

Index

Note: An *f* following a page number indicates a figure; a *t* following a page number indicates a table.

abortion, 21, 23-24, 48-49, 123, 139, struggles between Muslims and 141, 146 Christians in, 6, 7 Ackerman, Bruce, 85, 112 See also individual country ACLU, 148 African American churches, 13 African Americans, and activism, 20, 21 adultery, 48 affirmative action, 87, 139 afterlife, belief in, 191 Afghanistan, 35, 48, 67 agnostics, 26, 27, 29, 31, 205 Africa Albanian constitution, 156 atheists in, 195-196 alcoholic beverages abuse of, religion effect on, 13, 14 government subsidization of religion restriction on consumption of, 48-49 in, 54 restriction on sale of, 35, 48 oppression of minority religions in, 38-39 Algeria, oppression of minority regulation of religion in, 51 religions in, 36 religiosity in, 191 Alston, 121 religious diversity in, 187 altruism, 11-12, 13 religious laws in, 49 American Bar Association, 119 social regulation of religion in, 67 Amish people, 28



Index

Amnesty International, 73 freedom; RFF scores on religious Animism, 43, 80-81 freedom apartheid, World Council of Churches atheism, 195-198 role in demise of, 22 China as officially atheist, 39 apostasy, 39, 79-80 and democracy, 84, 196t Argentina, 43, 156, 163 and gender equality, 204-205 Arjomand, 157, 159-160 and happiness, 203 Armenia, 44 and national income, 195-196, 196t Armstrong, 87 and religious freedom, 197, 197f Asad, 2 Supreme Court on, 26-27 Asia in Sweden, 23 oppression of minority religions in, United Nations protection of, 27 39 - 42view toward, in United States, 26 regulation of religion in, 51 attendance, church religious education in, 55 and establishment clause, 192-193, religious laws in, 48-49 192f, 193 See also individual country and establishment clauses, 192-193, Association of Religion Data Archives 192f(ARDA), 65-68 self-reported happiness effect on, comparison with RAS overall score, 199-200 70-73,72fstate-controlled religion effect on, comparison with RAS scores, 16, 17 69 - 73attitudinal studies on religion and correlation matrix of religious economics, 10 freedom measures, 71t attitudinal theory of judicial limitations of, 77 decisionmaking, 124-128 and social regulation of religion, Australia, 96–97, 107–108, 187 67-68, 70 Austria, 52-53, 131 and state religion, 161-162 authoritarian regime See also government favoritism of and happiness, 200 religion (GFI); government and religious oppression, 168 regulation of religion (GRI); Pew and resource curse, 79 survey data on religious and rule of law, 90, 91 freedom; Religion and State state church opposition to, 20 (RAS) scores on religious value of precommitment to, 112



Index

autocracy, religious suppression by, Birkby, 139-140 7.83 Birkland, 144 Azerbaijan, 38, 44-45, 155 Black, Hugo, 26 blasphemy, 35, 48-49, 79-80 backstop theory, 145 Board of Education of Kiryas Joel v. Baer, Harold, 129 Grumet (1994), 26 Baha'i faith, 36, 37, 38 Bosnia, religious harassment Bahrain, religious discrimination in, 46 in, 37 brainwashing, 51 Bajjalieh, 160-161 Braithwaite, 89 Bangladesh, 23, 41 Bramsen, 89 Baptists, repression in Central Asia, 38 Brazil, 151 Barclay, 144 Breault, 17 Barro, 10-11, 97, 186, 187, 191, Brill, 8, 118-119 195, 198 Britain. See United Kingdom Baum, Lawrence, 138-139 Brooks, 11 Belarus, registration requirements in, Brown v. Board of Education, 84, 139 44, 53 Bruce, 94, 95, 96 Belarus, religious repression in, 44 Brunei, 48, 55 Belgium, government subsidization of Buchanan, 121 Buddhism, 2 religion in, 54 beliefs of, 191 Berger, 20 Bever, 34 discrimination in Vietnam, 42 Bhutan, 41, 158 and religious freedom, 42, 81 Bible, on blasphemy, 79-80 repression in Japan, 42 Bill of Rights (U.S.), 1 repression in Nepal, 41 Americans' awareness of, 119-120 repression in Tibet, 40 and democracy, 114-121 Bulgaria, 46, 50, 155 enforcement by courts, 144, 145 burial, religious restrictions on, 35 James Madison on, 105 Burma, religious suppression in, 41, 42 Burt, 146-147 and judicial enforcement, 114, 115, 121-122 Cambodia, religious suppression in, 42 and religious toleration, 118-119 uneven enforcement of, 107 Canada bills of rights, 30 free exercise clause in, 148-149



Index

Canada (cont.)	oppression of minority religions in,
judicial defense of human rights in,	39–40, 42
153	registration requirements in, 40
religious diversity in, 187	repression of Buddhists in Tibet, 40
secularization in, 96–97	restrictions on teachers and student
Catholicism	in, 40
and civil war in Yugoslavia, 6	social regulation of religion in, 67
and democratization, 19–20	Christianity
economic effects of, 11	growth of, 96
and fall of Polish communism, 22	growth of fundamentalist, 96
favoritism toward wealthy in Latin	and women's rights, 32
American, 15–16	See also Catholicism; Christianity,
government support in Portugal, 53	repression of; evangelicalism;
pluralism effect on participation in,	Protestantism
17	Christianity, repression of
and religious diversity, 16	in Burma, 41
and religious education in South	in Central Asia, 37–38
America, 55	in China, 39, 40
repression in China, 40	in Indonesia, 38
in South America, 43	in Laos, 41–42
suppression in Cuba, 44	in Mauritania, 38–39
suppression in Sri Lanka, 41	in Middle East, 36–37
and women's rights, 204	in Vietnam, 42
Central Asia	church attendance
direct oppression of minority	decline in Western Europe, 94–95
religions in, 37–38	and establishment clause, 192–193,
See also individual country	192f, 193
Chad, religious freedom in, 51	and separation clauses, 192
charity, 11–12	state-controlled religion effect on,
Charter of Rights and Freedoms	16, 17
(Canada), 153	Church of Christian Science,
China	recognition in Italy, 52
crackdown on religious groups in, 22	circuit courts, 127, 138
Falun Gong in, 40	civic engagement, religious belief
as officially atheist, 39	effects on, 12–13, 21



Index

civil rights, 21, 87 Clark, 130 classical liberalism, 29 Colombia constitution of, 153 religious discrimination in, 43 religious diversity in, 187 religious registration in, 51 Committee to Promote Virtue and Prevent Vice, 48 communist countries, former development of democracy in, 20 religious suppression in, 44 See also individual country Comoros, oppression of minority religions in, 37 Congo, religiosity in, 23 Congress (U.S.), relationship with Supreme Court, 129-131 Conkle, 8, 186, 189 conscientious objection, 26 Constitution (U.S.) changes in meanings over time, 106-107, 112 devotion to, 105 and proportionality, 155–156 See also Bill of Rights; constitutions constitutional protection of religious freedom coding research on, 157-160 difficulties with, 159–160 elements of First Amendment, 159 length of constitution, 157-158 specificity of language used, 157 state religion, 158-159

constitutional religions and religious freedom, 160-163 ARDA scores on, 161-162 no state religion as factor in. 162-163, 162f Pew scores on, 162, 163, 163f RAS scores on, 161, 163 state religion as factor i, 161-163, 161t establishment clause, 166-170, 166t constitutional content measures, 168-170 effects of variables, 167, 167t oppression of minority religions measure on, 167–168 Pew scores on, 166-167, 168-169, 168t, 169f RAS scores on, 166, 167, 167f, 169, 169f free exercise clause, 164-166, 164t, 165f Pew scores on, 164, 165f RAS scores on, 164–166, 165f government assistance, 180–182 Pew scores on, 180 Pew scores with establishment clause, 180-182, 181f RAS scores for educational activities, 180 individual laws and actions, 175-178 establishment clause, 177-178 free exercise clause, 175-177 interaction effects, 170-175 democracy/legal infrastructure/ separation clause, 171, 171t



Index

constitutional protection (cont.)	precommitment function of,
democracy/prohibition of national	110–113
religion, 173–174, 174f	structural provisions, 108
democracy/separation clause, 172,	research on effect of protections,
172f	149–151
legal infrastructure/prohibition on	as symbolic, 107
state religion, $174-175$, $175f$	uneven enforcement of, 106–107
legal infrastructure/separation	value of, 105–106
clause, 172–173, 173 <i>f</i>	See also constitutional protection of
RAS scores on, 172, 173, 173f, 174f	religious freedom
proportionality, 178–180	contract law, precommitment theory
free exercise clause, 180 , $180t$	on, 111
Pew scores on, 178–179, 180	conversion, 200
RAS scores for religious freedom	away from Islam, 36
by, 179–180, 179f, 180	forced, 36, 39, 61
provisions of constitutions, 154–157	to other religion, consequences of, 67
establishment clauses, 156	Cooter, 158
establishment of state religion, 156	Copts, 36
proportionality, 154–156	Corwin, 106, 144
registration, 182–183	Costa Rica, 55, 163
Pew scores on, 182	Council of Europe, 204
$Seealso { m constitutions}; { m establishment}$	Council of the European Union, 73
clause	countermajoritarianism, 123, 128-131
constitutions	133, 134, 135–136, 137,
as aspirational, 107	138–139
devotion to, 105	$See\ also\ Supreme\ Court\ (U.S.)$
popular constitutionalism, 116	court-curbing (jurisdiction stripping),
provisions relevant to religious	129–130
freedom, 27–28	criminal law, 139
creating or banning state religion,	Cross, 125, 132–133, 145, 149
27–28	Cuba, religious minorities in, 44
freedom of religious belief, 28	cults, 51, 52
separation of church and state, 28	Cyprus, constitutional court
reasons they matter, $108-113$	in, 131
coordinating function of, 108–110	Czech Republic, religiosity in, 23



Index

Dahl, Robert, 86, 139 deviant behavior, effect of religion on, Dahl, Ronald, 128 13-15 Darrow, 121 Devins, Neil, 119 death penalty, 21 dietary laws, 48-49 democracy diversity, religious, 186-188, effect on per capita GDP, 100 effect on religious freedom, 100, 101, and atheism, 196t, 197f and church attendance, 192-193, and atheism, 84, 196t, 197-198 192f, 194, 194f and establishment clause, 166t and gender status, 206, 206t, 207, and free exercise clauses, 164t 207f and gender status, 206, 206t and government subsidization, and happiness, 202, 202t198–199, 198f, 199f Pew constitution measures on, 168t RAS scores on, 188f and Pew measure of GRI, 102-103, and religiosity, 189–195, 190f and state religion/church and proportionality, 180t attendance, 193-194, 193f and RAS religious freedom and well-being, 188f, 199-204, measures, 82f, 100-103 202# and religious diversity, 188t divorce, 13, 32, 48, 111 and RFF/GRI measures, 102, 102t Dostoyevsky, 9 and rule of law, 100 Dotan, 122, 127 and separation clause interaction Douglas, William O., 124, 132-133 with legal infrastructure, 171t Driessen, 89 and social factors, 83-89, 88f Driver, 129 world democratization wave, Durlauf, 11 19 - 20Dworkin, Ronald, 3, 84 Democratic Republic of the Congo, religious suppression in, 43-44 Easterbrook, Frank, 105-106, Denmark government favoritism in, 70 Eastern Europe, regulation of religion government subsidization of religion in, 53. See also individual in, 54 country Ecuador, 43, 187 religiosity in, 23 state religion in, 45, 54 Edelman, 126



Index

education Pew scores on, 166-167, 168-169, and government assistance, 55, 168t, 169f 180 - 182RAS scores on, 166, 167, 167f, 169, of women, 205 169f See also schools and state religions, 156 Edwards, Thomas, 10 violations of, 154 Egypt, 23, 36 Estonia, 23, 44-45 Eisgruber, Christopher, 3 Europe Elkins, Zach, 108, 158, 178 constitutional protection of minority Elliott, 13-14, 200, 203 religions in, 143 Ellison, 14 effect of judicial review on Employment Division, Department of compliance in, 142-143 Human Resources of Oregon v. human rights in, 27, 53, 155 Smith, 47, 155-156 pogroms against Jews in, 6 Enlightenment, 7 religiosity in, 189, 191 religious belief and life satisfaction environmental issues, 139 Epp, 106, 147, 148, 183-184 in. 13 Equatorial Guinea, religious freedom religious diversity in, 187 in, 51 religious laws in, 49 Eskridge, 145-146 social regulation of religion in, 67 establishment clause, 156 See also individual country and church attendance, 192-193, European Convention on Human 192f, 193 Rights, 155 and constitutional content European Court of Human Rights, measures, 168-170 27, 53 effect on atheism, 197 evangelicalism effects of variables on, 167, 167t and individual benefits of religious and government assistance, 55, beliefs, 15 180-182, 181f prohibition against, 36, 37 and individual laws and actions, repression in Central Asia, 37–38 177-178 repression in Greece, 45 and irreligious persons, 29-30 repression in Thailand, 41 and Islamic population, 166t repression in Venezuela, 43 and oppression of minority religions, Evangelical-Lutheran religion, 156 167-168 Everson v. Board of Education (1947), 55



Index

extremism	religious freedom in, 45–46
as argument against religious	See also Europe; Western Europe
freedom, 8–9	Frazee v. Illinois Dept. Employment
as argument for religious freedom,	Sec. (1989), 26
18–19	Freedom House, 60
	free exercise clause, effect on religious
Falun Gong, 40	freedom, 164
Farnsworth, 120	in Canada, 148–149
${\it favoritism.} \ {\it See} \ {\it government} \ {\it favoritism}$	and constitutional protections,
of religion (GFI)	175–177
Fearon, 186	and democracy, $164t$
Federalist No. 10, 85	and individual laws and actions,
Feofanov, 2	175–177
Ferejohn, 145–146	and Islamic population, $164t$
Fiji, constitution of, 157, 159–160	and legal infrastructure, $164t$
Finke, 17, 84, 137	Pew scores on, 164 , $164t$, $165f$
Finland, 45, 54	and proportionality, $180, 180t$
Finnis, 5	RAS scores on, $164-166$, $165f$
First Amendment, support by	and rule of law, $164t$
Americans, 120. See also Bill of	Freeman, 14
Rights	free press, 36, 79
First Amendment Center, 119, 120	free speech, 31, 43, 136, 178
Fish, 79	Friedman, Barry, 128–129, 132
flag burning, 135	Fugitive Slave Act, 91
Foa, 200	Fukayama, 25
forced conversions, 36, 39, 61	Fuller, 90
forced marriages, 39	fundamentalism
Fox, Jonathan, 18, 60, 61, 88, 150–151,	curbing, 31
155, 178	effect on economic growth, 11
France	growth of, 96
judicial review effect on compliance	
in, 142–143	Gallup poll
regulation of religion in, 51–52	on constitutional religious issues,
religious discrimination toward	119
Muslims in, 45	on happiness, 201–202



Index

Gallup poll (cont.) and democracy, 89 on religiosity, 23, 189, 192, 195 in United States, 55 on Ten Commandments monument, government regulation of religion 135 (GRI), 49-53, 54-57, 66-67, 69 game theory, on cooperation, 109 in Africa, 51 Garvey, 9 in Asia, 51 and correlation matrix of religious gay rights, 21 gender rights freedom measures, 71t religious freedom effect on, 204-207 declaration of state religion as, 54 Shari'a law and, 48 and democracy, 89 UN gender empowerment measure, in Eastern Europe, 53 205-206 education, 55 General Social Survey (2010), 135-136 financial support, 54 generosity, 11-12 and law, 55 Georgia, 44, 53, 156 limits of, 56 Germany in Middle East, 50-51 government subsidization of religion religious requirements for public in. 54 office as, 54 and Holocaust, 6 in South America, 51 regulation of religion in, 51-52 in United States, 53 religious discrimination toward in Western Europe, 51-53 Muslims in, 45 See also individual country religious education in, 55 government subsidies, 54, 198-199 See also Europe; Western Europe effect on religiosity, 198f Gey, 27 effect on religious diversity, 199f Ghana, religious diversity in, 187 Great Britain. See United Kingdom Gill, 16, 17, 19 Greece Ginsburg, Tom, 108, 158, 178 church attendance in, 192 Gioso, 25, 204-205 constitution of, 159 Goderis, 146 minority religions in, 45 good, religion as, 9-15 prohibition of proselytization in, 45, 46 regulation of religion in, 53 government favoritism of religion (GFI), 66, 70 religious diversity in, 187 and correlation matrix of religious religious education in, 55 freedom measures, 71tstate religion in, 45, 54



Index

Greek Orthodox Church, 45 Hinduism Green, 120 beliefs of, 191 Greenberg, 20 discrimination in Bangladesh, 41 Grim, Brian, 11, 75, 84 misogyny in, 32 Gruber, 186-187, 199-200 recognization in Italy, 52 Guinea, religious registration in, 51 violence against in India, 6 Gunn, 156 Hindu Mahabharata, 32 Gwin, 16-17, 189 Hirschl, Ran, 18, 30, 31, 33 historical case for religious freedom, 5-8 Habermas, 21 Hackett, 205 Inquisition, 6 Hall, 141 oppression in name of religion, 5-7 Hamilton, (2005), 4 pogroms against Jews, 6 Hamilton, Alexander, 107, 114, 129, Holocaust, 6 Homicide rates, 23-24 Horwitz, 91 Hanburger, Philip, 154 Hand, Learned, 105 human rights happiness levels in Australia, 107-108 national income effect on, 202, in Canada, 153 202tand democracy, 87 religious beliefs effect on, 24 in Europe, 27, 53, 155 religious freedom effect on, 25 in Latin America, 22 See also well-being, and religious Human Rights Watch, 73 freedom Hummer, 14 Hardin, Russell, 108-109 Huntington, 78-79 Harris, 20 Harvey, 132 Iacconne, 13, 14 Haybron, 201 Iceland, state religion in, 45, 54 Hayward, 13-14, 25, 200, 203 identity, and religion, 4, 5 Henderson, 90, 93 Ignagni Herfindahl scale, 187, 194-195, Impeachment, 129 199, 203 implied secularism, 29 Herzegovina, religious harassment India in, 46 church attendance in, 192 Hiebert, 124, 154 inter-religious violence in, 6



Index

India (cont.) effect on economic growth, 11 religious freedom in, 40-41 growth of fundamentalist, 96 secular courts in, 31 recognization in Italy, 52 social regulation of religion in, 67 and women's rights, 204 Indonesia See also Islamic population; Middle inter-religious violence in, 6 East; Shari'a law Islamic population, effect on religious religiosity in, 23 religious repression in, 38, 42 freedom, 100, 101, 161t Inglehart, 200 and atheism, 196, 196t inheritance, religious restrictions on, and establishment clause, 166t 48-49 and free exercise clause, 164t Inquisition, 6 and gender status, 206, 206t International Covenant on Civil and and Pew constitution measures, 168t Political Rights, 155 Pew measure of GRI on, 102-103, Iran 103toppression of minority religions in, 36 and proportionality, 180t value of judiciary in, 142 RAS scores on, 101t See also Islam; Islamic population RFF/GRI measures on, 102, 102t and separation clause/democracy/legal Iraq oppression of minority religions in, 37 infrastructure interaction, 171t social regulation of religion in, 67 social factors of, 81-82, 82f See also Islam; Islamic population and violent religious persecution, 80 Ireland, 7, 192 Israel, bills of rights in, 127 irreligious persons, 25-31 Italy, religious regulation in, 52 atheists (see atheism) Ivory Coast, religious education in, 55 equality of constitutional protection for, 28 Jackson, Andrew, 138 and establishment clause, 29-30 Jamaica, religious education in, 55 growing reliance on Japan constitutionalism, 30-31 atheists in, 195-196 and implied secularism, 29, 30-31 religious freedom in, 42 Islam secularization in, 96-97 and apostasy, 39, 79 Jefferson, Thomas, 4-5, 138 Jehovah's Witnesses, 51, 52 as authoritarian, 78-79 conversion away from, 36 Jews, 6



Index

Jones, 201 Laïcité, 45 Judaism Lambert, 97 and apostasy, 79-80 Laos, religious suppression in, 41-42 economic effects of, 11 lateral compliance, 141 judges, effects of religious affiliation Latin, 186 of. 125 Latin America judicial countermajoritarianism. See democratization by Catholic Church countermajoritarianism; in, 20 Supreme Court (U.S.) favoritism by Catholic Church in, judicial majoritarianism. See 15 - 16majoritarianism pluralism effect on human rights judicial overhang, 117-118 in, 22 judicial supremacy, 117, 121 See also individual country jurisdiction stripping (court-curbing), Latvia, 44-45, 192 129-130 Law, 150 justification for protecting religious laws, religious, 48-53 freedom, 3-5 in Africa, 49 in Asia, 48-49 Kammen, 105, 119 in Europe, 49 Kapiszewski, 151 Shari'a (see Shari'a law) in United States, 49 Kazakhstan, 38, 53 Keith, 87, 146, 147, 150 See also legal infrastructure Kenya, 38, 187 Laycock, 7, 25-26, 185 Kirshas, 53 legal infrastructure, and religious Klein, 126 freedom, 160, 161, 161t, 162, Kokkinakis v. Greece (1993), 27 164 Koppelman, 2 and establishment clause, 166t Kourtellos, 11 and free exercise clause, 164t Kramer, 116, 134–135 and interaction with separation clause/democracy, 171t Krishnas, 37 Kritzer, 126 and Pew constitution measures, 168t Kuwait, religious repression in, 36 and proportionality, 180t Kyrgyz Republic, religious freedom in, 38 legal realism, 124 Kyrgyzstan, religious freedom in, legitimation hypothesis, 115, 139 44 - 45Leiter, Brian, 2, 3, 18, 25



Index

Lemon v. Kurtzman (1971), 29-30 Mauritania, religious repression in, Levinson, 110, 112 38-39 Liberia, religious freedom in, 51 McCann, 16 Libya, religious discrimination in, 37 McCleary, 10-11, 97, 186, 187, 191, 198 Liechtenstein, state religion in, 45 McClosky, 8, 118-119 life satisfaction. See well-being McConnell, 30 Lincoln, Abraham, 21, 138 McCormick Tribune Freedom Lindholm, 53 Museum, 119 Lindquist, 126, 132 McDaniel v. Paty (1978), 30 Lithuania, religious freedom in, 44-45 McGuire, 140 Liviatan, 50 measuring religious freedom logrolling, 145-146 difficulty of, 58-60 Louis XIV (France), 9-10 and facial validity, 70 Lundsgaarde, 19 See also Association of Religion Data Lupu, 3 Archives (ARDA); Pew survey Lutherans, 45 data on religious freedom; Religion and State (RAS) scores Madison, James, 20, 85, 105, 135, on religious freedom; RFF scores 170-171, 184 on religious freedom majoritarianism, 128-129, 145 mediating institution, religion as, and religious freedom, 84-85, 86-87 20 - 21tyranny of the majority, 84, 85, 90, Melton, 108 123 mental health benefits of religious Malaysia, 42, 54 belief, 14 Mali, religious freedom in, 38 Mexico, oppression of minority Malta, state church in, 54 religions in, 43 Middle East Maoism, 39 atheists in, 195-196 marriage forced, 39 curbing fundamentalism in, 31 religious restrictions on, 35, 37, discriminatory religious repression 48-49 in, 36-37 Marshall, 65, 140 government subsidization of religion Marty, 7 in, 54 Marx, Karl, 91 pogroms against Jews in, 6 Mattis, 20 regulation of religion in, 50-51



Index

religiosity in, 191 restrictions in Thailand, 42 religious requirements for public modernization, effect on religion, 96 office in, 54 mootness, 139 See also Islam; Islamic population; Mormons, 46, 52, 53 Shari'a law, individual country Morocco, religious discrimination in, 37 Miner, 27 Mozambique, relgious freedom in, 51 Muhammad, 48 minority religions constitutional protection in Europe, Mullainathan, 199-200 multiple vetoes hypothesis, 145 conversion to Christianity in Muslims Afghanistan, 35 and civil war in Yugoslavia, 6 direct oppression of, 35-47, 56 (See and religious discrimination, 45 also *individual country*) violence against in India, 6 in Africa, 38-39 See also Islam; Islamic population in Asia, 39-42 NAACP, 148 in Central Asia, 37–38 in China, 39-40 Nam, 14 in communist countries, 44 Namibia, religious freedom in, in countries of two million or more 43_44 people, 39 Nardulli, 160-161 and Eastern Europe, 46 national income, and religious in India, 40-41 freedom, 93-99, 99f, 100, 101, in Middle East, 36-37 161tin South America, 43 and atheism, 195-196, 196t in states of former Soviet Union, and establishment clause, 166t 44-45 and gender status, 206, 206t in Sub-Saharan Africa, 43-44 and happiness, 202, 202tand United States, 46-47 and Pew constitution measures, 168t and Western Europe, 45–46 Pew measure of GRI on, 102-103, and Supreme Court, 137 103tmissionaries and poorer nations, 100 in Africa, 43-44 and proportionality, 180t prohibition in Kazakhstan, 53 RAS scores on, 82f, 99, 99f prohibition in Nepal, 41 religious freedom and religious prohibition in Turkmenistan, 44 diversity, 188t, 191



Index

national income (cont.) Norway RFF/GRI measures on, 102, 102t government subsidization of religion and secularization thesis, 93-95 and separation clause/democracy/ mandatory Christian education legal infrasturcture interaction, in, 45 religiosity in, 23 national religion. See state-controlled religious freedom in, 45 religion religious requirements for public office in, 54 Native Americans, 46, 138 Nazarenes, 53 state religion in, 45, 54, 156 Nazi Germany, 6, 90, 91 Nuremberg laws (1935), 6 negative rights, protection of, 144 Nussbaum, Martha, 28-29 Nelson, 132-133 Nepal, religious suppression O'Brien, David, 128 in. 41 official religion. See state-controlled Netherlands, public health protection religion in. 156 Oman, religious freedom in, 38 Neuhaus, 20 Opfinger, 24 New Deal, 112 Orthodox Christianity Newsweek poll on Bill of Rights, 119 and civil war in Yugoslavia, 6 New Zealand, 96-97, 118 effect on economic growth, 11 Nicaragua, religious freedom growth of, 96 in, 43 in Romania, 46 Nigeria, 39, 48, 54 See also Greece; Russia noncompliance, 139-140 overhang, judicial, 117-118 non-constitutional law, effect on religious freedom, 161-163, Pakistan constitutional change in, 107 non-governmental organizations fundamental Islam in, 37 (NGOs), religious institutions Shari'a law in, 48, 55 as, 19, 20, 21 social regulation of religion in, 67 Noonan, John T., 4 Paraguay, religious registration in, 51 North, 16, 189 participation, religious, pluralism North Korea, religious repression in, effect on, 17-18. See also 42, 44 attendance, church



Index

Paul, 22	physical health benefits of religion,
per capita GDP. See national income,	14–15
and religious freedom	Pilgrims, 7
Peru, 43, 153	Pinker, 25
Peterson, 200	Planned Parenthood v. Casey, 134
Pew Forum, 83	pluralism, religious
Pew survey data on religious freedom,	benefits of, 16
73–76	effect on human rights, 22
and atheism, $196t$	effect on religious participation,
and constitutions, $168t$	17–18
and establishment clauses, $166t$	effect on religious participation and
and free exercise, $164t$	belief, 18
and government restrictions, 73–75	See also diversity, religious
and happiness, $202, 202t$	Podoprigora, 49–53
and law/policy effects, 75	Poe, 87, 150
limitations of, 75	pogroms, against Jews, 6
reliability of, 77	Poland, religious diversity in, 187
and religious diversity, 188, $188t$	political role of religions, 19–22
and separation clause/democracy/	and African-American community,
legal infrastructure interaction,	20, 21
171t	and civil rights, 21
and social hostilities, 73	as mediating institutions, $20-21$
and specific content of constitutional	and world democratization wave,
protections, 73-74	19–20
and state of religious freedom in	polygamy, 46
practice, 74–75	popular constitutionalism, 116, 134–135
and state religion, $161t$	Portugal, 53, 54
See also Association of Religion Data	Powe, 116
Archives (ARDA); constitutional	precommitment theory, 110–113, 143
protection of religious freedom;	proportionality, 154–156
Religion and State (RAS) scores	proselytization
on religious freedom; RFF scores	as competitive business, 95
on religious freedom	prohibition by Islam, 36, 37
peyote, 47	prohibition in Central Asia, 37–38
Peyton, 160–161	prohibition in Greece, 45, 46



Index

proselytization (cont.)	reincarnation, 191
prohibition in Nepal, 41	religion, overview of
prohibition in Switzerland, 45	benefits for individual believers,
restrictions in Asia, 42	13–15
in United States, 46	benefits of, 32
Protestantism	definitional issues, 2–3
discrimination in Colombia, 43	economic effects, $10-11$, $24-25$
discrimination in Vietnam, 42	and identity, 4, 5
effect on economic growth, 11	and life satisfaction, 13–14
and gender equality, 204	mental health benefits of, 14
and women's education, 205	negative effects of, 32
Pryor, 79, 80	as not needing specific constitutional
public dress, religious restrictions on,	protection, 3–4
35, 37, 41, 48–49	physical health benefits of,
public morals	14–15
Puritans, 84	societal effects of, $11-13$, $23-24$
Putnam, 12, 21	as source of conflict, 7–8
	Religion and State (RAS) scores on
Qatar, religious freedom in, 37	religious freedom, 60–65
Qur'an, 79–80	advantages of, 64, 77
	and atheism, $196-197$, $196t$
racial segregation, 84, 139	$comparison\ of\ overall\ score\ with\ Pew$
Raday, 30	score, $76f$
rape, 48, 204	comparison of scores with ARDA
$rational\ choice\ religious\ economics,\ 95$	scores, $69-73$, $72f$
Rawls, John, 28	comparison with Pew score, $76f$
Raz, 90	composite score, 64, 64f, 69
reapportionment, 139	disadvantages of, 65
reeducation camps, 40	distribution of overall scores, 64f
registration requirements	and establishment clause, $166t$
in China, 40	and free exercise, $164t$
in Indonesia, 51	and gender empowerment, 207 , $207f$
in Singapore, 51	and happiness, $202-204$, $202t$
in Thailand, 51	and Pew constitution measures, $168t$
in Vietnam, 42	and religious diversity, $188f$, $188t$



Index

and religious legislation, 62-63, 69 RFF scores on religious freedom and religious regulation, 62, 69 and atheism, 196tand restrictions on minority and establishment clause, 166t religious practice, 61, 69 and happiness, 202, 202tand separation clause/democracy/ and official religion effect, 161t legal infrastructure interaction, and Pew constitution measures, 168t 171tand religious diversity, 188, 188t and state religion, 161t and rule of law, 102, 102tSee also Association of Religion Data and separation clause/democracy/legal Archives (ARDA); constitutional infrastructure interaction, 171t protection of religious freedom; See also Association of Religion Data Pew survey data on religious Archives (ARDA); Pew survey freedom; RFF scores on religious data on religious freedom; freedom Religion and State (RAS) scores religiosity, 189-195 on religious freedom diversity effect on, 189–195 RFRA (Religious Freedom Restoration gender differences in, 205 Act; 1993), 136-137 and gender status, 206, 206t Richards, 126 government subsidies effect on, Riker, 106 198f Rogers, 14 and happiness, 203 Romania, 46, 192 religious freedom Rosen, 128 as fundamental element to be Rosenberg, 122, 139, 141 Ross, 79 protected, 1 link with individual freedom, 7 rule of law restrictions on, 35, 57 effects on religious freedom, 27, similarity to freedom of speech, 9 89-93, 100, 101, 161t Religious Freedom Restoration Act and atheism, 196, 196t (RFRA; 1993), 136-137 and authoritarian regime, 90, 91 religious symbols in schools, 49 reproductive rights, 48, 204 and content of law, 91 resource curse, 79 and establishment clause, 166t Restrictions on Religious Freedom and free exercise, 164t (RRF) index, 68, 70 and gender status, 206, 206t Reynal-Querol, 186 and happiness, 202, 202t



Index

rule of law (cont.) schools and Pew constitution measures, 168t and Amish people, 28 and Pew measure of GRI, 102-103, ban on religious clothing in 103tFrance, 45 and proportionality, 180t and desegregation, 139 and RAS measures, 82f moment of silence in, 29 and religious diversity, 188t religious instruction in Austria, and RFF/GRI measures, 102, 102t 52-53 religious instruction in and separation clause, 167t, 171t and tyranny of the majority, 90 Georgia, 53 World Bank measure compared religious instruction in Kuwait, 36 with RAS measure, 92, 92f religious instruction in Norway, 45 as political control, 90-91 religious instruction in Thailand, 41 procedural definition of, 90 school prayer, mandatory, in Bhutan, 41 thin, 90 uncertainty of relation to religious Scientology, 2-3, 51-52, 53 freedom, 90-91 Scotland, religious attendance in, 94 Rummel, 186 search and seizure, 149 Russia, 6, 44, 54 secularization hypothesis, 191 Segal, 124, 126, 132 Senegal, religious freedom in, 38 Sabbath, compulsory, 48 Sager, Lawrence, 3, 141-142 separation clauses Samaha, 109-110 and church attendance, 192 Sapienza, 25, 204-205 as constitutional provisions, 28 Saudi Arabia interaction with democracy/legal lack of religious freedom in, 72 infrastructure, 171, 171t religious laws in, and rule of law, 167t, 171t repression of minority religions in, separation of powers, 145 36 - 37Shari'a law, 32, 36, 48 women's rights in, 204 on apostasy, 39 See also Islam; Islamic population and gender rights, 48 school prayer, 27, 135-136 in Kenya, 38 mandatory in Bhutan, 41 in Malaysia, 38 Supreme Court on, 46, 135–136, in Nigeria, 39 139-140 in Pakistan, 48, 55



Index

Shi'ites, war with Sunnis, 7 RFF/GRI measures on, 102, 102t Shintoism, 42 SRI measures on, 102 Shouwang (church), 39 social regulation of religion (SRI), Sikhs, violence against in India, 6 67-68, 70, 102 Singapore, 49, 51 and correlation matrix of religious Sisk, 125, 137, 138 freedom measures, 71t Slovakia, regulation of religion in, 53 Songer, 125 Smidt, 13 Sorauf, 125 Smith, 1991, 8, 9, 27 Souter, David, 134 Smith, Adam, 16, 19 South Africa, religious freedom in, social capital, 12, 13, 24 43-44 social factors and religious freedom South America democracy, 83-89 atheists in, 195-196 future uncertainty and minority Catholicism in, 43 interests, 86 direct oppression of minority and individual rights, 87 religions in, 43 and majoritarian institutions, 86-87 regulation of religion in, 51 and majority regard for rights of religious diversity in, 187 minority, 84-85 See also individual country and minority role in composition of South Korea, religious freedom in, 42 Soviet Union, downfall of, 20 majority, 85 national comparison, 87–89, 88f Soviet Union, former states and nonbelievers, 84 oppression of minority religions in, and national income, 93–99, 99f 44-45 Pew measure of GRI, 102–103, 103t religious education in, 55 RAS measures on, 82f See also individual countries religions attitude toward other Spaeth, 124, 126 religions, 78-82 Spain, 45, 54, 131 apostasy, 79 Spann, 87 freedom based on Islamic Specter, A., 117 populations of nation, 81-82, Sri Lanka, 23, 41 82f standing, 122, 139 freedom by majority religion of Stark, 16, 17 nation, 80-81, 81f State Administration for Religious Islam, 78-82 Affairs



Index

state-controlled religion and court-curbing (jurisdiction constitutional provisions stripping), 129–130 for, 156 courts upholding constitutional effect on atheism, 197 rights, 123-138 effect on religiosity, 189 deference to other branches, effect on religious attendance, 16, 17 128-131 effect on religious freedom, 161t deference to public opinion, 128-131, forbidden 133-135, 140 effect on atheism, 197 enforcement and application of effect on religious freedom, rulings, 121-122, 129, 138-143 161–163, 161*t* compliance, 140-142 as inefficient/ineffective, 15-16 noncompliance, 139-140 as undermining religion, 18 existing research on effect of state courts, and religious freedom, 145 constitutional protections, State Department (U.S.), international 149-151 religious freedom reports of, how courts could matter, 144-147 65-66, 68, 73 and impeachment, 129 STD infection rates, 23-24 implementation of decisions, Sub-Saharan Africa, religious 131 - 132suppression in, 43-44 and legitimation theory, 115 subsidies. See government subsidies and logrolling, 145-146 Sudan, religious freedom in, 51 and minority religions, 137 suffrage, 87 necessary support structure for Sufis, banned from Chad, 51 judicial role, 147-149 suicide, 13 on peyote use, 47 Sullivan, 2 and presidential election 2000, 142 Sunnis, war with Shi'ites, 7 relationship with Congress, 129-131 supply-side approach to religious on school prayer, 135-136, 139-140 market, 96 on schools and secularism, 28 Supreme Court (U.S.) veto power of, 144 on atheists, 26-27 Swaziland, government funding of religion in, 54 and attitudinal theory of judicial decisionmaking, 124-128 Sweden atheism in, 23 and backstop theory, 145 budgetary issues, 130-131 religiosity in, 23



Index

religious discrimination toward Ulysses analogy, 110-111 Muslims in, 45 Unification Church, 42, 52 religious education in, 55 United Kingdom Sweet, 139 religious discrimination Switzerland, 45, 89 toward Muslims in, 45 Syria, regulation of religion in, 50-51 religious regulation in, 50 religious requirements for public Tabory, 18 office in, 54 Tabrizi, 125 religious tolerance in, 45 Taiwan, religious freedom in, 42 See also Europe; Western Tajikistan, religious freedom in, 38, Europe 44 - 45United Nations, protection of atheist Tan, 11 beliefs by, 27 Tate, 87, 150 United Nations Declaration on the Elimination of All Forms of teen pregnancy, 23-24 Intolerance and of televangelism, 95 terrorism, 19, 23 Discrimination Based on Thailand, regulation of religion in, Religion or Belief (1981), 1-2 42, 51 United Nations gender empowerment theocratic, 30, 31, 36, 70, 79, measure, 205-206 142, 168 United Nations International Covenant on Civil and Political thin rule of law, 90 Thomas Justice, 124 Rights (1976), 1 Thucydides, 200 United States (U.S.) Tibet, repression of Buddhists in, 40 government favoritism of religion Tocqueville, 21, 22 Toma, 131 government subsidization of religion Torcaso v. Watkins, 26 in, 54 Tunisia, religious diversity in, 187 regulation of religion in, 53 Turkey, church attendance in, 192 religious belief and life satisfaction Turkmenistan, 38, 44 in. 13 Tushnet, Mark, 117, 120 religious belief effect on mortality Tutu, Desmond, 5 in. 14 Twining, 34 religious economics in, 95 tyranny of the majority, 84, 85, 90, 123 religious laws in, 49



Index

United States (U.S.) (cont.)	Vietnam
religious pluralism effect on rates of	oppression of minority religions
affiliation/practice, 16, 18	in, 42
religious repression in, 46–47	social regulation of religion in, 67
view toward atheists in, 26	violence, religious, 19
See also Bill of Rights; Supreme	voting rights, 46
Court (U.S.)	
United States v. Seeger (1965), 26	Waldron, Jeremy, 112, 118
unreasonable search and seizure, 149	Wallace v. Jaffree (1985), 26, 29
U.N. Special Rapporteur on Freedom	Way, 146–147
of Religion or Belief, 73	Weber, Max, 10
U.S. Constitution. See Constitution	welfare state, 94–95
(U.S.)	well-being, and religious freedom,
U.S.S.R., lack of enforcement of	199–204
constitution, 106	and happiness, $202t$
U.S. State Department. See State	and life satisfaction, 13
Department (U.S.)	mental health benefits of, 14
U.S. Supreme Court. See Supreme	physical health benefits of religion,
Court (U.S.)	14–15
Uzbekistan	and religious diversity, 188f
religious freedom in, 72	Welzel, 200
religious registration in, 53	Westerland, 132
religious repression in, 37–38, 44	Western Europe
	church attendance decline in,
Vanberg, 142–143	94–95
Venezuela	regulation of religion in, $51–53$
constitution of, 155	religious freedom in, 45–46
discrimination against evangelicals	religious requirements for public
in, 43	office in, 54
evangelicals in, 15	See also Europe, individual country
Verme, 200	White, Byron, 132–133
Versteeg, 146, 150	Whittington, 117
vertical compliance, 141	Wierzbicka, 200
veto power, of Supreme Court,	women's rights
144, 145	and Christianity, 32, 204



Index

and education, 205
and Islam, 204
religious freedom effect on, 204–207
in Saudi Arabia, 204
and suffrage, 87
suppression of, 32
See also gender
World Bank, 88, 92
rule of law measure compared with
RAS measure, 92, 92f
World Council of Churches, 22
World Values Survey, 16, 191
Wright, Charles Allen, 106

Wybraniec, 137

Yarnold, 125
Yemen
direct repression of minority
religions in, 36
religious diversity in, 187
Yousif, 45, 80
Yugoslavia, civil war in former, 6

Zambia, religious freedom in, 51
Zimbabwe, religious suppression in,
43–44
Zingales, 25, 204–205
Zorn, 132
Zuckerman, 195