Introduction

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The globalisation of society produces paradoxical effects. Despite structurally favouring the privatization of religion and secularization at the micro, meso, and macro societal levels, it also contributes to its deprivatization and a re-updated influence (Beyer, 1990; Casanova, 2009; Berger, 2014) in the public space. In a very particular way, this paradox has been central to Grace Davie's theoretical and empirical reflection in recent decades (Davie, 2022), given that Western societies have become arguably more secularized, but also progressively more culturally, religiously and ethnically diverse.

In the current context of pluralism and societies governed by democratic principles, the problem of religious regulation has been addressed particularly from the point of view of the competencies of the central State, distributed by different agents and institutions. According to varying strategies, States thus regulate both historical majority religion and religious minorities in the public space (Sandal & Fox, 2013; Fox, 2019; Turner, 2013; Pollack *et al.*, 2012). This regulation is carried out through forms of support, restriction, and control, regardless of the type of government and the dominant religion (Fox, 2019).

This volume seeks to give visibility to elements that make it possible to delineate the configuration of the contemporary religious field, avoiding its reduction to models centred on the majority/minority dichotomy, which starts from the unverified assumption that this border explains the diversity of processes. Problems must be interpreted through the dynamism of their multiple records, whether memories, historical, material or symbolic. Only through this path will it be possible to apprehend new facets of the contours of pluralism and the direction of trends within the western religious landscape.

If we take in account Michel de Certeau's concepts of 'the practice of everyday life' and 'discourse' (de Certeau, 1984), an individual's everyday life is lived within social institutions. However, individuals are not passive recipients but creative users of institutional discourses, through which they express and

realise their own subjective interests. According to de Certeau (1988), 'subject' is the medium through which individuals simultaneously internalise and express institutional knowledge and practices. In other words, an individual's knowledge and practices are simultaneously institutional and subjective while institutions thus set the conditions for individuals' everyday life, an individual's subjective expressions of institutional knowledge and practices represent slight but identifiable deflections from the main road of institutional discourse. Members of religious groups thus express the discourses of public institutions through subjects that are simultaneously identified with other institutions, *e.g.*, family and cultural or religious organisations. The policy-concept 'cultural democracy' must be rather understood in the sense that all cultural groups must have equal opportunities to represent and negotiate their interests and needs in relation to public institutions.

The forms of conflict, negotiation, and cooperation that characterize the current remodelling of the social space, in the national, regional, and local dimensions, are not immune to changes in the structures of plausibility, thus provoking transformations in the universe of religious beliefs and practices (Berger, 2014; Repstad, 2019), due to the interactions to different people.

In the case of conflict, as supports Lamine (2013), is also a context of knowledge and recognition, promoting redesigning in the domain of transactions between the political and the religious. However, to a large extent, the problems inherent to religious experience, in its sociability, or even as an exercise of individual freedom, have a strong impact on the level of local and regional policies, insofar as they are the ones that organize the State in its dimension of "proximity", as stated by Teixeira (2020), quoting Frégosi and Willaime (2001).

In this sense, it is overriding to analyse how political and legal institutions work in building the memory of territories (Davie, 2015) both in terms of conflict resolution and the promotion of cohesion and development policies.

The recomposition of religious identities in a context of pluralism, which accompanies the processes of political democratization, does not happen in a single sense, nor in a deterministic way. This environment can be favourable both to the politicization of religious issues and to the religious translation of political problems. Conflict as a social dynamic, within the framework of recognition strategies (Teixeira, 2020, p. 2), becomes a place of fundamental observation, demanding new models of understanding.

Following once again Teixeira (2020, p. 3), this is the domain in which it may be important to test the notion of indivisible social conflicts, proposed by Hirschman (1994): "indivisible social conflicts" – of a religious, ethnic, linguistic, or moral nature – have a more pronounced non-negotiable character, since they concern "non-divisible" objects and, therefore, reduce the possibility of compromise. There are many situations in which individuals, sharing the same vision of the world, make

contrasting decisions, and act in markedly different ways (Lamine, 2013). On the other hand, sometimes, a particular statement of interest is taken as referring to a community of religious affiliation, when, in fact, it concerns a set of actors within that group. The analysis of these conflict situations, rooted in religious identities and contexts of democratic regulation of the public scene, requires knowledge of internal pluralism (Teixeira, Villas Boas, & Zeferino, 2022).

Conflicts can be analysed also from the observation of the boundaries between groups of religious identification (Zwilling, 2015). There are social borders that are objectified in the unequal forms of access to different goods, material and immaterial. But there are also symbolic boundaries, constituted from the representations used to qualify and differentiate objects, people, times, and spaces (Vilaça & Oliveira, 2019). The use of religious memory to construct national boundaries varies widely (Lamine, 2013). For example, studies carried out in the 1990s, in Europe, on immigrant communities coming from Islamized spaces, showed that several Christian Churches played an important role in the integration of these populations (Teixeira, 2020, p. 4). Muslim immigrants were often integrated into social care networks, where Christian Churches have a particular presence – especially in situations where it was not yet possible to reconstitute Islamic civilities and solidarities (Galembert, 2003). In another context, when in a popular initiative vote, held in 2009, the Swiss population was consulted about the construction of new minarets, the scenarios presented new contours (Fath, 2013; Teixeira, 2020) as voters belonging to Protestant Churches expressed positions that did not follow this trend.

For all these matters, the way political and legal institutions govern the contemporary religious field show multiple dynamics at play. Trying to reveal and analyse these dynamics has been the aim of the conference *Regulating religions? Legal and social status in contemporary Europe*[1]. Based on a multi-faceted approach, the debate on State-religions relationship in late modern societies was under question by a group of specialists of religion of different disciplines (sociology, political sciences, law, History, civilisation…) during the conference. It focused on the issue of regulating conventional religious groups from multiple perspectives, considering the formal as well as informal aspects of this regulation. The conference was promoted by the EUREL project *Sociological and legal data on religions in Europe and beyond*[2]. The EUREL project relies on a

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[1] The conference took place at the University of Porto in September 2021 and was promoted by the EUREL network, which organizes every two-years an international conference. Previous conferences took place in Manchester (2012), Lublin (2014), Luxembourg (2016), and Oslo (2018). The 2020 edition in Porto was postponed to 2021 due to the Covid-19 pandemic restrictions.

[2] The EUREL project is available online (www.eurel.info) via a free access website intended for the international scientific community, public authorities, and political forces. It gathers comparative information concerning an enlarged Europe (EU member states, candidate countries, and other non-European countries) as well as Canada.

network of national correspondents (researchers and scholars in law and social sciences) who regularly provide and validate information based on scientific research on the social and legal status of religion in Europe (and beyond) from an interdisciplinary viewpoint. The network regularly supports and organises international conferences. In 2022, the EUREL conference was hosted by the Institute of Sociology of the University of Porto, the co-organizer of the conference. It gathered over 80 participants and 24 papers were presented, from 12 different countries.

This volume stems from the work presented at the conference. However, it goes far beyond a proceedings book. The aim was to develop a cohesive and high-quality volume on a topic of relevance in contemporary societies. As a result, this book brings together the contributions of national and international researchers' specialists in law, sociology, and other social sciences, who debate in a transversal way the State-religion relationship in late modern society, namely how religion is regulated, considering the formal and informal aspects of this regulation.

Before delving into the question, however, it was necessary to define the question and its terms; therefore, the book opens with these **Theoretical approaches**. Firstly, with a legal perspective, Jónatas E. M. Machado, in a chapter entitled *Regulation of religion in Europe: Theoretical perspective* tackles the theory of regulation, which is increasingly used in diverse legal disciplines. He uses the concepts of responsive regulation and smart regulation to describe some of the ways in which individual, collective, and institutional religious practices can be steered or influenced. This allows him to highlight and explain some aspects of the regulation of religion that an exclusively legal and normative perspective tends to disregard.

From a sociological perspective, in *Do we really need regulation of religion?*, Per Pettersson recalls firstly that it has always been difficult to define religion, but that this is even more difficult in an increasingly diverse Europe. Therefore, although regulation of religion is at work everywhere, he questions the necessity of such a regulation, especially in the light of the presence of people without religion or belief. He claims that all matters about religion should be dealt with by common regulations, since any other approach might lead to discrimination.

However, in the following chapter, *Religious accommodation in a post-secular Europe? Redefining the secular context,* Paula Arana Barbier and Ángela Suárez-Collado hold a different opinion. They affirm, on the contrary, the relevance of religious regulation in a post secular context in which diversity is society's foundation. They show how the notion of post secularism can contribute to the question of the relationship between states and religions. They also describe at length accommodation as a mode of regulation, one of the strategies available to deal with the increased contemporary religious plurality.

The second part of the book offers a **Practical approach** with several chapters on concrete cases that shed light on how the regulation of religions is played out.

Two chapters adopt a ***European legal perspective on governance of religion***. Firstly, Felipe Carvalho, Cintia Silvério Santos, and Lucas Vianna, in *Regulating religious proselytism: The views from Strasbourg and Luxembourg*, analyse how the European Court of Human Rights and the Court of Justice of the European Union have ruled on domestic laws and practices that prohibit or restrict religious proselytism, and the consequences of such decisions to religious minorities. The authors argue that both courts have too readily accepted state justifications for measures that impact negatively on the ability of religious minorities to share their beliefs. By using a case-by-case balancing approach, they have missed the chance to provide predictable principles about the extent to which restrictions on proselytism are in accordance with the international human rights regime.

Romain Mertens, in *Separate opinions at the European Court of Human Rights: Ideological divisions about the regulation of religion?*, also deals with the legal approach of the regulation of religion at the European level, with an interesting approach: that of the dissidents. His literary analysis of the separate opinions, especially dissenting ones, reveals that ideological standpoints exist on matters pertaining to the regulation of religion. It also allows concluding that religious cases will rarely lead to a straightforward solution.

A series of chapters then illustrate the different issues raised by the question of the regulation of religions, show the diversity of national situations, and examine the influence they can have on each other.

Several contributions explore ***the impact of the regulation of religion on religious groups*** by the state. The first example can be found in the chapter in which Kirstine Helboe Johansen, Elisabeth Tveito Johnsen, Lene Kuhle examine *Culturalized religion in Denmark: Legal and social regulation of Christmas in public schools*. Their analysis of the social and legal regulation of a religion widely turned into a culture, on the occasion of the Christmas celebrations, also illustrates the phenomena of resistance to regulation which can be an opportunity of empowerment for religion. In an ethnographic study entitled *Portuguese citizenship for descendants of Sephardic Jews: Ethnographic notes on the law and agents in Portugal*, Marina Pignatelli explores the consequences for the identity of those who used the 2015 amendment to Portugal's Law on Nationality which allowed descendants of Portuguese Sephardic Jews expelled during the Inquisition to become Portuguese citizens. Finally, in *The legal regulation of religious minorities in Italy*, Rossella Bottoni describes the complex legal system of recognition of religions by the State. Various statutes are available, and she displays the system of inequality that this has contributed to create.

But this impact goes both ways, as can be seen in the following chapter. Miroslav Tížik uses the interesting situation of the split of Czechoslovakia into the Czech Republic and Slovakia to exhibit **the reciprocal impact of regulation and religion**. He describes both the impact of the legal system of regulation of religion and the role played by religion in the emergence of a model of relation to the State in *Two ways of regulating religions: The case of Czechia and Slovakia after the division of the federative state in 1992*. Clara Saraiva (*Religious freedom, civic rights and magical heritage: the case of Sintra, Portugal*) also exhibits an interesting case of intertwined dynamics. She describes the progressive installation of a very diverse religiosity, leading to the current situation where Catholics and many new spiritual groups all claim heritage as the ground for their right to establish and maintain devotional activities in Sintra. The chapter analyses the influence of the regulation of religion by the state on the Sintra past and present situation.

The last chapters evoke even more clearly the reverse influence: **the impact of religious groups on the regulation of religion by the state**. In England, Muslims and Jews challenge the regulation of religions in a situation rendered even more acute by the refugee crisis, as it is shown by Ekaterina Braginskaia *in Muslim and Jewish responses to safeguarding refugees and asylum seekers in England before and during the Covid-19 pandemic*. Her sociological approach provides an insight into how religious minorities are involved in rule-making matters. It is obvious that the presence of religious minorities is an opportunity to question established situations. It is the case for Islam in Italy, as demonstrated by Francesco Alicino in *Dealing with neo religious pluralism: Regulating Islam in Italy*. He establishes that Islam receives a very different treatment from that of the other religious groups, thus challenging the current situation. The same inequality exists for Protestants in Turkey as shown by Nesrin Ünlü in *Regulating religion and the Protestants in Turkey*. She depicts the complex legal situation of this minority and the entanglement of legal and political issues. The inequality of treatment, nevertheless, is a ferment of future difficulties.

All these cases describe intertwined dynamics, and display a reciprocal influence. There is of course an impact ON religious groups OF the regulation of religion by the state. But there also is an impact OF religious groups ON the regulation of religion by the state. In our complex modern world, it is certainly interesting to reflex on these complex powers at play in society.

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