The Evolving Regulatory Structure of European Church-State Relationships

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In Western Europe, many contemporary churches have achieved remarkable levels of administrative autonomy and tangible resource support. Yet paradoxically, public participation in the traditional churches appears marginal. In Eastern Europe under Communism, churches experienced varying levels of hostility and bare toleration. Yet also paradoxically, some Eastern European churches nevertheless sustained membership growth. Since the fall of the Soviet communist regimes, moreover, a number of churches have re-emerged as vibrant forces in their respective nations. Is the inference to be drawn that state hostility produces strength while state support produces neglect? Of course, an impressive number of factors other than the state help shape the organizational presence of a church. The concern of this essay, however, is the state regulation of churches and the consequences of the regulatory environment, often unintended, for both state and church.

This essay explores the consequences of the regulatory patterns that have emerged in eastern and western European church-state relations since the end of the Second World War. The aim is to see if an understanding of these regulatory regimes can help in understanding the apparent paradoxes in European church-state regulatory relationships. It is argued that the regulatory regimes that have developed in Europe have created incentives for European churches to play roles in society other than that of mobilizing participation in institutionalized religion. Traditional European churches have responded to the regulatory environment by becoming more involved in educa-

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tion, charity, and political commentary, rather than in the direct encouragement of religious life.

Regulation and Religion

Regulation, as defined in this essay, is the setting of limits on group or individual conduct for public purposes. Through regulation, the state sets limits rather than proscribing behavior. Theodore J. Lowi has argued that regulation may be seen as morally ambiguous if the behavior to be regulated is deeply controversial. Groups engaged in the activity will resent the activity being constrained, while critics of the activity will question why it has not been proscribed.[1] Thus, if religion is judged as the opiate of the people, opponents of churches will question why churches are not banned rather than regulated. If freedom of religion is of paramount value, supporters of a church may object to regulation.

Regulation may embrace a remarkable range of activities. We most frequently think about regulation in the economic sphere. Here the state's intervention is most likely to occur when there is market failure. A firm or combination of firms has established a monopoly that allows them to set higher prices for a product or a service at lower levels of production than would be found in a competitive market environment. Through regulation, the state establishes a structure to review the behavior of the firm. On the basis of the information gathered, the state may establish production guidelines and ceilings on prices. The state may also establish standards to maintain the quality of the product and process by which the product is produced.

Regulation has its critics.[2] Indeed, a theory of regulatory failure has developed; a central point in this theory is that regulation becomes ineffective over time and often works to the advantage of the regulated rather than the regulators. It is in the tradition of this critique of regulation that this essay seeks to apply regulatory analysis to church-state relationships.

Three recurring themes found in studies of regulatory failure are really variations on the theme of the ineffectiveness of regulation. First is that of capture. Over time — perhaps indeed from the inception of regulation — the firm or the industry can

1. Theodore J. Lowi, "Liberal and Conservative Theories of Regulation," in G.C. Bryner and D.L. Thompson, eds., *The Constitution and the Regulation of Society* (Provo, Utah: Brigham Young University Press, 1988), 7-42.
2. Alfred E. Kahn, *The Economics of Regulation: Principles and Institutions* (Cambridge, Mass.: M.I.T. Press, 1988).

secure state resources and insulate itself from competition because of a number of advantages that it has over the designated regulatory agency. Most notably, these advantages are information and political power.[3]

The second theme is that of adaptation. The regulated enterprise adapts to the variety of incentives and disincentives created by the regulatory regime. For example, if regulation of telecommunications governs local calls but not long distance calls, then the telecommunications firm's energies are likely to be directed at realizing income from its long distance service. If state subsidies are available for certain services but not for others, the regulated telecommunications firm is likely to adapt its commitments to services with the enhanced return provided by subsidies. Adaptation to the regulatory environment may undermine the objectives identified in establishing the original regulatory regime.

The third theme is that ineffectiveness may be brought about by over-regulation. So complex a set of responsibilities may be placed on the regulators that the end result is under-regulation. The state elaborates a set of objectives to regulate a specific industry but finds that it has created far too demanding a regulatory framework. This leads in turn to the paradox of under-regulation as the state's regulators retreat from the daunting task of regulation. For example, the competing objectives of universal service, cost control, and environmental quality often pose formidable challenges to the task of regulators. Regulation of utilities is a contemporary example of how the complexity of regulation, with the competing goals of universal service, rate setting, and air quality, can produce regulatory quandaries.[4]

There are of course limits to the parallel between the regulation of firms and the regulation of churches. A basic difference is that a church draws its support on the basis of religious commitment — presumably a quite different source of commitment than consumer preference for many people. In the fundamental relationship between the church and its members, there is no clear unit of exchange that lends itself to quantification. Perhaps much more so than firms, however, churches have the capacity to mobilize their memberships on behalf of their

3. George J. Stigler, "The Theory of Economic Regulation," *Bell Journal of Economics and Management Science* 2 (Spring 1971): 3-21.
4. Terry M. Moe, "Control and Feedback in Economic Regulation: The Case of the NLRB," *American Political Science Review* 79 (December 1985): 1094-116.

objectives in negotiating with the state. Another difference is that states' seeking to regulate churches often lack doctrinal competence. They may be ill-equipped to understand the church's mission and lack information as to church resources and the best uses of those resources. Finally, another principal difference is that the relationship between a nation and the religious commitments of its citizens is the consequence of many forces acting over long periods of time. These forces may have created in a population religious commitments of singular intensity or, on the other hand, apparent disinterest that has little to do with the direction of contemporary state regulation of religion. Despite these differences, however, the case can still be made that regulatory theory is relevant to the understanding of church-state relationships. This essay argues that the direction of contemporary state regulation may help shape the direction of a church's priorities and activities independently of the condition of the population's religious commitment. Churches as organizations will respond to regulatory incentives and costs, just as they respond to the political environment.

Why do states seek to regulate churches? Historically, as will be shown below, rulers may have sought to impose on their subjects their own respective judgments about the correct institutional expression of their faith. States have seen regulation as a means to weed out corruption or to redress the distribution of resources in their society. Quite often, states have appeared to fear churches as challenges to the political order that need to be contained.

Historically, regulation of churches by European states has embraced some or all of a number of areas. States have played significant roles in regulating or ultimately selecting senior church leaderships within the country. States have assumed the power to determine the numbers and types of clergy allowed to practice their religious responsibilities within the nation. The state's approval has been sought in determining the boundaries of church administrative territories. The state's acquiescence has played a role in church reform of doctrine or liturgy. States have from time to time set limits on the nature of church participation in education, public communication, social welfare, and health care. Finally, states have limited — or enhanced — churches' ability to own property or businesses.

At this time, virtually every church, at least in Western Europe, has achieved a remarkable measure of autonomy in the determination of its leadership, its size, and the direction of its

clergy. By contrast, historically in Roman Catholic countries, the state or the aristocracy controlled higher-level clerical appointments or shared in appointment decisions with the Vatican. In many Protestant states, the state exercised the power of appointment with relatively little formal consultation with church hierarchies. At the same time, the capacity of the church to establish a central role in a society's institutions has diminished and a review of church attendance in Western Europe suggests remarkable declines in membership.

Churches may find that regulation benefits their own positions in society. In many cases these churches confront receding memberships. Catholic churches in nearly all Western European states enjoy sustained and significant declines in the conflicts with state authorities that were recurring crises during the nineteenth and a good deal of the twentieth century. This decline in conflict undoubtedly is related to the effective dechurching of many of the European populations. Regulation in these cases appears to be actively sought by churches as a means of sustaining resource flows. This relationship of negotiating support in exchange for some measure of regulation appears to be the emerging norm of convergence in state-church policy throughout Europe. But it raises the perplexing question of how new churches will respond to a structure of church-state relations that does not reflect the neutral tradition of liberalism but rather expresses clear although measured support for some churches over others in practice and often in theory as well.

A church may seek several objectives in regulation. These objectives may undergo change as the regulatory context shifts. A church may conclude that regulation provides a competitive advantage in dealing with competition with other churches. Established, long-existing churches that now enjoy some measure of recognition from the state may wish to stabilize the situation by delimiting the boundaries of state recognition from newer or missionary churches that threaten the membership base of the established churches. The established churches may simply be concerned with maintaining their existing obligations to staffs, buildings, and educational programs. The longer established the church, presumably the greater the obligations it has to sustain existing organizations. The theory of regulatory capture would predict these observations. There is always the risk, however, that the capture model of regulation is not predictive of future state-church relationships, given the possibilities for new directions coming from within the state or from groups found neither

in established church(es) nor in the state. New churches are the most likely sources of pressure for changes in the direction of regulation.

HYPOTHESES

On the basis of this understanding of regulation, four working hypotheses are derived to focus the analysis of church-state relationships in contemporary Europe:

A. If a state sternly regulates a church or churches and is able to suppress effectively all other significant independent social and economic organizations, then there is a reasonable probability that the church or churches will become focal points for both secular and religious opposition to the state.

B. If a state regulates churches in part by providing state income for the churches' provision of education, health care, or other forms of social care, but for no other church activity, then it is increasingly likely that the churches will direct their energies toward these areas of endeavor and will be identified with these fields of activity.

C. If a state provides funds to pay for stipends of the clergy, then there is a greater likelihood that the hierarchy will enjoy greater independence from the laity in making decisions and place much less emphasis on maintaining church memberships.

D. If a church leadership has over time reduced the role of state intervention in the affairs of the church, but has been able to sustain material benefits or other measures of preferment, then it is a reasonable inference that the church benefits from regulation rather than or in addition to the state or the broader community.

THE CONTEXT OF EUROPEAN CHURCH-STATE RELATIONS

This section sets the context for testing the hypotheses. Historically, church-state relationships have been a recurring and significant source of political controversy in European states. The outcomes of these controversies may be viewed in terms of the following taxonomy: the *Erastian model*, in which the state has assumed responsibility for the direction of the church; the *liberal model*, in which the state is secular and neutral in its relationships with the church(es) found in its society; the *theocratic model*, in which the church has achieved supremacy in religious and secular affairs; the *spheres model*, in which the

church prevails in some spheres and the state in other spheres of society; and the *anti-church model*, in which the state stands in opposition to the church and seeks to curtail or eliminate religion.

The Erastian model. On this model, the state seeks to organize the church as a department of the state. This model is commonly associated with the Protestant German states of the Reformation. The Erastian model confronts the problem of internal religious change, perhaps expressed in controversies over liturgy or doctrinal controversies. From the regulatory perspective, two broad responses to internal change may be taken by the Erastian state. First, the state may simply tolerate a good deal of doctrinal variation within the church viewed as a common religious house. Second, the state may seek to play the role of arbiter or imprimatur in determining the correctness of certain positions in theological disputes. Both positions run the risk of reduced credibility for both the church and the state.

The liberal model. The liberal model argues for neutrality of the state in the affairs of churches. It conceives the state as one in which there is no privileged relationship between the state and any particular church. Although the liberal model has its origins in European thought, it may be argued that it has rarely been found in European countries. Few European regimes have adopted neutrality as the basis for church-state regulation.

The United States is often judged to be a better example than European nations of the application of the liberal tradition to church-state relations.[5]

The United States also is a nation with one of the highest rates of church attendance on either side of the North Atlantic. Does the fact that the American state constructs church-state relations as a wall of separation contribute to the apparently greater American public willingness to attend church and to attach importance to religion? Roger Finke has argued that the deregulation of churches in the United States has promoted religious individualism; that is, for an American church to survive it must attract communicants in the open market by responding to the individual's understanding of religion as one of personal conversion.[6]

The theocratic model. Here the church assumes or is given a

5. Robert Audi, "The Separation of Church and State and the Obligations of Citizenship," *Philosophy and Public Affairs* 18 (Summer 1989): 259-96.
6. Roger Finke, "Religious Deregulation: Origins and Consequences," *Journal of Church and State* 32 (Summer 1990): 609-26.

sphere of influence that embraces both religious and secular spheres. As with the state in the Erastian model, the church is supreme and so the question of the state's defining boundaries does not arise. The church's autonomy in determining public policy is not confined to its membership but embraces the broader community in which the church is located. This model may exist in regions within a state but certainly is not characteristic of nations in Europe today. The best example of a European theocracy in the last century was the Papal states in what is now modern Italy.

The spheres model. This model can best be described by saying what it is not. It is not the liberal tradition or the Erastian or the theocratic. Rather, it may be described as the situation in which the society is understood as made up of competing or perhaps complementary spheres. Conflicts between the Holy Roman Emperors and religious hierarchies often reflected this battle over spheres of autonomy. Variations of this model are found in a remarkably wide range of European nations today. These range from nations that profess to be of a certain church, to others that are critical of a specific church. Samuel Krislov argues that the determination of boundaries between church and state is enormously difficult in any system that seeks to recognize separate spheres of responsibility between a church and a state.[7] It is probably useful to conceptualize the spheres model as a continuum. At one end are the Roman Catholic Churches in Ireland and in today's Poland, where the sphere of church influence is quite large and embraces many areas of public policy making. At the other end of the continuum are Scandinavian churches which have narrowly-defined spheres of influence in public policy making.

The anti-church model. This final model is one in which the state is deeply critical if not in outright opposition to the church. The former regimes of Eastern Europe reflected an oppositional tradition as historically did the nineteenth and early twentieth century regimes in Mexico and in France which often sought to disestablish or to curtail church life severely. Examples of opposition include expulsion of religious orders, seizure of church resources, and prohibition of many church-sponsored activities.

There are two critical points concerning these models and

7. Samuel Krislov, "Alternatives to Separation of Church and State in Countries Outside the United States," in *Religion and the State: Essays in Honor of Leo Pfeffer*, ed. James E. Wood, Jr. (Waco, Texas: Baylor University Press, 1985), 421-40.

their relevance to the examination of the hypotheses put forth in this essay. First, in practice the liberal model has not characterized the political relationships between the state and major churches, although liberalism has been advocated by significant numbers of people within European nations. Second, most European nations at different eras have experienced more than one of the other models of church-state relationships. The implication that these two point for testing the hypotheses is that there are very real and long-standing traditions in European politics, characterized by sharp conflicts or at other times by close identification between church and state. The heritage for church-state relations can mean deep suspicion of churches by portions of the population. For others, the heritage may be a very deep suspicion of the state's policies toward a specific church. This tradition of distrust directed at the state has been compounded by conflicts among different churches. The intensity of church-state politics increased in the nineteenth century with the emergence of political movements of the Left that were often committed to anti-church programs. This heritage of conflict and collaboration, but never remoteness, between church and state has structured the regulatory regimes that formed in Europe after the Second World War. In the aftermath of the War, there was an interest on the part of many church leaders and political leaders, particularly on the continent, to search for some measure of accommodation and stability in church-state relationships.

The aim in the analysis that follows is not a testing, but an exploration of the four hypotheses. The exploration relies on accounts of policies and events pertinent to church-state relationships in major European states. In addition, public opinion survey data is used to assess priorities in popular attitudes towards participation in church life.

The regulatory relationships that have developed in many parts of Europe are the result of regimes formed by the respective states and the main Protestant and Catholic churches found within their borders. These relationships reflect the longstanding, interwoven relationships between the churches and their respective states. It is suggested in the analysis that follows that the regulatory regimes which have developed have given preferment to the traditional churches. This preferment has taken the form of tangible resources and state-sanctioned social roles. At the same time, there has been a diminished presence of state involvement within the doctrinal and administrative concerns

of the respective churches. But Europe, as will be described below, is changing as new churches outside the regulatory regime gain in numbers while older churches that have enjoyed regulatory preferment have come to experience declining active memberships. The hypotheses are designed to use the regulatory literature to help explain where churches have gained preferment while increasing their administrative independence from the states. It is further contended that the current regulatory regime has contributed to deemphasis on mobilizing members in the traditional churches.

The countries selected for this examination of church-state relations are Italy, France, Germany, and England (not the United Kingdom). Illustrations will also be drawn from a number of other European countries in order to offer a general assessment of the hypotheses concerning the consequences of state regulation for church activity. The four nations selected for this analysis are among the major European societies. All four have experienced at different times quite different church-state regulatory regimes. Italy is composed of former states, some of which have long traditions of church-state relations characterized by the theocratic model. Italy is a society with strong liberal and anti-church movements as well. France since the Revolution has witnessed a series of regimes, sometimes characterized by the anti-church model and other times by the spheres model, as well as by significant numbers of liberal supporters in the population. Both Germany, at least in the Prussian lands, and Britain in the English lands have had state-established churches. In the case of England, a state church continues to exist. A re-unified Germany brings to this analysis a national region that experienced a regime characterized by the anti-church model for forty years. These rich and varied traditions of church-state politics provide for an assessment of the regulatory regimes that have evolved over the past three decades in Western Europe's four principal powers.

Italy. In the first half of the nineteenth century the papacy was, as it had been for centuries, the temporal ruler of central Italy. Since Italian unification, the papacy has ceased to be a temporal power of any significance. Of course, the pope continues to be the spiritual leader of Catholics within Italy and throughout the world. This unique relationship between modern Italy and the Vatican has deeply influenced church-state politics. Since unification was completed in 1870, Italian governments have held from time to time quite different judg-

ments as to the role of the Vatican. In the late nineteenth century, the Vatican was judged as a threat to unification. In the 1920s, the Fascists regarded the church as an institution obstructing Mussolini's aim of achieving a monopoly on political power. In the postwar Italian Republic, the Vatican was closely identified with the ruling Christian Democratic regime, which recognized Catholicism as the religion of the Italian people. Opposition parties were often critical of this close identification between the Catholic Church and the ruling party.

In 1984, a new era began with negotiations culminating between the Vatican and the ruling coalition in signing a new concordat. Negotiations were prompted by Italian political leaders, who were much less interested in intervening in church affairs than had been their predecessors. At the same time, Vatican officials were concerned with the Catholic Church's close identification with the ruling party coalition, specifically the Christian Democratic party. The Christian Democrats had been the mainstay of every government since the formation of the Italian Republic. Nonetheless, in the 1984 concordat negotiations, the Church sought to maintain a large measure of its recognition by the state.

The Italian relationship between church and state is complicated by the role of the Vatican as seat of the pope. A significant factor in the estrangement between the Catholic Church and the Italian state was the loss of the papal states during the wars of Italian unification and the perceived threat of a liberal Italian state to the position and values of the Church. The papacy was estranged from the Italian state from the 1860s until the 1920s, when a concordat between the Vatican and the Fascist state was signed. The treaty outlined the formal relationship between the Church and the Italian state. Church-state relations continued to be strained during the Fascist era with Mussolini's push for a monopoly on power. Relations improved a great deal after the fall of Mussolini and with the creation of the Italian Republic, especially with the close alliance between the Christian Democratic party and the Catholic Church. Deep divisions remained between the Church and the significant sectors of Italian society which were critical of religion in general and of the Catholic Church hierarchy in particular.

The concordat approved by the Italian state and the Vatican in 1927 recognized Catholicism as the religion of the Italian people. The Vatican was recognized as a sovereign state with extra-territorial rights to a number of other buildings in Italy.

The state was given consultative power and some powers to reject episcopal nominees. Religious education was required in Italian state schools with some possibility for opting out. Diocesan boundary changes were subject to civil approval. Canon law was granted the force of civil law in a number of areas. Clergy were to receive stipends from the state. Italian youth and lay organizations were permitted to promote religious activities. This was an especially important concession on the part of the Fascist state in negotiating the concordat, because the Fascists were opposed to the presence of non-Fascist groups in the Italian nation. Finally, in the concordat non-Catholic churches were allowed to operate in Italy with the approval of the state.

The 1927 concordat had the effect of strengthening the ultimate political role of the Catholic Church during the Fascist period, for few other organizations were allowed to operate outside the state. During the 1930s and 1940s, Catholic action became the recruiting ground for many future Italian politicians who formed under church support the Christian Democratic party in the postwar period. In a sense, the Catholic Church and the Communist party were the two principal beneficiaries of the aftermath of Fascism, for both were able to function during the Fascist era — the one above ground and the other below ground.

The Christian Democratic party has been the major actor in the over fifty postwar governments that have been formed in the Italian Republic since its establishment in the late 1940s. This has led some to conclude that there is significant identification between the Christian Democratic party and the Catholic Church. During periods of scandal or dissatisfaction with the ruling party, particularly during the 1970s, popular discontent seemed to spill over from the party to the Church. The Church itself was surprised at its declining influence when it suffered two successive defeats in referenda permitting divorce and abortion in the 1970s. The capacity of the Church to be influential in Parliament was not reflected in balloting in the Italian electorate at large. In Vatican circles, the defeats were viewed as strengthening the case for rebuilding the Church in Italy and distancing the Church from the Christian Democratic party.

At least since the 1960s, there were demands from a number of groups to revise the 1927 concordat. The election of a Polish pope and the rise of the first Socialist prime minister brought

the process of revision to closure in 1984.[8] The revised concordat continued the basic terms of the 1927 pact, along with some important changes that appeared to allow greater distance between church and state. For example, religious instruction was still to be a component of Italian state education but it became much easier for students, their parents, or their guardians to opt out of the instruction. The state also surrendered its oversight of ecclesiastical appointments with the exception of the requirement that appointments to Italian positions have Italian citizenship.

The major development in current Italian church-state relations is a shift in how the state supports the stipends of the clergy. The arrangement that is about to take effect shifts financial support over time from direct payments to the clergy to a system that is not unlike the German one of voluntary taxation in support of churches, described later in this essay. Under the new system, Italian citizens may opt to have support for the Church collected as part of their tax obligations. Thus the Church may no longer assume that its revenue is a given. Instead, financial support for the Church must reflect in part the commitment of communicants.

The revised concordat appeared to give new standing to non-Catholic churches in that it made their recognition by the state nearly automatic. Cemeteries that had been Protestant or Jewish, but under the old concordat had to be managed by the Catholic Church, were now turned over to their respective faiths. But it is also clear that small Protestant churches have come to regard the revised concordat as giving far greater support to the Catholic Church than to other churches. For example, under the revised concordat if a Protestant family elected to have their child not receive Catholic instruction, the child was required to take additional classes in another subject matter. Protestants demonstrated in favor of having the child released from school rather than being given additional school work.[9] Recently the Italian Constitutional Court ruled that classes in the instruction of the Catholic faith should not become a reason for discrimination; students, therefore, should be allowed to leave the school grounds instead of attending the

8. Maria Elisabetta de Franciscus, *Italy and the Vatican: The 1984 Concordat Between Church and State* (New York: Peter Lang, 1989).

9. Rosalie Beck and David Hendon, "Notes on Church and State Affairs," *Journal of Church and State* 31 (Autumn 1989): 581-23.

classes.[10] The head of the Italian Bishops' Conference regretted the decision as weakening the transmission of values and violating the 1984 Concordat. Protestants have also objected to Catholic calls for state support for private Roman Catholic schools.

France. At the turn of this century, France experienced a move to a stance somewhere between a liberal and an anti-church model. The likely political consequences of this move provoked considerable debate. It is reasonable to conclude that few in 1900 would have predicted the course that church-state relations have taken in France. In the years since disestablishment, the French state has moved gradually towards a spheres model of church-state relationships. The Roman Catholic Church has regained a position of preferment, it is argued below, for some of the services it provides French society. The most noteworthy of these services is education. The discussion that follows focuses on the predictions of hypotheses B and D, concerning the effects of the regulation of services and the provision of subsidies in understanding how churches adapt to a regulatory environment.

Historically, the relationship between the church and the French state has undergone a series of dramatic changes. The French Revolution of two centuries ago brought about an era of sharp controversy over not only the Catholic Church but religion itself. Portions of France were dechristianized, while other sections, notably Brittany, became intensely Catholic and anti-Revolutionary. The Church regained a good deal of its former institutional position when Napoleon signed a concordat with the Vatican in order to establish the legitimacy of his regime. In successive regimes, the Napoleonic concordat was alternately criticized and threatened with denunciation, or relied upon and strengthened.

These shifts in church-state relationships reflected the sharply different value systems that characterized changing French regimes. In the period up to the First World War and, some would say, up to the Second World War, the Church was identified with the monarchist right in politics. The Napoleonic concordat was sustained by the restored monarchies, the Second Empire, and part of the Third Republic. But in leftist circles, the Church was seen as pursuing an active strategy of challenging the secular institutions of the French state. The controversy

10. AU Bulletin, "Italian Students Can Opt out of Religion Classes, Says Court," *Church and State* 44 (May 1991): 21.

reached a critical point in 1905, when the French Church was disestablished. An important point is to ask why the Church was not disestablished earlier. Part of the explanation lies in the view of some on the Left that as long as the state paid the clergy the state could exercise some control over the political activities of the clergy.

The 1905 separation did give the Catholic Church the power of appointment of bishops but very little else. Religious orders were expelled and the state quit paying the stipends of the clergy. Cathedrals and churches were declared state property. The Church's income was greatly reduced as a result of the separation. Ironically, the French Catholic Church lacked any national institutions because of the mutual fear of the state and the Vatican that a French national bishops conference would challenge either the state or Papal power. In the aftermath of separation, a national bishops conference was established to direct Catholic policy in France. The period after the First World War brought a new stability to church-state relations. The Council of State sustained rulings that churches could only be used for religious purposes. Some funds were also made available for church organizations. Other churches were able to operate in France but the levels of support available to the Catholic Church even after the separation were much greater than those available to non-Catholic churches.

In the aftermath of the 1905 separation, the Catholic Church itself began to create missions in parts of France.[11] Efforts were made in the 1920s and onwards to establish a renewed Catholic intellectual presence in France. Ultimately, with the coming of the Fifth Republic the Church was much harder to characterize ideologically . Experiments with worker-priest movements in the 1940s, participation in center parties, and the record of many Catholics in the Resistance, eroded the distrust that had long characterized the attitude of the parties of the Left toward the Catholic Church.[12] The Church's efforts in private education during the 1950s were encouraged by many Catholic families but criticized by advocates of a uniform national educational system. The creation of the Fifth Republic in 1958, with the devoutly-Catholic Charles De Gaulle as president, resulted in

11. John McManners, *Church and State in France, 1870-1914* (New York: Harper Torchbooks, 1972).
12. William Bosworth, *Catholicism and Crisis in Modern France: French Catholic Groups on the Threshold of the Fifth Republic* (Princeton, N.J.: Princeton University Press, 1962).

the state's assuming the cost of instruction in Catholic schools. In the decades that followed, Catholic schools became important to many not as institutions of religion but as providers of traditional education in an age of widening controversy over the direction of the state school sector.[13]

In 1981, the Socialists came to power for the first time in the history of the Fifth Republic. Their secular tradition brought about the introduction of a bill that apparently would have brought church schools much more under state control. Reaction was swift and massive. In perhaps the largest demonstrations in the history of France, approximately 2 million people took to the streets in Paris in favor of autonomous church-run schools with state support. A pro-government counter demonstration drew only seventy-five thousand people. The government was forced to abandon its relatively mild bill. Education has clearly been the success story of the Catholic Church in France.[14]

The emerging issue on the agenda of French church-state relations will be the Moslem community, which is the largest in Western Europe. Controversies over dress codes and religious instruction steadily grow.[15] The levels of support available to Roman Catholics simply are not available to Moslems in the state that declares support for the separation of church and state.

Germany. Germany, more so than any other other country in Western Europe, contains within its frequently changing boundaries all of the major issue found in church-state relations throughout Europe — in addition to the historic conflicts between Protestants and Catholics; between Protestant Empire and Catholic hierarchy, and between the Third Reich and churches.

The new challenge for Germany is the integration of the former East Germany which for the most part possess an anti-church model. Present-day major German Churches in large measure, as a result of state support, are among the wealthiest churches in Europe. The discussion of church-state relations that follows embraces all of the four hypotheses. The East Ger-

13. J.E. Flower, "The Church," in *France Today: Introductory Studies*, 6th ed., ed. J.E. Flower (London: Methuen, 1987), 172-95.
14. Julius W. Friend, *Seven Years in France: Francois Mitterand and the Unintended Revolution* (Boulder, Colo.: Westview Press, 1989).
15. AU Bulletin, "France Approves Religious Garb for Islamic Students," *Church and State* 43 (January 1990): 22.

man experience allows for the an examination of a church as focal point for opposition of experience. The German churches are deeply involved in both charitable works and social issues and yet church attendance is not impressive. German state involvement in matters of doctrine and church administration has steadily diminished in the postwar years.

Both Italy and France are countries in which the terms of the church-state debate have been the conflict between Catholic and secular forces over what should be the role of the state (if any) in supporting the institutions of the Church. In Germany, a nation unified at the same time as Italy in the 1860s, two contending religious traditions had coexisted since the Reformation. In the Empire created by Prince Otto Von Bismarck, about two-thirds of the population was Protestant and one-third Roman Catholic.

The church-state tradition in the German states, particularly the Protestant tradition, placed responsibility for the church in the hands of the prince. Prussian monarches assumed leading roles in combining different confessions, notably Lutheran and Calvinist, into one church. The conflicts of the Reformation had established the role of the German princes in determining church membership and church structure within their respective states. The practice in both Catholic and Protestant states was quite similar in assigning a pivotal role to the ruling prince. The fundamental difference between Catholic and Protestant states was the role of the Vatican as a supranational church body.

In the enlarging lands of the Prussian state, the King — who would later be given the title of Emperor of Germany — became the head of the Evangelical Church in 1871. The state assumed responsibility for the material and doctrinal condition of the church within its lands. The challenge of German unification was the challenge for the Protestant king/emperor to respond to his Catholic subjects who were not members of the church he headed. Indeed, the course of public policy decisions throughout the relatively short history of the Second Empire often produced considerable concern among Catholics that they were second-class citizens.

The so-called cultural conflict between Chancellor Bismarck's government and the Roman Catholic Church over educational policy after the formation of the Empire in 1871 revealed a sharp clash between the Erastic model and the spheres model — that is, between state control of church activi-

ties and separate arenas of respective church and state autonomy. Bismarck ultimately gave way. The Catholic hierarchy participated in electoral politics by helping to establish the Center party. The collapse of the Empire in 1918 left the Protestant Church without the king/emperor as its organizational head, ending an arrangement that had lasted for four hundred years. The Protestant Church was rebuilt after 1918 but was clearly a troubled organization that was seriously challenged by the coming of the Nazi period. The Nazis sought to create their own version of the Protestant German church, which divided even further a church still dealing with the consequences of the Empire's collapse in 1918.[16]

The end of the Second World War left a German Protestant church led by people committed to making a break with the past. Initially, Protestant church leaders sought to maintain the unity of the church in a Germany divided into zones by the Allies. Ultimately, the Protestant leadership in the West had to accept that the organizational division of their church would conform to the new boundaries of West and East Germanies.

In contrast to the Protestant experience, the Roman Catholic Church gained a reputation of organizational strength during both the Weimar Republic and the Third Reich. The Roman Catholic hierarchy seemed to be confident in dealing with the Nazis. The Vatican negotiated a concordat with the Nazi regime that caused criticism that the Church was legitimizing the Nazi state. The concordat was defended as providing protection to Catholics during the Nazi period.

In postwar West Germany, the Catholics emerged with a better reputation and a stronger church. The newly-created West Germany was about equally divided between Catholics and Protestants and there was considerable sympathy for strengthening the role of religion in the new German state. The Roman Catholic hierarchy received support for a number of its concerns from American occupational authorities. Both the Catholic and the Protestant Churches sought to establish strong relationships with the new state. The drafters of the post-Second World War West German constitution adopted the financial arrangements that had been established in the Weimar constitution. The state was authorized to collect tithes from baptized

16. Gordon Craig, *Germany: 1866-1945* (New York: Oxford University Press, 1978).

Christians.[17]

Both the Protestant and the Catholic Church received fairly generous terms of support and recognition from the newly-formed West German state. Church-run hospitals and other charities were supported by government funding. The Vatican was able to retain concordats signed both at the land level (the German states) and to retain the accord signed between the Third Reich and the Vatican. Thus state-church regulation now can occur at both the state and the federal levels of German government. Funds were also made available for the maintenance of church buildings and salaries for bishops of both churches as well as for the maintenance of episcopal residences. There is little doubt today that West German churches are among the wealthiest in Europe.

During the 1960s, debate developed over the role of state support for confessional schools. Much attention was paid to what was said to be lower levels of academic success of German Catholics in comparison to German Protestants. Some Catholics argued that this disparity in academic performance was attributable to the inferior quality of Catholic confessional schools. This critique occurred at a time when the Social Democratic party was itself concerned over the maintenance of confessional schools. In the course of the debate, it became increasingly evident that the only group in strong support of maintaining the confessional schools was the Roman Catholic hierarchy. Catholic laity and Protestants both favored the abolition of confessional schools and the substitution of religious instruction in state schools. The debate did result in the phasing out of confessional schools in state after state in the Federal Republic. This result demonstrated the decline of the state as a negative external unifier in sustaining the power of the hierarchy in speaking for German Catholics. The new sympathetic regulatory environment of post-War Germany had gone a long way toward reducing the perception of Catholics that they were second class citizens. A new common identity for both Catholics and Protestants emerged: citizens of a new Germany. One consequence of this new common identity was a decline in the capacity of Roman Catholic bishops to speak politically for their communicants, as Catholic Germans saw that they had other effective

17. Frederick Spotts, *The Churches and Politics in Germany* (Middletown, Conn.: Wesleyan University Press, 1973).

identities in the West German state.[18]

Few Catholics lived in East Germany and the separated Protestant churches did not suffer the regulatory severity imposed on churches in some other Eastern European countries. Nonetheless, the East German state did not support the churches financially and they came to be known as voluntary churches. The normalization of relations between the Germanys in the early 1970s was helpful to the East German churches as funds flowed east from the wealthy West German Protestant churches to their much poorer brethren in the East.[19] The East German Protestant churches became a focal point in the peace movement in the early 1980s and many of their leaders played an important role in the transition to democracy in 1989.

But the voluntary East German Protestant churches seemed unable to survive the unification of the two Germanys. Funds were no longer transferred East and the extension of tithe collection through taxation resulted in an estimated 5 million people leaving the former East German churches. There is confusion as to why East Germans left their Protestant churches. Some argue it was because the East Germans understood that the church tax would give 9 percent of their individual income to the state rather than 9 percent of what they pay in taxes.[20] Public opinion surveys suggest that very few German young people see much value in any sort of religious commitment.[21] Compounding the challenges facing the East German Protestant churches is the influx of many mission churches from the West who see in this former communist land the prospects of conversion of eastern Germans to their respective faiths. Estimates put the number of churches now active in the East at 250 to 350.[22]

But the generous material recognition of the two main churches, Protestant and Catholic, is a larger question for all of Germany. This state support has strengthened the churches as institutions. Both main churches are deeply committed to a vast

18. Ibid.
19. A.G. Roeber, "Churches in the New Germany," *The Christian Century* 107 (July-August 1990): 692-93.
20. Rosalie Beck and David Hendon, "Notes on Church-State Affairs," *Journal of Church and State* 33 (Winter 1991): 183-91.
21. Maria Frise, "Growing Up Without God in a Post-Marx Society," *The German Tribune*, 4 November 1990, 14-15.
22. Nora Miethka, "The Sects Step in to Exploit the Social Uncertainties in the Eastern Laender,"*The German Tribune*, 2 June 1991, 15.

number of social and health care organizations. These church-sponsored organizations are funded by federal and state funds but are run by the two churches that are both closely identified with social welfare policy issues. But what of other churches which simply lack the scale and range of state support?

A case in point is the growing Islamic community. It is estimated that close to 1.5 million Moslems are in Germany, with close to fifteen hundred mosques. Many of the mosques appear to be run by Islamic Fundamentalists.

Petitions are being circulated in Germany to have Islam recognized as a religion, which would entitle mosque authorities to receive the church tax. The challenge for German authorities is that they would be collecting revenues from a religious organization that is committed to enlarging the size of its community.[23] The two old established churches appear to have lost interest in conversion and increasingly put their efforts into social welfare, environmental, and other public policy issues in a state that has established a regulatory framework that is clearly favorable to the two main churches but not to all churches.

Britain. Britain has a heritage of inter- and intra-faith conflicts that rivals that of Germany. In the course of the last century, Britain has seen a decline in inter-church conflict consonant with the growth of state toleration of other churches. The legacy of earlier intolerance is, of course, Northern Ireland. Among the four main countries examined, Britain is the only one that possesses established churches, and then they are only in two of the lands that compose the United Kingdom, England, and Scotland. Scotland recognizes the Presbyterian Church. The Church of England's role is unique, for not only is it the state Church of England but it is formally a part of the United Kingdom's political institutions through episcopal representation in Parliament and regular involvement in the political rituals of the nation.

The Church of England, although it is the state church, has nonetheless witnessed steadily diminishing involvement on the part of the British state in regulating doctrine and administrative appointments. Nonetheless, there has not been any correlative reduction in tangible resources provided by the state to the church. The Anglican church is very much at the center of major public policy debates in the nation, but it is not a church that

23. Baha Gungor, "Islamic Fundamentalism Flexes Its Muscles Among Turks in Germany," *The German Tribune*, 9 December 1990, 14.

provides significant social, health-related, or educational services. As predicted in hypotheses C and D, the Church of England receives a considerable portion of income from state-managed funds and enjoys a good deal of autonomy from state intervention.

Nonetheless, the British controversies were different from controversies in the other countries of this study in that the Anglican Church was often challenged in some policy areas such as education by two other groups, the Roman Catholic minority and the nonconformists (that is, the other major Protestant denominations). A good deal of nineteenth century church regulation consisted of opening up political participation and appointments to non-Anglicans. Debates within the Anglican Church over liturgy and theological interpretation were also heated. Such debates could and did have consequences for prime ministers who then as now have the power of appointment of bishops.

In contemporary England, the Anglican Church is formally headed by the monarch. As is the case in so many other areas, formal attribution of power to the monarch really means attribution of power to Parliament. The power of episcopal appointment has been weakened by requiring widespread consultation and the development of a short list of candidates for an episcopal vacancy prepared by a list of senior churchmen. Strongly supported candidates would present a difficult challenge for a prime minister to reject. Funding for the Anglican Church comes in part from revenues earned from church lands and other investments. It is estimated that the annual income pays for approximately one-half the salaries of the clergy.[24] The House of Lords contains twenty-six Anglican bishops who are the lords spiritual, while the life, hereditary, and law peers are the lords temporal. The synod of the Anglican Church has responsibility for doctrinal and liturgical matters but ultimately Parliament disposes. A major issue for the synod in 1992 is the ordination of women. If the synod were to approve the ordination of women — which is unlikely — the change would then likely require Parliamentary approval. It is unlikely that a modern-day Parliament would overturn the judgment reached by the synod on this or other controversial issues.

The Anglican Church plays a relatively modest role in British

24. Rupert E. Davies, *The Church of England Observed* (London: SCM Press, 1984).

education at this stage. Religious instruction, though a component of the state school system, is quite broadly conceived and efforts in the recent educational reform to bill to tighten religious instruction failed. The one region of Britain where negative reaction resulted in the filing of a law suit against the Education Reform Act of the late 1980s was Northern Ireland, where Catholic bishops objected to the provision of the Act that if a confessional school parent association opted to have its school join the state system, the state would assume the costs of running the school. The Anglican Church leadership has escaped from having its ranks filled with government patronage appointments and from recruiting only from the upper reaches of English society. Since the 1940s, the church has also taken an increasing critical and independent role as a critic of public policy while retaining its role in the political institutional life of the nation.[25] In 1990, the Anglican Church published the latest in a series of reports on issues of major public policy concern. The report, entitled "Living Faith in the City," is a critical assessment of the conservative government's urban policy.[26] It is clearly critical of the Conservative government. Supporters of the government pointed out that a church in which no more more than 1.5 million of its members regularly attend services would gain little attention for issuing such a report unless it was the established church.[27]

In short, the Anglican Church that separated from the Roman Catholic Church in the sixteenth century has achieved a good deal of autonomy in the power of appointment and in managing its own funds. There is apparently little interest among its leadership in disestablishing the church with the likely consequence of being reduced to the sectarian role of a minor church. Its critics nevertheless argue that if the Church is to regain any sort of religious momentum it needs to be disestablished.[28]

25. Kenneth Medhurst and George Moyser, *Church and Politics in a Secular Age* (Oxford: Clarendon Press, 1988).
26. Archbishop of Canterbury's Advisory Group on Urban Priority Areas, "Living Faith in the City," (London: General Synod of the Church of England, 1990).
27. David J. Smith, "Faith in the City and Mrs. Thatcher," *Policy Studies* 11 (Summer 1990): 18-23.
28. Clifford Longley, "Manacled to a Spiritual Corpse: Why the Church of England's Decline Is so Clearly Established," *Church and State* 43 (March 1990): 19-20.

A Comparative Exploration of the Hypotheses

Students of European church-state relations would be hard pressed not to conclude that the regulatory climate in contemporary Europe is unfavorable to the mainline churches. Silvio Ferrari points out that state budgets provide for some religious denominations in Spain, Italy (the religious tax is to come into effect later), Greece, Belgium, and Luxembourg. A religious tax provides income, as has been noted, in Germany; and also in Austria, Switzerland, Denmark, Norway, and Finland. Indirect support is provided in France, Great Britain, the Netherlands, and Sweden. Church access to television and radio is available without charge in much of Europe.[29] For the most part, the principal churches of Europe have secured considerable autonomy and regulatory terms that grant them considerable resources. It is true in the case of Sweden that the courts ruled that the Lutheran Church could not refuse to re-admit a self-proclaimed atheist.[30] Yet, while the principal churches may, as institutions, have achieved reasonable economic security, they have not thrived as focal points for their respective national populations.

As discussed earlier, the United States remains a remarkably singular nation in church attendance. Although weekly church attendance has fallen in the United States in the past thirty years, nonetheless, American church attendance remains higher at 43 percent in 1986 than attendance in most Western European nations. In the four countries of this study, weekly church attendance in 1986 was, respectively, Italy 36 percent, France 12 percent, (West) Germany 21 percent, and England 14 percent.[31] When young people (defined as late teens and early twenties) were asked in the late 1980s how important religion should be in life, 9 percent in West Germany said very important while in France and in Britain it was only 8 percent respectively. In sharp contrast, 47 percent of young people in the United States claimed religion should be very important.[32]

A common pattern in all four states is the attenuation of the

29. Silvio Ferrari, "Separation of Church and State in Contemporary European Society," *Journal of Church and State* 30 (Autumn 1988): 533-48.
30. Rosalie Beck and David Hendon, "Notes on Church and State Affairs," *Journal of Church and State* 31 (Autumn 1989): 581-23.
31. Princeton Religion Research Center, *Emerging Trends* (Princeton, N.J.: Princeton Religion Research Center, 1988).
32. Princeton Religion Research Center, *Emerging Trends* (Princeton, N.J.: Princeton Religion Research Center, 1989).

state role in selection of church hierarchies as well as in doctrinal and policy concerns of the church. Churches in Europe enjoy organizational autonomy that is remarkable given the past.

Moreover, it is apparent that churches in three of the states — Germany, France, and England — are now identified with quite different activities respectively. These activities, this essay argues, need to be explained in reference to church interests and the pattern of regulatory relationships that has evolved in the postwar period. In France, where the separation of church and state has existed for most of this century, the Catholic Church by the most recent decade has been able to define itself in part as a producer of quality education rather than as principally a political advocate of a former regime. The public appears to accept the judgment that church schools produce a level of education that may be superior to that found in the troubled state system. This support for church-run schools does not result from their being viewed as bastions of faith and morals, but from the quality of the secular education offered in these schools. The French Church receives financial support from the state in running the Church school system. It is in the area of education that the French Catholic Church has been most successful in securing its position in what it took to be a challenge from the French government in the early 1980s.

The German churches also no longer define themselves in support or in opposition in a particular regime. Instead, churches in Germany emphasize issues in which they have a substantive incentive, especially social welfare policy. Their arena is not education but health care and social need. These are areas in which both major churches have assumed a public policy role and in which they receive state funding. The dramatic change in the fortunes of the East German Protestant churches may reflect the experience of other Eastern European churches where the churches assumed a political role in society in part because of the absence of alternatives. The East German churches were partially subsidized by the West German churches, which strengthened their position in a society short on resources. The unification of the two nations left the church abandoned by its membership and overtaken by secular organizations who have assumed much of its political role. But over time it may be observed that the Protestant churches in East Germany will begin to carve a role in social welfare concerns as it stabilizes support from both the state and the local population.

This avenue will not be easy to follow for the competing sects that have entered the old East Germany in last few years.

In England, the Anglican Church has little incentive to be actively engaged in education without antagonizing other confessions. The state has a preemptive role in health care, and private charities or the state assume significant roles in social welfare. The Anglican Church's principal arena that sets it apart from other churches, indeed from the churches in the other states discussed herein, is its established role in the nation's governing institutions and ceremonials. The Anglican Church has enjoyed, as has been noted, increasing insulation in being used by the state as a source of patronage. The Anglican Church is thus allowed to increasingly define its role as a sort of official clerical opposition or assessor of social conditions and public policies.

In Italy, the Vatican would appear to have concluded that the earlier concordat had resulted in too close an identification with the fortunes of the perpetually-in-office Christian Democrats. The interest of the Vatican in supranational concerns may have promoted distancing of the Italian Catholic Church from the party structure it had helped to create after the Second World War. This venture in partial deregulation has seen the Italian Catholic Church move to act a good deal more like its counterparts in other European countries — de-emphasizing the partisan role for the role of a quasi-interest group seeking resources from the state. Similarly, the Spanish Catholic Church receives substantial economic support from a Socialist government that two generations ago sought to disestablish the Catholic Church there.[33] If these brief accounts reflect the condition of the principal churches in these nations, then a reasonable inference is that over time the state has receded in regulation of churches partly as a result of increasing secularization, and partly because of the complexity of the state's becoming immersed in questions of doctrine and personal selection. This is the risk of over-regulation leading to less regulation. Finally, in part because of the challenge of regulating a church when the state lacks information and resources to sustain regulatory rigor, the church is enabled to begin to reinterpret regulations on favorable grounds. Even in France, where separation has existed since 1905, the state has been facilitative of the

33. Robert Graham, *Spain: A Nation Comes of Age* (New York: St. Martin's Press, 1984), 220-21.

Catholic Church through its maintenance of church buildings and support of church-run schools.

In reviewing the four hypotheses outlined earlier, some very tentative assessments can be made. There is some support for the first hypotheses that where a church is sternly regulated but secular organizations proscribed, the church will play a broader political role. That would appear to have been the case in East Germany where the Protestant churches were a voluntary institution capable of a range of social and political expressions. There is evidence in support of the second hypothesis that regulatory windows of opportunity become attractive for churches as institutions. In Germany, France, and Britain, churches have assumed new roles in moving away from partisan politics to the provision of services or specific areas of public policy competence. It would appear that the Italian Catholic Church may be moving in the same direction by reducing its partisan role and assuming other responsibilities such as education. It is a process of regulatory adaptation that has enabled churches as institutions to realize opportunities found in the regulatory environment that has emerged in the decades after the Second World War.

The third hypothesis, that church hierarchy is more likely to be independent when it receives state support, may be true. Certainly the Anglican Church's income for those in official positions may afford the church leadership a freedom from raising funds from church members that churches without state support lack. Both German and English church leaders are significant commentators on social and political issues. But for this third hypothesis to be sustained, there is need to consider the final hypothesis — the decline in state intervention in matters of doctrine and personal. The record seems quite clear in state after European state governments have surrendered their role for in the determination of church leaderships, church administrative boundaries, the number of clergy, and many other clerical activities. Even in Britain the state has greatly greatly reduced its role in episcopal selection. In the wealthy and influential diocess of Cologne, Germany, there were serious objections among Roman Catholic leaders to the Vatican's appointment of a particular Roman Catholic Bishop. However, the protest was to no avail. One can easily imagine a time when the state leadership could intervene to block the appointment. Indeed, it seems that the fourth hypothesis is the most persuasively supported, for the evidence seems solid that the principal churches

have achieved autonomy at the expense of state control without losing financial support and often privileged positions in their respective nations.

Future prospects for discontent in these countries lie in the increasingly active role of smaller churches and other religions in European societies. The European tradition has never really adopted the liberal principle of neutrality towards churches. Relations between the state and churches vary greatly from one church to another. Non-Catholic churches in Italy have pressed for greater separation between the state and the Roman Catholic Church. This position has been echoed in Spain and in Britain.[34] The Swedes have sought to deal with the issue of their state church and other religions by offering cash subventions to other churches that demonstrate that their respective memberships are over three thousand.[35] But the Swedish solution may not always be well received with the structure of concordats and patterns of support that exist in other nations now confronted with increasing members of Christian churches that are non-European in origin or with the return of Islam to Europe.[36] The issue in the future will be the return to the debate over neutrality as a stance for the state.

An unintended consequence of the anti-church model as found in some of the former Communist regimes of Eastern Europe is that the church may gain from the severe regulatory climate if, even though it is seriously and heavily regulated, it nonetheless can function to an extent not possible for other secular organizations. Under such conditions, the church may have the advantage of becoming an institutional magnet for those critical of the state. Paradoxically, therefore, the state may strengthen the church as a force in opposition to the state. But this advantage may only emerge when the church has an antecedent identification as a communal force as opposed to, say, a center of individuals seeking retreat from the world.[37] If the church were associated with a prior distrusted regime, its

34. AU Bulletin, "British Parliament Rejects Parochiaid Expansion," *Church and State* 44 (July-August 1991): 165; AU Bulletin, "Spanish Protestants, Jews Refuse Tax Aid," *Church and State* 43 (April 1990): 93.

35. Swedish Institute, "Religion in Sweden," *Fact Sheets on Sweden* (Stockholm: Swedish Institute, 1991).

36. Kevin Piecuch, "Islam Finds a New Home in Western Europe," *Christianity Today* 34 (March 1990): 40-41.

37. Pedro Ramet, *Cross and Commissar: The Politics of Religion in Eastern Europe and the U.S.S.R.* (Champaign-Urbana, Il.: University of Illinois Press, 1987).

credibility may be severely reduced in becoming a focal point for a broad coalition of opposition forces.

Both the Irish and the Polish Catholic Churches enjoy considerable support in their respective nations. The position of these two churches surely has been strengthened over time by their identification with the national aspirations of their respective populations. Both Ireland and Poland have histories of occupation by foreign powers. Thus the severity of regulation would confront a church firmly rooted in the population and would blunt the effectiveness of the state's regulatory strategy. In other nations, where the church's support in the population was marginal prior to the rise of an anti-church regime, the severity of regulation may actually weaken an already fragile church. This may be the case, for example, in Cuba.

In Eastern Europe today, the discussion has returned to what it was in Western Europe two generations ago, where churches that were tolerated and severely regulated now see the opportunity to negotiate newly favorable terms of regulation between church and state. There are divisions as is already seen in the objections of smaller Protestant churches to ties between between the Roman Catholic Church and the Polish, Czech, and Slovak states respectively. But the larger issue is the extent to which, in the case of Poland, the state will undertake to realize Catholic values in public policy areas such as education, marriage, or abortion.[38] The test will be the capacity of the Catholic Church that played such a critical role in sustaining opposition to the Communist state to retain its power in an environment where secular organizations now have the opportunity to rebuild civil society.

CONCLUSION

Today there is remarkable convergence in the regulatory practices of a number of European states in the West. The model is likely to be adopted by some states in the post-communist East. In the nineteenth century, churches were often the organizational expressions of religious movements that in some cases defended the state as a protector of a religious society or condemned the existing state as threatening the religious foundations of society. Today few western European politicians are likely to see *churches* as representing such inclusive ideological movements. Rather, they are more likely to see them as inter-

38. Waldemar Chrostowski, "The Desert and After," *Voice*, 9 July 1991, 10.

est groups who also possess moral issue agendas but also who compete for resources and regulatory sympathy. This is not to say that religious leaders fail to speak out on the issues of the day. If anything, religious leaders probably believe that they have greater freedom to speak out today than their predecessors had in the past. But such leaders speak from insulated positions as moral authorities rather than as heads of broad-based movements challenging or sustaining the very core assumptions of the state. States possessing the institutional responsibility to govern the internal affairs of churches either by concordat or by the terms of establishment of the national church have uniformly beat a sharp regulatory retreat, seeing greater costs than benefits in the regulatory enterprise. Thus, churches possess a good deal of internal autonomy and have been able to retain, and in some cases increase their claims on their respective states for material resources and regulatory preferment. It is this author's judgment that the postwar regulatory regime in Europe has had the consequence of many of the old European churches undergoing a period of adjustment and emerging, in part, as successfully incorporated interest groups in their respective societies.