

Religion, Law and Social Conflict in the 21st Century: Findings from Sociological Research

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Social hostilities involving religion have risen during the first decade of the 21st century, according to a new report from the Pew Research Center's Forum on Religion and Public Life. Of the countries where social hostilities involving religion rose substantially, half were in Europe. In the Middle East–North Africa region, government restrictions on religion substantially increased in the years immediately preceding the region-wide revolutions collectively known as Arab Spring. Recent advances in measuring levels of government restrictions on religion and social hostilities involving religion from the Pew Research Center and Penn State University's Association of Religion Data Archives provide new ways to analyse important questions related to religion and law. This article looks at four specific questions addressed by this research: How do legal and social restrictions on religion relate to violent religious persecution? Does official favouritism of one religion correlate with more or less conflict involving religion? Do constitutional protections for religious freedom coincide with increased or decreased restrictions? And do laws prohibiting blasphemy, apostasy or defamation of religion relate to more or to less overall contentions involving religion?

A Pew Research Center poll found that three-quarters of the US public consider that religion either has a great deal (40%) or a fair amount (35%) to do with most wars and conflicts in the world today.¹ These perceptions have some basis in current events. Social hostilities involving religion have been rising during the first decade of the 21st century, according to a new report from the Pew Research Center's Forum on Religion and Public Life.² The study finds that religion-related terrorist groups were active in 74 countries around the world in the period ending in mid-2009, up from 63 countries in

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¹ 'Views of Muslim-Americans Hold Steady After London Bombings' (Pew Research Center 2005) <<http://pewforum.org/Muslim/Views-of-Muslim-Americans-Hold-Steady-After-London-Bombings.aspx>> accessed 22 December 2011.

² 'Rising Restrictions on Religion: One-third of the World's Population Experiences an Increase' (Pew Research Center's Forum on Religion and Public Life, 9 August 2011) <<http://pewforum.org/Government/Rising-Restrictions-on-Religion.aspx>> accessed 22 December 2011.

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the period ending in mid-2008. And of the 10 countries where social hostilities involving religion rose substantially, five were in Europe. In a number of Western European countries, social hostilities involved the integration of new Muslim immigrants. In the Middle East–North Africa region, the study found that government restrictions on religion substantially increased in the years immediately preceding the region-wide social revolutions collectively known as Arab Spring.

Despite the increasingly obvious role of religion in national development and global relations, international data on religion, law and conflict are few, scattered and often difficult to access.³ Recent advances in reliably measuring levels of government restrictions on religion and social hostilities involving religion in countries of the world, such as the Pew Forum study, provide new ways to analyse important questions related to religion and law. This article looks at four specific questions that have been addressed by recent sociological research. First, how do legal and social restrictions on religion relate to violent religious persecution? Next, does official favouritism of one religion above others relate to more or less conflict involving religion? Third, do constitutional protections for religious freedom make a difference in whether restrictions on religion rise or fall? And finally, do laws that prohibit blasphemy, apostasy or defamation of religion relate to more or to less overall contentions involving religion?

1. *Information Sources and General Findings from Sociological Research*

Two recent efforts that address the data deficiency on worldwide religion come from Penn State University's Association of Religion Data Archives (www.TheARDA.com) and the Pew Research Center's Forum on Religion and Public Life. The ARDA's initiative was funded by the John Templeton Foundation, and the Pew Forum's work is funded by both the Pew Charitable Trusts and the John Templeton Foundation and is part of the Pew-Templeton Global Religious Futures project, which analyses religious change and its impact on societies around the world.

Both projects developed key religion indicators for some 200 different countries and territories.⁴ The major innovation of these efforts is the development of a concrete battery of quantifiable, objective and transparent measures of the extent to which governments and societal groups impinge on the practice of religion. The findings are used to rate some 200 countries and

³ BJ Grim and R Finke, 'Documenting Religion Worldwide: Decreasing the Data Deficit' (2005) *IASSIST Quart* 29, 11–16.

⁴ For a description of the methodology used at the ARDA, see: BJ Grim and others, 'Measuring International Socio-Religious Values and Conflict by Coding U.S. State Department Reports' (2006) In *JSM Proceedings, AAPOR-Section on Survey Research Methods* [CD-ROM]. Alexandria, VA: American Statistical Association, 4120–27. For a description of the Pew Forum's methodology see: <http://pewforum.org/Government/Rising-Restrictions-on-Religion%287%29.aspx> accessed 22 December 2011.

self-governing territories on indexes that are reproducible and can be periodically updated. The Pew Forum developed two indexes—a 20-item Government Restrictions Index and a 13-item Social Hostilities Index—that were used to rate 198 countries and self-governing territories. From the ARDA data, sociologists Brian Grim and Roger Finke (2006) developed a separate index for government favouritism of religion, whereas the Pew Forum's Government Restrictions Index includes a government favouritism index as one of the 20 indicators of government restrictions.⁵

The Pew Forum research also goes beyond Grim and Finke's initial effort to assess restrictions on religion in two other ways. First, the Pew Forum coded (categorized and counted) data from 18 published cross-national sources, providing a high degree of confidence in the findings. The original Grim and Finke indexes coded exclusively from the State Department's annual international religious freedom reports. And second, the Pew Forum carefully coded for time and location of hostile acts by the government or non-governmental groups within a country. One of the most valuable contributions of the Pew Forum indexes and the coded questions that they are built upon is their ability to chart change over time, such as changes in the level of religion-related terrorism mentioned above. The detailed methodology of both coding projects is available, as are several initial studies that have evaluated and/or used these new sources of data.

A. General global findings of the Pew Forum Study⁶

In December 2009, the Pew Research Center's Forum on Religion and Public Life published its first report analysing the extent to which governments and societies around the world impinge on religious beliefs and practices. The report found that about 70% of the world's population was living in countries where governments imposed high restrictions on religion or where there were high levels of religious hostilities in society.

Using the original study as a baseline, it was then possible to assess how government restrictions and social hostilities are changing globally. The most recent study (August 2011) finds that more than 2.2 billion people—about a third of the world's population—live in countries where government restrictions or social hostilities involving religion are increasing. About 1% live in countries where government restrictions or social hostilities are decreasing.

Moreover, there is an intriguing pattern in the changes: The substantial increases tend to be in countries where restrictions and hostilities are already

⁵ BJ Grim and R Finke 'International Religion Indexes: Government Regulation, Government Favoritism, and Social Regulation of Religion' (2006) 2 *Interdis J Res Religion* Article 1.

⁶ Portions of this section are adapted from 'Rising Restrictions on Religion', Pew Research Center's Forum on Religion & Public Life, © 2011, Pew Research Center. <<http://pewforum.org/Government/Rising-Restrictions-on-Religion.aspx>> accessed 22 December 2011. Used with permission of the Pew Research Center's Forum on Religion and Public Life.

high, whereas the decreases tend to be in countries where restrictions and hostilities are already low. This pattern suggests that a gradual polarization could be taking place, with restrictive countries growing even more so. Whether this is a long-term trend or a short-term phenomenon is not yet clear. But the Pew Forum's next round of coding (categorizing and counting) published data on religious restrictions is already under way, and further periodic reports tracking these trends over time are forthcoming.

It is important to bear in mind some limitations of the Pew Forum study. The indexes of government restrictions and social hostilities are designed to measure obstacles to religious expression and practice. As a result, the report focuses on the constraints on religion in each country. It does not look at the other side of the coin: the amount of religious diversity and activity in particular countries. The study also does not attempt to determine whether particular restrictions are justified or unjustified, nor does it attempt to analyse the many factors—historical, demographic, cultural, religious, economic and political—that might explain why restrictions have arisen. It simply seeks to measure the restrictions that exist in a quantifiable, transparent and reproducible way, based on published reports from numerous governmental and non-governmental organizations.

One final note: North Korea is not included on either of the Pew Forum indexes. The primary sources used in the study indicate that North Korea's government is among the most repressive in the world, including towards religion. But because independent observers lack regular access to the country, the sources are unable to provide the kind of specific, timely information that formed the basis of this analysis.

Based on these data, it is possible to consider four general questions posed above that are important to the study of religion, law and conflict.

2. *What is The Relationship between Restrictions on Religion and Violent Religious Persecution?*⁷

A. *Correlation*

An analysis of the two main ways in which religion is restricted—by government actions and by hostilities in society—reveals a number of patterns. Some are evident in a the chart below that compares these two measures for the 50 most populous countries as well as for the six countries with smaller populations that score very high on either index (Brunei, Eritrea, Israel, Maldives, Sri Lanka and Somalia).

⁷ Portions of this section are adapted from 'Global Restrictions on Religion', Pew Research Center's Forum on Religion & Public Life, © 2009, Pew Research Center. <<http://pewforum.org/Government/Global-Restrictions-on-Religion.aspx>> accessed 22 December 2011. Used with permission of the Pew Research Center's Forum on Religion and Public Life.

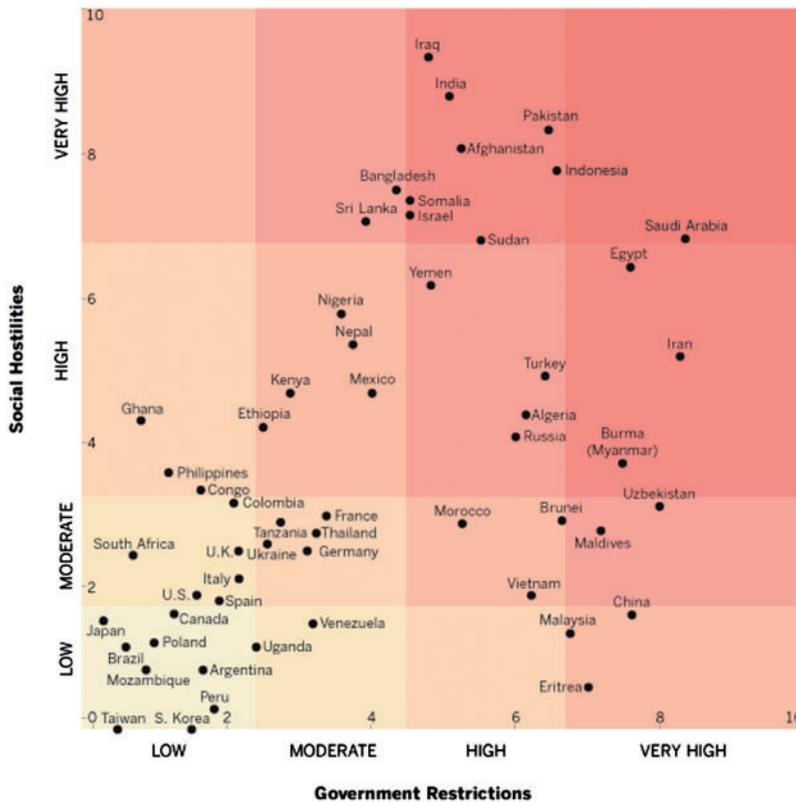


Figure 1. Religious Restrictions in the 50 Most Populous Countries (plus those with very high hostilities or restrictions). Note: The Pew forum categorized the levels of government restrictions and social hostilities involving religion by percentiles. Countries with scores in the top 5% on each index were categorized as ‘very high’. The next highest 15% of scores were categorized as ‘high’, and the following 20% were categorized as ‘moderate’. The bottom 60% of scores were categorized as ‘low’. Pew Forum on Religion and Public Life, Global Restrictions on Religion, December 2009.

As the chart shows, nearly all of the countries that are high on both measures of restrictions (upper right) are in Asia or the Middle East–North Africa region. Many of the restrictions in these countries are driven by groups pressing for the enshrinement of their interpretation of the majority faith, including through Shariah law in Muslim societies and through the Hindutva movement in India, which seeks to define India as a Hindu nation (Figure 1).

A look at the lower left of the chart shows that the most populous European countries—including France, Germany, Italy, Poland, Ukraine and the UK—generally have moderate or low levels of government restrictions as well as of

social hostilities. But fewer than a dozen of the world's 50 most populous countries are in the low range on both measures. In the United States, where government restrictions on religion are relatively few, the level of social hostilities involving religion is near the bottom of the moderate range, somewhat higher than in a number of other Western countries, such as Canada, Brazil and Argentina. Only one country, Saudi Arabia, is in the very high category on both the Government Restrictions Index and the Social Hostilities Index.

When all 198 countries and self-administering territories are plotted on a chart comparing their scores on the Government Restrictions Index and the Social Hostilities Index, it is apparent that the two measures tend to move together (Figure 2). Running through the graph is the so-called regression line, which plots how scores on one index are related, on average, to scores on the other index. The upward slope of the line indicates that higher scores on one index generally are associated with higher scores on the other. Many countries are clustered in the lower left corner, showing that they are low on both types of restrictions. Though the remaining countries are fairly dispersed, most still follow the direction taken by the regression line, and very few are located in the upper left or lower right corners of the graph. This means that, in general, it is rare for countries that are high in social hostilities to be low on government restrictions, or for those that are high on government restrictions to be low in social hostilities.

Nevertheless, there are notable exceptions. In a few nations, government restrictions on religion are considerably higher than social hostilities. These countries—including China, Vietnam, Uzbekistan and Burma—tend to have either communist or authoritarian backgrounds, and religion is often viewed by the government as a potential threat to its authority.

Countries that follow the opposite pattern—that is, where social hostilities are considerably higher than government restrictions—tend to have large segments of the population that want to protect the special place of a particular religion, such as Buddhism in Sri Lanka, Hinduism in Nepal, Islam in Bangladesh and Orthodox Christianity in Ethiopia.

B. An analysis of the correlation

In their 2011 book, *The Price of Freedom Denied: Religious Persecution and Conflict in the 21st Century*, using ARDA data, Grim and Finke⁸ provide some additional analysis that helps to further classify countries by how their position on these charts into a sixfold typology. They categorize countries in the top right corner of the scatterplot as having a sociopolitical monopoly. For this group of countries, a single religion either holds a political and social monopoly

⁸ BJ Grim and R Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the 21st Century* (CUP 2011).

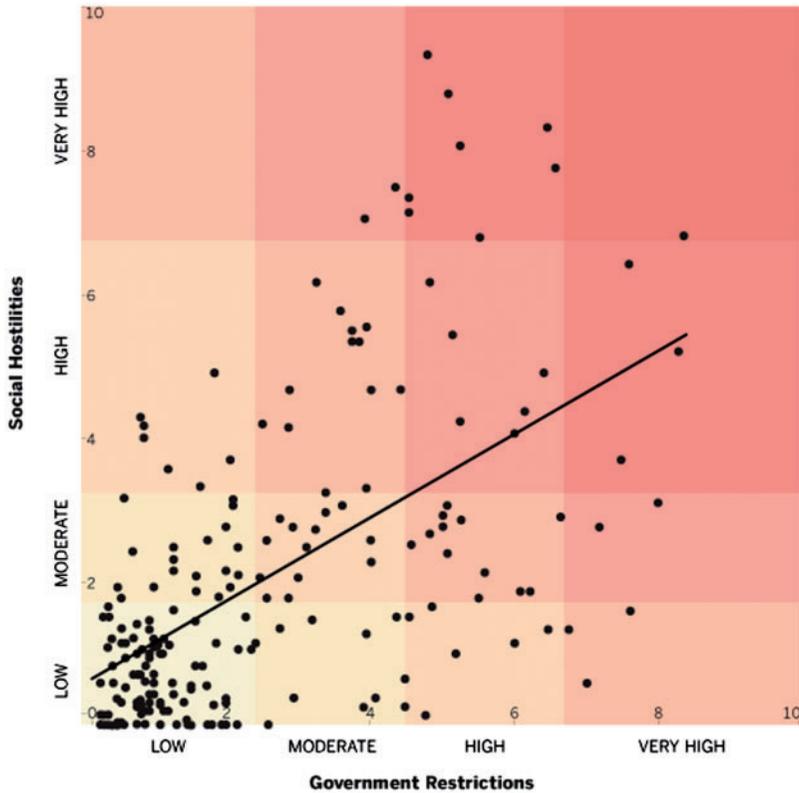


Figure 2. Religious Restrictions in 198 Countries and Territories. Note: The Pew forum categorized the levels of government restrictions and social hostilities involving religion by percentiles. Countries with scores in the top 5% on each index were categorized as ‘very high’. The next highest 15% of scores were categorized as ‘high’, and the following 20% were categorized as ‘moderate’. The bottom 60% of scores were categorized as ‘low’. Pew forum on Religion and Public Life Global Restrictions on Religion, December 2009.

or is battling to do so. Driven by the high levels of *both* social and government restriction of religion, violent religious persecution is consistently high. This group includes some of the most frequently cited violators of religious freedoms, such as Iran, Iraq, Sudan and Saudi Arabia.

Grim and Finke categorize countries in the top right corner of the scatterplot as tending to view religion as a political threat. Despite the governments of these countries having high restrictions on religion, social restrictions are moderate or low. For this group, religion is viewed as a political threat or, at the very least, a nuisance, but there are relatively fewer social pressures from religions or the culture at large to deny religious freedoms. Several of the

countries in this category currently have or recently had Communist governments. China and Vietnam serve as two prominent members in this group. Despite the reduced social pressures, violent religious persecution remains high in this group. Grim and Finke also note that lower levels of social pressure may result from the heavy hand of the government squashing civil society rather than these societies having intrinsically lower levels of social restrictions, as became evident in numerous situations following the collapse of the Soviet Union and its satellites. Certainly, this is the case in North Korea, where any social restrictions that may naturally occur are overwhelmed by the totalitarian nature of the regime.

The countries in the top middle part of the scatterplot tend to have monopolistic social pressures. In many countries within this group, the government attempts to hold a neutral or at least less antagonistic view towards religion when compared with the first two groups. This attempt at neutrality, however, is often challenged by religious or social groups calling for more restrictions on select groups. India and Indonesia are two obvious examples, but Russia and Turkey also fall into this group. In each of these 11 countries, governments are facing strong pressures to increase restrictions on selected groups. Not surprisingly, Grim and Finke report that the level of violent religious persecution is nearly as high for this group as it is among the countries where religion tends towards a sociopolitical monopoly.

The countries in the middle part of the scatterplot tend to partition power between religion and state. The pressures for maintaining at least some restrictions on religion in these countries vary widely, from current secular and religious concerns to the preservation of a past religious culture. Religious freedoms granted in these nations are often graduated, with religions that support the state and the local culture receiving more freedoms.⁹ This category includes a number of countries in Western Europe, where official state churches exist and regulations on issues ranging from hate speech to anti-cult laws sometimes create problems for religious expression and the growth of new religious movements.

The countries in the middle-left part of the scatterplot tend to have religious freedoms with some tensions. In these countries, religious freedoms are granted by the government but at the same time there can be an elevated level of social restrictions. This elevation may possibly be the result of some extraordinary influence, such as an incident of religion-related terrorism, or even just the natural tensions between religious groups or their members as they vie for influence in society. Grim and Finke report that the level of violent religious persecution in this group of countries remains slightly higher than the countries with uniformly high levels of religious freedoms, but it is on average far lower

⁹ For a discussion of the 'selective cooperation' that the state shows towards religion in many European countries, see S Ferrari, 'The European Pattern of Church and State Relations' (2003) 20 *Comp L* 1-24.

than any of the other groups discussed thus far. Although the State Department reports Grim and Finke used in their coding did not cover the United States, the coding at the Pew Forum looked at sources beyond the State Department. Based on these results, United States falls into this category. This includes a fair degree of religion-related social pressures in the United States as demonstrated by more than 1400 religiously biased hate crimes reported annually by the FBI as well as by changes in attitudes towards basic religious freedoms measured in the annual survey of the First Amendment Centre. The annual survey of the First Amendment Centre has shown that support for basic religious freedoms can and do change in a short period of time. The 2000 national survey found that nearly 73% of Americans agreed: '[T]he freedom to worship as one chooses...applies to all religious groups regardless of how extreme their beliefs are.'¹⁰ Only 7 years later, however, the number agreeing dropped to 56%.¹¹

The countries with a high level of religious freedoms lie on the opposite corner of the scatterplot from those countries with sociopolitical monopolies. For these countries, the restrictions that frequently inhibit the practice, profession or selection of religion are largely removed. Of Grim and Finke's six typological groups, they report that this group holds the most members (47 countries) and by far the lowest level of violent religious persecution.

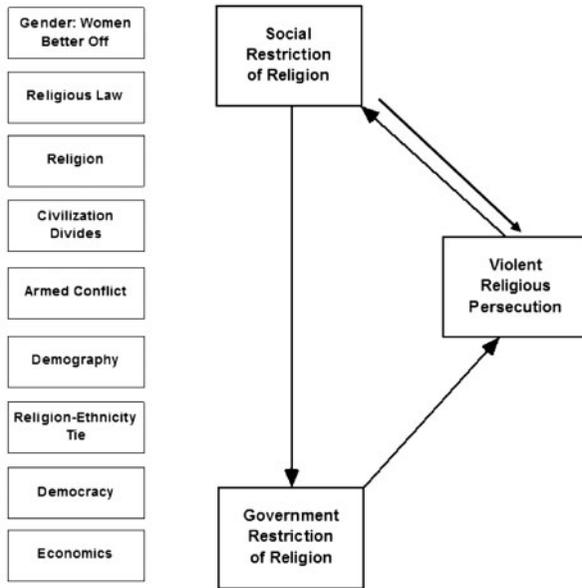
Grim and Finke took this analysis further by looking at the effect of non-violent government and social restrictions on violent acts of religious persecution. They do this by removing any measures of violence from the two main indexes and then treating violence as the independent variable to be explained by the data. The analysis is quite revealing.

In their analysis originally published in the *American Sociological Review*, they found that the higher levels of regulations on religion result in more violence and conflict, not less. Specifically, they found that social restrictions on religious freedom lead to government restrictions on religious freedom and the two act in tandem to increase the level of violence related to religion—which in turn cycles back and leads to even higher social and government restrictions on religion. This creates what they call a *violent religious persecution cycle* (Figure 3).

Their research on 143 countries finds that when governments and religious groups in society do not erect barriers to religious competition but respect and protect such activities as conversion and proselytism, religious violence is less. These results offer a different perspective than the Clash of Civilizations theory, in that, rather than religious competition automatically leading to

¹⁰ The results are based on the First Amendment Center's annual 'State of the First Amendment' survey conducted by the Center for Survey Research and Analysis at the University of Connecticut. Results from the survey were downloaded from the Association of Religion Data Archives <<http://www.theARDA.com>> accessed 1 March 2012.

¹¹ Both surveys were conducted by the Center for Survey Research and Analysis at the University of Connecticut. Results from the survey were downloaded from the Association of Religion Data Archives <<http://www.theARDA.com>> accessed 1 March 2012.



Summary of Structural Equation Model for 143 countries with populations > 2 million
Full model at: Grim and Finke (2007), *American Sociological Review* 72:633-658.

Figure 3. Religious Economies Model vs. Alternative Explanations. The Violent Religious Persecution Cycle. Summary of Structural Equation Model for 143 countries with populations >2 million. Full model at: Grim and Finke (2007).

violence, the protection of fair religious competition actually leads to *less* religious violence. Indeed, in the model they statistically controlled for alternative explanations and found that

The specific mechanism that leads most directly and powerfully to religious persecution is not clashes *between* civilizations but the concrete regulatory actions of societies and governments. . . . The important point is that the regulation mechanism we describe *accounts for* differences between religious traditions and offers empirically-supported conceptual clarity to one of the fundamental challenges of the twenty-first century.¹² (p 654)

One unique aspect of these findings is that *social* restriction of religious freedom (or social religious intolerance) drives government restrictions.¹³

¹² BJ Grim and R Finke, 'Religious Persecution in Cross-National Context: Clashing Civilizations or Regulated Economies?' (2007) 72 *Am Soc Rev* 654, 633-58.

¹³ The social restriction of religious freedom can be thought of as the gap between the value people place on living in a country with religious freedom for their own religion versus freedom for other religions. A recent survey by the Pew Forum on Religion and Public Life of populations in 10 countries from Asia, the Americas and Africa found an average gap of 14% points across the countries. For details see <<http://pewforum.org/newassets/surveys/pentecostal/pentecostals-08.pdf>> accessed 22 December 2011. Also see BJ Grim and

Examples include the social pressures in India for anti-conversion laws, calls for Shari'a law in northern Nigeria and parts of Indonesia, expulsions of evangelicals in Chiapas, Mexico and numerous religious rebellions from China's long history.¹⁴ One of the clearest historical examples of the way social restrictions of religious freedom can feed into the religious violence cycle is the Holocaust. Research has shown that the Nazi government's violence towards Jewish people reinforced pre-existing social prejudices, creating a cycle of violence that was banally carried out with the support of many in German society.¹⁵

Another tragic example of the religious violence cycle—including the role of favouring one religion above others—can be seen in the case of Iraq.

3. *The Question of Favouritism*

A. *The case study of Iraq*¹⁶

Not long after the US invasion of Iraq in 2003, Donny George, an Iraqi Christian whose family had lived in the region for thousands of years, received a death threat¹⁷ in an envelope containing a Kalashnikov bullet. The letter accused George of working for the Americans and said his youngest son had disrespected Islam. George quickly arranged to send most of his family to Damascus, Syria, but he stayed behind to work at the Iraqi National Museum, becoming chairman of the Iraqi State Board of Antiquities and Heritage in 2005.

Within a year, though, he too decided to flee—first to Damascus, and eventually to the United States. 'I was told by some people in the same ministry that... such an important institution should not be headed by a Christian,' George told the US Commission on International Religious Freedom.¹⁸

Many Iraqi Christians have suffered far worse fates. As documented by the US State Department,¹⁹ Christians and other religious minorities in Iraq have

R Wike. 'Cross-Validating Measures of Global Religious Intolerance: Comparing Coded State Department Reports with Survey Data and Expert Opinion' (2010) 3 *Pol Religion*, 102–129.

¹⁴ See VYC Shih, *The Taiping Ideology: Its Sources, Interpretations, and Influences* (University of Washington Press 1967).

¹⁵ See WI Brustein, *Roots of Hate: Anti-Semitism in Europe Before the Holocaust* (CUP 2003). Also see H Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Viking 1963).

¹⁶ A previous version of this section was originally published as 'An Exodus from Iraq'. BJ Grim, *USA Today* (30 June 2008) A11, USA Today. Used with permission.

¹⁷ See 'Threats to Iraq's Communities of Antiquity: Testimony by Donny George' (United States Commission on International Religious Freedom, 25 July 2007) <<http://www.uscirf.gov/component/content/article/160-iraq-press-releases/2172-threats-to-iraqs-communities-of-antiquity-testimony-by-donny-george.html>> accessed 22 December 2011.

¹⁸ *ibid.*

¹⁹ <<http://www.state.gov/g/drl/rls/irf/2007/90211.htm>> accessed 22 December 2011.

endured extensive persecution since 2003, including the murder of their religious leaders, threats of violence or death if they do not abandon their homes and businesses, and the bombing or destruction of their churches and other places of worship. According to one Iraqi Christian leader, half of Iraq's Christians have fled the nation since 2003, and some have likened the situation to ethnic cleansing.²⁰ Indeed, the most recent reports from the US State Department note that the overall underrepresentation of religious minorities in elected positions, government appointments and in public sector jobs limits their access to government-provided security and economic development 'and contributed to the departure of significant numbers of non-Muslims from the country'.²¹

In fact, the status of religious freedom in Iraq is in some ways worse today than it was under Saddam Hussein, according to independent analyses of the State Department's religious freedom reports. While the level of official government restrictions on religious freedom slightly decreased from 2001 to 2009, the level of non-governmental or social restrictions—including sectarian violence, ostracism and abuse—steadily increased from 2003 to 2005 and remained at an alarmingly high level in 2009, the most recent year for which data are available. Indeed, according to the latest report from the Pew Research Center's Forum on Religion and Public Life, Iraq had the world's highest level of social hostilities involving religion.²²

This is clearly not what US policy leaders intended when the United States invaded Iraq in 2003. It is no small irony, of course, that the Shiite majority that is now a leading force in Iraq was brutalized and suppressed under Saddam, who extensively curbed the Shiites' religious freedoms. A State Department report²³ in 2002 said Saddam's government 'severely restricts or bans outright many Shiite religious practices'. One might think that those fresh memories would be enough to ensure liberties for Iraq's religious minorities today. Yet that appears not to be the case.

Before the invasion, more than 740,000 Christians lived in Iraq, or about 3% of the country's population, according to the *World Christian Encyclopedia*. In comparative terms, this means that proportionally there were about as many Christians in Iraq as there are Jews, Muslims and Hindus combined in the United States.²⁴

Iraqi Christians are part of historic indigenous communities that have been in what is now Iraq nearly since the time of Christ, several centuries before

²⁰ K Ridolfo, 'Iraq: Christian Population Dwindling Due To Threats, Attacks' (Radio Free Europe, 31 May 2007) <<http://www.rferl.org/content/article/1076841.html>> accessed 22 December 2011.

²¹ <http://www.state.gov/g/drl/rls/irf/2010_5/168265.htm> accessed 22 December 2011.

²² 'Rising Restrictions on Religion: One-third of the World's Population Experiences an Increase' (Pew Research Center's Forum on Religion and Public Life, 9 August 2011) <<http://pewforum.org/Government/Rising-Restrictions-on-Religion.aspx>> accessed 22 December 2011.

²³ <<http://www.state.gov/g/drl/rls/irf/2002/13996.htm>> accessed 22 December 2011.

²⁴ Figures for the United States based on the Pew Forum's 2007 US Religious Landscape Survey <<http://religions.pewforum.org/affiliations>> accessed 22 December 2011.

Islam came to the region. The majority of them are Chaldean Christians, an ancient religious group affiliated with the Roman Catholic Church.

Pope Benedict XVI voiced concern²⁵ about the status of Christians in Iraq when he met privately with President Bush at the White House in April 2008, echoing his thoughts at a Vatican meeting with the president last year. In 2007, Bush recounted,²⁶ the pontiff ‘was concerned that the society that was evolving (in Iraq) would not tolerate the Christian religion’.

Indeed, Iraqi Christians have continued to find themselves in the cross hairs of faith-inspired violence. The worst episodes have occurred in regions with diverse ethnic and religious groups, such as Baghdad and Mosul, where the majority of Iraq’s Christians live. The State Department reported in 2007 that Muslim extremists ‘warned Christians living in Baghdad’s Dora district to convert, leave or be killed’.²⁷

Christians took the threats seriously—disproportionately fleeing Iraq. While less than a percent or two of Iraqis are Christian, a survey²⁸ released in March 2006 by the United Nations High Commissioner for Refugees found that 17.8% of Iraqi refugees in Syria were Christian families. And according to a 2007 survey by the Danish Refugee Council, 25.1% of those in Lebanon were Christian.²⁹

Reports by the US Commission on International Religious Freedom indicate that the situation of other religious minorities in Iraq is equally bad or, for some, even worse. Yazidis, who are considered heretical by many Muslims because they have a blend of Islam and other religions, have been massacred. Sabian Mandaeans, who follow the teachings of John the Baptist, with baptism being a central ritual, numbered between 50,000 and 60,000 in 2003; today there might only be about as few as 3500 left in Iraq,³⁰ meaning that more than 90% have left the country or been killed.

What is particularly devastating for Iraq’s religious minorities is the lack of clear legal protections for religious freedom. Although Article 2 of the Iraqi Constitution guarantees religious freedom, it also contains what some have termed a ‘repugnancy clause’, which states, ‘No law that contradicts the established provisions of Islam may be established’. Since the clause does not explicitly state what the ‘established provisions of Islam’ encompass or exclude, this opens the door for the state and the courts to become theological arbiters.

²⁵ <<http://www.washingtontimes.com/news/2008/apr/17/pope-hits-iraq-violence-immigration-and-sex-scanda/>> accessed 22 December 2011.

²⁶ <http://www.nytimes.com/2007/06/10/world/europe/10prexy.html?_r=2&oref=slogin&oref=slogin> accessed 22 December 2011.

²⁷ <<http://www.state.gov/g/drl/rls/irf/2007/90211.htm>> accessed 22 December 2011.

²⁸ ‘Assessment on the Situation of Iraqi Refugees in Syria’ report prepared by United Nations Higher Commission for Refugees (UNHCR), United Nations Children’s Fund (UNICEF) and the World Food Program (WFP) (March 2006) <<http://documents.wfp.org/stellent/groups/public/documents/ena/wfp119686.pdf>> accessed 22 December 2011.

²⁹ ‘Iraqi Population Survey in Lebanon’ (Danish Refugee Council, November 2007) <http://iraqslogger.powweb.com/downloads/Full_Report_3.pdf> accessed 22 December 2011.

³⁰ <http://www.state.gov/g/drl/rls/irf/2010_5/168265.htm> accessed 22 December 2011.

As such, there are no formal avenues for religious minorities to participate in the process.

Furthermore, Article 89 of the constitution stipulates that the Iraqi Federal Supreme Court include experts in Islamic jurisprudence, which means that the provision in Article 2 will be supported by a court system with people specifically employed to interpret Islamic law. These people can be appointed without having civil law training.

In the case of Iraq, it seems that granting legal privileges and constitutional recognition to one religion above others may have had an impact on religious minorities. But is there any evidence that higher levels of favouritism relate to generally higher overall levels of government restrictions on religion or increased social hostilities involving religion?

*B. Global analysis of favouritism, restrictions and hostilities*³¹

Reviewing global data, Grim and Finke (2011) looked at whether favouritism of particular religions helped to avoid conflict and protect freedoms. Their theory suggests that it has the opposite effect, and a review of the data supported this theory. Using the religious economies perspective, they recognized that not all restrictions come in the form of negative sanctions. Restrictions can come in the form of favours, or positive sanctions, which can either serve to restrict those religious groups denied government favours or co-opt those religious groups that receive the favours. Globally, they found strong relationship between violent religious persecution and government's favouritism of some religions above others. Specifically, their data indicated that severe levels of violent persecution are 'present at two-and-one-half times the rate in countries where governments show obvious favoritism to some or one religion above other religions than in countries whose governments show no obvious favoritism to religion'.³²

Grim and Finke provided further evidence that when favouritism was shown to some or one religion, the level of violent persecution rose sharply. The table below illustrates the strong relationship between favouritism and a wide variety of measures that impinge on religious freedoms. Every type of government or social action shown in the table is significantly correlated with government favouritism, meaning that these restrictive actions are more likely to be present in a country when some religious groups receive government access, powers or favours not provided to other groups. The strongest relationships between government favouritism and restrictions on religious freedoms not only involve government laws and policies that generally restrict religious freedoms, such as

³¹ For a discussion on how favouritism is also a form of restriction, see WC Durham 'Perspective on Religious Liberty: A Comparative Framework' in JD van der Vyver and J Witte (eds), *Religious Human Rights in Global Perspective: Legal Perspectives* (Kluwer Law International 1996) 1-44.

³² Grim and Finke (n 8) 24.

the freedom to choose one's own religion (conversion), but also with acts of sectarian violence and religion-related terrorism. Although correlations are not the same as causation, it is impossible to ignore that in every measure considered selective government favouritism is correlated with more restrictions on religious freedoms, not less (Table 1).

Grim and Finke note that there are still many mysteries about this relationship, mysteries that research has only started to pursue. But their initial analysis suggests that the denial of religious freedoms has more explanatory power than government favouritism, despite the strong relationship between favouritism, religious freedom and persecution. The associations are strong, but explaining the relationships between favouritism, freedoms, persecution and conflict requires far more attention and is an important line for further research. One emerging finding from recent research is that the Constitutional protections for religious freedom make a difference in whether the regulation of religion becomes more or less restrictive.

4. Do Constitutional Protections for Religious Freedom Matter?

The 2011 Pew Forum study, *Rising Restrictions on Religion*, found a relationship between the lack of clear constitutional provisions for religious freedom and increases in overall government restrictions on religion. This finding is based on taking into account nuances within constitutions from a sociological perspective rather than strictly from an international law perspective.

Two questions in the Pew Forum's Government Restrictions on Religion Index (GRI) deal specifically with religious freedom provisions in states' Constitutions. GRI.Q.1 codes for whether the Constitution provides for religious freedom, while GRI.Q.2 codes for any Constitutional qualifications or contradictions that limit the provision for religious freedom. GRI.Q.1 codes Constitutions on three levels: whether they (i) provide for religious freedom, (ii) protect some aspects of religious practice or (iii) does not provide for religious freedom at all. GRI.Q.2 codes for whether the Constitutional provision for religious freedom is (i) provided without qualification or contradiction, (ii) qualified, (iii) contradicted or (iv) not provided for in the first place.

The inclusion of both questions in the GRI produces a more nuanced measure of religious freedom in states' Constitutions. The two questions not only recognize that Constitutional religious freedom provisions might just protect certain practices but also that protections for religious freedom are limited by qualifications that can suspend the protection of religious freedom out of concerns for national security or 'public order' or more fundamentally limited by subordinating the protection of religious freedom to the vaguely defined notion of 'public morality'—an acceptable limitation according to international law—which sets up a basic contradiction allowing the state to

Table 1. Correlation of Government Favouritism of Religion with Government and Social Actions that Restrict Religious Freedom^a

Favoritism's Correlations	Correlation's Strength
Strong and significant correlations	
Government laws and policies that restrict religious freedom	.6
Government restrictions on religious conversion	.6
Social hostility over conversions	.6
Acts of sectarian or communal violence between religious groups	.5
Religion-related terrorist groups active in the country	.5
Organized groups use force or coercion in an attempt to dominate public life with their perspective on religion	.5
Government restrictions on foreign missionaries (of any religion)	.5
Government interference with worship or other religious practices	.5
National governmental organization that regulates or manages religious affairs	.5
Somewhat strong and significant correlations	
Instances when the national government did not intervene in cases of discrimination or abuses against religious groups	.4
Individuals assaulted or displaced from their homes in retaliation for religious activities considered offensive or threatening to the majority faith	.4
Constitution does not specifically provide for freedom of religion	.4
Constitution or basic law includes stipulations that qualify or contradict religious freedom	.4
Proselytizing limited by some level of government	.4
Social hostility over proselytizing	.4
Intimidation of religious groups by some level of government	.4
Women harassed for violating religious dress codes	.4
Religious literature or broadcasting limited by some level of government	.4
Individuals or groups in society used violence or the threat of violence, including so-called honour killings, to try to enforce religious norms	.4
Less strong but still significant correlations	
Government force used to control religious groups	.3
National government hostility towards minority or non-approved religious groups	.3
Governments require religious groups to register	.3
Religion-related war or armed conflict	.3
Crimes, malicious acts or violence motivated by religious hatred or bias	.3
Religious groups attempted to prevent other religious groups from being able to operate	.3
Public preaching by religious groups was limited by some level of government	.3
Some level of government formally banned one or more religious groups	.3
Harassment motivated by religious hatred or bias	.3
Physical assaults motivated by religious hatred or bias	.3
Instances when the national government attempted to eliminate an entire religious group	.2
Violence resulted from tensions between religious groups	.2
The wearing of religious symbols, such as head coverings for women and facial hair for men, was regulated by law or by any level of government	.2
People were displaced from their homes due to religious hatred or bias	.2
Killings motivated by religious hatred or bias	.2
Mob violence related to religion	.2
Detentions or abductions motivated by religious hatred or bias	.2

^aGrim and Finke's analysis of data on 145 countries with populations of two million or more in 2009. Government favouritism and other measures used are from the Pew Forum's 2009 *Global Restrictions on Religion* report. All correlations statistically significant. Table is from Chapter 7 of Grim and Finke (2011).

determine what is and is not a moral religion. This justifies not only some governments' anti-cult activities, which most religious freedom experts consider to be easily abused, but also opens the door for secular society, for instance, deeming religions that forbid same sex marriage to be violating public (secular) morality.

A. *Constitutions*³³

Nearly all the 198 countries included in the Pew Forum study either call for freedom of religion in their constitutions or basic laws (143 countries) or protect at least some religious practices (an additional 48 countries). But not all governments fully respect the religious rights written into their laws. More than half of the countries (111, or 56%) include stipulations in their constitution or basic laws that appear to substantially contradict the concept of religious freedom. Afghanistan's Constitution, for instance, appears to protect its citizens' right to choose and practice a religion other than Islam. However, the constitution also stipulates that 'no law can be contrary to the sacred religion of Islam' and instructs judges to rule according to Shariah law if no specific Afghan law applies to a case.

Seven countries—Algeria, Eritrea, Libya, Maldives, Mauritania, Saudi Arabia and Yemen—do not include any provisions for religious freedom in their constitutions or basic laws.³⁴ The Algerian Constitution, for example, establishes Islam as the state religion and forbids practices that are contrary to Islamic ethics.

There appears to be at least some relationship between constitutional protections for religious freedom and overall changes in government restrictions on religion. Among the countries with the least robust constitutional protections for religious freedom—that is, countries whose constitutions contain one or more substantial contradictions concerning religious freedom or provide no protection for it at all—index scores increased in 11 and decreased in only two (more than a fivefold difference). In contrast, among the countries whose constitutions provide for religious freedom without substantial contradictions (including those with limited qualifications), index scores increased in three countries and decreased in six countries (a twofold difference).

More specifically, among the countries whose constitutions or basic laws do not provide for religious freedom, government restrictions on religion

³³ Portions of this section are adapted from 'Rising Restrictions on Religion: One-third of the World's Population Experiences an Increase' (Pew Research Center, 9 August 2011) <<http://pewforum.org/Government/Rising-Restrictions-on-Religion.aspx>> accessed 22 December 2011. Used with permission of the Pew Research Center's Forum on Religion and Public Life.

³⁴ The Eritrean Constitution that was ratified by the National Assembly in 1997 provides for religious freedom, but the government has not yet implemented the constitution. Therefore, there is no effective constitutional protection for religious freedom in Eritrea.

substantially increased in three (Algeria, Libya and Yemen) and did not decrease in any. In the 111 countries that provide for religious freedom but have substantial contradictions in their constitutions or basic laws (such as limiting religious freedom in order to protect 'public morals' or making the nation's laws conform to one particular religion), government restrictions substantially increased in eight countries (Somalia, Syria, France, Malaysia, Egypt, Qatar, Hong Kong and Serbia) and substantially decreased in two countries (Greece and Nauru).

However, the pattern is reversed among the 41 countries whose constitutions or basic laws provide for religious freedom without qualification or contradiction. Among these countries, government restrictions decreased in three countries (Timor-Leste, Equatorial Guinea and the Republic of Macedonia) and increased in one (Kyrgyzstan). This pattern is also seen, though more faintly, among the 39 countries whose constitutions or basic laws provide for religious freedom but include limited qualifications, such as the right to limit religious freedom to protect 'public order'. Restrictions decreased in three of these countries (Togo, Guinea Bissau and Nicaragua) and increased in two of them (Uganda and Tajikistan). (The level of government restrictions stayed roughly the same in the vast majority of cases during the 3 years covered by the study.)

5. Do Blasphemy, Apostasy and Anti-defamation Laws Matter?

Do laws that prohibit blasphemy, apostasy or defamation of religion relate to more or to less overall contentions involving religion? For a number of years there was a debate in the United Nations Human Rights Council about whether religious beliefs should be protected from defamation, the rationale being that such protections would avert hostilities that arise when religious sensitivities are offended, such as happened during the controversies over the publication in Danish magazines of cartoons depicting the Muslim prophet Mohammed in a negative light. The findings described below from the 2011 Pew Forum study came out after the anti-defamation motion was taken off the table. Nonetheless, the findings are of ongoing relevance because restrictions on blasphemy, apostasy or defamation of religion are present in many countries and often appear to be a potential tool for reducing religious tensions.

Restrictions on religious beliefs and practices occur in a variety of circumstances, but the Pew Forum's study finds that they are particularly common in countries that prohibit blasphemy, apostasy or defamation of religion. While such laws are sometimes promoted as a way to protect religion and reduce social hostilities involving religion, in practice they often serve to punish religious minorities whose beliefs are deemed unorthodox or heretical, and who therefore are seen as threatening religious harmony in the country.

A. *Overview of blasphemy, apostasy and anti-defamation laws or policies*

Anti-defamation laws and policies are diverse. In some situations, laws specifically prevent conversion from the majority faith to minority faiths. In Egypt, for instance, conversion away from Islam (apostasy) is illegal and requests for conversions to be officially recognized are denied. As an example of this in practice, in January 2008 the Cairo Administrative Court ruled that the Civil Status Department was not bound to examine Mohamed Ahmed Higazy's request to have his new Christian religious affiliation recorded on his national identity card. In its ruling, the court asserted its duty 'protect public order from the crime of apostasy from Islam and to protect public morals, especially if the apostate petitions the administration to condone his misdeed and his corrupt caprice'.³⁵

Not all anti-defamation laws and policies target only religious minorities. In Pakistan, for instance, the National Commission for Justice and Peace reported that while some of the more than 75 people accused in 2008 of blasphemy (insulting Islam) were religious minorities including Christians and Hindus, a substantial and *larger* number of the known cases were Muslims.

In Western countries where a variety of such anti-defamation laws exist, these often prohibit what is often called 'hate speech' out of concern that threats or public expressions of contempt might incite hatred of persons based on race or religious belief. For instance, the Dutch politician Geert Wilders was tried for his scathing critique of Islam in the Netherlands. Due to growing religious diversity, laws that specifically penalize blasphemy in UK and Ireland have been under pressure to change. In a nod to Ireland's growing diversity, a revised anti-blasphemy law that supplements the 1936 constitutional provision went into effect in July 2009 (just outside the period covered by the Pew Forum report) that now prohibits blasphemy against *any* religion—not just Christianity. Today in Ireland, blasphemy is punishable with a fine of up to €25,000 and is defined as 'publishing or uttering matter that is grossly abusive or insulting in relation to matters sacred by any religion, thereby intentionally causing outrage among a substantial number of adherents of that religion, with some defenses permitted'. Under similar pressures, the UK took a different tack. On 8 May 2008, the British Parliament abolished the crime of blasphemy against the Church of England without replacing it with a more general blasphemy law.

In the United States, a few state legal codes contain blasphemy laws, which are generally remnants from British colonial days.³⁶ However, in June 1977,

³⁵ As reported in the State Department's 2009 International Religious Freedom report for Egypt.

³⁶ For example, ch 272, s 36 of the Massachusetts General Laws states: 'Whoever willfully blasphemates the holy name of God by denying, cursing or contumeliously reproaching God, His creation, government or final judging of the world, or by cursing or contumeliously reproaching Jesus Christ or the Holy Ghost, or by cursing or contumeliously reproaching or exposing to contempt and ridicule, the holy word of God contained in the holy scriptures shall be punished by imprisonment in jail for not more than one year or by a fine of not more than

the Pennsylvania Legislature enacted a new Blasphemy Statute³⁷ mandating that no corporate name in Pennsylvania shall contain '[w]ords that constitute blasphemy, profane cursing or swearing or that profane the Lord's name'. The statute was used to deny an application from George Kalman, an independent filmmaker based near Philadelphia, to register his company on 26 September 2007, under the name 'I Choose Hell Productions LLC'. On 12 October 2008, Kalman resubmitted his application with a new name that met approval, 'ICH Productions LLC.' In February 2009, however, Mr Kalman filed a lawsuit contending that the Blasphemy Statute violates the First Amendment's Establishment Clause, which provides that 'Congress shall make no law respecting an establishment of religion'. On 30 June 2010, in a thorough and well-documented opinion, US District Judge Michael M Bayslon of the Eastern District of Pennsylvania, found that Pennsylvania's 'Blasphemy Statute violates both the Establishment Clause and the Free Speech Clause of the First Amendment to the United States Constitution'.³⁸ This conclusion is well founded in contemporary American constitutional law, which helps explain why the few American blasphemy laws still on the books are virtually never enforced.³⁹

In other situations, the intent of anti-defamation laws and policies is specifically to preserve religious harmony. In Singapore, the Maintenance of Religious Harmony Act authorizes restraining orders against any leader of a religious group who causes feelings of enmity or hostility between different religious groups. But, as mentioned, such laws may specifically target the activities of religious minorities. In India, for instance, police arrested a Gyan Singh, on 15 April 2009 in Bilaspur, Chhattisgarh State, according to section 153A of the Indian Penal Code that prohibits 'promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony'. The basis of the

three hundred dollars, and may also be bound to good behavior.' <<http://www.malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter272/Section36>> accessed 22 December 2011. For a thorough, scholarly account of blasphemy prosecutions in America in the 19th century, see SB Gordon, 'Blasphemy and Religious Liberty in Antebellum America' (2000) 52 Am Q, 682-719.

³⁷ 15 PaCS s 1303(c)(2)(ii). Background on the statute can be found in the 30 June 2010, p 68 Opinion by US District Judge MM Bayslon of the Eastern District of Pennsylvania. Excerpt: '... the Pennsylvania House and Senate journal entries do not reflect recorded discussion on the merits of the legislation upon final passage...' 'Nevertheless, newspaper articles published both when the Blasphemy Statute was initially introduced and later signed into law shed light on the historical and factual context in which the statute arose. Apparently, the Blasphemy Statute was introduced in response to a McKeesport, Pennsylvania businessman's incorporation of a gun store named "The God Damn Gun Shop."' 'After churches complained to their local representative, Rep. Emil Mrkonic, Rep. Mrkonic introduced the Blasphemy Statute in the Pennsylvania legislature.' <<http://www.paed.uscourts.gov/documents/opinions/10D0634P.pdf>> accessed 22 December 2011.

³⁸ This ruling thus voids the law. See: <<http://www.paed.uscourts.gov/documents/opinions/10D0634P.pdf>> accessed 22 December 2011.

³⁹ They are unenforced both because the culture in the United States does not recognize public authority over the idea of the sacred, and because virtually every prosecutor knows that these laws violate the First Amendment.

arrest was that four Hindus accused him of conducting forced conversions, which is also a crime, by inviting them to a Christian prayer meeting.

*B. Findings*⁴⁰

As of mid-2009, 59 countries (30%) had a law, rule or policy at some level of government forbidding blasphemy (remarks or writings considered to be contemptuous of God), apostasy (abandoning one's faith) or defamation (disparagement or criticism) of particular religions or religion in general. Penalties for violating these laws, ranging from fines to imprisonment to death, were enforced in 44 of the 59 countries.

Globally, countries that have laws against blasphemy, apostasy or defamation of religion were more likely to have high government restrictions or social hostilities than countries that do not have such laws. A solid majority (59%) of countries that enforce such laws had high or very high restrictions on religion (government or social) as of mid-2009. Among countries that do not have such laws, in contrast, 58% had low restrictions or hostilities.

Not only were government restrictions and social hostilities involving religion generally higher in countries with laws against blasphemy, apostasy or defamation of religion, but restrictions also rose in many of these countries. From mid-2006 to mid-2009, restrictions or hostilities increased substantially in 10 (23%) of the 44 countries where governments actively enforce penalties for blasphemy, apostasy or defamation of religion; restrictions or hostilities decreased substantially in just one country in that category (2%). In the 15 countries where such laws are on the books but are not actively enforced, restrictions or hostilities increased substantially in four (27%) and decreased substantially in just one (7%). In contrast, among the 139 countries that do not have laws against blasphemy, apostasy or defamation of religion, restrictions or hostilities rose in 9 (6%) and fell in 10 (7%).

These findings do not mean that laws against blasphemy, apostasy or defamation of religion necessarily cause higher restrictions on religion. But they do suggest that the two phenomena often go hand-in-hand: governments that impose laws against blasphemy, apostasy or defamation of religion also tend to have higher restrictions on religion.

C. Government restrictions on religion

As of mid-2009, government restrictions on religion were high or very high in 23 (52%) of the 44 countries that enforce laws against blasphemy, apostasy or defamation of religion and 6 (40%) of the 15 countries that have such laws but

⁴⁰ The remainder of this section comes from 'Rising Restrictions on Religion: One-third of the World's Population Experiences an Increase' (Pew Research Center, 9 August 2011) <<http://pewforum.org/Government/Rising-Restrictions-on-Religion.aspx>> accessed 22 December 2011. Used with permission of the Pew Research Center's Forum on Religion and Public Life.

do not enforce them. Among the 139 countries that do not have such laws, restrictions were high or very high in 13 (9%) countries.

Government restrictions on religion increased substantially in 7 (16%) of the 44 countries where some level of government penalizes blasphemy, apostasy or defamation of religion and in 2 (13%) of the 15 countries where such laws exist but are not enforced. In contrast, restrictions rose substantially in 5 (4%) of the 139 countries with no penalties. Government restrictions on religion decreased substantially in 7 (5%) of the 139 countries with no laws against blasphemy, apostasy or defamation of religion and in 1 (2%) of the 44 countries that enforce such laws.

Governments in countries that actively enforce such laws engaged in a variety of practices that demonstrated hostility towards religious groups. This included harassment of religious groups and the use of force against religious groups, including actions that resulted in individuals being killed, physically abused, imprisoned, detained or displaced from their homes.

During the 2-year period from mid-2007 to mid-2009, governments in 37 (84%) of the 44 countries that actively enforce laws against blasphemy, apostasy or defamation of religion engaged in actions classified as harassment in the Pew Forum report. The share of governments engaging in harassment was even higher (93%) in the 15 countries that have but do not actively enforce such laws. In three-fourths of the 44 countries that enforce these laws (33 of the 44), government at some level used force against religious groups. Harassment and the use of force were less common in the 139 countries that do not have such laws; 60 (43%) of the countries in that category used force against religious groups and 76 (55%) harassed religious groups.

Similar patterns were seen for other types of government restrictions on religion. For example, the share of national governments that showed hostility towards minority religions involving physical violence was much higher in countries where laws against blasphemy, apostasy or defamation of religion are actively enforced than in countries without such laws (55% versus 22%). A similar gap is seen among governments that characterized one or more religious groups as dangerous 'cults' or 'sects'. In countries that enforce such laws, nearly a quarter of the governments (23%) characterized certain religions as 'cults'. In countries without such laws, 9% of governments engaged in this practice.

A similar difference occurred among countries where the national government attempted to eliminate an entire religious group's presence. Countries that enforce laws against blasphemy, apostasy or defamation of religion were more than five times as likely to engage in such attempts as those that do not have such laws (32% vs. 6%).

D. Social hostilities involving religion

As of mid-2009, social hostilities involving religion were high or very high in 19 (43%) of the 44 countries that enforce laws against blasphemy, apostasy or

defamation of religion and 4 (27%) of the 15 countries that have such laws but do not enforce them. Among the 139 countries that do not have such laws, social hostilities were high or very high in 17 (12%).

This pattern generally held true for different indicators of social hostilities. For example, mob violence related to religion occurred in a greater share of countries that enforce penalties for blasphemy, apostasy or defamation of religion than in countries where there are no such laws (45% vs. 19%). The share of countries in which women were harassed for violating religious dress codes was considerably higher among those that enforce such laws (48%) than among those without such laws (6%).

Social hostilities involving religion increased substantially in 3 (7%) of the 44 countries that enforce laws against blasphemy, apostasy or defamation of religion and in 2 (13%) of the 15 countries where such laws exist but are not actively enforced. In contrast, social hostilities increased substantially in 5 (4%) of the 139 countries with no such laws.

E. Regional patterns

In the Middle East–North Africa region, 8 of 10 countries have laws against blasphemy, apostasy or defamation of religion, the highest share of any region. These penalties are enforced in 60% of the countries in the region. In Europe, nearly 4 of 10 countries (38%) have such laws and nearly a third (31%) actively enforces them. Nearly 3 of 10 countries in the Asia-Pacific region have such laws and about a quarter (24%) enforces the penalties. Relatively few countries in sub-Saharan Africa (15%) or the Americas (11%) have such laws or policies. In the United States, a few state legal codes still contain anti-blasphemy laws, but they generally are not enforced.

6. Conclusions

The initial findings from two recent efforts that address the data deficiency on worldwide religion—Association of Religion Data Archives and the Pew Research Center’s Forum on Religion and Public Life—provide a useful sociological lens through which to look at issues of religion, law and social conflict. One implication of Grim and Finke’s analysis of the regulatory mechanisms that lead to violent religious persecution and conflict is that religious freedom may have as much to do with the attitudes and actions of people in society as it does with the laws and policies of governments. If this is the case, cross-disciplinary approaches are indeed critical to the study of religion and law in order to have a clear understanding of the forces shaping the world today.