The Orthodox religious tradition, socialist past, and EU membership of a country are all simple dummy variables coded by ourselves. Whereas the two cultural variables are treated as strictly time-invariant, EU membership is treated as both, as a time-varying variable to capture the effects of becoming a member as well as time-invariant variable by calculating the mean number of years a country has been a member state of the EU. Finally, we include a dummy variable for the coding done by the RAS2 to account for potential effects in religious policy that are a mere artifact of differences between two data sources used. Valid information is available for a total of \( N = 640 \) country-years. Summary statistics of all variables are presented in table A1 in the appendix.

**Statistical Model**

In the following we turn to Bayesian hierarchical modeling to describe the change in religious regulation across European democracies (Shor et al. 2007; Western 1998). We start with the specification of a simple Bayesian Hierarchical Linear Growth Curve Model of the form:

\[
\log(y_{it} + 1) = \alpha + \beta(t_{it} - 1990) + u_i(t_{it} - 1990) + v_i + e_{it},
\]

where the logged index scores \( y \) of country \( i \) and year \( t \) follow a general time trend which for the sake of simplicity is taken to be linear and centered at the year 1990, so that \( \alpha \) is the mean regulatory level in 1990 and \( \beta \) gives the general direction and speed of change in religious policy from this time point across Europe. The model includes country level random effects \( v_i \) which capture unobserved country differences as well as an idiosyncratic error term \( e_{it} \). Both are assumed to be distributed normal with variances \( \sigma_v^2 \) and \( \sigma_e^2 \), respectively. The key feature of the model is that the time trends are allowed to vary across countries as indicated by the random coefficient term \( u_i \) (which is assumed to be
distributed normal with mean zero and variance $\sigma_u^2$). The varying intercepts and varying time trends are allowed to correlate. The chosen priors are all uninformative and conjugate with a multivariate normal prior for the fixed effects parameters, an inverse-Wishart prior on the random effects variance-covariance matrix, and an Inverse-Gamma prior on the residual error variance.

A useful property of this random trend specification is that, by symmetry, the between country variance in religious regulation now depends on $t$ and can thus be expressed as a function of time (Fitzmaurice, Laird, and Ware 2004, 197; Goldstein 2011, 73):

$$\text{var}[v_i + u_i(t_{it} - 1990)] = \sigma_v^2 + 2\tau_{viu}(t_{it} - 1990) + \sigma_u^2(t_{it} - 1990)^2. \quad (3)$$

To test what factors drive change in religious regulation across Europe, we then extend the model by including several time-varying $X_{it}$ and time-invariant explanatory variables $Z_i$ as suggested by the theoretical discussion where again applied conjugate multivariate normal priors:

$$\log(y_{it} + 1) = \alpha + \beta(t_{it} - 1990) + \gamma(X_{it} - \bar{X}_i) + \delta \bar{X}_i + \lambda Z_i + u_i(t_{it} - 1990) + v_i + e_{it}. \quad (4)$$

A common concern in the econometric literature resulting in a reluctance to use random effect models is that the effect estimates of the time varying variables could be biased if they are correlated with the random effects. However, this can easily be accounted for by including the country mean $\bar{X}_i$ of these variables in the models and group-mean centering the time-varying variables ($X_{it} - \bar{X}_i$) in order to separately model within- and between-country effects (Skordal and Rabe-Hesketh 2004, 52–53, Bell and Jones 2014). This is the strategy followed here. All models are estimated using MCMC as implemented by the MCMCglmm package in the statistical program R.

**Results**

The empirical analysis and presentation of results proceeds in three steps. First, we look at the dynamic patterns in religious regulation to establish whether European religious policy has indeed converged to a common model or whether European democracies follow their own specific trajectories. In a second step, we identify what explanatory factors are responsible for the found differences in religious policy and policy change. Third, we take a closer look at the question whether religious parties choose different approaches to religious policy depending on the religious composition of the electorate.
Trends in Religious Discrimination, 1990-2011

Table 1 shows the results of a model without explanatory variables but a linear time trend for religious discrimination that is allowed to vary across countries. Note that the time variable is scaled in such a way that the intercept as well as the standard deviations and correlations refer to the first year under observation, that is 1990. Also, to increase visibility, time was coded so that the coefficient represents the change in religious regulation over a 20-year period. We report posterior means for the coefficients estimates and 95% HPD intervals.

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*Note: Posterior means and 95 percent HPD regions based on 1000 MCMC draws.*

This simple specification reveals several important aspects of the dynamics of religious policy in Europe. *First,* even we account for existing differences in data sources, religious discrimination by the state has considerably and reliably increased over the time period under study (0.27, 95%-HPD: [-0.03, 0.60]). In substantive terms, the discrimination of religious minorities has risen by roughly 30 percent over the last two decades ($e^{0.27} = 1.31$). But clearly, there is more variation in religious policy across European democracies than *within* them over time (compare the size of $\sigma_\alpha$ to $\sigma_\nu$).

*Second,* there is nonetheless considerable between-country variation in the development of religious regulation over time. The standard deviation of the time trend ($\sigma_u$) for discrimination is 0.86 [0.65, 1.08]. This indicates that both positive and negative time trends are possible and thus both increases and decreases in regulatory activity have taken place. European countries have clearly experienced different trends in religious policy over the last two decades. An instructive alternative way of looking at this result showing that this movement is not a sign of policy convergence is the between-country
variation in religious regulation expressed as a function of time (see equation 3). Figure 1 displays the standard deviation in religious discrimination over time (along with the inferential uncertainty as indicated by the fine grey lines) and shows that it has clearly increased. A more formal test shows that the standard deviation is reliably higher in 2011 than it was in 1990, therefore suggesting policy divergence. The difference in the cross-country standard deviation of the logged index scores for religious discrimination is 0.57 [0.42, 0.73]. European democracies are more diverse in their approach to religious policy now than they were twenty years ago.

*Third*, there is a clear dependency between the initial level of religious regulation at the start of the observation period in 1990 and the speed of change in religious policies, i.e. the time slope. The slope-intercept correlation $\rho$ is strong and negative: -0.60 [-0.82, -0.38]. European democracies with high levels of religious discrimination in 1990 tended to decrease their regulatory activity faster than countries that had low initial levels of religious regulation. This is for instance the case for religious discrimination in Latvia or Bulgaria. But that this behavior, again, does not lead to a European convergence in religious policy is illustrated by the fact that at the same time countries with low levels of religious regulation in 1990 tend to increase their regulations more. Here the most striking example is Hungary, which in the beginning of the observation period had among the lowest levels of discrimination of religious minorities but at same time has seen the fastest increase in regulatory activity over the last two decades. Figure 3 presents the modeled time trends in religious policy for all 30 European democracies. Clearly, different European states have made different changes in religious policy and at times considerably so. As the pattern of the many crossed lines indicates these changes are hardly a sign of policy convergence.
Figure 2: Between-Country Variation in Religious Discrimination Over Time. Based on the Bayesian Hierarchical Model in Table 1.

Figure 3: Modeled Country-specific Trends in Religious Discrimination. Based on the Bayesian Hierarchical Model in Table 1.
An New Politics of Religion: What Determines Change in Religious Regulation?

To assess what drives change in religious policy in European democracies, we next introduce the explanatory variables to the model equations (see model 1 in table 2). The empirical results can be summarized as follows.

First, when controlling for a range of political, cultural and social factors, an increase in religious diversity within a country is generally associated with more religious discrimination by the state: posterior mean of 2.16 and 95 percent HPD of [0.16, 4.17]. While European states have reacted to the challenges of growing religious pluralism, processes of secularization have so far been less consequential. An increase in non-religious segments of the population is not reliably related to a change of religious policy.

Second, we find somewhat mixed evidence for the notion that the religious policy of a country is the product of its history and cultural tradition as emphasized by the path dependence perspective. European countries with an Orthodox heritage clearly have more restrictive laws and policies toward religious minorities (1.20 [0.08, 2.38]). However, an institutional tradition of a state-church system has no visible consequence for religious discrimination. And East European states with an historical experience of socialism, are not different from West European states in terms religious discrimination although they used to be highly hostile toward religion before 1989. Further analyses that interact the cultural heritage of a country with the time trend reveal that there are no distinct trajectories in policy change related to either Orthodox Christianity or a socialist past (see model 2 in table 2).

Third, a look at institutional factors suggested by the convergence perspective shows that EU member states do not differ in their governance of religion from non-members and are also not more liberal in their regulation. Interestingly, while democracies with institutions of judicial review do have a different approach to religious policy from states where legislatures are not checked by domestic courts, they are generally less liberal than one would expect from the convergence hypothesis. European democracies where the courts play an important role in reviewing laws and policies ceteris paribus tend to have a little higher levels of religious discrimination (0.18 [0.1, 0.36]). Again, there are no distinct trajectories for states with judicial review (see model 2 in table 2).

Finally and importantly for our argument, national parliaments are more important for the explanation of policy change in religious regulation than the courts. Higher seat shares of religious parties are associated with less discriminating religious policies (-0.34 [-0.67, -0.02]). This makes religious
parties the main motor of recent changes in religious regulation in Europe. We now take closer look at their strategic behavior und different conditions of religious demography.

Table 2: Bayesian Hierarchical Linear Growth Curve Models of Religious Discrimination (logged)

<table>
<thead>
<tr>
<th>Within-Country Variables (Group-mean centred)</th>
<th>Est.</th>
<th>.025</th>
<th>.975</th>
<th>Est.</th>
<th>.025</th>
<th>.975</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Diversity</td>
<td>2.35</td>
<td>1.99</td>
<td>2.8</td>
<td>2.22</td>
<td>0.15</td>
<td>4.03</td>
</tr>
<tr>
<td>Share Non-Religious</td>
<td>-1.09</td>
<td>-1.9</td>
<td>-0.32</td>
<td>-0.87</td>
<td>-4.86</td>
<td>3.53</td>
</tr>
<tr>
<td>Seat Share Christian Democratic Parties</td>
<td>-0.27</td>
<td>-0.34</td>
<td>-0.21</td>
<td>-0.34</td>
<td>-0.64</td>
<td>-0.01</td>
</tr>
<tr>
<td>EU Membership</td>
<td>-0.03</td>
<td>-0.12</td>
<td>0.06</td>
<td>-0.02</td>
<td>-0.11</td>
<td>0.08</td>
</tr>
</tbody>
</table>

| Between-Country Variables                    |      |      |      |      |      |      |
| Mean Religious Diversity                     | 2.13 | -0.04| 4.01 | 0.86 | -1.59| 2.90 |
| Mean Secularization                          | -0.64| -5.00| 3.27 | -1.56| -5.68| 1.98 |
| Mean Seat Share Christian Religious Parties  | -0.34| -0.68| -0.02| -0.82| -3.14| 1.41 |
| Mean EU Membership                           | -0.39| -1.47| 0.58 | -0.41| -1.42| 0.63 |
| Judicial Review                              | 0.18 | 0.01 | 0.36 | 0.28 | 0.05 | 0.51 |
| Orthodox Tradition                           | 1.20 | 0.08 | 2.38 | 1.30 | -0.32| 2.70 |
| Socialist Past                               | -0.71| -2.09| 0.55 | -0.70| -2.38| 1.10 |
| State-Church Tradition                       | -0.41| -1.53| 0.72 | -0.54| -1.96| 0.95 |

| Conditional Time Trends                      |      |      |      |      |      |      |
| Judicial Review x Time Trend                 | --   | --   | --   | -0.43| -1.09| 0.33 |
| Orthodox Tradition x Time Trend              | --   | --   | --   | -0.1 | -1.28| 1.02 |
| Socialist Past x Time Trend                  | --   | --   | --   | 0.06 | -1.28| 1.36 |
| State-Church Tradition x Time trend          | --   | --   | --   | 0.18 | -0.99| 1.25 |

| Additional Model Components                  |      |      |      |      |      |      |
| Intercept                                    | 1.94 | -0.01| 3.55 | 1.98 | -0.04| 3.87 |
| Time Trend                                   | 0.11 | -0.25| 0.45 | 0.36 | -0.78| 1.5  |
| RAS2 dummy                                   | 0.05 | 0.00 | 0.11 | 0.05 | -0.01| 0.11 |
| SD: Varying Intercept                        | 1.12 | 0.80 | 1.44 | 1.15 | 0.84 | 1.51 |
| SD: Varying Time Trend                       | 0.88 | 0.65 | 1.14 | 0.91 | 0.66 | 1.21 |
| Corr: Intercept, Time trend                  | -0.65| -0.87| -0.43| -0.66| -0.87| -0.43|
| SD: Residual                                 | 0.20 | 0.19 | 0.21 | 0.20 | 0.19 | 0.21 |
| Number of Countries                          | 30   |      |      | 30   |      |      |
Note: Posterior means and 95 percent HPD regions based on 10000 MCMC draws.

A Closer Look at Political Parties

Table 3 presents the results of models that interact the strength of religious parties with changes in the religious composition of a country to see whether religious parties pursue different strategies under different structural conditions as predicted by our theory. The results of this model specification with three-way-interaction support the argument and suggest that the religious parties’ stance toward the regulation of religious minorities clearly depends on changes in religious demography of the population and thus on the shifts in voter bases and their political preferences.

Table 3: Bayesian Hierarchical Linear Growth Curve Models of Religious Discrimination (logged)

<table>
<thead>
<tr>
<th>Within-Country Variables</th>
<th>Est.</th>
<th>.025</th>
<th>.975</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Diversity</td>
<td>2.15</td>
<td>-0.01</td>
<td>3.91</td>
</tr>
<tr>
<td>Share Non-Religious</td>
<td>0.61</td>
<td>-3.59</td>
<td>4.56</td>
</tr>
<tr>
<td>Seat Share Christian Democratic Parties</td>
<td>-0.11</td>
<td>-0.49</td>
<td>0.2</td>
</tr>
<tr>
<td>Religious Diversity x Non-Religious</td>
<td>-32.91</td>
<td>-57.15</td>
<td>-5.04</td>
</tr>
<tr>
<td>Christian Democratic Parties x Rel.Diversity</td>
<td>16.92</td>
<td>-1.84</td>
<td>32.77</td>
</tr>
<tr>
<td>Christian Democratic Parties x Non-Religious</td>
<td>-76.00</td>
<td>-112.68</td>
<td>-41.38</td>
</tr>
<tr>
<td>CDP x Diversity x Non-Religious</td>
<td>-38.11</td>
<td>-533.87</td>
<td>475.64</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Between-Country Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean Religious Diversity</td>
</tr>
<tr>
<td>Mean Secularization</td>
</tr>
<tr>
<td>Mean Seat Share Christian Religious Parties</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Model Components</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
</tr>
<tr>
<td>Time trend</td>
</tr>
<tr>
<td>RAS2 dummy</td>
</tr>
</tbody>
</table>

| SD: Varying Intercept       | 1.19 | 0.85  | 1.51 |
| SD: Varying Time Trend      | 0.87 | 0.64  | 1.1  |
| Corr: Intercept, Time trend | -0.68| -0.85 | -0.44|
| SD: Residual                | 0.19 | 0.18  | 0.2  |
Clearly, the two processes of religious pluralization and secularization provide different and opposing incentives for religious parties. This, in turn, results in different religious policies. An increase in religious diversity which is mainly driven by the growth of new religious minorities pushes religious parties to more restrictive policies towards new religious groups and thus an increase in religious discrimination (16.92 [-1.84, 32.77]). Secularization, and thus the increase of the share of non-religious in the population, on the other hand, has the opposite effect. Under the conditions of an increasing share of non-religious citizens, religious parties are less likely to act in favor of the traditional religious majority and instead adopt a more liberal approach toward religious minorities. This results in less religious discrimination by the state (-76.00 [-112.68, -41.38]). This conditionality of the effect of Christian democratic seat share on religious policy is better visible from figure 4 which depicts how an increase of 10 percentage points changes religious regulation depending on the degree of religious pluralism and the size of the non-religious population in a country. Different structural conditions thus have different effects on the approach to religious regulation that Christian democratic parties adopt.

Figure 4: How within-country changes in religious diversity and secularization condition the effect of
Christian Democratic Parties on religious discrimination. Based on model 3 in table 2. Purple indicates an increase, and green a decrease in religious discrimination.

Robustness: Validity and Weighting of the Religious Discrimination Index

A first point of criticism that frequently surfaces in discussion is directed at the validity of the index we use as key dependent variable. Since it adds up a variety of different items it could be questionable whether they adequately capture the theoretical concept of interest and give enough weight to truly relevant aspects of religious discrimination. Unfortunately, the literature provides little guidance in this matter and there is “a relatively catastrophic failure of experts to agree” on what those truly relevant items may be (Fox 2011: 32). We therefore test the robustness of the results by rerunning all of the models presented above 100 more times, randomly varying the weighting scheme of the index each time and recording the change in coefficients size and uncertainty. This random weighting scheme is informed by and reflects the variation in expert opinion.

In order to let actual expert opinion guide the random weighting, we draw on the results in Fox (2011) who reports the judgments of seventeen experts in the field. Each expert was asked to rate all of the items included in the religious discrimination index according to their importance or severity in restricting religious minorities. From these expert evaluations, we are able to calculate the probability that any one item is judged as being highly important or as unimportant. Based on these probabilities we then randomly assigned a weighting factor of 2 to important and of 0 to unimportant items and repeated this procedure 100 times.

Figure 5 presents the results of this robustness analysis. We focus on the quantities central to the main argumentation of the present paper, i.e. the between-country variation in the time trends of religious policy (see models in table 1), the coefficient and uncertainty for the effect of religious parties on religious regulation (from the model specification in table 2), and the interaction terms of religious parties with religious fractionalization as well as secularization (models in table 3).

Overall, all of the major quantities of interest and thus the theoretical claims of the present study remain robust to different conceptualizations of religious policy. No matter how one weights the single laws and policies that make up the three composite measures of religious regulation, the time trends always show a considerable between-country variation. Further, parliamentary seat share for Christian democratic parties has a negative effect on religious restriction for virtually all different kinds of randomized weighting schemes. For the vast majority of simulations this also holds for religious
discrimination and religious support, although in a few instances the confidence intervals include the null. Interestingly, the moderating effect of secularization on religious parties’ discriminatory policies is independent of the weighting of single components, whereas for the moderating effect of religious pluralism it is far more consequential how one conceptualizes religious discrimination. For roughly 40 percent of random weightings one would conclude that Christian democrats do not answer growing religious pluralism with an increase in religious discrimination. But in sum it should be emphasized that different weightings may have slight influences on what coefficients are statistically reliable but by no means lead to completely different signs or directions of effects.

**Conclusion**

There is currently much debate about how European democracies adapt to the challenges posed by a growing religious pluralism (Bader 2007; Koenig 2007; Koopmans, Michalowski, and Waibel 2012). Some argue that European regimes of religious regulation grow more similar over time because of a shared commitment to basic human rights norms and liberal principles of equal treatment, including religious freedom and state neutrality toward religion. Others observe that, in contrast, states’ policy reactions to changes in religious demography differ widely across Europe and mainly reflect national and cultural traditions.

The results of this study are based on a quantitative comparison of 30 European democracies over the period between 1990 and 2011 and show little signs of convergence in the modes of religious regulation across Europe. Not only do European states differ in their approaches toward religious policy, these differences with regard to the discrimination of religious minorities have also increased over the last two decades. Instead of transnational legal forces or cultural legacies, national political processes have been the main sources of recent changes in religious policy. Christian democratic parties, in particular, are central actors in the process of religious policy making and have overall tended to liberalize religious regulation.
References


