

2019

Promises, Practices, and Consequences of Religious Freedom: A Global Overview

Roger Finke

Dane R. Mataic

Bluebook Citation

Roger Finke & Dane R. Mataic, *Promises, Practices, and Consequences of Religious Freedom: A Global Overview*, 15 U. St. Thomas L.J. 587 (2019).

This Article is brought to you for free and open access by UST Research Online and the University of St. Thomas Law Journal. For more information, please contact lawjournal@stthomas.edu.

ARTICLE

PROMISES, PRACTICES, AND CONSEQUENCES OF RELIGIOUS FREEDOM: A GLOBAL OVERVIEW

ROGER FINKE*
DANE R. MATAIC**

Relying on recent cross-national data collections, this paper documents the discrepancy between the promise and practice of religious freedoms across the globe, reviews new data sources to better explain why and how religious freedoms are denied, and explores recent research to identify the consequences of these actions. We find that, despite constitutional promises of religious freedom remaining high, the level and severity of the restrictions on religion have consistently increased for the past twenty-five years. Societal pressures, government favoritism of a single religion, an independent judiciary, and free elections all prove to be strong predictors for the level of religious freedom supported. Finally, the denial of religious freedom, both the restrictions enacted by the state and by societal actors, are associated with higher levels of violence.

I. PROMISES, PRACTICES, AND CONSEQUENCES OF RELIGIOUS FREEDOM: A GLOBAL OVERVIEW

When an unlikely alliance of American religious groups and human rights activists advocated for improving the state of international religious freedom in the mid-1990s, they described religious freedom as the over-

* Roger Finke is a Distinguished Professor of Sociology, Religious Studies, and International Affairs at the Pennsylvania State University and is Director of the Association of Religion Data Archives (www.thearda.com). He is author of two award-winning books with Rodney Stark. His most recent books include *The Price of Freedom Denied* with Brian Grim (Cambridge University Press, 2011) and *Faithful Measures: The Art and Science of Measuring Religion* with Christopher Bader (New York University Press, 2017).

** Dane R. Mataic is a postdoctoral research associate in the Department of Sociology at the Pennsylvania State University. His research explores the intersection of social organizations, religion, and collective action. His two primary streams of research attempt to understand the occurrence of international religious freedoms as well as the mobilization of religious communities.

looked “orphan of human rights.”¹ But if religious freedoms frequently were overlooked in the policy arena in the 1990s, they were largely ignored by social scientists, especially among those relying on quantitative data. Prior to 2000, there virtually were no systematic data collections on religious freedoms and few studies attempted to understand the relationship religious freedoms held with the state or the society as a whole. Since 2000, however, there has been a flurry of data collections on religious freedoms and a new body of research has begun to emerge.

This paper reviews some of the most significant findings from this new research. We divide our review into three main areas. First, we offer a descriptive overview of the promise and practice of religious freedoms across the globe. Here, we document the large gap between the promises of religious freedoms made in state constitutions and the actual practices that fail to support these promises. We also chart the increase in religious restrictions over time.

Second, we review the measures that have received the most research support for explaining how and why religious freedoms are denied, why minority religions face open discrimination, and why the gap between promises and practices is so large. We document that societal pressures, government favoritism of a single religion, an independent judiciary, and free elections are some of the strongest predictors.

Third, we look at the consequences of denying religious freedoms. Although some suggest that religious violence and a lack of civility results from religious freedoms, initial research suggests that religious freedoms serve to defuse religious conflict. Finally, we close the essay with a brief discussion on where we go from here. We stress the need for continued research on the consequences of religious freedoms, the importance of better understanding the potential conflicts these freedoms hold with other civil liberties, and how all of these relationships vary for different religious minorities.

Before we address these areas, however, we begin with a brief introduction of the data sources and the definitions that guided the measures used for this review.

A. *Data Sources and Definitions*

As noted above, the paucity of data on religious freedoms prior to 2000 gave way to multiple data options in the years that followed. The most significant data collections were conducted by Freedom House,² the Religion and State Project at Bar Ilan University,³ the Pew Research Center,⁴ and

1. ALLEN D. HERTZKE, *FREEING GOD’S CHILDREN: THE UNLIKELY ALLIANCE FOR GLOBAL HUMAN RIGHTS* 69 (2004).

2. *See generally* RELIGIOUS FREEDOM IN THE WORLD (Paul A. Marshall ed., 2008).

3. *See generally* JONATHAN FOX, *A WORLD SURVEY OF RELIGION AND THE STATE* (2008).

the Association of Religion Data Archives at the Pennsylvania State University.⁵ Although the collections vary in the research methodologies and information sources used, their religious freedom measures are highly correlated and have produced very similar results.⁶ The tables for this report will rely on the Religion and State Project and the Association of Religion Data Archives (ARDA) data files.⁷ We also will restrict our coverage to the approximately 170 nations with a population of 500,000 or more. This includes the vast majority of the world's population and allows for more meaningful comparisons across countries.

These collections offer a vast number of measures on religion's relationship with the state and larger society. Together they provide a wealth of information on how the state and larger society restrict all religions as well as how some religions receive preferential treatment while others face increased restrictions. We define religious restrictions as restraints that inhibit the practice, profession, or selection of religion. Government restrictions result from the official laws, policies, or administrative actions of the state. Conversely, societal restrictions are enacted by non-state actors, such as other religious groups, associations, or the culture at large.⁸ These two measures allow us to explore how and why religious freedoms are denied by both state and non-state actors.

A consistent finding from past research, however, is that religious minorities are the most frequent targets of state restrictions and that their free-

4. See generally LUIS LUGO ET AL., PEW FORUM ON RELIGION AND PUBLIC LIFE, GLOBAL RESTRICTIONS ON RELIGION (2009), <http://www.pewresearch.org/wp-content/uploads/sites/7/2009/12/restrictions-fullreport1.pdf>.

5. Brian Grim & Roger Finke, *International Religion Indexes: Governmental Regulation, Government Favoritism, and Social Regulation of Religion*, 2 INTERDISC. J. OF RES. ON RELIGION, no. 1, 2006, at 1, <http://www.religjournal.com/pdf/ijrr02001.pdf>.

6. BRIAN GRIM & ROGER FINKE, THE PRICE OF FREEDOM DENIED: RELIGIOUS PERSECUTION AND VIOLENCE (2010); Jonathan Fox, *Building Composite Measures of Religion and State*, 7 INTERDISC. J. OF RES. ON RELIGION, no. 8, 2011, at 1, <http://www.religjournal.com/pdf/ijrr07008.pdf>; Jonathan Fox, Roger Finke & Dane R. Mataic, *New Data and Measures on Societal Discrimination and Religious Minorities*, 14 INTERDISC. J. OF RES. ON RELIGION, no. 14, 2018, at 1, <http://www.religjournal.com/pdf/ijrr14014.pdf>.

7. These collections are publicly available for download, offer extensive documentation on how the data were collected, and have been used and evaluated extensively by past research. The RAS project also covers 24 years, allowing us to chart trends over time. See *Data Archive*, THE ARDA, <http://www.thearda.com/archive/browse.asp> (last visited Jan. 10, 2019); see also JONATHAN FOX, POLITICAL SECULARISM, RELIGION, AND THE STATE: A TIME SERIES ANALYSIS OF WORLDWIDE DATA (2015) [hereinafter POLITICAL SECULARISM, RELIGION, AND THE STATE]; JONATHAN FOX, THE UNFREE EXERCISE OF RELIGION: A WORLD SURVEY OF DISCRIMINATION AGAINST RELIGIOUS MINORITIES (2016) [hereinafter THE UNFREE EXERCISE OF RELIGION]; FOX, *supra* note 3; FOX, *supra* note 6; Grim & Finke, *supra* note 5.

8. Extensive examples of societal restrictions exist throughout the world, such as violence by religious communities or social movements, the destruction of property, and non-violent action, such as "preventing the construction or use of buildings for worship." FOX, FINKE & MATAIC, *supra* note 6, at 4, 9–11.

doms often are the first to be denied.⁹ Therefore, we will distinguish between the state's treatment of religious minorities and the religions favored by the state. Our measures for religious discrimination against minorities are defined as restrictions placed by governments or their agents on the religious practices or institutions of religious minorities which are not placed on the majority religion.

When combined with other cross-national data, these measures offer a clear window for viewing religious freedoms and restrictions in the global community.

B. *Promises vs. Practices*

Article 18 of the United Nations' 1948 Universal Declaration of Human Rights outlines the international expectations for religious freedom: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."¹⁰ In addition, Article 2 of the Declaration promises that none of the human rights described in the Declaration can be denied due to a person's religion.¹¹ These expectations were reinforced and extended in the U.N.'s 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. This Declaration provided far more detail on the international norms and expectations for religious freedoms and led to the appointment of a Special Rapporteur on freedom of religion or belief in 1986.¹²

A review of many national constitutions demonstrates that assurances of religious freedom are common and that Article 18 has served as a model for many.¹³ The opening sentence of the European Convention on Human Rights' Article 9 is copied directly from the U.N. Declaration.¹⁴ Some countries, such as Ethiopia,¹⁵ incorporate Article 18 of the Declaration into their constitutions word-for-word. Others incorporate only parts of Article

9. See Roger Finke, Robert R. Martin & Jonathan Fox, *Explaining Discrimination Against Religious Minorities*, 10 *POL. AND RELIGION* 389, 390 (2017) (reviewing some of the key sources).

10. G.A. Res. 217 (III) A, Universal Declaration of Human Rights, at art. 18 (Dec. 10, 1948).

11. *Id.* at art. 2.

12. G.A. Res. 36/55, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, at art. 1 (Nov. 25, 1981).

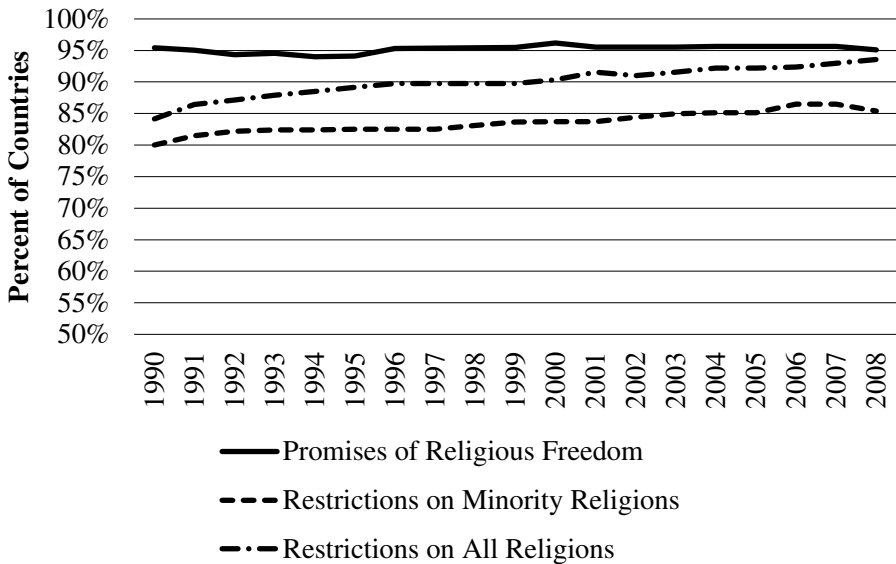
13. See generally Jonathan Fox & Deborah Flores, *Religions, Constitutions, and the State: A Cross-National Study*, 71 *J. OF POL.* 1499 (2009); Dane R. Mataic & Roger Finke, *Compliance Gaps and the Failed Promises of Religious Freedoms*, 47 *RELIGION, ST. & SOC'Y* 124 (2018), <https://www.tandfonline.com/doi/full/10.1080/09637494.2018.1528788>; GRIM & FINKE, *supra* note 6.

14. European Convention for the Protection of Human Rights and Fundamental Freedoms art. 9, Nov. 4, 1950, E.T.S. No. 5, 213 U.N.T.S. 221.

15. CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA Dec. 8, 1994, art. 27.

18, or qualify its provisions with addenda. The Constitution of Guyana,¹⁶ for example, combines nearly verbatim restatements of Article 18 with prefaces stating that freedoms may not be denied “except with [one’s] own consent.” Indeed, nearly all constitutions provide some religious freedom assurances. As depicted in Figure 1, about 95 percent of all countries made at least some religious freedom promise in their constitution between 1990 and 2008.

FIGURE 1. PROMISES AND PRACTICES OF RELIGIOUS FREEDOM, 1990–2008.



Note: Documents the change in the percent of countries with constitutional promises of religious freedom and the presence of restrictions on religions from 1990 to 2008. Derived from the RAS Collection. $N = 172$ countries.

Despite the strong support given to religious freedoms in national constitutions, however, the state’s support for these freedoms is often lacking. After comparing constitutional promises of religious freedoms with legislation restricting religious freedoms, Grim and Finke conclude that “[o]f the 130 countries promising religious freedom, 86 percent (112 countries) have at least one law denying a religious freedom and 38 percent have four or more such restrictions.”¹⁷ Based on a series of descriptive tables using the RAS data, Fox and Flores explain that a “large majority of states with religious freedom clauses in their constitutions engage in actions which are counter to these clauses.”¹⁸ When Fox and Flores entered the constitutional clauses into a multivariate model predicting religious discrimination and

16. CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA ACT Oct. 6, 1980, art. 145.

17. GRIM & FINKE, *supra* note 6, at 28.

18. Fox & Flores, *supra* note 13, at 1505.

legislation, they concluded that the “clauses have at best a limited impact on government behavior.”¹⁹

The collections also show that the discrepancy between religious freedom promises and practices is increasing. As demonstrated in Figure 1, constitutional assurances of religious freedom have remained high and stable since 1990. In contrast, global restrictions on religion continue to increase. The percent of countries with restrictions placed only on minority religions as well as restrictions placed on all religions increased between 1990 and 2014. The percent of countries with restrictions targeting only minority religions jumped from 80 to 85 percent, and the restrictions targeting all religions increased from 84 to 94 percent.

The severity of the restrictions have also increased over time. Table 1 provides an overview of the changes in restrictions directed toward minority and all religions in 1990 and 2014.²⁰ In 1990, 47 percent of the countries held a medium or high level of restrictions targeted at minority religions. By 2014, however, the percentage jumped to 59 percent, an increase of 12 percentage points in twenty-five years. Moreover, this increase in the level and severity of restrictions against minorities is a global trend. When we divided the nations into six major regions, every region had an increase in the level and severity of the restrictions enforced against minority religions.²¹ Each region experienced an increase in the percentage of countries with medium to high levels of restrictions on minority religions, and each region decreased in the percentage of countries with no restrictions on minority religions.

19. *Id.* at 1499.

20. Some countries were not present in 1990 or 2014; in these instances, values were derived from their earliest and latest years.

21. The six global regions were Western Democracies, Former USSR, Asia, the Middle East and North Africa, Sub-Saharan Africa, and Latin America.

TABLE 1. TRENDS IN THE SEVERITY OF RESTRICTIONS
ON RELIGION, 1990 AND 2014

	Global Total	
Restrictions on Minority Religions		
None	17%	11%
Low	36%	30%
Medium	23%	28%
High	24%	31%
Restrictions on All Religions		
None	15%	5%
Low	38%	37%
Medium	22%	25%
High	26%	33%

Note: Percentages are based on the number of countries present in 1990 or earliest available and 2014 or latest available. Derived from the RAS Collection. $N = 172$ countries.

Similar patterns emerged when documenting the level and severity of restrictions on all religions. The percentage of countries holding medium or high levels of restrictions increased from 48 percent in 1990 to 58 percent in 2014. Once again, this was a global trend. Every region featured a decrease in the percent of countries with no restrictions on all religions, and only one of the six regions showed a decline in the severity of the restrictions.²² Table 1 also shows that the greatest increases between 1990 and 2014 in medium and high levels of restrictions occurred within the former USSR (52 to 62 percent), Asia (47 to 58 percent), and Sub-Saharan Africa (25 to 49 percent). Overall, the presence of restrictions on all religions continues to increase in both occurrence and severity.

The restrictions on religions are often enacted through seemingly benign regulations, such as religious registration. Registration is commonly used as a tool of the state to control the operations of a religious organization or to withhold or revoke the group's right to exist.²³ Minimum size, a minimum number of years in existence, and a long list of other requirements often prevent a large swath of religious groups from qualifying for registration.²⁴ Moreover, because religious registration is frequently administered by local agencies (e.g., religious bureaus) and the agencies are given substantial discretion on how to interpret laws for registering, defining, or tolerating religions, these agencies are especially vulnerable to local social

22. In the Middle East and North Africa, the percentage falling in the "medium" and "high" levels of restrictions on all religions dropped from 96 percent to 91 percent.

23. See generally Roger Finke, Dane R. Mataic & Jonathan Fox, *Assessing the Impact of Religious Registration*, 56 J. FOR THE SCI. STUDY OF RELIGION 720 (2017).

24. *Id.*

pressures.²⁵ These registration requirements may be proposed as beneficial to a religion (e.g., register for tax benefits); however, our recent research has found a strong relationship between requiring religious groups to register and increases in governmental restrictions in subsequent years.²⁶

As shown in Table 2, not only is the percentage of nations requiring registration increasing (from 40 to 45 percent), there also is a sharp increase in religious groups facing registration requirements that are different from other nonprofits (48 percent in 1990 to 60 percent in 2014). The outcomes and enforcement of these registration requirements also are changing. The percentage of countries denying registration to some religious groups increased from 24 to 33 percent, and enforcing the registration requirements increasingly discriminates against those religious groups that are unregistered (14 percent in 1990 to 25 percent in 2014).

TABLE 2. TRENDS IN THE IMPLEMENTATION OF REGISTRATION PRACTICES IN 1990 AND 2014

	1990	2014
<i>Requirement for minority religions (as opposed to all religions) to register in order to be legal or receive special tax status</i>	40%	45%
<i>A registration process for religious organizations exists which is in some manner different from the registration process for other non-profit organizations</i>	48%	60%
<i>The registration process is required but sometimes denied</i>	24%	33%
<i>Government enforces registration requirements and discriminates against unregistered groups</i>	14%	25%

Note: Percentages are based on the number of countries present in 1990 or earliest available and 2014 or latest available. Derived from the RAS Collection. *N* = 183 countries.

Regardless of the data collection used, we have found several trends emerging. Despite constitutional promises of religious freedom remaining high and stable over time, the restrictions on these freedoms are increasingly high. Both the number of restrictions and the severity of the restrictions on religion have been increasing over the past twenty-five years. Moreover, the increase has occurred across the globe, reaching into every global region. We offer religious registration requirements as one example of how government restrictions can deny religious freedoms and documented how these requirements are increasing. Each of these trends raises questions on how and why religious freedoms are denied. Below we review

25. ANTHONY J. GILL, *THE POLITICAL ORIGINS OF RELIGIOUS LIBERTY* 13–15 (2008); KARRIE KOESEL, *RELIGION AND AUTHORITARIANISM: COOPERATION, CONFLICT, AND THE CONSEQUENCES* 18–21, 64 (2014); GRIM & FINKE, *supra* note 6, at 36–40.

26. Finke, Mataic & Fox, *supra* note 23, at 735.

a few of the answers that are emerging from a rapidly growing body of research and we offer tables and charts to support these arguments.²⁷

C. *Why are the Freedoms Denied?*

Research efforts to understand the vast disconnect between promises and practices of religious freedom and the recent rise in religious restrictions have focused on both social and political origins. Some findings stress the religious, social, and cultural pressures within the nation, others stress the internal governance of the nation, and still others look to the impact of international pressures.²⁸

The religious, social, and cultural pressures within the nation can arise from formal or informal alliances. The formal alliance between a majority religion and the state is the most obvious. For the dominant religion, this alliance often provides subsidies, status, and other privileges not granted to other religions. For state leaders, the alliances are often a necessity for securing political survival. The end result of the alliance is that the dominant religion has a competitive advantage over other religious and cultural groups.²⁹ One way to demonstrate alliances between a majority religion and the state is through the level of government favoritism within a country.³⁰

Using data from the ARDA collection, Table 3 presents the associations between both government favoritism and the level of government restrictions. The highest percentages of countries with medium and high levels of government restrictions are among those with medium and high levels of government favoritism. In fact, of the forty-one countries with medium levels of government favoritism, 54 percent have medium or high levels of government restrictions. Similarly, of the forty-one countries with high levels of government favoritism, 66 percent have medium or high levels of government restrictions. The difference is drastic when compared to the countries with no government favoritism. Of the twenty-nine countries with no favoritism, only 14 percent have medium or high levels of government restrictions. Similar patterns are found among countries with low levels of favoritism: only 33 percent have medium or high levels of government restrictions.

27. THE UNFREE EXERCISE OF Religion, *supra* note 7, at 12–27 (providing detail of a variety of explanations for why governments restrict religious freedoms).

28. See generally Dane R. Mataic, *Countries Mimicking Neighbors: The Spatial Diffusion of Governmental Restrictions on Religion*, 57 J. FOR THE SCI. STUDY OF RELIGION 221 (2018).

29. For an in-depth discussion on how and why these alliances form, as well as the consequence of these alliances, see GILL, *supra* note 25.

30. Roger Finke & Robert R. Martin, *Ensuring Liberties: Understanding State Restrictions on Religious Freedoms*, 53 J. FOR THE SCI. STUDY OF RELIGION 687, 695 (2014).

TABLE 3. SOCIAL RESTRICTIONS, GOVERNMENT FAVORITISM AND RESTRICTIONS ON RELIGION, 2008

	<i>Government Restrictions on Religion Index</i>			
	None	Low	Medium	High
<i>Government Favoritism of Religion Index</i>				
None (N=29)	55%	31%	4%	10%
Low (N=55)	53%	15%	15%	18%
Medium (N=41)	22%	24%	32%	22%
High (N=41)	22%	12%	24%	42%
<i>Social Restrictions on Religion Index</i>				
None (N=59)	73%	18%	3%	8%
Low (N=40)	55%	18%	14%	14%
Medium (N=46)	24%	27%	20%	20%
High (N=53)	0%	15%	32%	54%

Note: Derived from the ARDA Collection. *N* = 166 countries.

Even without formal alliances, however, religious institutions and the larger culture can sway the actions of the state. Working through social and political movements, as well as more formal political and religious institutions and leaders, the majority groups can reduce religious freedoms by advocating for formal legislation or by applying informal pressures to local institutions. Social and cultural pressures can lead state agencies to actively deny freedoms through formal state actions, or the agencies can simply overlook the violations of promised freedoms. In either case, the freedoms are denied. Evidence of these pressures has been documented at length in qualitative research and formal documents reporting on religious freedoms.³¹

The strong relationship between social restrictions on religion and government restrictions on religion is presented in the bottom half of Table 3. Of the fifty-nine countries with no social restrictions on religion, 91 percent have no or low levels of government restrictions on religion. Conversely, of the fifty-three countries with high levels of social restrictions, zero percent have no government restrictions, and only 15 percent have low levels of government restrictions on religion. Thus, both social restrictions and government favoritism of a select religion(s) hold close relationships with government restrictions on religion.

31. See generally U.S. Dep't of State, Bureau of Democracy, H.R. and Lab., International Religious Freedom Report (2016); Asma Jahangir (Special Rapporteur on Freedom of Religion or Belief), *Report of the Special Rapporteur on Freedom of Religion or Belief*, U.N. Doc. A/HRC/4/21 (Dec. 26, 2006); James T. Richardson & Massimo Introvigne, "Brainwashing" Theories in European Parliamentary and Administrative Reports on "Cults" and "Sects", 40 J. FOR THE SCI. STUDY OF RELIGION 143 (2001); RELIGIOUS FREEDOM IN THE WORLD, *supra* note 2.

How nations are governed also have proven influential in states supporting or denying religious freedoms.³² Although free elections often are touted as the most essential component of a democracy, an independent judiciary often has been found to have an even stronger influence on the support of religious freedom.³³ Using global examples, James T. Richardson illustrates how the autonomy of courts can serve to protect religious minorities from the whims of leaders and the legislative power of majorities.³⁴ Table 4 provides a descriptive overview showing the patterns of independent judiciary and government restrictions of religion. Sixty-nine percent of the countries with a partially to generally independent judiciary are associated with zero to low levels of government restrictions. Conversely, in the countries without an independent judiciary, 55 percent of the countries have medium to high levels of restrictions.

TABLE 4. GOVERNANCE DIMENSIONS AND RESTRICTIONS ON RELIGION, 2008

	<i>Government Restrictions on Religion Index</i>			
	None	Low	Medium	High
<i>Independent of Judiciary</i>				
Partially to generally independent (N=83)	48%	21%	22%	10%
Not independent (N=79)	28%	18%	18%	37%
<i>Free and Open Elections</i>				
Moderately free and open elections, both in law and practice (N=88)	57%	22%	17%	5%
Free and open elections do not exist (N=74)	16%	16%	23%	45%

Note: Derived from the ARDA Collection and the CIRI datasets. N = 162 countries.

Relying on the RAS and ARDA collections, similar findings have been replicated using a variety of more advanced statistical models.³⁵ Finke and Martin utilized regression models, consistently finding a significant relationship between the presence of an independent judiciary and reduced levels of restrictions on religion.³⁶ Finke and colleagues also found that restrictions on all religions in the year following the implementation of an

32. See generally Finke & Martin, *supra* note 30; Finke, Mataic & Fox, *supra* note 23; Mataic, *supra* note 28; Mataic & Finke, *supra* note 13.

33. See generally Finke & Martin, *supra* note 30; Mataic & Finke, *supra* note 13.

34. See generally James T. Richardson, *Managing Religion and the Judicialization of Religious Freedom*, 54 J. FOR THE SCI. STUDY OF RELIGION 1 (2015); James T. Richardson, *The Sociology of Religious Freedom: A Structural and Socio-Legal Analysis*, 67 SOC. OF RELIGION 271 (2006).

35. See, e.g., Finke, Martin & Fox, *supra* note 9; Finke & Martin, *supra* note 30; Finke, Mataic & Fox, *supra* note 23; Mataic & Finke, *supra* note 13.

36. See generally Finke & Martin, *supra* note 30.

independent judiciary were significantly reduced.³⁷ These relationships highlighted the importance of an independent judiciary in monitoring and maintaining the states' promises of religious freedoms.³⁸

While not as strong as the independent judiciary in predicting the level of government restrictions on religion, the presence of free and open elections also allows social actors to monitor and help maintain the states' promises of religious freedoms. Mataic found that the presence of free and open elections is significantly related to decreased levels of restrictions of minority religions.³⁹ Moreover, the introduction of free and open elections in one year is significantly related to decreased levels of restrictions on minority religions in subsequent years.⁴⁰ We document similar patterns using the ARDA collection and the presence of free and open elections in 2008 (Table 4). Of the countries with free and open elections, 79 percent have none or low levels of government regulation on religion. Conversely, of the countries where free and open elections do not exist, only 36 percent have none or low levels. As the governance of a state encourages the monitoring of its actions through the independent judiciary and free and open elections, the protection of religious rights is maintained and protected. Mataic and Finke recently identified the discrepancy between promises and practices as the religious freedom compliance gap conducted extensive analysis using two measures of this compliance gap and concluded that "upholding these promises is reliant on the religious economy of the nation (e.g., state favoritism and social pressures) and the specific types of governance used (e.g., free elections and an independent judiciary)."⁴¹

While the above explanations for increased restrictions and reduced freedoms for religion focus on the internal characteristics of a country (e.g., the social actors or presence of independent judiciary), a third important explanation is the influence of neighboring states. Building upon research on the spread of democracies and human rights protections,⁴² Mataic applied diffusion theories⁴³ to explain how restrictions on religious minorities

37. Finke, Mataic & Fox, *supra* note 23, at 734.

38. *See generally* Mataic & Finke, *supra* note 13.

39. Mataic, *supra* note 28, at 233.

40. *See* Finke, Mataic & Fox, *supra* note 23.

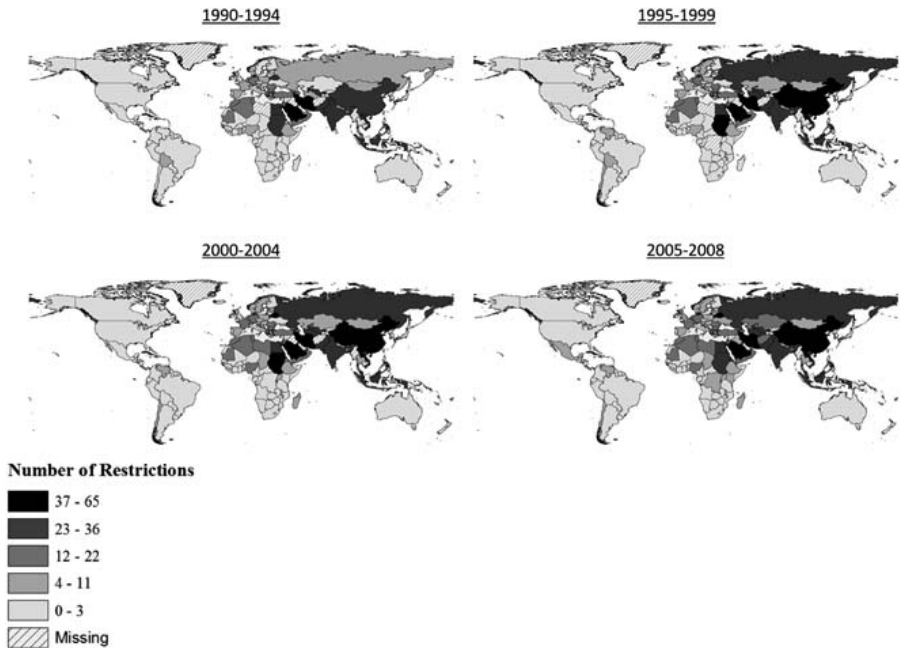
41. Mataic & Finke, *supra* note 13, at 1.

42. *See* BETH A. SIMMONS, MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS (2009); KRISTIAN SKREDE GLEDITSCH & MICHAEL D. WARD, SPATIAL REGRESSION MODELS (2008); Jason Beckfield, *The Social Structure of the World Polity*, 115 AM. J. OF SOC. 1018 (2010); Heather Berry, Mauro F. Guillén & Arun S. Hendi, *Is there Convergence Across Countries? A Spatial Approach*, 45 J. OF INT'L BUS. STUD. 387 (2014); Kristian Skrede Gleditsch & Michael D. Ward, *Diffusion and the International Context of Democratization*, 60 INT'L ORG. 911 (2006); Barbara Wejnert, *Diffusion, Development, and Democracy, 1800–1999*, 70 AM. SOC. REV. 53 (2005).

43. Diffusion theories, particularly when applied to government policies, argue that some of the governmental policies spread globally. While many arguments exist for how these spread, a common approach emphasizes external sources, or the influence of an external actor, on the adop-

spread between countries' borders.⁴⁴ While Figure 1 depicts the global change in restrictions on minority religions, Figure 2 demonstrates how the increases and decreases over time occur in distinct locations. As represented in Figure 2, increases in the governmental restrictions on minority religions occurred in the countries surrounding China, the former USSR, and the Middle East. Decreases in the number of restrictions also occurred reflecting the changing levels of neighbors, such as the decrease in restrictions among Bolivia following shifts in Brazil (Figure 2). Mataic went on to demonstrate that this clustering was robust even when accounting for internal characteristics (e.g., favoritism of religion and governance), changes in distances between countries, and the classification of neighbors.⁴⁵ Ultimately, the strongest relationship of diffusion occurred between the immediate neighbors.⁴⁶

FIGURE 2. CHANGE IN AVERAGE GOVERNMENTAL RESTRICTIONS ON MINORITY RELIGIONS, 1990-2008
SOURCE: MATAIC (2018)



Note: Depicts the average level of governmental restrictions for 155 countries during four periods: 1990–1994, 1995–1999, 2000–2004, 2005–2008. Derived from the RAS Collection.

tion of policies within a country. Thus, over time, policies between countries tend to look similar. See Mataic, *supra* note 28, at 224–25.

44. *See id.*

45. *Id.*

46. *Id.*

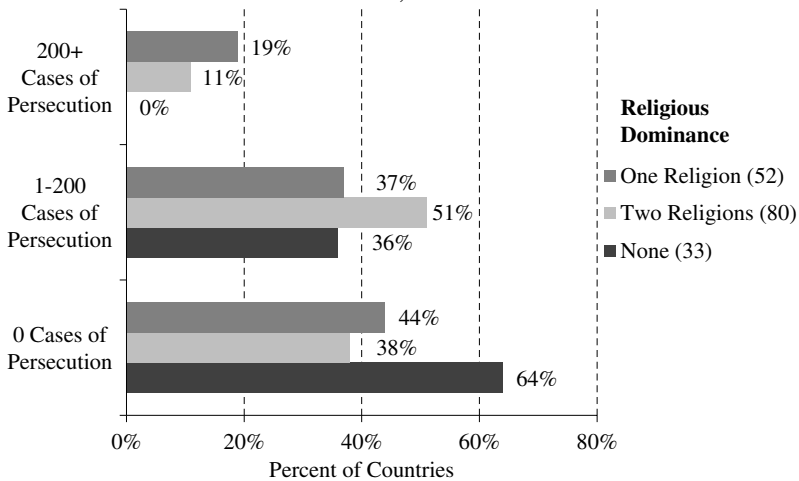
The above overview highlights a few of the important reasons for the spread of restrictions on religion and the growing gap between promises of religious freedom and practices. Also important, however, is understanding the consequences of these growing restrictions.

D. What are the Consequences of the Freedoms Denied?

When Samuel P. Huntington introduced his Clash of Civilizations thesis, he concluded that “multiculturalism at home threatens the United States and the West; universalism abroad threatens the West and the world.”⁴⁷ This powerful thesis suggests that maintaining a religious and cultural homogeneity is essential for keeping the peace.⁴⁸ Although research is more limited in this area, the initial findings suggest that although religion and civilization divides can serve to heighten tensions and increase conflict, religious freedoms serve to defuse the tensions and reduce the conflict.

Religious persecution serves as one example.⁴⁹ Contrary to the Clash of Civilizations thesis, religious dominance is associated with greater levels of religious persecution. Figure 3 provides a visual overview of the level of dominance by the number of religious groups (none, one, or two) and the level of religious persecution. Of the thirty-three countries with no dominant religion, 64 percent had zero cases of religious persecution and none had more than two hundred instances of religious persecution. For countries dominated by one religion, however, 19 percent of the fifty-two countries had two hundred or more instances of religious persecution.

FIGURE 3. THE LEVEL OF RELIGIOUS PERSECUTION BY RELIGIOUS DOMINANCE, 2003–2008



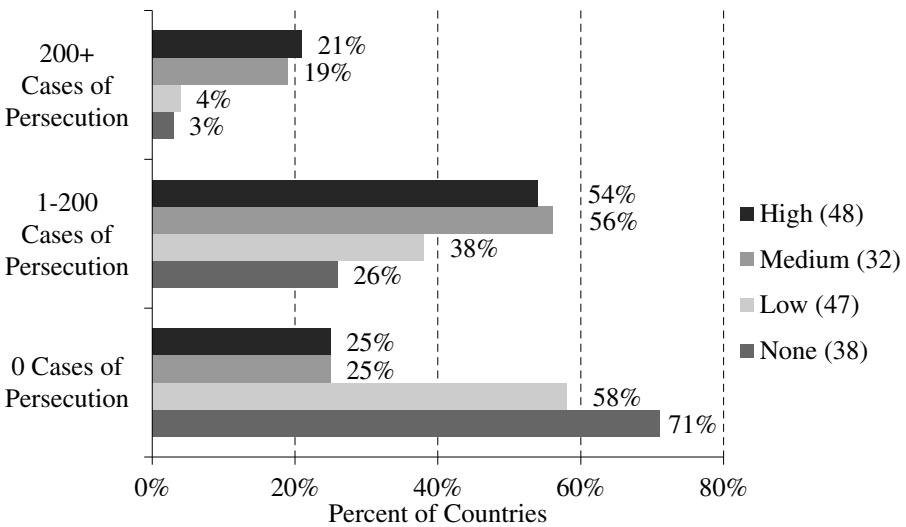
47. See generally SAMUEL P. HUNTINGTON, THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER 318 (1996).

48. *Id.*

49. Religious persecution includes instances where people are physically abused, displaced, imprisoned, killed, and injured because of their religious affiliation.

State restrictions on religion also are positively associated with religious persecution: higher levels of religious restrictions are associated with more religious persecution. Figure 4 demonstrates this relationship. Seventy-one percent of the countries with no government restrictions on religion (38) featured zero cases of persecution compared to 25 percent of the countries with medium (32) or high (48) levels of government restrictions. At the extreme, 21 percent of the countries with high government restrictions featured an average of more than two hundred cases of persecution. For countries with no and low government restrictions, the average was three and four percent respectively. Although government restrictions on religion are often justified in an effort to reduce tensions and conflict, research suggests that the opposite occurs; government restrictions are associated with higher levels of tension and conflict.

FIGURE 4. THE LEVEL OF RELIGIOUS PERSECUTION BY GOVERNMENT RESTRICTIONS, 2003–2008



Note: Depicts the percent of countries associated with categories of religious persecution by the level of government regulation aggregated from 2003, 2005, and 2008. Derived from the ARDA Collection. *N* = 165 countries.

Using multivariate models and controlling for competing explanations, other research has more fully demonstrated the strong connection between restrictions and conflict. Grim and Finke found an ongoing cycle of persecution: social restrictions lead to higher levels of government restrictions, which in turn lead to persecution that is more violent.⁵⁰ Following the heightened violent persecution, religious groups respond with heightened social restrictions. Thus, rather than preventing conflict, they find that in-

50. See Brian J. Grim & Roger Finke, *Religious Persecution in Cross-National Context: Clashing Civilizations, or Regulated Religious Economies?*, 72 AM. SOC. REV. 633, 654 (2007).

creased government restrictions create a cycle of increased conflict resulting in a call for more restrictions.⁵¹

Although the research is limited, initial work suggests that a similar relationship holds between religious freedom and religion-related violence.⁵² Rather than focusing on religion as the victim of violence, this measure includes violence where religious actors are both the perpetrators and victims. Social restrictions, rather than governmental restrictions, are the strongest predictor for the measure of religion-related violence. As illustrated in Table 5, Finke and Martin demonstrate the associations between both government and social restrictions on violence within a country during 2004 and 2005.⁵³ Forty-five percent of the countries with high levels of government restrictions on religion also experienced violent social conflict and widespread religion-related violence. Yet, for countries where restrictions were low, 20 percent had violent social conflict. Most striking is that of the thirty countries with low government restrictions on religion, zero percent had widespread religion-related violence.

TABLE 5. RELIGIOUS FREEDOMS AND SOCIAL VIOLENCE, 2004–2005
SOURCE: FINKE AND MARTIN 2012

	Violent Social Conflict is Present (ISC=1)	Religion-Related Violence is Widespread
<i>Government Restrictions on Religion Index</i>		
Low (N=30)	20%	0%
Medium (N=58)	26%	21%
High (N=51)	45%	45%
<i>Social Restrictions on Religion Index</i>		
Low (N=38)	5%	8%
Medium (N=49)	33%	12%
High (N=52)	50%	50%

Note: The ISC measure is a composite from the years 2004 and 2005 from the Major Episodes of Political Violence (MEPV) dataset and the Minorities at Risk (MAR) Project dataset. If a country was host to a social conflict, it received a score of 1. The other measures are derived from the ARDA Collection. *N* = 139 countries.

51. *Id.*

52. ROGER FINKE & ROBERT R. MARTIN, RELIGIOUS FREEDOM AND CONFLICT: A REVIEW OF THE EVIDENCE (2012), <http://www.thearda.com/workingpapers/download/USAID%20Religion%20and%20Conflict%20Final%20Report%209-18-12.pdf> (report prepared for the USAID Conflict Management and Mitigation Office); Roger Finke & Jaime Harris, *Wars and Rumors of Wars: Explaining Religiously Motivated Violence*, in RELIGION, POLITICS, SOCIETY, AND THE STATE (Jonathan Fox ed., 2012).

53. FINKE & MARTIN, *supra* note 52.

As seen in Table 5, similar patterns emerge when addressing social restrictions on religion. Fifty percent of the countries with high levels of social restrictions featured violent social conflict and widespread religion-related violence. Very few countries with low levels of social restrictions on religion featured violent social conflict or widespread religion-related violence. Only 5 percent of countries with low restrictions were host to violent social conflict, while only 8 percent experienced widespread religion-related violence. Much like the measure of religious persecution, countries with high levels of religious freedoms, both state and societal, are associated with reduced levels of violence.

E. *Where Do We Go from Here?*

We have reported a few consistent findings on religious freedoms, but existing research has only begun to explore the newfound wealth of data. Below, we mention three areas in need of more research: 1) continued research on the consequences of denying religious freedoms; 2) the relationships religious freedoms hold with other civil liberties; and 3) how religious freedoms and the consequences of these freedoms vary for different religious minorities. We recognize, of course, that many other areas are in need of exploration.

Despite the obvious importance it holds for policy, there has been remarkably little social science research on the consequences of religious freedoms. As reviewed above, initial research has found that religious freedoms are negatively associated with social conflict; and the relationships reported are consistent and clear: greater state and societal restrictions on religion correspond with widespread persecution and religion-related violence.⁵⁴ Yet, the types of conflicts measured have been limited to religious persecution and religion-related violence.⁵⁵ Many questions remain. Will the relationship between freedoms and conflict vary for different forms of social conflict? For example, does the relationship vary by the type of conflict or the severity of conflict? Closely related, to what extent are religions actively involved or engaged in the conflict? Are religious groups and their beliefs driving the conflict; or is religion simply a social, ethnic, economic, or political marker that serves as an identifier?

Second, beyond the consequences of religious freedoms on social conflict, we need to better understand the relationship that religious freedoms hold with other human rights. A positive and significant correlation exists between the religious freedoms in a nation and other human rights, but the strength of the relationship varies for different liberties.⁵⁶ For many, the goals of human rights and religious freedoms are closely aligned. Returning

54. *Id.*

55. *Id.*

56. GRIM & FINKE, *supra* note 6, at 206.

to the United Nations' Universal Declaration of Human Rights, we find that Article 18 on religious freedom clearly overlaps with the two articles that follow. Freedom to hold, to teach, and to change religious beliefs in public or private might be viewed as a more specific example of the freedom of opinion and expression (Article 19).⁵⁷ The freedom to worship and observe religion publicly overlaps with the freedom of peaceful assembly and association (Article 20).⁵⁸ Yet for others, such as women or LGBT rights groups, tensions often arise.⁵⁹ The extent of the conflict, and the level of priority given to each human right, is a hotly debated topic that would benefit from more systematic research.

Third, the experiences of different religious minority groups within a country also are ripe for continued social science research. Scholars regularly acknowledge that the experiences by one minority religious group may differ from those of another,⁶⁰ yet few have explored variations in the societal and governmental religious discrimination directed at minority groups around the world. Similarly, the sources of societal restrictions on religion may vary depending on the country, religious groups, or demographics. Most research on societal restrictions has focused on the actions and attitudes of the majority religions or the state, but societal discrimination can arise from many other sources, such as minority religions and a plethora of secular sources.⁶¹ Insight is still needed into behavioral restrictions of non-state actors against minority religions as well as how minority religions respond to these restrictions.

As it stands, social science researchers have used the wealth of data on global religious restrictions and freedoms to understand its presence, growth, and consequences. Importantly, as new datasets emerge and continued emphases on state-religion relations occur, attention also can be directed to understudied topics, such as other forms of conflict, overlap with other human rights, and the unique experiences of non-state actors and religious minorities.

II. CONCLUSION

Until recently, the most systematic reporting on religion and state relations were provided by government reports and advocacy groups. As a result, research on religious freedoms were rare and the research that was

57. G.A. Res. 1948, *supra* note 10, at art. 19.

58. *Id.* at art. 20.

59. See generally SAME-SEX MARRIAGE AND RELIGIOUS LIBERTY: EMERGING CONFLICTS (Douglas Laycock, Anthony R. Picarello, Jr. & Robin Fretwell Wilson eds., 2008).

60. See generally Jonathan Fox, Roger Finke & Marie Eisenstein, *Examining the Causes of Government-Based Discrimination Against Religious Minorities in Western Democracies: Societal-Level Discrimination and Securitization*, COMP. EUR. POL. 1 (2018), <https://link.springer.com/article/10.1057/s41295-018-0134-1>; THE UNFREE EXERCISE OF RELIGION, *supra* note 7; Fox, Finke & Mataic, *supra* note 6.

61. Fox, Finke & Mataic, *supra* note 6, at 4, 20–21, 26.

conducted often focused on individual nations or regions. Offering global overviews or documenting historical trends relied more on speculation than evidence, and testing the relationships religious freedoms held with other global developments were not possible. The new sources of data, however, allow us to draw several conclusions with confidence. We have organized our conclusions into three main areas: 1) documenting the chasm between the promise and practice of religious freedom; 2) explaining why and how religious freedoms are denied; and 3) reviewing the consequences of denying religious freedoms.

We found that the chasm between the promise and practice of religious freedoms is wide and growing wider. Despite 95 percent of all nations offering constitutional assurances of religious freedom, the level of restrictions and the severity of the restrictions on religion are increasing—a trend that is occurring in all regions of the globe and for all religions. We also find that many of these restrictions are enacted through seemingly benign regulations, such as the registration process. The increased use of religious registration combined with the mounting requirements associated with the process offer a telling example of how restrictions on religion are enacted.⁶² The end result is that the gap between constitutional promises of religious freedoms and state practices continues to grow.

Research explaining why and how religious freedoms are denied has found that government favoritism toward select religions, societal pressures, governance dimensions, and the policies of nearby nations all hold a strong relationship with the government restrictions placed on religion. As expected, governments often fail to support religious freedoms when there are strong social pressures against minority religions, or when a majority religion has formed an alliance with the state.

The type of governance also makes a difference. States supporting an independent judiciary as well as free and open elections allow continued monitoring of state behaviors, resulting in fewer restrictions on religion and more religious freedom. State governments also learn from their neighbors over time. As the growth of restrictions in one country emerges, neighboring countries follow, engaging in greater levels of restrictive practices in subsequent years.

Finally, we find that denying religious freedoms are associated with increased social conflicts. This finding contrasts sharply with policies suggesting that religions must be regulated to reduce conflict. The data reviewed as well as past research found that religious freedoms defuse tensions and reduce conflict. This finding, in particular, highlights the importance of continued research on understanding the sources and consequences of denying religious freedoms. Although much research remains,

62. Finke, Mataic & Fox, *supra* note 23, at 723–28.

the rich new data sources have shown that the price of denying religious freedoms is high.