

Summary: Per Kristian Aschim: *Dominant religion in the Christian state. The state theory discourse on religion and state with a view to Norwegian politics of religion in the 1840s.*

The thesis' overall objective is to identify state theory ideas that can help explain the Norwegian politics of religion in the 1840s to 1851, a policy that combined a certain religious freedom, maintenance of a state religion, and marginal space for ecclesiastical autonomy.

Earlier research has interpreted Norwegian politics of religion in the 19th century partly based on contemporary church law theories, and partly based on the principle of religious freedom. The continuity of the state religion has been perceived as a conservative continuation of the confessional state of the era of absolutism. This dissertation will examine state theoretical thought on the relationship between religion and state from around 1770 to the 1840s, and its significance for the politics of religion in Norway until approximately 1850. The main sources are Norwegian and Danish literature on legal and state theory, including literature that interprets the Constitution's provisions on religion. The constitutional and state philosophical discourse on religion and state has not been systematically investigated in the Norwegian (and Danish-Norwegian) setting for the period the dissertation covers.

The question of religion and state is discussed in several disciplines. The dissertation takes its academic starting point in church history, but it also refers to legal history, political history and history of ideas, historical political science, constitutional law and ecclesiastical law.

The work on the Norwegian constitution of 1814 forms an important prerequisite for the changes in the politics of religion of the 1840s. The Constitution stated that the Evangelical-Lutheran religion remained the public religion of the state ("Statens offentlige Religion"). The adopted freedom of religion clause was moderated, and in the end left out of the final edit. The main emphasis of the dissertation is on the politics of religion of the 1840s, which is analysed in its social and ecclesiastical context (Chapter 2). With the Dissenting Act ("dissenterloven") of 1845 and the abolition of the ban against Jews in the constitution in 1851, greater religious freedom was introduced. The abolition of the Conventicle Act in 1842 resulted in greater freedom for the laymen in the state church in certain respects. On the other hand, the clergy demanded reforms in the order of the state church. This achieved little political support.

The reconstruction and analysis of the state theory discourse on religion and state pursues four thematic circles, but is carried out following a mainly chronological order (Chapter 3).

Theme 1 is based on the late Enlightenment distinction between "subjective" religion and "external" worship. Coercion in the religious field became problematic. The subjective conception of religion helped clear space for greater religious freedom.

Theme 2 is based on the conception of the state, and religion's significance for the state. Religion was of central significance to the purpose of the state and to the social morality and respect for the legal system of the state. This became important for the question of religious unity or religious pluralism in the state.

Theme 3 focuses on the range of authority the state has over religion. This includes the question of to what degree the government's exercise of authority over religion and church could be considered legitimate, and the question of the possibilities for church autonomy and special ecclesiastical governing bodies.

Theme 4 relates to the basic relationship between state and religion in the modern state, with theocracy on the one hand and secularism on the other, as theoretical extremes, and with some form of subordination of religion to state power, often called the "subordination principle", as the solution in modernity

The chapter begins with an analysis of selected works from natural law, political science and constitutional law in the Danish-Norwegian Empire in the period 1770-1814. In Norway, the discourse from 1814 to 1845 was mainly a discourse on the design and interpretation of the Constitution's religious provisions, and on the relationship between religious unity and religious freedom. Understanding of the Constitution's concept of "Public Religion of the State" ("Statens offentlige Religion") was central, but the term "dominant religion" ("herskende religion") was also important in the literature. Both terms were used to describe a relationship between the state and religion in which one religion was dominant and given a special state status. There was consensus around 1845 that the "Public Religion of the State" did not prevent a certain religious freedom in the state. At the same time, most contributors to the discourse regarded religious unity in the state as beneficial, and religion as an important part of the state's foundation. The "dominant" element of the state religion was particularly expressed by the fact that the state's office was reserved for members of the "Public Religion of the State". Few of the participants in the discourse has a consistent mindset based on the principle of religious freedom.

The religious freedom of the individual and the freedom of religious practice for Christian dissenters and Jews were secured, but with limitations and exceptions within a "Christian State" (en "kristelig stat") with a "dominant religion".

The term "the Christian State" ("den kristelige stat"), which occurred most frequently in the 1840s, characterizes the state by its religious attachment, but could also denote a normative value commitment for the state. In regard to the issue of divorce and remarriage, state legislation and legal practice were pitted against the state's obligations as a Christian state, due to this normative value commitment. The "dominant religion" of "the Christian State" could, in theory, allow independent

church governing bodies, if the central church governance was unified with the King's governance of the state, but given the "Christianity" ("kristelighet") of the state this was no necessity.

The analysis of the state theory discourse shows that the introduction of some extent of religious freedom was necessary to maintain the legitimacy of the state religion on modern premises. Religious unity was still considered beneficial for the state. The state religion was still regarded as the basis for state and society, as a "dominant religion" in "the Christian State".