

**Freedom of Religion in India and International Context (USA): A  
Contemporary Issues, Challenges and their Analysis Study**



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*“India has a great heritage and it is a model for religious harmony where people of different religions live peacefully and in harmony.”*

-Dalai Lama

**Abstract**

*This study uses the Religion and State round dataset to examine the presence of religious freedom in 177 countries. There are many different conceptions of the meaning of religious freedom but they can be divided into two categories, those which focus on the free exercise of religion—that is the right to practice religion and maintain religious institutions—and those which focus on treating all religions equally, also known as the level playing field model.*

*The results show that neither form of religious freedom is common even among democracies and states which have constitutional clauses protecting religious freedom. This finding has serious implications for our understanding of the nature of liberal democracy. The question of what constitutes religious freedom seems deceptively simple. Most people have a clear idea of what “religious freedom” means. Yet, even a cursory survey of the literature reveals that while the topic is widely discussed, there is no agreement whatsoever on how we should define, understand, or even name this seemingly simple concept.*

*It is alternately addressed as religious freedom, religious rights (with variations such as religious civil or human rights), religious tolerance, religious liberty, religious equality, the free exercise of religion, and the right to a level religious playing field. Its denial is variously termed as religious discrimination, religious persecution, religious intolerance, and religious repression.*

*All of these terms have multiple interpretations, definitions, and meanings. Arguably, the literature builds a tower of Babel where many seeming disputes over the nature and extent of religious freedom are attributable to disagreements over how the term should be named and conceptualized. These disputes over definition are significant because defining what is meant by religious freedom is central to understanding and studying the concept.*

*When we measure religious freedom, how we conceive of the concept will influence what we measure. For example, as I discuss in more detail below, some conceptions require that all religions be treated equally while others require only that no religion be restricted. Thus, the former conception would ban state support for only some religions but not others and certainly ban establishing a religion while the latter conception would allow this type of differential support.*

*Thus, how we conceive of religious freedom can, in practice, determine whether or not we consider a government to respect religious freedom. In this study, I discuss the varied conceptualizations related to religious freedom, categorize them and test to see whether they are present in 177 states using the Religion and State Round 2 (RAS2) dataset as well as examine the correlates of religious freedom. The RAS2 dataset and this study both focus on government policy.*

*This is not to downplay the importance of social restrictions on religious freedom but the question of democracy’s link to religious freedom is, I argue, best assessed through examining government behavior. I find that while discussion of religious freedom is extensive, it is an ideal that is more often discussed than practiced, even among those state which in theory we would most expect to have religious freedom, including liberal democracies.*

**Religious Freedom: Oft Discussed, Less Oft Defined**

Religious freedom is a term that is particularly difficult to nail down because it encompasses many of the other potential terms and definitions which I discuss below. This makes it difficult to define and discuss in its own context. In addition, many formal legal documents which use the term never fully define it. That is, they will often list acts which violate religious freedom or rights that must be included in it but rarely explain the justification or criteria for arriving at these lists. For example, the US International Religious Freedom Act of 1998 uses the term 173 times without defining it. The yearly reports on religious freedom produced by the US State department based on this law also never define the term. The meaning is taken for granted. The 1998 law does list acts which violate religious freedom such as:

- Arbitrary prohibitions on, restrictions of, or punishment for
  - assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements;
  - speaking freely about one's religious beliefs;
  - changing one's religious beliefs and affiliation;
  - possession and distribution of religious literature, including Bibles; or
  - raising one's children in the religious teachings and practices of one's choice; or
- any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution. And it also lists "particularly severe violations of religious freedom" including (A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges;
- causing the disappearance of persons by the

abduction or clandestine detention of those persons; or

- Other flagrant denial of the right to life, liberty, or the security of persons.

While this listing provides some insights into what the act's authors consider religious freedom, it does not explain how this list was created. Why are these actions, as opposed to others, violations of religious freedom? What criteria were used to make this list? A true definition would answer these questions. Farr (2008), the first Director of the State Department's Office of International Religious Freedom, similarly discusses how religious freedom must be a more important political priority, mentioning the term 23 times but never defines it. This critique applies to many international legal documents. For example, the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religious Belief defines "the right to freedom of thought, conscience and religion" as the "freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." It also lists a number of acts which violate this freedom.<sup>4</sup> The 1966 International Covenant on Civil and Political Rights similarly defines "the right to freedom of thought, conscience and religion" as including the "freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."<sup>5</sup> Yet both of these documents, as well as similar ones, rely on listing acts which violate religious freedom or acts that should be allowed in order to maintain religious freedom without discussing the criteria for creating these lists. Many scholarly discussions of this law similarly do not address the definition of religious freedom. For example, Richardsom (2007) extensively discusses religious freedom, mentioning the term 57 times. He refers to multiple laws and international documents on the topic yet never defines the term nor even mentions a definition contained in these laws or documents. Gwin and North (2004) perform an empirical study of the

determinates of religious freedom in 31 countries, mentioning the term 60 times including in the title of their study, without ever actually defining it, though they base their religious freedom variable on the presence of violations in a number of sources including the US State Department reports.<sup>6</sup> Rahman (2013) similarly analyzes the correlates of religious freedom without any formal definition of the term, though she does empirically define the variable which measures “restrictions on religious freedom for minorities” as “measures the extent to which a state’s policies in any way restrict the personal and/or public practice of a religious denomination other than the one with the highest percentage of followers in a given state.”.

As I discuss in more detail below, even when definitions discuss the justifications and criteria for determining what constitutes religious freedom, the specific term which is defined is most often something other than “religious freedom” and those definitions which are labeled as “religious freedom” upon examination can be placed into the categories defined by these more specific terms. Accordingly, the term “religious freedom” is too ambiguous to provide any real understanding of the topic. In the next sections of this study, I examine and categorize several more specific interpretations of the universe of actions that come under the heading of religious freedom. More Precise Conceptions of Religious Freedom While there are multiple theoretical conceptions of religious freedom as well as multiple terms which relate to it or some aspect of it, these conceptions can be divided into two categories: the free exercise of religion and that all religions must be treated equally. While the content of religious freedom defined by these conceptions overlaps they are nevertheless distinct. I discuss each concept in detail below. Also, it is important to note that I take no stand on which is the superior definition. Which theory of religious freedom is the correct one is to a large extent a normative issue. Rather, my goal is to demonstrate the existence of multiple conceptions of religious freedom which have practical consequences in determining what constitutes religious freedom and to discuss what types of actions violate each of these conceptions. Later in the study, I assess how many democracies

adhere to these standards. The Free Exercise of Religion and Related Concepts A classic example of free exercise is the first amendment of the US Constitution which states that Congress shall make no law prohibiting the free exercise of religion. While the discussion of what this means in the US context is extensive in a broader sense the concept of “free exercise” can be defined as the ability to freely practice one’s religion and maintain religious institutions. This is an essential element of religious freedom. But what is considered part of this right to practice? If one examines the world’s constitutions, most of which enumerate this right in far more detail than the US constitution, one can find different formulations of what this includes including: & Freedom of worship, observance, or to practice religious rituals or rites, both as an individual and in groups, both in public and in private. & The freedom to change profess or choose, one’s religion & The right not to disclose one’s religious affiliation or beliefs. & The right to not profess a religion or freedom from religion or be an atheist. & The right to hold or express religious opinions. & The right to form, join, or be a member of religious organizations. & The right of religious organizations to manage their own affairs without interference. & The right not to join or be a member of a religious organization. & The right to obtain, hold, and maintain places of worship. & The right to propagate or spread a religion. & The right to religious education including the right to educate and raise one’s children in one’s religion. & The right to a chaplain in hospitals, the military, etc. & The protection of religious rights even in states of emergency or war. & Freedom from coercion with regard to religion. While no one document includes all of these formulations, all of them are the elements of the concept of free exercise which is collectively included in the world’s constitutions. While these constitutions rarely define religious freedom beyond listing rights included in it or acts which violate it, collectively they adhere to the conception of protecting religious practices and institutions. Accordingly, restrictions religious freedom can be divided into three overlapping categories: restrictions on religious institutions, restrictions on group rights, and restrictions on individual rights.

To make matters more complicated, free exercise can be interpreted differently. The definition discussed above bans a government from restricting the free exercise of religion. However, it can also be seen as a government obligation to ensure that everyone's right to free exercise is protected. This means that it is not enough that government takes no actions which restrict this right, the government must also actively protect this right. This can involve policing societal restrictions as well as legislation to facilitate people's ability to practice their religion such as providing funds for religious institutions and activities. Consider the disturbingly common scenario where members of a country's majority religion systematically target, attack, or harass members of a minority religion or its institutions. If the government takes no action to protect the minority, does it violate its commitment to free exercise? On one hand, the government is not itself violating this right. On the other, by taking no action it fails to maintain public order—an essential obligation of government—and as a consequence, a minority's religious freedom is violated. Even more ambiguously, what happens if a government does make a real effort to stop these activities but fails? Society-based and government-based restrictions are linked in that societal restrictions are a strong predictor of government-based restrictions on religious freedom (Grim and Finke 2011). Most discussions which focus on the term "free exercise" focus on the US context.<sup>8</sup> Many discussions which apply more generally use other terms such as religious discrimination, persecution, and repression which are usually defined as limits on the free exercise of religion. For example, Jenkins (2007, p. 3) defines religious persecution as government efforts "to repress major activities by a given religious group, commonly with the goal of eliminating that group in the long or short term." Bowen (2010, p. 1750) similarly argues that "freedom from external discrimination implies equal rights and capacities to practice religion. Discrimination exists when certain individuals or groups do not enjoy the same rights or privileges as do members of other religious groups (or nonreligious people) in the society." While this concept certainly includes a

ban on limiting the free exercise of religion, it has another potential meaning—discrimination on the basis of religion. This meaning focuses not on the free exercise of religion, but rather, on any restriction placed on a religious group regardless of whether it limits the practice of religion or religious institutions. These limitations can include any political social, cultural, or economic restriction placed on an identity group defined by religion. For example, Farr (2008) argues that Religious persecution is generally associated with egregious abuse—torture, rape, unjust imprisonment—on the basis of religion. A political order centered on religious liberty is free of such abuses, to be sure, but it also protects the rights of individuals and groups to act publicly in ways consistent with their beliefs. Those rights include, most importantly, the freedom to influence public policy within the bounds of liberal norms. While this conception includes free exercise, it focuses on unequal treatment of religious minorities.<sup>9</sup> These types of persecution are not unique to religious minorities. Studies of ethnic conflict, for example, focus precisely on these types of persecution and repression (e.g., Gurr 1993, 2000; Horowitz 1985). Thus, while an important issue, discrimination on the basis of religion does not necessarily violate the right of free exercise. Another widely used set of concepts are religious tolerance and intolerance. Eisenstein (2008, p. 15) defines tolerance as putting up with those you dislike or with whom you disagree. This does not require acceptance of other religions. Rather it requires recognition that members of these other religions have the same rights and privileges as everyone else. Most other definitions of religious tolerance follow this pattern. Karpov (2002, p. 267) defines political tolerance as "the willingness to extend civil liberties to political outgroups." Little (1996, p. 81) argues that "to be tolerant is, at a minimum, to respond to a set of beliefs and practices regarded as deviant or objectionable without forcible interference." Blake (2007, p. 2) defines tolerance as "a moral reason to restrain from intervening in the affairs of another party even when the interference would be neither useless nor counterproductive." Finally, Stepan (2000) discusses what he calls the twin tolerations, "the minimal boundaries of freedom of action that

must somehow be crafted for political institutions vis-a-vis religious authorities, and for religious individuals and groups vis-a-vis political institutions.”<sup>10</sup> Thus, religious tolerance is the ability to refrain from persecution or repression of the religious other, despite that you object to their religious beliefs or activities. This tolerance also, by implication, extends to refraining from restricting religious minorities in matters other than those directly related to religion. Another term often found in the literature is religious human rights. Like religious freedom, it is used differently throughout the literature. It can mean any of the types of interpretations discussed above, though it tends to imply a government obligation to guarantee these rights above and beyond a ban on government violations of these rights. Spickard (1999) argues that the discourse on human rights itself can be seen as a religion-like belief system,

**Equality and a Level Playing Field (ELPF)**

Some theories and conceptions of religious freedom require more than an absence of limitations on the right of free exercise and even more than a government guarantee against such limitations. These conceptions require that all religions be treated equally or, put differently, that all religions play on a level playing field. Like the concept of free exercise, the ELPF concept has multiple potential meanings and is considered by many to be an essential element of religious freedom.

From this perspective, if a government in any way gives preference to one or a few religions, the others have a competitive disadvantage. Such acts of support can include establishing a religion as a state’s official religion, enforcing the laws of the majority religion, and financial support given to one or only some religions, among others.

This is true even if these acts of support for one religion do not in any way limit the free exercise of other religions. Roger Finke, among others, makes precisely this argument positing that religions compete for members because a central goal of most religions is to convince as many people as possible of the truth of their beliefs. State supported or sponsored religions have a number of unfair advantages over non-supported religions (Finke 1990, 2012; Grim and Finke ).

This is true even if the government does not restrict these non-preferred religions. Take, for example, government funding for religious institutions. The funded institutions become less expensive for congregants than unfunded institutions. Members of non-funded religions need to pay the full cost of that religion. Religion is not free. Clergy, places of worship, and other religious materials all cost money. If these resources are not provided by the government, they must be provided by the congregants.

Thus, in a country where the government supports one religion or some religions but not others, congregants for the non-supported religions essentially pay for religion twice, once through taxes and once through contributions to their religion . This creates an inequality or an uneven playing field between religions because some religions are better positioned than others to compete for congregants. This is a result similar to that of religious discrimination.

The members of non-supported religions can be made to feel like second class citizens who are required to carry a heavier burden. Put differently, people compare themselves to others. When this comparison shows them to be disadvantaged relative to others this can result in resentment. Relative deprivation theory, which is a theory developed to explain civil wars and domestic conflict, is based precisely on this assumption.

While the theory has several formulations, most variations agree that when a group compares itself to another and find their situation lacking this can lead to frustration which can lead to conflict . Several, studies argue that religious discrimination has this effect . Thus, it is reasonable to argue that selective support for some religions which lead to inequality can have a similar result. Unlike the free exercise conception of religious freedom,

ELPF is hotly debated. By this I mean that while there is debate over the exact meaning of free exercise, there is no debate that this is a significant element of religious freedom. In contrast, ELPF is in and of itself controversial because support for one religion does not necessarily entail any restrictions on other religions. Funding the Catholic Church, for example, does not mean that non-Catholics cannot worship freely. There is no

reason that a state which established a religion or in some other manner supports one or a few religions cannot avoid restricting the non-supported religions.

Even Alfred Stepan , who is considered an advocate of separation of religion and state, argues that states with established religions can still uphold liberal principles if they respect minority rights. In practice, only a small number of states accomplish this feat. Only Papua New Guinea, Slovenia, and the Solomon Islands support some religions but not others while not significantly restricting either the majority religion or minority religions.

### **Cross-Country Empirical Studies of Religious Freedom**

- There have been a small number of cross-country empirical studies of religious freedom. Fox (2008, 2013, 2014), while examining state religion policy, found that the overwhelming majority of countries restrict the religious practices and institutions of religious minorities. Grim and Finke (2011) focus on the ELPF conception and similarly find a general lack of religious freedom worldwide. Marshall (2009) also finds similar results. Others such as Akbaba and Tydas (2011), Basedau et al. (2011), Fox (2004), North and Gwin (2004), Rebe (2012), and Sommer et al. (2013) focus on religious discrimination as an independent variable which influences other factors such as conflict, corruption, democracy, and individual religiosity. Other studies examine what makes religious discrimination more likely (Buckley and Mantilla 2013; Fox 2008; Gwin and North 2004; Rahman 2013). Nearly all of these studies use the data from Fox (2008, 2013, 2014) or Grim and Finke (2011). Operationalizing Religious Freedom This study uses the Religion and State Round 2 (RAS2) dataset to operationalize the free exercise and ELPF models for religious freedom. That is, this study translates competing theories of religious freedom into concrete measures which can be

tested While the RAS2 dataset includes data for 1990 to 2008, this study focuses on the 2008 data.<sup>15</sup> I use four of the RAS2 variables to operationalize these concepts. First, I use the official religion variable which divides a state's official religion policy into 14 categories. The relevant categories for this study are:

- Separationist: Official separation of Church and state and the state is slightly hostile toward religion.
- Accommodation: Official separation of church and state and the state has a benevolent or neutral attitude toward religion in general.
- Supportive: The state supports all religions more or less equally.

These categories represent those cases where all religions are treated equally. There are also two categories where the state does not single out one religion for special support but does support several religions in a way it does not support all religions:

- Cooperation: The state falls short of endorsing a particular religion but certain religions benefit from state support more than others.
- Multi-Tiered Preferences 2: two or more religions are clearly preferred by state, receiving the most benefits, there exists one or more tiers of religions which receive less benefits than the preferred religions but more than some other religions.

The variable also includes codings for states overtly hostile to religion as well as states which strongly support a religion, including establishing a religion. I further discuss the reasoning for using these categories below. The second variable is religious discrimination which includes thirty types of restrictions on the religious practices or institutions of minority religions which are not placed against the majority religion. Each item is scaled on a range of 0 to 3 so the variable ranges from 0 to 90.<sup>17</sup> The third is religious regulation which measures the extent to which the government regulates all religions in a country, including the majority

religion. While the source variable includes 29 types of regulation, not all of them involve the regulation of religious institutions or practices but, rather, focus on limiting religion's influence in politics. I include the following 16 types of restriction which clearly limit religious practices or institutions:

- Arrest, continued detention, or severe official harassment of religious figures, officials, and/or members of religious parties.
- The government restricts or harasses members and organizations affiliated with the majority religion but who operate outside of the state sponsored or recognized ecclesiastical framework
- Restrictions on formal religious organizations other than political parties. & Restrictions on the public observance of religious practices, including religious holidays and the Sabbath.
- Restrictions on religious activities outside of recognized religious facilities.
- Restrictions on public religious speech.
- Restrictions or monitoring of sermons by clergy.
- Restrictions on access to places of worship.
- Restrictions on the publication or dissemination of written religious material.
- People are arrested for religious activities.
- Restrictions on religious public gatherings that are not placed on other types of public gathering.
- Restrictions on the public display by private persons or organizations of religious symbols.
- Restrictions on or regulation of religious education in public

schools.

- Restrictions on or regulation of religious education outside of public schools or general government control of religious education.
- Restrictions on or regulation of religious education at the university level.
- Conscientious objectors to military service are not given other options for national service and are prosecuted.

#### **Door-to-door religious conversion in USA**

In USA, various cases regarding "Door-to-door solicitation" were brought before the attention of the federal Supreme Court. One such case was *Martin v. City of Struthers*.<sup>27</sup> In this Jehovah's Witness case, the court struck down an ordinance forbidding solicitors or distributors of literature from knocking on residential doors in a community, the aims of the ordinance being to protect privacy, to protect the sleep of many who worked night shifts, and to protect against burglars posing as canvassers. The five-to-four majority concluded that on balance "[t]he dangers of distribution can so easily be controlled by traditional legal methods, leaving to each householder the full right to decide whether he will receive strangers as visitors, that stringent prohibition can serve no purpose but that forbidden by the Constitution, the naked restriction of the dissemination of ideas."<sup>28</sup> In *Watchtower Bible and Tract Society v. Village of Stratton*,<sup>29</sup> the court struck down an ordinance that made it a misdemeanour to engage in door-to-door advocacy—religious, political, or commercial—without first registering with the mayor and receiving a permit. "It is offensive to the very notion of a free society," the court wrote, "that a citizen must first inform the government of her desire to speak to her neighbours and then obtain a permit to do so."<sup>30</sup> So, in US, the judiciary's attitude amply tells that the right to propagate which is a part of freedom to religion is not divested of right to convert somebody (through the exposition of one's religious tenets

and not through force, fraud, allurements or coercion) or solicit somebody to one's religion. Even the international instruments like Universal Declaration of Human Rights (UDHR),<sup>31</sup> European Convention on Human Rights (ECHR)<sup>32</sup> and even ICCPR (International Covenant on Civil and Political Rights) explicitly recognise that right to conversion is implicit in the right to freedom of religion.

#### **Data Analysis and Discussion**

In the analysis, I test all nine models (three for each standard and three for the combined standards) for all states 177 states in the RAS2 dataset. I also control for democracy and for the presence of religious freedom clauses in constitutions. The former is because freedom of religion is an expected component of democracy. I examine three controls using the polity dataset: one for the states which score a 10, which is the most democratic score on the polity scale of -10 to 10, one for all states which score 8 or higher which represents all states on the higher end of the scale and one for states which score 6 or higher because the Polity project designates 6 as the lowest score which can be considered democratic. I also examine the results for Western democracies (Western Europe, The USA, Canada, Australia, and New Zealand) and for EU member states as of 2008. I use the RAS Constitutions dataset's variable for presence of a religious freedom clause in a constitution to measure this factor<sup>21</sup> because states which declare religious freedom in a constitution ought to be more likely to observe religious freedom in practice. I also control for democracy, using all of the above operationalizations of democracy, and the constitutional variables in tandem. The results are presented in Table 2. When examining the entire world, even using the partially free model, the majority of states do not have religious freedom. On the free exercise model even using the partially free standard 52 % of states do not have religious freedom and 77.4 % do not meet the ELPF standard. When applying the loose standard, compliance with religious freedom drops dramatically with an even more dramatic drop when applying the strict standard. Interestingly, among the 89.3 % of states which have religious freedom clauses in their constitutions the results

are not substantially different. This is consistent with previous results which show that religious freedom clauses do not substantially influence religious discrimination (Fox and Flores 2012). Controlling for democracy only has a limited impact upon the results. When looking at the free exercise models, for all of the controls other than one of them, democratic states are only slightly more likely to meet the strict standard. Western democratic states with religious freedom clauses in their constitutions are substantially more likely to meet this standard but, even so, over three quarters of them do not. When examining the ELPF standard, the strict model more often than not is less often met by democracies than states in general and in no case is it substantially more likely to be met by democratic states. However, when looking at the free exercise standard, democratic states across the board are far more likely to meet to the loose and partially free models than states in general. Among democratic states with constitutional religious freedom clauses Western democracies and European Union states are even more likely to meet the loose and partially free standards. The results for the ELPF standard with regard to the loose and partially free standards are mixed. In some cases, democracies are a bit less likely to meet these standards but in some cases they are a bit more likely. However, in all cases no more than 20.7 % meet the loose standard and no more than 30 % meet the partially free standard. The results for states which meet both standards at the same time are nearly identical to the results for the ELPF standard. Overall, religious freedom is much rarer than one would expect, especially among democratic states which are expected to provide a number of freedoms to their citizens, including religious freedom. For example, based on a zero-tolerance policy for the right to free exercise (the strict model), democracies are only slightly more likely than nondemocratic states to provide these freedoms and less than 20 % of such states, no matter how democracy is measured, meet this strict standard. This means that non-democratic states such as Cameroon, Congo-Brazzaville, and Guinea-Bissau have more religious freedom than established Western democracies such as Austria, Germany and Greece, all of which substantially

discriminate against at least some of their religious minorities. Germany and Greece place substantial restrictions on Muslims. Greece also places restrictions on many non-Orthodox Christians. All three countries substantially restrict cults and sects such as the Scientologists. The three African countries I note above do none of this to any minority. Finally, I test the correlates of religious freedom using all nine operationalizations as the dependent variable using logistic regressions. The independent variables include the three democracy variables and the religious freedom clause in constitutions used above. In addition, I also use variables previous studies used to predict religious discrimination (Fox 2008) these include the whether the majority population in a country is Christian or Muslim, 22 religious diversity,<sup>23</sup> the log of the country's population,<sup>24</sup> the polity variable (the full -10 to 10 version described above), and per-capita GDP.<sup>25</sup> The results presented in Table 3 show that democracy has a limited influence on religious freedom. Membership in the EU or being a Western democracy has no significant relationship with religious freedom. The polity variable for democracy is only significant in three of the nine tests. The most consistently significant variable is religious diversity. 26 Religiously diverse countries are significantly associated with religious freedom in eight of the nine tests. Despite previous results that Muslim majority countries are associated with higher levels of religious discrimination (Fox 2008; Grim and Finke 2011), this study finds no significant correlation of any kind between religious identity and religious freedom. In four of the regressions, more populous countries have lower levels of religious freedom as do more economically prosperous countries in two of the tests.

### **Conclusions**

While sorting out the meaning of religious freedom can be difficult, operationalizing multiple models of this standard demonstrates that however it is defined, religious freedom is not present in a majority of the world's states. Even when substantially loosening the standards to allow for a partially free standard for religious freedom and looking only at democracies whose constitutions

guarantee religious freedom, at least a third of these states do not have religious freedom. This number increases substantially if one looks beyond Western democracies, uses a stricter standard for measuring the free exercise standard for religious freedom or uses the ELPF standard. Theoretical discussions of religious freedom are important. However, many of them are based on assumptions of values which do not appear to reflect actual practice among a large number of these democracies. If one wants even a mildly strict application of these standards, a clear majority of democracies do not have full religious freedom. In fact, using a zero-tolerance standard, free exercise is present only in 14.5 to 17.7 % of democracies, depending on how one measures democracy. Only South Africa meets a zero-tolerance equality-level playing field standard (as will be recalled the strict model was not zero-tolerance precisely because nearly no states can meet that standard). Thus, to the extent that these standards exist in liberal democracies—the states we would most expect to have religious freedom—religious freedom is far more often discussed than practiced. This finding needs to be a larger part of the conversation. In fact, this includes many Western democracies such as Austria, Belgium, Denmark, France, Germany, Greece, Spain, and Sweden who are part of the EU which has a system-wide regime to protect human rights including religious rights. Yet none of these states meet even the minimum requirement set in this study for being partially free. Among these 17 states only Ireland and Portugal meet the strict standard for free exercise. Only the Netherlands meets the loose standard for ELPF and none meet the strict version of that standard. Based on this, I would argue that the absence of religious freedom—however it is theorized, defined and operationalized—is sufficiently widespread that religious freedom is more common in theoretical discussions of the nature of democracy than in the policies of democratic governments. This leads one to question the link between liberal democracy and religious freedom. Either religious freedom is not a necessary trait for liberal democracy or there are far fewer liberal democracies in the world than many believe to be the case. While I would not argue that the concept of liberal democracy is theoretically

compatible with violations of religious freedom, it is clear that these violations are so commonplace in these states that it is possible for a state to violate this principle and still be considered by most to be a liberal democracy. In addition, as I discuss in detail earlier in this article, most non-academic discussions of religious freedom—found mostly in government reports and international documents—do not address the issues how religious freedom should be conceived and rather focus on a laundry list approach to the topic. This ad hoc approach to addressing religious freedom may provide some indication of possible avenues for improving religious freedom in practice. Instigating a more basic foundational discussion of how the notion should be theorized and conceived may help to generate more interest in the issue as well as more coherent policies in order to apply religious freedom. Based on this, further research is necessary along at least three lines. First, why is it that many states regularly violate what many consider to be their core values and are still widely considered liberal democracies? Or perhaps we should frame the question as how much can a democracy deviate for the ideal of religious freedom and still be considered a democracy? Second, we need more study into why states violate the principle of religious freedom. Past studies have focused on aspects of this such as the correlates of religious discrimination (Buckley and Mantilla 2013; Fox 2004, 2008; Grim and Finke 2011; Gwin and North 2004; Marshall 2009; Rahman 2013) but none have distilled these variables into an operational model for religious freedom and asked not only who has it but also why? The tests in this study begin this process but require further research. Finally, it is possible we need to rethink how we define religious freedom.

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