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Introduction

The First Amendment of the US Constitution includes sixteen words that define the relationship between religion and state in the United States: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The first ten words, known as the establishment clause, limit Congress's ability to endorse a religion. The last six words, known as the free exercise clause, bar Congress from limiting religious freedom. This book focuses on what essentially is a subset of the concepts contained in the free exercise clause – religious discrimination. I define religious discrimination as limitations placed by a government on the practice of religion or the religious institutions of minority religions within the state that are not placed upon the majority religion.

As I discuss in more detail in Chapter 2, the concepts contained in both of these clauses are complicated, have broad implications, cover a wide range of government activities, and are open to multiple interpretations. Yet in this book, I focus on the more narrow topic of religious discrimination against religious minorities. This is not to deny the importance of the other aspects of state religion policy but, rather, to concentrate on a topic that, in and of itself, is both significant and complicated.

In this book I examine 597 religious minorities in 177 countries and find that the right of free exercise of religion is not fully respected for 369 of them, a clear majority of 61.8 percent. Also 134 of the countries (75.7 percent) included in the study discriminated against at least one of these religious minorities.[1] Given this, *unfree exercise* of religion is the norm for religious

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[1] As I demonstrate in Fox (2015) 82.5 percent of these 177 countries discriminate against at least some religious minorities but several of these countries discriminate only against minorities too small to make the population cutoff for the minorities included in this study. These include the Bahamas, Botswana, Greek Cyprus, the Democratic Republic of Congo, Ecuador, Gabon, Hungary, Jamaica, Japan, Liechtenstein, Lithuania, Mauritius, Panama, and the United States.

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minorities across the world. For each of these minorities, I have collected infor-
mation on twenty-nine types of religious discrimination on a yearly basis for
the 1990 to 2008 period. As I discuss in more detail in this chapter, this is the
most comprehensive and detailed set of information ever collected on the topic
of religious discrimination against religious minorities.

Consequently, in this study, I examine the extent of religious discrimination
including its trends over time, how it differs across different religious tradi-
tions, world regions, countries, and minorities within countries. The results
show religious discrimination increasing over time, a finding consistent when
controlling for both the majority religion of a state and the religion of the
minorities that experience the discrimination. They also show that most states
that discriminate do not do so evenly. Some minorities are singled out for more
or different types of discrimination than others. The main goals of this book
are to document the trends in this uneven discrimination as well as to compre-
hend their causes.

What Is Religious Discrimination and Why Is It Important? A Prelude

Religious discrimination – which I define here as limitations placed by a gov-
ernment on the practice of religion or the religious institutions of minority
religions within the state but not on that state's majority religion – is a rela-
tively narrow topic compared to others such as religious freedom and the free
exercise of religion. I discuss the relationship of my definition of religious dis-
crimination as compared to other definitions as well as other concepts such
as religious freedom and the free exercise of religion, among many others, in
Chapter 2. In this section I intend to clarify what I mean by religious discrimi-
nation and why it is important.

Before defining what constitutes discrimination, it is best to define who can
be the target of discrimination. The word "discrimination" is different from
other words and concepts such as "repression," and "violations of rights,"
among others, in one important respect. To discriminate means to treat dif-
ferently. Thus if a government restricts everyone's freedoms that is not dis-
crimination, it is repression. Discrimination occurs when a group is selected
for different treatment, usually worse treatment than the baseline group.
In this case, I differentiate between a state's majority religion and minority
religions, with minority religions being those who are potentially subject to
discrimination.

Religious discrimination, as the term is used here, refers specifically to
restrictions placed on religious practices, institutions, and clergy. As I discuss in
detail in Chapter 2, other conceptions also include other forms of discrimina-
tion targeted at religious minorities such as political or economic discrimina-
tion. However, in this study I focus on restrictions that are directly related to
religion itself.

These restrictions can be placed into two categories. First, *restrictions on the practice of religion* focus on when some aspect of religious practice is restricted. This can be restrictions placed on specific individuals or it can be on a group as a whole. It can include a wide variety of restrictions such as restrictions on religious ceremonies, the observance of religious personal status laws, and the right to propagate one's religion through proselytizing among many others. The second category is *restrictions on religious institutions and clergy*. Religious institutions and clergy are of central importance to religion. They are responsible for preserving knowledge about a religion and transmitting that knowledge from generation to generation. They are not absolutely necessary for this task but most successful religions depend on religious institutions and clergy in order to accomplish these tasks. Thus to restrict a religious institution or its clergy is to undermine one of that religion's basic foundations.

Restrictions on both religious practices and religious institutions make it more difficult for individuals to practice their religion on an individual level. On a group level these restrictions make it more difficult for a religion to survive over time in a state. Which religions will thrive in a country and which will not is in and of itself of interest to those who study society and culture. However, there is also clear evidence that these issues are of considerable political import.

In fact, there are at least five types of evidence that who is free to practice one's religion is of considerable political significance. The first speaks to the nature of regimes that are willing to restrict religious freedoms. Restrictions on religious freedoms, or any kind of repression for that matter, are not free of cost. States must spend resources that could be spent elsewhere on this type of policy (Gill, 2008; Gurr, 1988). Thus, religious discrimination reflects a conscious policy choice to expend limited government resources on limiting the religious freedom of religious minorities. This alone is sufficient evidence that religious discrimination is not politically trivial.

Second, this state decision to discriminate is often because the state is influenced by the majority religion's institutions that are seeking to maintain a religious monopoly. This means it is related to who has power and influence within a state (Gill, 2008). Third, about nine in ten constitutions have clauses protecting religious freedom or banning religious discrimination. While most states do not fully honor the principle of religious freedom, that they feel it necessary to at least pay lip service to it has significance (Fox, 2015; Fox & Flores, 2012). Fourth, not only is religious freedom the topic of many a constitutional clause, it is also present in a number of international treaties signed by most states in the world, making religious freedom an element of international law. Fifth, religious discrimination receives significant attention by prominent human rights organizations including Amnesty International and Human Rights Without Frontiers. Similarly, governments such as the United States and Italy have put out formal reports on religious freedom as have

multigovernment organizations such as the UN and the EU. This demonstrates there is significant interest on the issue in the body politic.

This does not mean that an absence of religious discrimination means there are no limits placed on religion. As I note earlier in this chapter, restrictions placed on all religions equally are not considered discrimination. However, interestingly, most states that repress or limit religion in general, single out at least some religious minorities for an extra dose of repression (Fox, 2015).

Of necessity, all states, even the most liberal and tolerant among them, limit religion in some way. US Supreme Court Chief Justice Morrison Waite explained the reason for this in the 1879 case *Reynolds v. United States*. He argues that some restrictions on religion are inevitable because to do otherwise "would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances." For example, if a religion required human sacrifice, no state would allow this because it constitutes murder. A less extreme example would be if a religious ceremony required the use of an illegal drug. Most states still restrict illegal drugs, even for use in religious ceremonies, due to their overriding interest in protecting the public from illegal drugs. If all one had to do to avoid the law was profess membership in a religion, laws restricting dangerous drugs as well as pretty much any other type of law would be rendered meaningless.

Thus the concept of religious discrimination used here includes restrictions on religious institutions, clergy, and practices in which there is no likely legitimate government policy interest to do so. One indicator of this lack of legitimacy, which is a required part of the definition, is that religious discrimination occurs only when the restriction is placed on a minority religion but not the majority religion. Admittedly, I am using the term "legitimate" in a Western liberal democratic interpretation. In other normative contexts, protecting the dominance and superiority of the state religion is considered a legitimate policy objective. However, even if one accepts this second interpretation of what is legitimate, a study of which governments discriminate against whom, and how this discrimination manifests would still be of considerable interest. Many governments declare official religions. In fact, nearly half of the world's governments either declare an official religion or do not declare an official religion but otherwise clearly give a single religion preference over all others. While support for a single religion is correlated with religious discrimination, there is still considerable variation (Fox, 2008; 2013; 2015).

The Religion and State-Minorities Dataset

This study uses the Religion and State-Minorities (RASM) dataset as its source for information on religious discrimination. The RASM dataset is a module of the larger Religion and State (RAS) dataset that contains a wide variety of information on state religion policy using the state as the unit of analysis and

covers 177 states. RASM focuses on religious discrimination and uses a different unit of analysis, the religious minority within a state.

The 597 minorities included in RASM constitute all minorities that meet at least one of two criteria. First, it includes any religious minority that is at least 0.25 percent of the country's population. I used this population cutoff because smaller minorities often go unnoticed unless they are somehow politically active or subject to unique discrimination. To include these smaller minorities would create a selection bias where minorities that have these attributes – and are accordingly unrepresentative of other minorities of a similar size – would be included in the study. Second, it includes all Christian minorities in Muslim majority states and all Muslim minorities in Christian majority states.

This combination of using a religious minority as the unit of analysis and including all relevant religious minorities is unique. Most previous data collections that addressed religious discrimination or the general topic of religious freedom have a single score for each country and do not examine whether some populations within the state are treated differently from others. Grim and Finke's (2011) dataset on religious freedom not only has a single score for each country but does not differentiate between religious freedom for the majority and religious freedom for the minority groups.[2]

The previous version (round 1) of the RAS dataset that covered 1990 to 2002 did make this distinction, treating religious discrimination and government regulation of the majority religion separately, but still had only a single score on each of these variables for each state in a given year (Fox, 2008). This is also true of round 2 of the main RAS dataset that, like the RASM dataset, covers 1990 to 2008. Both versions of the main RAS dataset are intended to cover government religion policy on a more general level and include multiple aspects of government religion policy, of which religious discrimination is one, treating each type separately. The other types of government religion policy include government support for religion, whether the state has an official religion, and government regulation the majority religion. All of these factors are measured in the main RAS dataset using the state as the unit of analysis (Fox, 2008; 2015).

However, upon completion of RAS round 1, it became clear on an anecdotal level that religious discrimination was different from all of these other aspects of government religion policy in that many states do not discriminate equally. That is, many states discriminated against some religious minorities but not others or discriminate differently against different minorities. Thus, while using the state as the level of analysis clearly remains appropriate for the examination of nonminority-related aspects of government religion policy as well as for some types of questions that include religious minorities, the ability

[2] This dataset has since become the Pew Forum dataset on religious freedom and still uses the state as the unit of analysis and does not distinguish between treatment of minorities and religious freedom for members of the majority.

to distinguish and analyze how individual religious minorities are treated is necessary for a full understanding of religious discrimination. For this reason, when round 2 of the RAS dataset was collected, I also collected a separate and parallel set of data using the religious minority as the unit of analysis that is now the RASM dataset.

Most other datasets that include information on religious freedom are collected using the state as the unit of analysis and often have additional limiting factors. For example, the World Christian Encyclopedia includes a state-level variable for all countries but it focuses only on the treatment of Christians (Barret et al., 2001). Human rights datasets such as Abouharb and Cingranelli (2006) include general information on human rights and often include a variable for religion, but their information on religion is considerably less detailed than the RASM data.

The Minorities at Risk dataset, which focuses on ethnic conflict, does include minority-specific data (Gurr, 1993; 2000). There is also supplemental data for use with the dataset that focuses on religious discrimination (Akbaba & Tydas, 2011; Fox, 2002; 2004). However, the dataset focuses on ethnic minorities; so many of the minorities included in the dataset are not religious minorities. More importantly, the dataset includes information on only 119 ethnoreligious minorities, which means that the list of minorities is a small proportion of all religious minorities in the world.

Finally, the RASM dataset includes twenty-nine types of religious discrimination (which are listed in full in Chapter 2), each coded separately for each year between 1990 and 2008.[3] This constitutes a longer timespan than all of the above datasets other than the Minorities at Risk dataset and more detailed variables on religious discrimination than any of them. Thus RASM is the most detailed and comprehensive dataset on the topic of religious discrimination. In fact, its inclusion of all 597 relevant religious minorities means that it includes the entire universe of cases and not just a representative sample. This means that technically statistical significance – which is intended to measure the likelihood that a finding from a sample is representative of the entire universe of cases – is not necessary for a finding to be valid. However, in this study I nevertheless use statistical significance as a measure of the strength of a relationship.

The datasets were collected using a wide variety of sources. Each country was investigated separately and a country-report was written based on sources that include (1) government and intergovernment reports on human rights or religious freedom from sources such as the UN, the EU, and the US State Department; (2) reports by nongovernmental human rights organizations such as Amnesty International, Human Rights Without Frontiers, and

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[3] The Main RAS round 2 dataset contains thirty types of religious discrimination. They are identical to the twenty-nine included in RASM but include an extra variable for restrictions on foreign missionaries. This variable was not included in the RASM version of the dataset because RASM is intended to measure the treatment of indigenous minorities.

Forum 18; (3) a search for relevant news articles in the Lexis/Nexis data-base; (4) relevant academic articles and books; and (5) an Internet search for relevant sources. These reports were the basis for coding the twenty-nine variables included in the RASM dataset.[4] This range of sources is wider than all competing datasets noted earlier, other than the Minorities at Risk dataset that uses a similar range of sources.[5]

As I already note, this study covers the 1990 to 2008 period with each variable coded for each year during this nineteen-year period. However, there are two circumstances in which a particular country was not coded for a particular year. First, the country did not exist in the year in question. Most, but not all, of these cases are former Soviet bloc states that were not independent until after 1990. Armenia, Azerbaijan, Belarus, Croatia, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Macedonia, Moldova, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, all became independent in 1991. Eritrea and Slovakia became independent in 1993. Timor became independent in 2002, as did Montenegro in 2006. Second, countries were not coded if there was a year in which there was no functioning government. It is not possible to code government policy in cases where there is no government. These cases include Afghanistan until 1992, Bosnia until 1995, and Iraq in 2002.[6] Throughout this book I use terms such as "1990 (or the earliest available date)" and "from the beginning of the study period." This is meant to refer to the time period for all states from the first year of available data from each state until 2008.

Structure and Findings

As noted earlier in this chapter, religious discrimination overlaps with a number of related concepts including religious freedom, the free exercise of religion, religious persecution, religious repression, discrimination on the basis of religion, religious tolerance/intolerance, religious equality, level playing fields, and religious human rights. Each of these concepts has multiple interpretations and meanings. Because of this, many of the seeming disagreements in the literature regarding these interrelated concepts are disagreements not over what is occurring in the ground but rather over how we should understand or frame the facts. Accordingly, in Chapter 2 I discuss, compare, and contrast all of these concepts. While the working definition for religious discrimination remains the

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[4] For a full discussion of how the data was collected see Fox (2008; 2011b; 2013; 2015). This discussion includes a more detailed listing of sources and an analysis of the data's reliability.

[5] In fact, the RAS project's data collection methodology was modeled after the Minorities at Risk project.

[6] I used a very broad definition for the presence of a government, so even in war-torn states such as Somalia for much of this period, the presence of even a nominal government that had control over some territory was deemed sufficient to code that government's policy. This allows researchers who wish to use these cases to do so and allows those who feel that using them is unwarranted to drop them from the study. The analyses presented here use all coded cases.

one used to code the data for the RASM dataset, this discussion is intended to help determine how this study fits into the larger debate. In Chapter 2, I also discuss in detail how the RASM dataset measures religious discrimination.

Chapter 3 examines the existing literature and theories on the causes and consequences of religious discrimination. The causes I examine include the role of religious ideologies, what happens when majority religions are closely linked to governments, nationalism, the desire to protect a state's culture, anticult policies, minority religious practices considered objectionable to the major- ity group, ethnoreligious conflict, religious minorities as perceived security or political threats, historical conflicts becoming modern ones, the use of reli- gious conflict as a political tool, religious demography, societal prejudices, and the link between individual religiosity and state religion policy. I also look at causes of discrimination which are not specific to religious discrimination.

Chapters 4 through 7 examine the extent of religious discrimination, divid- ing them into groups based on a state's majority religion. As well over half of the world's states have Christian majorities, I divide my discussion of them into two chapters. Chapter 4 looks at Western democracies and the former Soviet bloc. Within the chapter, I look at the West and the former Soviet bloc separately. I also account for the differences between Catholic, Orthodox, and other Christian majority states as well as the impact of EU membership on religious discrimination. Perhaps the most striking finding is that religious discrimination is present and increasing in nearly all of these subdivisions of states, including Western democracies which are supposed to be among the most tolerant in the world.

Chapter 5 examines the Christian majority states of the Third World. I exam- ine Latin America, sub-Saharan Africa and non-former Soviet Asia separately. Perhaps the most interesting finding is that Latin America and sub-Saharan Africa have levels of religious discrimination similar to those of Western democracies. Religious discrimination in non-former Soviet Asia is consid- erably lower than in Western democracies. Thus, most of the Third World's Christian majority states are as or more tolerant of religious minorities than Western democracies. Nevertheless, the mean level of religious discrimination is increasing for these states.

Chapter 6 examines Muslim majority states, also subdividing them into regions. While some of the most religiously intolerant groups of states are Muslim majority states including those in the Middle East and non-former Soviet Asia, there are other groupings, such as those in sub-Saharan Africa, espe- cially West Africa, which engage in relatively low levels of religious discrimina- tion. Thus, while, on average Muslim majority states engage in the highest levels of religious discrimination of any religious tradition, this finding hides a wide diversity of state policy among these states. As is the case with the Christian world, religious discrimination is increasing among Muslim majority states.

Chapter 7 examines religious discrimination in the rest of the world's states. These states have a wide variety of policies. Buddhist states tend to

have relatively high levels of religious discrimination, higher than the average Christian majority state but lower than the average Muslim majority state. Countries whose majorities are other religions (not Christian, Muslim, or Buddhist) fall in the range between Christian and Buddhist majority countries. Interestingly countries with no majority religion have levels lower than the average Christian majority state but similar to those of Third World Christian majority states. Religious discrimination is consistently increasing among these states as well.

In each of these four chapters, I examine the presence of each of the twenty-nine types of religious discrimination which are present in the relevant grouping or subgrouping of states. This discussion includes illustrative examples for each type of religious discrimination which is common in the grouping or subgrouping.

Chapter 8 takes the detailed results from the previous four chapters and examines the larger trends which emerge from these finding. These trends include (1) the consistent rise of religious discrimination across world regions, majority religious traditions, and minority religious traditions, (2) that different majority traditions have different patterns of religious discrimination, (3) that notwithstanding this, religious traditions are not monolithic and there is variation and diversity in state religion policy among states belonging to the same religious traditions, (4) that on average Christians are the most persecuted religious minority worldwide and Muslims are the least persecuted, (5) that the West is neither the most secular nor the most religiously tolerant region of the world, and (6) that much of the religious discrimination in the world is at the hands of local and regional governments rather than national governments.

The final trend is that most countries which engage in religious discrimination do not treat all religious minorities equally. This trend is among the most interesting and confounding findings of this study. On one hand, using religious minorities as the unit of analysis in this study allows a thorough examination of the extent to which governments discriminate against specific minorities and clearly shows that most states which discriminate do not discriminate equally. On the other hand, I can find no general and parsimonious theory or set of factors which can reliably predict which minorities will be singled out. As is the case with previous studies (Fox, 2008; 2015; Grim & Finke, 2011) predicting which states are more likely to discriminate is possible but I found no workable basis for predicting against whom they will discriminate or against which minority they will discriminate more.

That being said, I am able to identify factors which can cause a state to discriminate differentially. However, these explanations tend to work only on a country by country basis or in some cases for a subset of countries. I discuss these findings in detail in Chapters 4 to 7 in the context of my discussion of religious discrimination in specific sets of countries as well as on a more general level in Chapter 8.

This examination of trends also includes an examination of the most com-
mon types of religious discrimination. Chapter 8 also examines the theories on
the causes of religious discrimination described in Chapter 3 in light of the evi-
dence that emerges from the data. All of them are found to have some validity.
These multiple and often crosscutting causes are likely among the reasons the
patterns of religious discrimination across the world are so complex.

In sum, religious discrimination is both complex and important across the
world. Most countries engage in religious discrimination and more than six in
ten religious minorities experience it. Both the conceptualization of the topic
and its patterns across the world over time are complex. This volume attempts
to find some of the order in this complexity.