

Review VILAÇA, Helena, OLIVEIRA, Maria João and ZWILLING, Anne-Laure (coord.) (2023), *Contemporary challenges of the regulation of religions in Europe*. IS- Instituto de Sociologia U.Porto, U.Porto Press.

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*Contemporary challenges of the regulation of religions in Europe*<sup>1</sup>, published in 2023, covers a topic of great relevance in contemporary societies and in multicultural Europe, where religious diversity is one of the most visible dimensions of cultural diversity, stemming not only but also from migration. The book derives from a conference promoted by the EUREL network in Porto in 2021. The book presents a multidisciplinary approach to the regulation of religions, bringing together distinctive contributions from researchers in law, political science, sociology, anthropology, ethnography, and theology. The issues raised by regulation are illustrated by different experiences, in terms of religious groups, countries, historical contexts, and regulatory systems. This diversity makes reading more stimulating.

The contributions are organized into two separate parts, being preceded by a *Foreword*, by Grace Davie, and an *Introduction*, by the coordinators. Part I (*Theoretical approaches*), in three chapters, deals with theoretical perspectives on the regulation of religions and secularism, delving on the attitude of public powers towards the religious phenomenon, on the different forms and limits of regulation and on the demands of equality and non-discrimination principle (either between believers from different religious communities or between believers and non-believers). Part II, comprising ten chapters, takes a closer look at different national and international contexts, bringing in the contribution of the European Court of Human Rights (ECtHR) and of the European Court of Justice of the EU, as well as showing examples of the influence of the regulation of religion on religious groups, and vice-versa. The result is a well-balanced volume, with a clear common thread, which adopts a multidisciplinary perspective on the regulation of religion. Both formal and informal

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<sup>1</sup> Available in print and online at <https://ler.letras.up.pt/uploads/ficheiros/19768.pdf>

aspects of regulation are considered, as the coordinators emphasize in their Introduction (p. 24).

The context is clear: secularization alongside “re-updated presence” of religion in the public sphere (*Introduction*, p.21) and, as Grace Davie emphasizes, growing religious diversity (p.19). The theory of secularism’s weakening as an explanatory hypothesis is discussed by Barbier and Suarez-Collado (Chapter 3), considering the “return of the religious” and post-secularism as a new approach combining the secular and the sacred. In this context, the “culturalization of religion”, addressed by Johansen, Johnsen and Kuhle considering the case of Denmark (Chapter 6), gives religious traditions and symbols visibility in the secularized public space, but risks promoting the diminishment of religion (p. 147).

Religion is a difficult concept to define, and the category is even questioned by researchers, as Pettersson observes (p. 92). This seems more evident given the diversification of the religious field, particularly considering the new religious movements and spiritualities. Clara Saraiva's analysis of the case of the Portuguese village of Sintra is very instructive in this regard (Chapter 10).

The book looks at the public regulation of religion in the context of European States, which share respect for democracy, rule of law and fundamental rights as common values, but adopt different models of State-religion relation. Types of regulation are quite variable considering actors, mechanisms, and regulatory domains, as Machado thoroughly demonstrates in Chapter 1, applying regulation’s theory to the domain of relations between religious communities and the State (p. 81), additionally calling for a “responsive regulation” of religion.

The respect for religious freedom and protection against religious discrimination result from international human rights and constitutional standards and consubstantiate a minimum of regulation aimed at the protection of core dimensions of human dignity. Still, some aspects concerning the forms of protection and the demands of equality remain debated. Pettersson discusses the need for “special regulation of religion apart from the common law for all people regardless of religion” (p. 92), warning that a

special regulation of religion may lead to discrimination against persons whose religion is disfavored or don't identify themselves as religious (p. 94). For Barbier and Suarez-Collado the answer to a post-secular and religiously plural society is secular accommodation provided by public powers. The contributions by Bottoni and Alicino (Chapters 8 and 12), regarding the treatment of religious confessions in Italy, and by Ünlü, about Protestants in Turkey (Chapter 13), illustrate the risk that different legal regulations contribute to unequal treatment of religious groups and to privilege.

The complexity of the religious field and the multidimensionality of the religious experience (individual/collective, internal/external) are clear in the book. The field of religions is internally diverse (from institutionalized religions, new and old religious movements, to the majorities/minorities dichotomy) and the functions and roles performed by religious groups are varied, often including social functions of assistance, for example helping with the integration of migrants and refugees, as Braginskaia's analysis (Chapter 11) illustrates. Additionally, regulating religion reflects different historical contexts and sociological realities and dynamics, as the example of the different paths in regulating religion followed by Czechia and Slovakia provided by Tížik (Chapter 9) well illustrates.

The different Chapters furthermore show the diversity of fields and forms of regulation. Examples include the recognition of legal personality or special status to religious communities, the recognition of religious rules on personal status (e.g., marriage), tax benefits, religious education in schools, or special access to citizenship designed for compensating past religious discrimination (as discussed by Pignatelli in Chapter 7 considering the Portuguese nationality law and the specific possibility of naturalization for Sephardic Jews<sup>2</sup>). Regulation can be imposed unilaterally or negotiated with religious communities, developing participatory democracy. Finally, the regulation of religions is now multilevel (national, regional, universal), including supra-national institutions such as the Council of Europe or the EU. The visibility given to the caselaw of the ECtHR in several chapters is more than fair, given the influence it exerts on States. The ECtHR ensures the observance of the European Convention on Human

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<sup>2</sup> This possibility was introduced in 2015 in the Portuguese Nationality Law (Law nr. 37/81, of 03/10, with further amendments).

Rights<sup>3</sup>, which protects freedom of conscience, religion, and belief (article 9), and prohibits discrimination on grounds of religion or belief (article 14). The Court has decided several cases on religious freedom, from the wearing of religious clothing in public to proselytism, being the last specially addressed by Carvalho, Santos and Vianna in Chapter 4. Given the diversity of approaches and contexts in European states, the Court frequently recognizes them a margin of appreciation on religious issues. The analysis of separate opinions delivered by judges in cases concerning religion, provided by Mertens (Chapter 13), reveals also different ideological positions inside the Strasbourg Court.

Diversity, pluralism and respect for fundamental rights are essential for democracies. This book provides an important contribution for the ongoing debate on ways to build fairer and more inclusive societies.

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<sup>3</sup> Adopted by the Council of Europe in 1950.