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The Accommodation of Religious Diversity in Prisons and Hospitals in Spain

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Abstract

The religious sphere in Spain is changing substantially, becoming simultaneously more diverse and more secular. However, empirical research on the processes of adaptation and response of public institutions to the new religious environment is still very scarce. This paper analyses the ways in which public institutions respond to transformations in the religious sphere, and how the Catholic legacy is negotiated within such contexts. By combining a legal and policy perspective with an ethnographic approach to everyday practices within hospitals and prisons in two Spanish regions, we shed light on the institution-specific and the contextual factors that condition the de-confessionalization and the accommodation of religious diversity in Spanish institutions. The findings show some internal incoherence in the implementation of legal-political measures and in the attitude of the Catholic Church.

The religious landscape in Spain has changed significantly in recent years, and debates over the accommodation of religious and cultural diversity in public institutions have gained momentum in the public sphere in recent years. However, despite the widely acknowledged importance of these changes, empirical research on the processes of adaptation and the response of public institutions to the new religious environment is still very scarce. The aim of this paper is to address this gap by providing a general overview of the results of the research project *GEDIVER-IN. The Management of Religious Diversity in Hospitals and*

Prisons in Spain, which has been funded by the Spanish National Research Program (2010-14)¹.

The project researches the ways in which public institutions respond to transformations in the religious sphere. The main purpose is to examine the ways in which the Catholic past of Spain's public institutions is renegotiated in a context characterized by the simultaneous challenges of secularization and the growth of religious minorities. More specifically, the empirical focus of the research is on the processes of accommodation of religious diversity in public hospitals and prisons, combining a legal and policy perspective with an ethnographic approach to the everyday practices within these institutions. The research was conducted in two Spanish regions (Catalonia and Andalusia), which also allowed us to better capture the complexities and nuances involved in the institutions' modes of adaptation to the new religious environment. The conceptual background of the project draws on the observation that,

The pluralisation and increasing heterogeneity of the religious map lead to a growing number and intensity of conflicts at the intersection of politics and religion that challenge the functioning of democracy" (Minkenberg 2007: 900)

This new scenario pushes for a reconfiguration of the ways in which nation-states deal with religious diversity and impels us to rethink the role of religion in public institutions. Two additional statements complement Minkenberg's claim. First, it is important to realize that each nation-state is developing its own way of coping with the new challenges in this field. Each country's pattern is the result of the interplay between a particular constellation of social actors, the structural conditions (especially the church-state relations) and the cultural contexts (Koenig 2008). Therefore, it is necessary to focus the research on the legal and political contexts and on their evolution and internal dynamics. Secondly, our research considers that it is indispensable to transcend the mere description of the political-legal matrix in order to correctly account for the transformations in the patterns of governance of public institutions towards religious diversity. It is therefore necessary to move the analysis into concrete and precise settings and to meticulously explore the everyday processes of negotiation and contestation within such institutions. Prisons and hospitals are privileged scenarios for this research, as they are sites "on which all the political challenges, conflicts and negotiations of a multicultural society can be observed in miniature, as it were" (Beckford and Gilliat 1998: 11).

The main arguments of the paper can be summarized as follows: a) there has been a process of de-confessionalization of Spanish public institutions and an increasingly pluralistic approach towards minorities since the transition to democracy in the late 1970's; b) this process of de-confessionalization is evident when we examine the legal and political matrix, but it is less clear in the daily functioning of public institutions, where the remnants of the confessional legacy are still perceptible; c) due to their constitutive characteristics, prisons have made far more efforts to accommodate religious diversity than hospitals; d) there are geographic differences in the patterns of accommodation of religious diversity between Andalusia and Catalonia that can be explained by different political approaches to the issue.

The paper is organized in four parts. The first part provides a description of the research design (hypothesis, main concepts and methodology). Then, we examine the legal framework (and its changes) regarding the accommodation of religious diversity in hospitals and prisons in Spain. This is followed by an analysis at the level of politics and policies and, thereafter, by an inquiry on the micro dynamics and micro processes of

¹ This project is co-directed by Joan Estruch and Mar Griera. Julia Martínez-Ariño, Gloria García-Romeral and Anna Clot are members of the research team.

accommodation of religious diversity in concrete institutions. The article ends with some final reflections and a comparison of the institutional differences for the accommodation of religious diversity in hospitals and prisons, and of the regional divergences in managing this issue in Andalusia and Catalonia.

Outline of the research project

The starting point of the project is the observation that the Spanish religious sphere is changing substantially, becoming simultaneously more diverse and more secular. Spain has experienced a massive process of secularization during the last decades. Such transformation is visible not only in the decline in weekly church attendance, but also in the diminishing practice of Catholic rituals like marriage or baptism. The prominent role and the social legitimacy of the Catholic Church have been facing strong scrutiny (Díaz-Salazar 2008; Pérez-Agote 2012). On the other hand, there has been a substantial growth of religious minorities linked to the increase in international migration² (Estruch et al. 2004). Between 1998 and 2011 Spain's foreign-born population almost quintupled, rising from 2.95% to 14.15% of the population of the country (Instituto Nacional de Estadística, 2012). This increase has had significant consequences for the functioning of public institutions. For instance, the percentage of foreign inmates rose from 19.6% in 2000 to 33.4% in 2012 (Ministerio del Interior 2012) and has increased the religious diversity within such institutions.

Based on this scenario, the objectives of our research were formulated as follows: (a) to examine the challenges that the growth of religious diversity poses to public institutions; (b) to analyze the main strategies developed to accommodate religious minorities in public institutions; and (c) to adopt a comparative perspective between prisons and hospitals in two different Spanish regions.

Two hypotheses were proposed to guide the research. The first hypothesis concerns the changes in the model for managing religious diversity in Spain. The hypothesis is that the growth of religious diversity in the country has not resulted in greater secularization of public institutions, but in the gradual development of a pluralistic model based on cooperation between the state and the religious groups for the fulfillment of the right of religious freedom. The second hypothesis focuses on the role of the Catholic Church. It maintains that the Church is explicitly resisting the loss of its monopoly in public institutions. The Church is therefore not acting as a broker between the state and the religious minorities –as is the case in Britain, according to Beckford and Gilliat (1998)– but it is rather responding with distrust and resistance to having religious minorities recognized in public institutions.

After this research design, we focused our analysis on three different dimensions: a) the legal framework; b) the politics and policies of accommodation and; c) the concrete practices of negotiation and accommodation within the institutions. Likewise, to be able to critically examine the processes of recognition and accommodation of religious diversity, we distinguished three different analytical dimensions: 1) chaplaincy provision; 2) the management of chapels or prayer rooms and; 3) the accommodation of daily religious practices (e.g. food or dress requirements).

² However, religious diversity is not exclusively a consequence of the growth of immigration. Before these new arrivals, there was already a significant Protestant community in Spain, as well as Jewish, Muslim and Buddhists groups among others. Yet these groups were not visible in the public sphere and political authorities did not take them into consideration (Griera 2012).

As far as specific institutions are concerned, we focused on prisons and hospitals. The focus on prisons provided us with the opportunity to compare our research findings with the increasing sociological literature on the situation in England and Wales (Beckford and Gilliat 1998), Germany, Italy and Switzerland (Becci 2011), the Scandinavian countries (Furseth and Kühle 2011; Furseth 2003), and France (Sarg and Lamine 2011). On the other hand, taking the case of hospitals into account and adopting a comparative perspective has allowed us to explore the variations and similarities in the recognition and accommodation of religious diversity in two different institutional locations. The comparing of these two different settings can help to shed light on the reconfiguration of the modes of governing religion in public institutions in Western Europe and, simultaneously, to pinpointing the institution-specific factors which account for the differences. In this regard, comparing hospitals and prisons also permits us to explore the effects derived from accommodating religious diversity in what has been considered a ‘total institution’ (Goffman 1958), i.e. prisons.

The project was conducted in two different territories, one region in the North-East of Spain (Catalonia) and another one in the South (Andalusia). These two regions share common traits (population size, immigration rates, and religious diversity) but differ substantially in relevant aspects, like penitentiary and health care system, which make their comparison analytically relevant. Both regions have relatively high percentages of immigrant population – 15% in Catalonia and 8% in Andalusia in 2011) - and a substantial number of minority religious communities, as shown in the following table.

Table 1. Religious minority centers in Catalonia (2010) and Andalusia (2012)

Religious denomination	Catalonia (2010)	Andalusia (2012)
Evangelical Churches	600	504
Islam	195	180
Jehovah Witnesses	131	130
Buddhism	55	14
Hinduism	34	3
Orthodox Churches	30	16
Adventism	20	11
Mormonism	14	31
Bahá'í	11	1
Sikhism	9	(no data)
Taoism	6	(no data)
Judaism	4	4
Others	13	5
Total	1122	899

Source: *ISOR* for Catalonia and *Observatorio del Pluralismo Religioso* for Andalusia.

The most important difference between the two regions regarding the religious landscape is that Catalonia shows a stronger trend towards secularization. Around 80% of Andalusians identify themselves as Catholics, while in Catalonia this figure drops to 60 percent (Serrano, 2009). In addition, 89% of the primary school students receive Catholic education in public schools in Andalusia, but only 41% do so in Catalonia (Ministry of Education,

2010/11). Catalonia also enjoys a greater degree of political autonomy and self-government than Andalusia. There are historical, cultural and political reasons that explain Catalan claims for self-government and account for the specific regional approach to certain policy areas –e.g. immigration (Zapata-Barrero, 2007)– and the autonomous management of some of them, such as the health sector and the penitentiary and educational systems. In this sense, Catalonia enjoys greater autonomy to deal with religious diversity in prisons and hospitals.

The empirical study, conducted between September 2011 and September 2013, began with an analysis of the legal framework. Secondly, semi-structured interviews were conducted with political actors and officials, staff of the institutions and representatives of the religious communities. Altogether 91 interviews - lasting between 45 minutes and 2 hours - were conducted. Parallel to the interviews, guided observations were made at the institutions. These visits included the observation of religious rituals and the visit of different parts of the facilities (e.g. hospitals, help desks, sign posts and prayer rooms).

How do public institutions respond to religious diversity in Spain? Examining the legal framework

During the dictatorship of General Franco (1939-75) the Concordat between the state and the Holy See regulated the role of religion in public institutions and established a model of ‘organic integration’ (Martín Sánchez 2008: 80). This model conferred a hegemonic position to the Catholic Church within public institutions while considering the status of Catholic chaplains similar to that of civil servants. The transition to democracy marked a turning point in the regime of religious regulation. An examination of the legal framework reveals three phases in the construction of the new legal approach to religious minorities:

a) The Spanish Constitution (1978) and the Religious Freedom Act (1980) established the basic legal framework for the protection of individual and collective freedom in Spain. Likewise, the 1979 Concordat between the Spanish Government and the Holy See determined the role of the Church in the new democratic system. According to this agreement, “the state recognizes and guarantees the exercise of the right to religious assistance of citizens confined in prisons, hospitals, clinics, orphanages and similar institutions, both private and public” (Agreement 1, article VI). Further legal instruments developed the terms of the agreement by specifying items such as the government obligation to pay the salary of the chaplains or the number of chaplains per hospital beds, among other issues (Moreno Antón, 2006). Regarding other religious communities, the Religious Freedom Act (LOLR 7/1980) stated that “citizens have the right to receive religious assistance of their chosen faith” (Art. 2 1st) and the state has the obligation to ensure that every citizen enjoys this right (Moreno Antón 2006). In a certain way, the democratic transition can be considered a ‘critical juncture’ (Hall and Taylor 1996) in the approach to religious affairs in Spain.

b) The second phase was marked by the cooperation agreements between the Spanish government and Muslim, Jewish and Protestant communities in 1992. These agreements guarantee the rights of these three minorities to religious assistance in public institutions, among other specific rights. The signing of these agreements was mainly motivated by the commemoration of the fifth centenary of the expulsion of the Jews and the end of Islamic rule in the Iberian Peninsula, and by the desire to symbolically compensate these two communities (Rozenberg 1996). However, no specific protocols for their implementation were provided, nor was funding made available.

c) The third phase in the legal changes concerning this issue can be recognized in the passing of specific regulations for religious assistance in public institutions. The rise in religious diversity in Spain –especially regarding Muslims and Protestants– has created new challenges for public institutions. This has encouraged the approval of specific

regulations concerning religious assistance in Spanish prisons³. However, no similar protocols for religious assistance in hospitals have been passed, this being one of the most important differences between the two types of institutions.

Thus, since the transition to democracy, the Spanish legal system has evolved from a general recognition of the right of members of religious minorities to receive religious assistance, to a more concrete specification of the terms and conditions of such provision. The changes in the first two phases were mainly encouraged by a general desire to democratize the country and to reconcile it with its bloody past, but they were not directly aimed at accommodating the existing religious minority communities (Moreras 2002; Rozenberg 1996). It has been the greater visibility of religious minorities in the 21st century and their specific demands that have fostered the adoption of more concrete regulations. This has led to a system of *selective cooperation* between the government and the religious communities based on three levels of recognition.

First, the Catholic Church enjoys full recognition and support in terms of funding and facilities for providing religious assistance in public institutions. Therefore, despite the democratization process and the de-confessionalization of the state, the dominant position of the Church is still guaranteed through the 1979 agreements. Indeed, the 1979 Church-state agreements were also a template for the 1992 agreements between the Spanish government and the Protestant, Jewish and Muslim communities. These communities have been recognized and enjoy some support in order to provide religious assistance to their members, but it cannot be compared with that of the Catholic Church in terms of funding, opportunities and symbolic recognition. Finally, the groups listed in the Register of Religious Organizations at the Spanish Ministry of Justice have witnessed the right of their members to receive religious assistance in public institutions recognized. However, the specific mechanisms for guaranteeing this right have not been anticipated.

Politics and policies regarding religious care at public institutions

The issue of religious diversity was virtually absent from the policy agenda for many decades in Spain (Griera 2012). The subsequent transformations of the legal system were not accompanied by corresponding changes in public policies. There were no policies aimed at the implementation of the legal rules regarding the rights of religious minorities. Almost no specific policy action was taken to guarantee the right of religious minorities to religious assistance in public institutions during the first thirty years of democracy, beyond the formal legal recognition of this right. However, public authorities have recently taken action on the issue and some initiatives have been launched to guarantee the fulfillment of religious rights in public institutions.

First, at the state level, it is crucial to note the creation of the *Fundación Pluralismo y Convivencia* (Pluralism and Coexistence Foundation) by the Spanish government in 2004. The *Fundación* –whose board includes representatives of minority religions– is aimed at promoting the accommodation of religious diversity in Spanish society. One of the *Fundación*'s main initiatives in this matter is the publication of guidelines concerning religious assistance in hospitals (2011), prisons (forthcoming) and the establishment of multi-faith rooms (Díez de Velasco, 2011). These practical guidelines intend to provide information to officials and public authorities in order to favour the

³ Such as the Royal Decree 710/2006, the Instruction 6/2007 regarding pastoral care in Spanish prisons, the Cooperation Agreement with the Spanish Islamic Commission that regulates the funding for imams working in prisons, and the Catalan Instruction 1/2005 on the right to receive religious assistance in prisons.

accommodation of religious diversity in Spain. It is also important to emphasize the work of the *Fundación* in the dissemination of the legal framework and best practices in this area through its website and the organization of workshops and other public activities⁴. To some extent, the *Fundación* has become the carrier of a new public approach towards religious minorities in Spain, with city council authorities, the staff of public institutions and government officials being its main targets. The new approach is based on a system of networked governance (Martikanien, 2013) aimed at providing higher levels of recognition of religious minorities through ‘soft governance’ mechanisms, such as funding, training, legitimacy and information literacy. The *Fundación’s* work has been driven by the motivation to reduce the gap in the implementation of the rights of religious minorities.

Secondly, at the regional level, it is also important to stress the role of the Catalan Government in promoting the accommodation of religious minorities in Catalonia (Griera 2009). The Catalan government inaugurated the *Religious Affairs Bureau* in 2000 with the aim of regulating religious diversity in the region. Technically, legal jurisdiction over matters of religion belongs to the Spanish government. However, the Catalan government promoted ‘good faith’ relations with religious minorities and implemented policy actions on religious diversity in areas under Catalan jurisdiction (e.g. the health sector and the penitentiary and education systems) Concerning religious assistance in hospitals and prisons, the Catalan government has taken several actions: (a) signing cooperation agreements with the Muslim, Jewish, Protestant, Gypsy Pentecostal and ‘Secular Humanist’ communities and providing funding to Muslims and Protestants for covering the expenses of chaplaincy; (b) training prison staff on issues of religious diversity implemented by the UNESCO Interfaith Association and paid for by the Catalan Government; (c) publishing a best-practice guide on religious diversity accommodation in hospitals (2005) and prisons (2011); (d) signing an agreement with the regionally based GTER (Permanent Working Group on Religion) to organise interfaith events in prisons twice a year, as well as other occasional initiatives (e.g. bringing religious books to prisons). The Andalusian regional government has not developed a similar policy framework for the governance of religious diversity affairs. Apart from certain occasional initiatives, such as the elaboration of a protocol to deal with patients who reject blood transfusions (mainly Jehovah’s Witnesses) in 2011, and the signing of an agreement between the regional government and the Catholic dioceses in Andalusia concerning religious assistance in public hospitals in 1986, the regional government has not adopted a very active role. Unlike Catalonia, Andalusian prisons fall under the administration of the central government, while in the case of hospitals the regional government has delegated its regulation to local actors, like hospital directors.

Despite regional variations, several factors have played a role in giving greater importance to religious minorities in the policy agenda. On the one hand, the diversification of the religious landscape has raised new challenges regarding the accommodation of religious diversity in public institutions. These challenges gained greater visibility and political relevance after the 2004 Madrid train bombings. The terrorist attacks became a turning point for a new approach to religious minorities and were the driving force behind the changes in this area. The desire to control Muslim communities, the rise to power of the main opposition party (the Spanish Socialist Workers’ Party, PSOE) and the growing visibility of religious minorities in the public sphere opened a window of opportunity for the emergence of a new policy approach towards religious diversity in Spain. This approach

⁴ In this dissemination task it is also crucial to mention the role of the *Observatory of Religious Pluralism* (created in 2011), whose main aim is to “provide public administrations with guidelines for managing religious freedom, guidelines that are in line with the constitutional principles and the legal framework regulating the exercise of the right to religious freedom in Spain” (*Observatory website*).

has been characterized by a more proactive and inclusive policy towards religious minorities and by a conscious effort by political authorities to create a new public culture on religious diversity issues. The Catalan government was a pioneer in this development and acted as a carrier for this new policy approach to religious minorities in Spain⁵.

The micro-dynamics of accommodating religious diversity in public institutions

The qualitative and ethnographic fieldwork conducted in hospitals and prisons has enabled us to examine how the legal framework, the political principles and the policy initiatives have crystallized in specific settings. We will summarize the three main factors concerning the accommodation of religious diversity in public institutions.

First, our research has revealed the existence of an important implementation gap between the legal framework, the policy recommendations and the actual practices in prisons and hospitals. Despite recent government efforts in this terrain, the fulfillment of religious minorities' rights is far from being attained in Spanish public institutions today. However, the analysis has also shown that the Catholic Church has its rights guaranteed and fulfilled in the daily functioning of the institutions. Therefore, the already existent inequalities between the Catholic Church and other religious communities in the legal framework are widened in the field. Indeed, the analysis of the concrete and specific practices in public institutions has shown that the most important differences between the Catholic Church and religious minorities lie principally in the unseen, as informal benefits that are taken for granted and that the Catholic Church enjoys in the everyday life of these institutions.

Regarding hospitals, it is a common practice to provide a beeper or a mobile phone and a medical white coat to Catholic chaplains in hospitals, making them resemble doctors. We can also find the informal practice by some Catholic chaplains of walking regularly around all patients' rooms offering advice and support without it being requested. This practice is seldom granted to the chaplains of religious minorities. Concerning prisons, we refer to issues such as the Catholic chaplain's possibility of distributing objects (e.g. telephone cards), of inviting everyone to mass or of discussing issues regarding the inmates' behavior and treatment with the officials in charge. These types of benefits are not perceived as privileges by the staff in charge of the hospitals and prisons, but rather as completely normal and unproblematic.

Simultaneously, there is strong distrust regarding the role of Muslim or Protestant chaplains in prisons and hospitals and, despite their legal rights not being explicitly violated, the fulfillment of those rights is not facilitated. In our interviews and observations we witnessed a constant and subtle symbolic violence towards Muslim and Protestant chaplains. This was particularly apparent when comparing the attitudes of personnel towards Catholic chaplains and other providers of religious assistance. A relation of familiarity could be perceived between hospital and prison personnel and the Catholic chaplains, and of neglect and permanent suspicion towards chaplains of minority religions. The personnel had some difficulty naming all the minority groups accessing the facilities, and in the case of prison personnel, they repeatedly asked non-Catholic chaplains for their accreditation. They often forced them to wait for their co-religionist inmates' in specific rooms (while Catholic chaplains spent a lot of time in the corridors, talking with every inmate) and their bags were exhaustively checked. In hospitals, religious minorities went unnoticed by most of the personnel, who talked about religious assistance as something exclusively Catholic.

⁵ We cannot enter into details here, but it is important to mention that the relationship between the Catalan and the Spanish governments in this area is complex and full of nuances (Griera 2009).

In other contexts, we have categorized these practices as ‘banal Catholicism’ (Griera, 2012), by adapting Billig’s term of ‘banal nationalism’ (Billig 1995). These attitudes add to the Catholic legacy of most institutions, for example, the presence of Catholic symbols, the celebration of Catholic holidays (e.g. Christmas and Easter), and the practices such as the pardon of convicted inmates at Easter. These practices contribute to increase of inequalities between the Catholic Church and other religious organizations. In a certain way, the Catholic legacy, the general dynamics of institutions and the attitude of their staff, act as filters when it comes to applying the legal framework. Altogether, they contribute to widening the already existent differences in the legal framework between the Catholic Church and minority religions.

Second, the research has permitted us to detect that recent policy recommendations in this area have had an impact in prisons and hospitals’ accommodation policy towards minorities. For example, a photocopy of the general recommendations provided by the best practices guide published by the Catalan government was posted on the door of a hospital chapel. In many cases though, the impact has only been on formal aspects and it has not implied any deeper changes in the institutions. For instance, changes in the designation of chapels in hospitals are good examples of this trend. Some of the hospitals that were studied had changed the name from *Capilla* to *Oratorio*, a more neutral term with fewer connotations. However, observing these spaces has revealed that this has not entailed any change regarding their design or decoration. In practical terms, other than a change in name, the structure, furniture and symbology of these rooms retains the Catholic legacy of hospitals in Spain.

In addition to these rather formal transformations, the legal framework and the new policy approach have also had an effect on the discourse of directors and managers of these institutions. They are aware of religious diversity and the rights of minorities in these institutions. One prison manager in Andalusia expressed it in these terms: “Prison Rules make it clear that we have to safeguard religious freedom. For this reason, we work on doing so”. However, this discourse has not permeated the discourse and practices of the staff, who in general shows no awareness of such issues.

Third, our analysis has shown that what Becci and Knobel (2014) call the ‘rey zones’ of religious life in prison are increasingly acquiring an important role in Spanish penitentiaries. While conducting fieldwork, we detected the proliferation of practices related to ‘New Age’ movements, which are not categorized as religion but can be subsumed under the category of the spiritual. The line between the two is extremely fine, but the implications of being considered ‘religious’ or ‘spiritual’ are noteworthy. Yoga courses, spiritual awakening, *zen* meditation and other similar practices are being widely promoted in prisons and facilitated by the staff. It is remarkable that while there is strict control and distrust over the activities organized by Protestant and Muslim groups, the religious character of these New Age activities is completely disregarded. They are not considered religious but spiritual, which gives them more legitimacy and frees them from the suspicion of having a proselytizing aim –which is the frequent accusation against Muslim and Protestant groups (Griera and Clot, 2013). The fieldwork conducted in hospitals has also permitted us to detect the growing importance of alternative therapies and spirituality within healthcare institutions. It is important to recognize their relevance in specific areas, such as palliative care units, as one of our informants highlighted.

Conclusions

The conclusions of this working paper are divided into four parts. First, we briefly review the two main hypotheses. Secondly, we examine the main differences found between hospitals and prisons. Third, we look at the main differences between Andalusia and Catalonia. Finally, we offer some concluding remarks.

A review of our hypotheses

Our first hypothesis concerning the character of the policy approach towards religious diversity in Spain, has found support in the empirical analysis. The fieldwork made clear that the Spanish case is in-between the French and the British cases. Regarding these two countries, Beckford stated that

France continues to exclude religion from the Republic's institutions, while the British government enters into expedient partnerships with faith communities in order to achieve its policy objectives. The reification of religion in the prisons of France and Britain clearly illustrates these contrasting patterns of exclusion and expediency (Beckford, 2009: 14).

Spain is following here an in-between way that is characterized by a pluralistic approach based on 'selective cooperation'. It is also important to emphasize that the Spanish approach, after the transition to democracy, has evolved from a system more similar to that of France to one more similar to the British regarding the rights of religious minorities. The legal framework ensures the right of every person to religious assistance in public institutions and various mechanisms have been established to implement this. Despite multiple inequalities still remaining between the Catholic Church and other religious communities, there is no institutionalized rejection of religious minorities. To a great extent, our research confirms Beckford's statement that "the differences between the spaces occupied by religion in the public sphere in France and Britain find their echo in the place accorded to religion in each country's prisons" (Beckford, 2009: 2).

The second hypothesis, referring to the role and the attitude of the Catholic Church, needs to be more nuanced in order to offer an accurate insight. Comparing our study concerning the Catholic Church and the research by Beckford on the Anglican Church, it is clear that the former shows more distrust and reservations towards the religious minorities than the latter. However, the fieldwork has also revealed that the Catholic Church cannot be considered a monolithic institution that acts consistently. The Catholic Church adapts its role to different circumstances, and its attitudes and practices are strongly dependent on the context. For example, the Catholic Church is sponsoring an interfaith group in Barcelona –the *Grup Estable de Treball de les Religions*– and promoting interfaith relations in penitentiary settings. However, in other cases the Catholic Church adopts a more aggressive role and shows suspicion towards religious minorities.

Institutional comparison: hospitals and prisons

The comparison between hospitals and prisons helps us show that public institutions respond differently to the challenges posed by religious diversity. Thus, while the research in penitentiary institutions has shown that great efforts have been made to accommodate religious communities, this is not the case in hospitals. This is well illustrated by the fact that there have been no specific legal regulations to develop religious assistance in hospitals –as there have been in prisons– and that religious minorities do not have funding available for the practice of chaplaincy in hospitals. Nor has any government, at the state or the regional levels, promoted interfaith initiatives in hospitals. These differences are not coincidental and can be explained by the interplay between the following two factors:

a) An external factor: the 2004 terrorist attack in Madrid widened the security concerns regarding religion and encouraged the implementation of mechanisms to ensure the religious rights of prison inmates. The competent authorities and the institutional staff show great concern for the rights of minority inmates –especially Muslims– to be respected, but also controlled. There is the assumption that "in order to avoid problems it is better to adopt a proactive attitude in this area" (personal interview with prison policymaker). This is also the reason behind the funding of Muslim chaplains in prison. This proactive attitude can provoke some bizarre situations, as during Ramadan, when the staff in one prison were

‘forcing’ Muslims to fast and criticized those that stopped their fasting before the end of the Muslim sacred month (Martinez et al., 2013).

b) An internal factor: prisons are one of the least privatized public institutions in Spain. As a ‘total institution’, in Goffman’s terms, the state is responsible for making the rights of inmates effective; prisoners have no other way of attaining religious assistance. In the penitentiary system everything is planned, structured and organized. Thus, the provision of religious assistance is also institutionally regulated, planned, and implemented. There is little room for spontaneity and innovation coming from outside the institution. In contrast, even public hospitals share traits of private institutions and are managed by neoliberal logics. Thus, religious rights are perceived through this logic, which has favored the emergence of what has been called a ‘free access’ model. This mode of regulation delegates part of the responsibility for the provision of non-Catholic religious assistance to the families of the patients, who are often compelled to search for their own chaplains. However, the neoliberal logic of hospitals also favors the emergence of ‘entrepreneurs’ that fight for the rights of minorities. Hospitals are much more permeable to these kinds of external initiatives than prisons. The functioning of hospitals encourages the materialization of some exceptional, more egalitarian and inclusive experiences –which a member of the staff, a patient, or someone involved with the hospital may promote. However, in cases where there is no entrepreneur fighting for the rights of minorities, the situation regarding the accommodation of religious diversity is worse in hospitals than in prisons.

Comparison between Catalonia and Andalusia

The regional comparison reveals two different issues worth taking into account. First, the religious atmosphere of each region plays a role in defining the way institutions deal with religious diversity. To a great extent, ‘banal Catholicism’ –namely, the unseen and taken-for-granted privileges of the Catholic Church– is more prominent in public institutions in Andalusia than in Catalonia. The larger and long-standing existence of Catholic popular religiosity in Andalusia can account for the greater presence of Catholic symbols in public institutions. On the one hand, the more secularised environment in Catalonia can explain certain restrictions to the role of Catholic chaplains in the region’s hospitals, where posters advertising Catholic chaplaincy, for instance, are sometimes anonymously removed (personal interview with a Catholic chaplain).

Secondly, due to political, historical, cultural and administrative reasons, the Catalan government is developing a more proactive and inclusive policy towards religious diversity. In comparison to the government of Andalusia, Catalonia is implementing a more accommodative policy, which is visible in the publishing of best practices guides or in the funding of interfaith initiatives in Catalan penitentiary institutions. However, this also implies a more interventionist approach to religious affairs and, consequently, more control and regulation over religious groups. The model implemented in Andalusia is based on a *laissez faire* perspective, which does not interfere in the internal life and dynamics of religious groups. In contrast, the Catalan approach implies a tradeoff between greater accommodation and control. Illustrative of this trend is the accreditation of selected Muslim chaplains for prisons or the division of the Protestant community between gypsies and non-gypsies to ensure that both are represented in prisons. This interventionist approach can have some advantages for minority groups, but also opens the Pandora’s box of deciding the limits, bonds and boundaries between religious groups and public authorities.

Concluding remarks

The increasing religious diversification of Spanish society, along with the drop in attachment to the traditional structures of the Catholic Church, has questioned the existing pattern of church-state relations. The Catholic institutional monopoly of the past no longer

fits the current social reality, and the democratization process requires novel institutional arrangements to ensure the secular nature of the state and the right to religious freedom. Studying how hospitals and prisons accommodate the needs and claims of religious groups in two different regions in Spain has helped us understand the state responses to the regulation of religious diversity at the legal, political and institutional levels.

Additionally, adopting a comparative ethnographic perspective has allowed us to better capture the institutional and regional variations in the implementation of the legal and political principles, and the policy initiatives regarding religious freedom. Such an inquiry reveals the inaccuracy of talking about a 'Spanish model' and the need to specify the particular elements of each institution and the contextual conditions in which religious diversity is being regulated. The findings of our research show an internal incoherence in the implementation of the legal-political matrix when comparing both institutions and regions. Moreover, the attitude of the Catholic Church also varies in different institutional and regional contexts. These inconsistencies urge us to further research different institutional fields such as schools, universities and local administrations, as well as different regions of the country in order to offer a more detailed description of reality.

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