

Is it Really God's Century? An Evaluation of Religious Legislation and Discrimination from 1990 to 2008

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Abstract: This study uses data from the Religion and State Round 2 (RAS2) dataset to examine the trends in religious discrimination and religious legislation between 1990 and 2008. This 19-year timespan is longer than available in previous studies and used more comprehensive variables. The results show a statistically significant increase in both variables. This increase remains constant even when controlling for world region and majority religion. These findings predate the events of 9/11 and disprove the aspects of secularization theory which predict a decline in the public influence of religion. Furthermore, economic development, one of the processes predicted by secularization theory to cause a decline in religion's public influence, is correlated with increased religious discrimination and legislation.

In their recent book *God's Century*, Monica D. Toft, Daniel Philpott, and Timothy S. Shah (2011: 2) argue that “over the past four decades, religion’s influence on politics has reversed its decline and become more powerful on every continent and across every world religion.” This is not an isolated claim. This type of claim has been present in the literature for at least two decades. However, to date, few studies

have examined its core claims using a significant amount of data from the 21st century.

This study uses new data from the Religion and State Round 2 (RAS2) dataset to examine the patterns of religious legislation and discrimination between 1990 and 2008. These aspects of state religion policy significantly influence the day to day lives of the inhabitants of the 177 countries included in the dataset and proved a test of whether religion's influence on politics is increasing and it is truly "God's century." I also examine competing theories and the genesis of the argument for religious resurgence.

Is it God's Century or is God Dead?

Before discussing why religion has returned, one must discuss whether and why it declined in the first place. Secularization theory, which many consider to have been the dominant theory on religion in the social sciences for most of the 20th century, (Appleby, 2000: 3; Casonova, 1994: 17; Gorski & Altinordu, 2008; Toft, et. al, 2011; Philpott, 2009) predicts a decline in religion. The extent and nature of this decline is hotly debated. It ranges from predictions of religion's complete irrelevance in the modern era to, at a minimum, a significant decline in religion's influence in the public sphere. One of the more dramatic versions of this argument is Steve Bruce's 2002 book *God is Dead: Secularization in the West* which borrows its title from Nietzsche's famous quote. Similarly, sociologist Peter Berger in 1968 predicted that by "the twenty-first century, religious believers are likely to be found only in small sects, huddled together to resist a worldwide secular culture."¹

¹ "A Bleak Outlook on Religion" New York Times, February 25, 1968.

The reasons behind this expectation are numerous and include: urbanization undermining the traditional communities where religion thrived; universal literacy and education undermining the clergy's monopoly on knowledge; science and rationalism challenging religion as a source of knowledge and understanding; secular political ideologies raking over religion's role in legitimizing the state; the increasing power of the modern state relative to religious institutions; mass participation in politics undermining political control by religious elites; economic prosperity reducing the reliance on the afterlife as a place of happiness and satisfaction; and geographic mobility undermining the religious homogeneity of societies. (Bruce, 2009; Gorski & Altinordu, 2008; Lambert, 1999; Norris & Inglehart, 2004; Voicu, 2009; Wilson, 1982)

While much of secularization theory focuses on individual religiosity, there is a strong strand which focuses on religion in the public sphere. This public sphere influence has been variably defined as the "power" (Lechner, 1991) or scope of religious authority in the public sphere, (Chaves, 1994: 750; Yamane 1997) religion's influence over social institutions (Dobbelaere, 1999) or society as a whole (Gauchet, 1997), the boundaries between the secular and religious (Hallward. 2008), the public role of religious institutions (Finke, 1992; Minkenber, 2009: 1193) "the state, the economy, and science" (Casanova, 1994: 20) and state religion policy. (Finke, 1992; Fox, 2008; Lambert, 1999)²

A popular version of secularization theory in the public sphere is the "differentiation" argument. Differentiation is a process where religion was once a

² For a more detailed discussion of various definitions of secular and secularization as well as the historical development of the concept, see Gorski & Altinordu (2008) and Philpott (2009: 185-187).

dominant influence on all aspects of society but now constitutes one social institution which competes with others, resulting in a decline in influence. (Bruce, 2009; Casanova, 2009: 1050; Dobbela, 1985; 1999; Kaspersen & Lindval, 2008; Lambert, 1999: 319-320) While this is a sociological argument which does not focus on political issues, its predictions clearly include a decline in political influence. *Thus, the predictions of secularization theory apply to government religion policy.*

Since the early 1990s, there has been increasing discussion of religion's global resurgence. This discussion was prompted by world events including the Iranian Revolution and the numerous religious insurgency movements subsequent to it. These events were not limited to those involving Muslims. The increasing influence of religious actors in US politics, the influence of Buddhism on the conflicts in Tibet and Sri Lanka, and the rise of Hindu nationalism in India were also prominent. While explanations for the causes of this return of religion to the political arena vary, they can be placed into five categories:

First, secularization theory successfully identifies pressures faced by religion in the modern era but it does not take into account that religion is a dynamic social force that is capable of evolving. Under the pressures created by modernity, religion evolved, revitalizing its political relevance in the process. (Eisenstadt, 2000) For example, many explain the rise of religious fundamentalism as an evolutionary reaction against modernity. (Almond, et. al. 2003; Esposito, 1998; Haynes, 2009: 159) Toft et. al. (2011: 7) similarly argue that religion's political influence "has resurged with the help, rather than the opposition, of the very same forces that secularization theorists thought would spell its demise."

Second, while secularization was dominant for much of the 20th century, it has failed especially in the Third World, leaving a vacuum which religion can fill.

Governments guided by secular ideologies failed to produce economic prosperity and social justice and are perceived as foreign, illegitimate, corrupt, and perhaps the continuation of colonialism by proxy. In contrast, religion is seen as legitimate, uncorrupted, and indigenous. This makes it an effective challenger. (Haynes, 1997: 714; Juergensmeyer, 1993; 2008; Thomas, 2005)

Third, Samuel Huntington's (1993; 1996) "clash of civilizations" argument posits that religion is replacing the Cold War's East-West ideological clash as the dominant international political paradigm. He does not argue that religious ideology will be the guiding force of international relations but he argues that several "civilizations" which happen to be religiously homogeneous, will be the dominant basis for identity and alliances in the post-Cold War era. While this theory is highly controversial, it has also been highly influential.³

Fourth, some argue that secularization is an ideology rather than a theory. Religion never declined but the dominance of secularization theory among Western academics obfuscated religion's influence. (Berger, 1996/1997: 9; Thomas, 2005; Wald & Wilcox, 2006) For example, Muslims never accepted the argument that religion is irrelevant. They see history as a centuries long clash between Christianity and Islam. For the West, the 1683 defeat of the Ottomans at the gates of Vienna was the end of the religious threat to Christianity. This event, combined with the Treaty of Westphalia, can be seen as the end of religion in international politics. Muslims see 1683 as the beginning of centuries of defeat and humiliation by Christians. Russia conquered Muslim Central Asia. European colonialism succeeded in controlling large

³ For a full discussion of this theory and its critics see Fox (2004). As to the impact of the theory on thinking on religion's resurgence see Eisenstadt (2000) and Toft (2007: 99)

parts of Muslim South Asia and North Africa. Greece, Bulgaria, and Serbia conquered the Muslim Balkans. The continuing influence of Western Christian states in the Muslim world, including recent military interventions like those in Iraq and Somalia, underscore this humiliation. From this perspective, the recent resurgence of Islamic violence against the West and regimes perceived as being influenced by the West is not a religious resurgence. Rather it is a shift in the tides of a centuries old war.

(Miles, 2004)⁴

The fifth argument is a hybrid of several of the above arguments by Toft (et. al, 2011: 49-78) in *God's Century*. For a time religion declined but not in the manner predicted by secularization theory. As temporal governments became more powerful between 1450 and 1750, their power balance with religious institutions shifted from the balance in pre-modern times where religion shared power with the state. In a "friendly takeover" of religion, the increasingly powerful state both protected the existing religious monopoly by enforcing and financing religion. This created a new relationship where the state was clearly superior to religious institutions. From the late 18th century through the late 20th century, the state became more hostile to religion. Religion became fully subordinated to the state and was often restricted in the public sphere. In extreme cases, such as some Communist and fascist states, religion was banned altogether. 50% of world's population lived under anti-religious regimes at some point between 1917 and 1967.

Beginning in the 1960s secular regimes began to experience setbacks, allowing religion to return. Essentially, secularism did not deliver the "coup de grace"

⁴ Sociologists similarly argue that religion has always been present but focus on religious practice. See, for example, Demerath (2001), Gorski & Altinordu (2008) (2008: 65), and Stark & Finke, 2000.

to religion. Rather, religion became independent from the government. Religious institutions found non-state sources of financial support. Until this shift people remained religious but focused that religion inward. From the 1960s, a combination of the failures many secular states and the increasing strength of the now independent religious institutions led these institutions to begin to become politically assertive. Two additional trends have facilitated this process. First democratization has made it easier for religion to compete in the political arena. Second, globalization has made many of these religious actors transnational actors, improving their negotiating position with regard to the state. Thus religion has returned, not as the partner of the state that existed in pre-modern times but as a powerful, influential and independent actor with a political agenda. (Toft, et. al., 2011: 49-78)

Interestingly, earlier versions of the argument that religion is returning tend to focus on either conflict (Juergensmeyer, 1993; Fox, 2002; Huntington, 1993; 1996) or religious fundamentalism. (Appleby, 2000; Esposito, 1998; Marty & Appleby, 1991) More recently this discussion has been expanding to include religious freedom (Grim & Finke, 2011; Fox, 2008) state religion policy (Fox, 2008; Philpott, 2007; Toft, et. al. 2011), and international relations (Fox & Sandler, 2004; Madeley, 2009; Philpott, 2002; 2007; Thomas, 2005) Some studies focus almost exclusively, on why religion was ignored by political scientists, with little discussion of whether religion had resurged or has always been present. (Philpott, 2009; Wald & Wilcox, 2006)

While debate over whether religion was ever in decline continues, a consensus that religion remains relevant is emerging. Even current arguments supporting secularization theory posit that religion is in decline, not that it will disappear. For example, differentiation theory posits that religion will lose some of its public power but will retain some influence. Similarly, many argue that religion no longer has an

overarching authority and people can choose their own beliefs. (Bruce, 2009: 147-148; Dobbelaere, 1999: 236-241; Lambert, 1999: 315; 322; Pollack & Pickel, 2007) This means that religious beliefs still influence behavior but this is determined at the individual level rather than at the societal level.

Another common argument is that religion is still relevant except in the West. For instance Berger (1996/1997; 2009) argues that religion is resurging worldwide but secularization theory still applies to Western and Central Europe and certain intellectual circles. Marquand & Nettler (2000: 2) argue that "Western Europe appears to be an exception ... Organized religion almost certainly plays a smaller role in politics in 2000 over most of the territory of the European Union than it did in 1950."

Haynes (1997; 1998; 2009) attributes Western secularization to government equality policies and the co-optation and subordination of religious institutions. Crouch (2000) argues the Churches are losing political influence for two reasons. First, increased individualism has caused Europeans to reduce ties to their churches' more restrictive collective identities. Second, increased liberalism has forced European churches to focus more on tolerance, further undermining their ability to maintain exclusivity. Taylor (2007) argues that the ideology of secularism has provided a potent tool to those that choose not to be religious, undermining religion's former dominance in the West. Halman & Draulans (2006), Kaspersen & Lindvall (2008), and Voicu (2009) focus on classic explanations for secularization but only apply them only to the West, ignoring the non-West.

Be that as it may, there is no agreement on the timing of religion's resurgence. Most date it to the 1970s around the time of the Iranian revolution and the rise of the religious right in US politics. (Juergensmeyer, 1993; Roof, 2009) For example, Fox (2007) finds that religious conflicts began to become a greater proportion of all civil

wars around 1977 but did not become a majority of them until 2002. Among ethnic conflicts, Fox (2004) found that before 1980, religious and non-religious separatist conflicts had similar levels of violence, but from 1980 onward religious separatist conflicts were more violent than other separatist conflicts.

Toft et. al (2011) and Philpott (2009) trace this resurgence back to the 1960s. "If the Bolshevik Revolution of 1917 was the inaugural ball for the peak period of secularization, the [1967] Six Day War between Israel and Egypt signified the beginning of religion's global resurgence...It both awakened religious conscience among Israeli Jews and crippled the prestige of secular nationalism among Arab Muslims." (Philpott, 2009: 190) This, event was complimented by others including the rise of Hindu Nationalist Parties in India in the 1960s and the Second Vatican Council of 1962-1965. This process gained momentum in the 1970s with the rise of Islamic nationalism in the Islamic world, Evangelical Protestantism in North and South America, Africa, and parts of East Asia and "engaged Buddhism" in Asia. (Philpott, 2009: 190-191; Toft, et. al, 2011: 4-7)

Collectively this literature makes four contradictory predictions regarding the trend of religion's influence on politics. As the data used in this study begins in 1990, the issues of timing noted above are not relevant to the tests performed in this study. Accordingly the alternate hypotheses below do not take this issue into account.

Hypothesis 1 (secularization theory): The extent of religious legislation and discrimination will be uniformly low and declining.

Hypothesis 2 (secularization in the West): The extent of religious legislation and discrimination in the West will be low and declining.

Hypothesis 3 (religion as a constant): The extent of religious legislation and discrimination will be significant and constant over time.

Hypothesis 4 (religious resurgence): The extent of religious legislation and discrimination will be uniformly significant and increase over time.

There have been few longitudinal tests of this relationship. Fox (2007) finds an increase in religious conflict as a proportion of all conflict between 1960 and 2004. Toft et. al. (2011) find similarly for civil wars between 1940 and 2010. Madeley (2009) finds that a similar number of states in Europe support religion in 2000 as did in 1900 but there are more "secular" states in 2000. Fox (2008) finds an increase in religious legislation and discrimination between 1990 and 2002.

This study adds to this literature by examining more detailed data on religious discrimination and legislation which is available for a longer time period than previous studies, including data from several years since the events of 9/11.

The RAS2 Dataset

This study uses data from the Religion and State round 2 (RAS2) dataset. RAS2 expands on round 1 (RAS1) which includes data from 1990 to 2002. RAS2 includes data through 2008. Each year is coded separately for all 177 countries. This includes all countries with a population of 250,000 as well as a sampling of less populous countries. When countries became independent after 1990, the coding begins with the year of independence. In rare cases such as Afghanistan until 1992

and Iraq in 2003 when there was effectively no government, these years were not coded as a government is required for there to be a government religion policy.

Religious discrimination measures limitations on the religious practices or religious institutions of minority religions *that are not placed on the majority religion*. This distinction is important because limitations placed on all religions represent hostility to religion in general or perhaps a government desire to keep religion out of the public arena. In contrast, restrictions placed exclusively on religious minorities represent not hostility to religion in general, but advantaging the majority religion through restricting the religious freedoms of religious minorities. This, in effect, represents a state preference for a certain religion or certain religions. This index contains 30 components,⁵ which is expanded from 16 in RAS1. Each component is measured on a scale of 0 to 3,⁶ creating an index of 0 to 90.

Religious legislation measures government support for religion. This includes legislating and enforcing religious precepts as law, financially supporting religion, and otherwise giving preference or support to the majority religion. Preferring one religion over another can be considered a form of inequality because it creates an uneven playing field for minority religions by giving advantages to one not shared by others. (Stark & Finke, 2000) However, this variable is distinct from religious discrimination because supporting a majority religion, unless it involves making aspects of that religion mandatory, does not limit a minority religion's religious

⁵ These components are listed in Appendix A.

⁶ The scale is as follows: 0 - Not significantly restricted for any; 1 - The activity is slightly restricted for some minorities; 2 - The activity is slightly restricted for most or all minorities or sharply restricted for some of them; 3 - The activity is prohibited or sharply restricted for most or all minorities.

institutions or ability to practice. This index contains 51 components,⁷ which is expanded from 33 in RAS1, creating an index which ranges from 0 to 51.

Each of these variables measures an important aspect of government religion policy. Government support for religion demonstrates both a willingness to generally support religion and a preference for one or a small number of religions. If religion's public influence is declining, secularization theory predicts, religious legislation should be scarce and declining. If religion's public influence is increasing, religious legislation should be common and rising. Religious discrimination represents the other side of the coin of government support for religion. In relative terms, a majority religion has a superior status when minority religions are limited. Religious discrimination also represents a clear government decision to involve itself in religion, something that should be scarce if religion is becoming a solely private issue.

Fox (2008; 2011) discusses the construction of these variables. The RAS2 process for creating the components for both variables is based on the research from RAS1. Essentially, the RAS1 coding process uncovered all types of religious legislation and discrimination present in a significant number of states. This information was used to create the expanded lists in RAS2.

This means that the components included in the RAS2 indexes are not based on any theoretical assessment of what ought to be coded. Rather, they are based on a ground-up comparative project which uncovered all relevant practices and placed them in the appropriate index. Put differently, these indexes include all known government actions regarding state religion policy taken by at least several governments

⁷ These components are listed in Appendix A.

anywhere in the world. No other data collection can make this claim.

(Fox, 2011)

The variables were coded based on an evaluation of multiple sources including, primary sources such as constitutions and laws, reports by governments (eg. The US State Department International Freedom Reports), reports by inter-governmental organizations such as the EU and UN, academic articles and books, reports by human rights organizations such as Human Rights without Frontiers and Amnesty International, and news articles from the Lexis/Nexis database and other sources.⁸ This is a wider range of sources than was used for data collections of a similar scale measuring human rights such as Grim & Finke (2011) and Abouharb & Cingranelli (2006).

The variables were coded based on the following criteria:

(1) If there was a relevant national law. In cases where this law was on the books but rarely enforced (a relatively rare occurrence) this was taken into account in the scaling of the variable when possible but always coded unless there is clear and positive information that the law has not been enforced at all for at least several decades. (2) If there was a relevant national policy. For example if there was no law against proselytizing, yet by official or unofficial policy those who proselytize were arrested or otherwise harassed this would have been coded. (3) If there is no national policy or law but a significant plurality of local or

⁸ For a full listing of the sources see Fox (2008; 2011) and the Religion and State Webpage at www.religionandstate.org.

regional governments had such policies or laws the relevant variable was coded. In such cases the proportion of the country's population which was under the rule of these regional or local governments was taken into account both with regard to whether the variable was coded and, when relevant, how high a coding on the scale was assigned. (4) The project codes only actions taken by government and their representatives. Societal actions are not coded. This is not because societal attitudes and actions are unworthy of study. It is simply not within the purview of the RAS project. As a result the RAs are not searching for information on religion on society in the reports which means that any codings based on the RAS reports that focus on religion in society may be based on incomplete information.⁹

These coding rules recognize that government policy can manifest in actions other than laws. For example, if coding was based only on laws, a government which had a law banning proselytizing that was rarely enforced would be coded on this variable as positive but a government that had no such law but regularly arrested missionaries the variable would not be coded. Clearly, taking the government's actions into account provides a more accurate picture of the true government policy.

Fox (2011) tests the reliability and validity of both of these variables as follows. First, inter-coder reliability tests show a correlation between primary and backup codings of .982 or higher for both variables for all years. Second, the RAS2 indexes, which weight each component equally, were compared to alternative indexes with weighted components. The correlations between indexes weighed using factor

⁹ RAS2 codebook, available at www.religionandstate.org.

analysis and the unweighted indexes for religious discrimination and legislation were .997 and .968 respectively.¹⁰ Another index based on weighting by 17 experts and the unweighted indexes for religious discrimination and legislation both had a correlation of .999 with the unweighted index. Thus, weighting these two indexes produces indexes which are nearly identical to the unweighted indexes. Accordingly this study uses the unweighted indexes, as do most studies which use this indexing methodology. (eg. Abouharb & Cingranelli, 2006; Fox, 2008, Grim & Finke, 2011; Gurr, 2000) Finally, the RAS2 indexes are compared to similar indexes such as the RAS1 indexes and Grim & Finke's (2011) religious freedom measure showing a high degree of correlation.¹¹

Research Design

In order to test the pattern of change in the dependent variables between 1990 and 2008, I do as follows. First, I test the change in the means of these variables over time. Second, in order to assess whether any changes are driven by change in only some world regions or some religious traditions, I reexamine the means controlling

¹⁰ The only other study of which I am aware that compared weighted and unweighted indexes on a similar topic is Grim & Finke's (2006) comparison of their measure of religious freedom to a version weighted by structural equation models and confirmatory factor analysis. They also found the weighted and unweighted indexes to be highly correlated.

¹¹ For more on the RAS dataset including a full listing of sources, how the various aspects of government religion policy were separated into different indexes, and a full discussion of the construction and design of the dataset see Fox (2008; 2011) and the RAS webpage at www.religionandstate.org.

for these factors. I use the same categories used by Fox (2008): six world regions—Western democracies, the former Soviet bloc, non-Soviet Asia, the Middle East (including North Africa), sub-Saharan Africa, and Latin America—and five categories of religious traditions—Catholic, Orthodox Christianity, Other Christian traditions, Muslim, and other. While each of these categories contains diverse traditions, these are the most detailed categories feasible while still maintaining the minimum number of cases in each category for statistical assumptions to hold. Despite the diversity within traditions, the cases in each category have sufficient commonalities to justify placing them into a single category. I test these means at four time points, 1990, 1996, 2002, and 2008 to examine whether any changes which occur do so consistently over time or within a short period.

Third, I examine whether any changes over time can be explained by other factors using multi-variate analysis (OLS regressions). The unit of analysis is a case-year so each country is included once for each year for which there are codings. I account for time by subtracting 1990 from the year of the observation. I control for the same factors as Fox (2008):

The majority religion: These are the same categories as used in the previous test. I use a separate variable for each religious tradition which is coded as 1 if the majority of the state is of the tradition being measured. The excluded variable is "other" religious traditions. Numerous studies have found that the majority religious tradition influences important political variables. (eg. Midlarsky, 1998; Fisch, 2002)

Majority percent measures the percentage of the country's population which belongs to the majority religion. *# minority religions* measures the number of minority religions which are at least 5% of the country's population. Both of these variables are

taken from the RAS1 dataset (Fox, 2008). These measures are important because religious demography is an important determinant of state religion policy. (Fox, 2008)

Polity measures the extent of autocracy and democracy in a state on a scale of -10 (most autocratic) to 10 (most democratic). (Jagers & Gurr, 1995) This variable is used because democracies are expected to maintain religious freedom and perhaps separation of religion and state. While many studies also use the Freedom House measure to measure democracy, as the measure includes civil rights, it is unacceptably covariant with religious discrimination.

Regime stability is also taken from the Polity project. It measures how many years a regime has persisted without a change in the Polity measure. This variable used because stability of the country may influence government religion policy.

Log-per-capita GDP is taken from the UN Statistics Division website¹² and measures economic development.¹³ This is important because secularization theory predicts economic development will result in more secularization. On the other hand, developed countries have more resources. This can result in more powerful states with a higher capability to make and enforce policies, including religion policies.

The *log-of-population* variable controls for population size. States with small populations will have different methods of organizing their government than larger states. This variable is from the UN Statistics Division website.

¹² <http://unstats.un.org/unsd/default.htm>

¹³ While many studies use other measures such as the UN's Human Development index (HDI) to measure economic development I chose to use log-per-capita-GDP because the HDI was missing for several of the states included in this study.

Official religion is a 14 category variable which measures whether the state officially or unofficially prefers a single religion.¹⁴ Fox (2008) demonstrates that while an earlier version of this variable is correlated with religious discrimination and legislation it represents an official declaration of policy as opposed to the actual policies in practice measured by the religious discrimination and legislation variables. Its correlations with religious discrimination and legislation are .300 and .640 respectively. Thus, due to the theoretical and statistical connection between this variable and the dependent variables the tests here use two models—one using this variable and one without this variable.

All but one pairing of the independent variables have correlations of .552 or lower. The only exception is *majority %* and *# minority religions* which are mathematically related and have a correlation of .785. Accordingly, multicollinearity is not an issue.

Data Analysis

Figure 1 presents the means for religious discrimination and legislation over time. Figure 2 presents the same data showing change over time using 1990 as a baseline. The results show a clear increase over time in both measures. The rise in religious discrimination is statistically significant at the .05 level in 1992, 1994 and 1995, at the .01 level in 1996 and 1997, and at the .001 level from 1998 onward. The rise in religious legislation is statistically significant at the .05 level in 1991, at the .01 level in 1992, 1993 and 1994, and at the .001 level from 1995 onward.

¹⁴ For a full description of this variable see the RAS codebook at www.religionandstat.org.

[figures 1 and 2 about here]

With the exception of 2003, the mean levels of both variables increased each year. The drop in 2003 can be attributed to the regime change in Iraq after the US-led invasion which overthrew Saddam Hussein. Under Hussein, religious discrimination and legislation were high with scores of 43 and 24 respectively. In 2003 Iraq had no government so there were no codings, causing an immediate drop. In 2004, when the government began to reconstitute, the codings, while high, were considerably lower at 11 and 15 respectively.¹⁵ Thus, what is by far the single largest drop in both religious discrimination and legislation for any country between 1990 and 2008 is attributable to a rare invasion by outside forces rather than internally initiated change.

While there was an overall increase in both religious discrimination and legislation it was not fully uniform. Discrimination dropped in 25 (14.1%) countries, remained constant in 66 (37.3), but increased in 86 (48.6%). Similarly, legislation decreased in 17 (9.6%) countries, remained constant in 80 (45.2%), but increased in 79 (44.6%) countries. Thus, neither religious discrimination nor legislation increased in a majority of countries but the number of countries where they increased is 3.44 and 4.65 greater, respectively, than those in which it decreased. This can certainly be considered a robust trend.

The results in table 1, which show these increases over time controlling for world region and majority religion, demonstrate further robustness. In each religious tradition, both variables increased over time. These changes were statistically

¹⁵ Under the Hussein regime the Sunni Muslims were considered the majority because, despite being a numerical minority, they clearly controlled the government. From 2004 onward the Shi'i Muslims are coded as being the majority religion.

significant for Catholics, Muslims, and "other" religions for both variables and Orthodox Christianity for discrimination only. Both variables increased over time for all world regions other than the Middle East-North Africa region. The drop in this region can be attributed to the invasion of Iraq, otherwise the means for both variables increased even in this region. The increase in religious discrimination was statistically significant for Western democracies, the former Soviet bloc, and Asia. The increase in religious legislation was statistically significant for the former Soviet bloc, Asia, Sub-Saharan Africa, and Latin America.

[Table 1 about here]

These results confirm *hypothesis 4* (religious resurgence), that the extent of religious legislation and discrimination will be uniformly significant and increase over time. Furthermore, it predates 9/11, the event that brought religion as a potent political force to many people's attention. The results clearly disprove *hypothesis 2* (secularization in the West), that the extent of religious legislation and discrimination in the West will be low and declining.

The multivariate analysis, presented in table 2, shows a statistically significant increase in religious discrimination but not in religious legislation over time when controlling for other factors. Since the bivariate analysis shows that both increased over time, it is likely that this can be explained by the fact that between 1990 and 2008 the average population, regime durability, and per-capita-GDP all increased.¹⁶

¹⁶ Regime durability increased from a low of 12.79 in 1992 to 18.82 in 2008. Per-capita-GDP (not logged) increased from an average of \$5195 in 1990 to \$14125 in 2008. Polity increased from an average of 0.37 in 1990 to 3.56 in 2008.

All three of these variables increase levels of both religious discrimination and legislation. The Polity variable, which shows a trend toward more democracy over time, was negatively associated with both dependent variables.

[table 2 about here]

Religious demographics also played a significant role. The % majority religion variable was significantly and positively associated with both dependent variables in regressions not including the official religion variable. As the % majority religion and official religion variables have a correlation of .512 ($p = .000$) this is not surprising. All of the majority religion identity variables are significant in the regressions for religious discrimination with Muslim and Orthodox Christian majority states engaging in higher levels of religious discrimination and Catholic and "other" Christian majority states engaging in less. In both regressions for religious legislation Catholic countries engage in significantly less religious legislation and Muslim majority states engage in more. In model 1 only, Orthodox Christian majority states engage in significantly less religious discrimination. These results are consistent with the bivariate analysis which shows differing levels of religious legislation and discriminations across states with different majority religions.

The multivariate analysis has implications for the predictions regarding secularization theory which predicts that as the world modernizes it will become more secular. However, the results here show that as countries develop economically, religious discrimination and religious legislation increases. This is exactly the opposite of the predictions of secularization theory. In contrast many, including Toft (et.al., 2011), Almond, et. al. (2003), Esposito (1998), and; Haynes, (2009), predict

that the very modern processes that are purported to lead to secularization are contributing to religion's resurgence. This result supports this argument.

Conclusions

Earlier we asked whether this is God's century or God is dead? At least with regard to state religion policy—and more specifically state religious discrimination and legislation—it seems the former is more accurate. Both religious discrimination and legislation have increased significantly between 1990 and 2008. This increase is robust. It remains consistent across world regions and major religious traditions. States where levels of religious discrimination and legislation increased greatly outnumber states where it dropped. Multivariate analysis confirms this result for religious discrimination. The multivariate analysis also shows that economic development, which secularization theory predicts will result in less government support for religion, is significantly correlated with the opposite. This strongly confirms *Hypothesis 4* (religious resurgence) that the extent of religious legislation and discrimination will be uniformly significant and increase over time. It also seriously undermines the other three competing hypotheses.

These results constitute an analysis of a 19-year time span using more comprehensive variables than previously available. They provide the most definitive proof to date that the several of the core results of the comparative analysis provided by Toft et. al. (2011) are correct. These include that "religion's influence on politics has reversed its decline and become more powerful on every continent and across every world religion" (Toft, et. al., 2011: 3) and that "What is remarkable about all of these cases...is not only that religion has resurged in its political influence but that it

has resurged with the help, rather than the opposition, of the very same forces that secularization theorists thought would spell its demise." (Toft, et. al., 2011: 7)

This has significant implications for our understanding of the relationship between religion and politics. The perspective provided by Toft (et. al., 2001) of the evolution of religion and politics depicts a centuries long process in which the forces of secularism gained strength. And by this I mean secularism as an ideology which competes with religion in the manner described by Philpott (2009) and Taylor (2007). Secularism is not an inevitable process. It is an ideology which seeks to play a role in guiding society and politics that was formerly exclusive to religion. Thus, religion and secularism are inevitably political competitors. (Juergensmeyer, 1993; 2008) Until some point recently, between the early 1960s and late 1970s depending on which analysis of history one accepts, secularism was gaining ground. Since this indeterminate point in time, religion has been coming back.

However, this finding is more important than a simple proof that predictions of religion's resurgence are correct with regard to state religion policy. Rather, it demonstrates that every country is essentially a battleground between the supporters of secular ideologies and religious ideologies. The forces of secularism prefer that religion be relegated to the private sphere, and in extreme cases that it go away altogether. At the same time many religious actors want to influence the political arena. The extent of this desired influence varies from having religious ideals and morals being part of the political discourse to the establishment of theocratic governments. (Grim & Finke, 2011; Toft, et. al., 2011) Each state is unique, with a religion policy which in some manner differs from that of every other state. Yet each state experiences a tug of war between religious and secular forces.

This description simplifies the true complexity of the situation in several ways. First, religious actors within a single tradition are not homogeneous and have different views on both what religious ideals and precepts should be influencing state policy and to what extent. (Appleby, 2000) Second, in many states the tensions are not limited to secular-religious tensions but also include tensions between different religious traditions. In 2008 82.5% of the states in the RAS2 dataset engaged in some restrictions on the religious practices or institutions of at least some religious minorities. This is a result confirmed by other studies. (Grim & Finke, 2011)

Third, secularism is not a homogeneous ideology. Ideas regarding separation of religion and state vary significantly. While the terms for these competing models differ in the literature I rely on those developed by Fox (2008), Madely (2003) and Raz (1986). The *secularist-laicist* model bans state support for any religion and, in addition, restricts the presence of religion in the public sphere. Religion is a wholly private matter and the state enforces this through restrictions on public religious activities and on religious institutions. (Kuru, 2009; Haynes, 1997; Stepan, 2000; Esbeck, 1988) This model allows restrictions on religion as long as they are applied equally to all religions. The *absolute separation of religion and state* model requires that the state neither support nor restrict any religion but does not restrict religious expression in the public sphere. (Esbeck, 1988; Kuru, 2009) The US is often considered the prime example of this model.¹⁷ The *neutral political concern* model "requires that government action should not help or hinder any life-plan or way of life more than any other and that the consequences of government action should therefore be neutral." (Madeley, 2003: 5-6) Thus both support for religion and restrictions on

¹⁷ Within this school of thought in the US there are several different trends. For more details see Esbeck (1988).

religion are allowed but they must be applied equally to all religions. Finally, the *exclusion of ideals* model has a similar conception of neutrality but focuses on intent rather than outcome. It mandates that "the state be precluded from justifying its actions on the basis of a preference for any particular way of life." (Madeley, 2003: 6) Thus, its influence is similar to that of the neutral political concern model but inequality between religions in practice is allowed as long as none was intended.

Thus, it is not exactly God's Century but neither is God dead. Rather the 21st century is more likely to host a battleground between religious and secular forces, each seeking advantage in the political arena. This is part of a slow evolution of religion's role in politics that Toft et. al. (2011) date back to more than half a millennium ago (1450) and is likely to continue to play out for centuries to come. What is important is that both scholars and practitioners of politics recognize that religion remains a potent political force and no government can avoid making policy on the issue, even if that policy is to scrupulously avoid religion. Otherwise states must choose between supporting religion or limiting and controlling it. As in 2008 82.5% of governments engaged in religious discrimination and only one, South Africa, had none of the 51 types of religious legislation coded in the RAS2 dataset, governments which are able to fully avoid religion are rare. Given this, it is impossible to avoid the conclusion that religion is for the foreseeable future, inextricably intertwined with politics across the globe.

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Figure 1: Religious Discrimination 1990 to 2008, Raw Scores

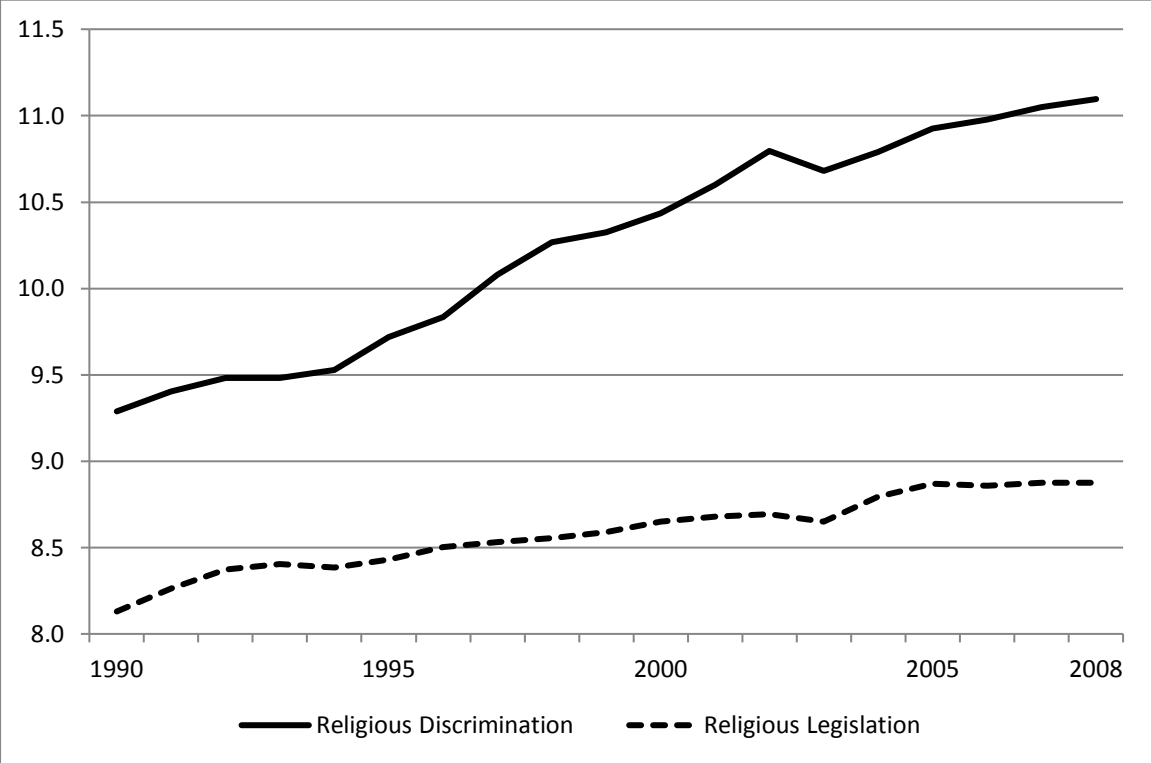


Figure 2: Religious Discrimination 1990 to 2008, Percentage increase since 1990

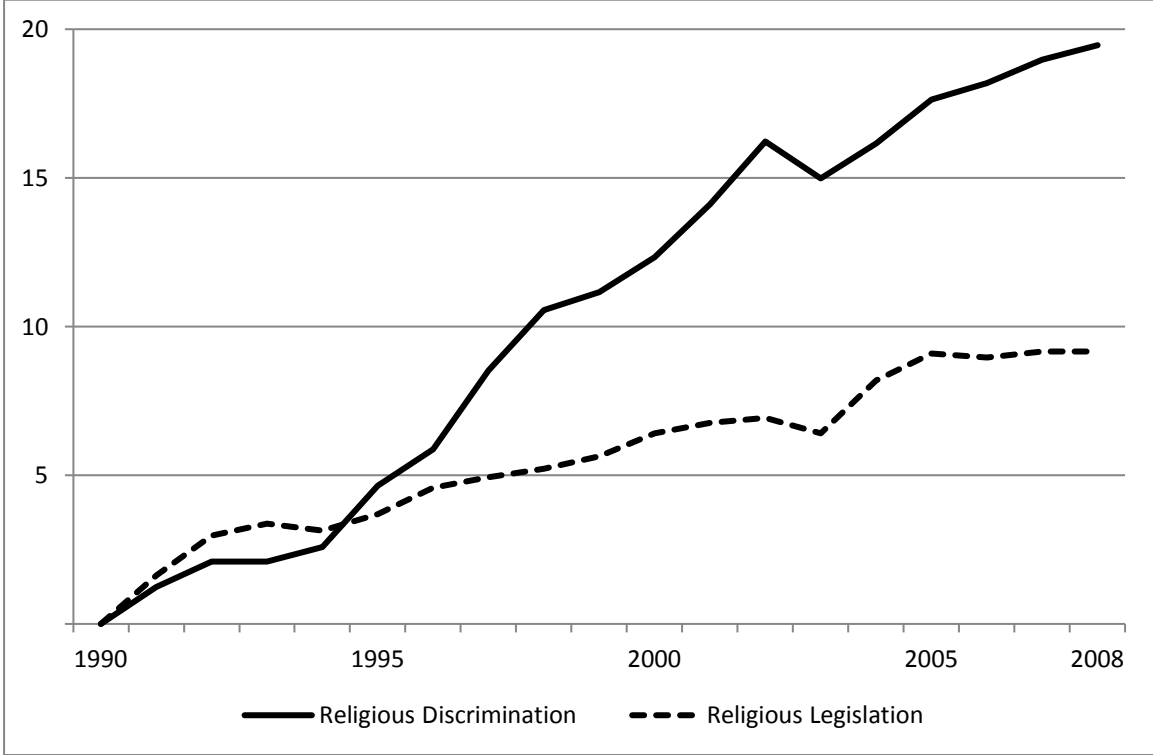


Table 1: Mean Levels of Religious Discrimination and Legislation, 1990 to 2008

| | N | Religious Discrimination | | | | Religious Legislation | | | |
|-----------------------------|-----|--------------------------|----------|------------|-------------|-----------------------|-----------|------------|------------|
| | | 1990* | 1996 | 2002 | 2008 | 1990* | 1996 | 2002 | 2008 |
| <i>All cases</i> | 177 | 9.3371 | 9.8343e | 10.7955fi | 11.0960fi | 8.1943 | 8.5029f | 8.6932fi | 8.8757fij |
| <i>By Majority Religion</i> | | | | | | | | | |
| Catholic | 44 | 3.1628c | 3.2791c | 3.9773cdh | 4.2500cei | 5.3256c | 5.6047ce | 5.7500cfg | 5.9091cfh |
| Orthodox Christian | 13 | 14.5833 | 15.4167 | 20.5000bd | 19.8462bdg | 6.4167 | 6.8333 | 7.0833 | 7.3846 |
| Other Christian | 41 | 2.8293c | 3.0000c | 3.5610c | 4.3659c | 6.0244c | 6.0732c | 6.0976c | 6.2683c |
| Muslim | 47 | 18.5319c | 19.6170c | 20.4894ceh | 20.1064c | 14.7234c | 15.2979ce | 15.7872cfg | 15.8936ce |
| Other | 32 | 10.5000 | 10.9375 | 11.5625d | 12.3438ehj | 5.9063b | 6.1563be | 6.2500be | 6.5938be |
| <i>By World Region</i> | | | | | | | | | |
| Western Democracies | 27 | 4.5556c | 4.8889cd | 5.4444ceg | 6.1111cehk | 7.2963 | 7.3704 | 7.2963 | 7.3333a |
| Former Soviet Bloc | 28 | 10.4815 | 11.5556 | 15.1481eh | 15.5714eh | 5.5926c | 6.1111c | 6.6296beh | 7.0714afij |
| Asia | 29 | 16.0000a | 16.8571a | 16.9655aeg | 17.6552afhk | 10.3571 | 10.8929 | 10.7586e | 11.2414e |
| Middle East & North Africa | 20 | 25.2000c | 25.5500c | 25.3500c | 24.2000c | 20.8500c | 21.0000c | 21.1000ce | 20.6500c |
| Sub Saharan Africa | 26 | 3.8043c | 4.0652c | 5.1739cdg | 5.3261cdg | 5.5217c | 5.8696ce | 6.2609cfg | 6.5217cfij |
| Latin America | 47 | 3.7407c | 3.9630c | 3.9630c | 4.5185c | 4.6296c | 4.7778c | 4.8889c | 5.0370ce |

a = significance (t-test) between marked mean and all other means in same category and year < .05

b = significance (t-test) between marked mean and all other means in same category and year < .01

c = significance (t-test) between marked mean and all other means in same category and year < .001

d = significance (t-test) between marked mean and mean for 1990 < .05

e = significance (t-test) between marked mean and mean for 1990 < .01

f = significance (t-test) between marked mean and mean for 1990 < .00

g = significance (t-test) between marked mean and mean for 1996 < .05

h = significance (t-test) between marked mean and mean for 1996 < .01

i = significance (t-test) between marked mean and mean for 1996 < .001

j = significance (t-test) between marked mean and mean for 2002 < .05

k = significance (t-test) between marked mean and mean for 2002 < .01

l = significance (t-test) between marked mean and mean for 2002 < .001

Table 2: Regressions for Religious Discrimination and Legislation, 1990 to 2008

| | Discrimination | | | | Legislation | | | |
|--------------------------|----------------|------|----------------|------|----------------|------|----------------|------|
| | <i>Model 1</i> | | <i>Model 2</i> | | <i>Model 1</i> | | <i>Model 2</i> | |
| | Beta | Sig | Beta | Sig | Beta | Sig | Beta | Sig |
| <i>Model 1</i> | | | | | | | | |
| Majority Catholic | -.190 | .000 | -.190 | .000 | -.142 | .000 | -.141 | .000 |
| Majority Orthodox | .163 | .000 | .184 | .000 | -.077 | .000 | -.004 | .773 |
| Majority Other Christian | -.195 | .000 | -.188 | .000 | -.020 | .174 | .004 | .838 |
| Majority Muslim | .100 | .000 | .140 | .000 | .334 | .000 | .470 | .000 |
| Majority % | .013 | .605 | .089 | .000 | .002 | .913 | .262 | .000 |
| # Minority Religions | -.088 | .000 | -.082 | .000 | .090 | .000 | .109 | .000 |
| Official Religion | .167 | .000 | -- | -- | .572 | .000 | -- | -- |
| Polity | -.425 | .000 | -.434 | .000 | -.140 | .000 | -.170 | .000 |
| Regime Stability | .132 | .000 | .128 | .000 | .003 | .836 | -.011 | .501 |
| Log-per-capita GDP | .123 | .000 | .160 | .000 | .206 | .000 | .331 | .000 |
| Log population | .223 | .000 | .209 | .000 | .242 | .000 | .192 | .000 |
| Time | .058 | .000 | .054 | .000 | .003 | .755 | -.009 | .490 |
| Df | 3129 | | 3129 | | 3129 | | 3129 | |
| Adjusted-R-Squared | .488 | | .470 | | .683 | | .472 | |

Appendix A: Components of the religious discrimination and legislation variables

(This information is available online at www.religionandstate.org. I provide it here for the reviewers' convenience).

Religious discrimination

- Restrictions on public observance of religious services, festivals and/or holidays, including the Sabbath.
- Restrictions on the private observance of religious services, festivals and/or holidays, including the Sabbath.
- Restrictions on building, leasing, repairing and/or maintaining places of worship.
- Restrictions on access to existing places or worship.
- Forced observance of religious laws of another group.
- Restrictions on formal religious organizations.
- Restrictions on the running of religious schools and/or religious education in general.
- Restrictions on the ability to make and/or obtain materials necessary for religious rites, customs, and/or ceremonies.
- Mandatory education in the majority religion..
- Arrest, continued detention, or severe official harassment of religious figures, officials, and/or members of religious parties for activities other than proselytizing.
- State surveillance of minority religious activities not placed on the activities of the majority.
- Restrictions on the ability to write, publish, or disseminate religious publications.
- Restrictions on the ability to import religious publications.
- Restrictions on access to religious publications for personal use.
- Restrictions on the observance religious laws concerning personal status, including marriage, divorce, and burial.
- Restrictions on the wearing of religious symbols or clothing. This includes presence or absence of facial hair.
- Restrictions on the ordination of and/or access to clergy.
- Restrictions on conversion to minority religions.
- Forced renunciation of faith by recent converts to minority religions.
- Forced conversions of people who were never members of the majority religion.
- Efforts or campaigns to convert members of minority religions to the majority religion which fall short of using force.
- Restrictions on proselytizing by permanent residents of state to members of the majority religion.
- Restrictions on proselytizing by permanent residents of state to members of minority religions.
- Restrictions on proselytizing by foreign clergy or missionaries.
- Requirement for minority religions (as opposed to all religions) to register in

- order to be legal or receive special tax status.
- Custody of children granted to members of majority group solely or in part on the basis of religious affiliation or beliefs.
- Restricted access of minority clergy to hospitals, jails, military bases, and other places a chaplain may be needed in comparison to chaplains of the majority religion.
- There is a legal provision or policy of declaring some minority religions dangerous or extremist sects.
- Anti-religious propaganda in official or semi-official government publications.
- Restrictions on other types of observance of religious law.

Religious Legislation

- Dietary laws.
- Restrictions or prohibitions on the sale of alcoholic beverages.
- Personal status defined by religion or clergy.
- Marriages performed by clergy of at least some religions are given automatic civil recognition, even in the absence of a state license.
- Restrictions on interfaith marriages.
- Laws of inheritance defined by religion.
- Religious precepts used to define crimes or set punishment for crimes.
- The charging of interest is illegal or significantly restricted
- Women may not go out in public unescorted.
- Restrictions on the public dress of women other than the common restrictions on public nudity.
- General restrictions on public dress or appearance other than those included in the above category.
- Restrictions on intimate interactions between unmarried heterosexual couples.
- Restrictions on intimate interactions between unmarried heterosexual couples.
- Laws which specifically make it illegal to be a homosexual or engage in homosexual intimate interactions.
- Restrictions on conversions away from the dominant religion.
- Blasphemy laws, or any other restriction on speech about majority religion or religious figures.
- Blasphemy laws protecting minority religions or religious figures.
- Censorship of press or other publications on grounds of being anti-religious.
- Significant restrictions on public music or dancing other than the usual zoning restrictions.
- Mandatory closing of some or all businesses during religious holidays including the Sabbath or its equivalent.
- Other restrictions on activities during religious holidays including the Sabbath or its equivalent. (“blue laws”). Specify:
 - Religious education is present in public schools.
 - Presence of official prayer sessions in public schools
 - Government funding of religious primary or secondary schools or religious educational programs in non-public schools.
 - Government funding of seminary schools.
 - Government funding of religious education in colleges or universities

- Public schools are segregated by religion or separate public schools exist for members of some religions.
- Government funding of religious charitable organizations including hospitals.
- Government collects taxes on behalf of religious organizations.
- Official government positions, salaries or other funding for clergy other than salaries for teachers of religious courses.
- Direct general grants to religious organizations.
- Funding for building, maintaining, or repairing religious sites.
- Free air time on television or radio is provided to religious organizations on government channels or by government decree.
- Funding or other government support for religious pilgrimages such as the Hajj.
- Funding for religious organizations or activities other than those listed above.
- Some religious leaders are given diplomatic status, diplomatic passports, or immunity from prosecution by virtue of their religious office.
- Presence of an official government ministry or department dealing with religious affairs.
- Presence of a police force or other government agency which exists solely to enforce religious laws.
- Certain government officials are also given an official position in the state church by virtue of their political office.
- Certain religious officials become government officials by virtue of their religious position.
- Some or all government officials must meet certain religious requirements in order to hold office.
- Presence of religious courts which have jurisdiction over matters of family law and inheritance.
- Presence of religious courts which have jurisdiction over some matters of law other than family law and matters of inheritance.
- Female testimony in government court is given less weight than male testimony.
- Seats in Legislative branch and/or Cabinet are by law or custom granted, at least in part, along religious lines.
- Prohibitive restrictions on abortion.
- Restrictions on access to birth control.
- The presence of religious symbols on the state's flag.
- Religion listed on state identity cards or other government documents that most citizens must possess or fill out.
- A registration process for religious organizations exists which is in some manner different from the registration process for other non-profit organizations.
- Restrictions on women other than those listed above
- Other religious prohibitions or practices that are mandatory.

