The Last Bastion of Secularism? Government Religion Policy in Western Democracies, 1990 to 2008

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The Last Bastion of Secularism?
Government Religion Policy in Western Democracies, 1990 to 2008

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ABSTRACT Despite the decline in popularity of secularization theory—which predicts that religion’s influence will decline in modern times—many argue that this prediction still applies to western democracies. This study tests this proposition with respect to government religion policy using eighty-one variables from the Religion and State Round 2 dataset covering the 1990 to 2008 period for twenty-seven western democracies. The results show that religious discrimination—limitations on the religious institutions and practices of minority religions—has increased significantly across a wide range of countries and types of religious discrimination. Religious legislation is present in all twenty-seven countries and levels of religious legislation remain stable. These findings are inconsistent with the predictions of secularization theory.

KEY WORDS: religion, secularization, western democracies, legislation, discrimination

Until the late twentieth century, the social science study of religion was heavily influenced, if not dominated, by the secularization paradigm (modernization theory in the political science literature) (Appleby, 2000, p. 3; Berger, 1997; Casanova, 1994, p. 17; Gill, 2001; Gorski & Altinordu, 2008; Philpott, 2009; Pollack, 2008; Warner, 1993). This paradigm posits that religion’s influence in the modern world is declining and some proponents argue that religion will become an epiphenomenon (Hannigan, 1991, p. 314; Haynes, 1994, p. 6; Kaplan, 2002, p. 2; Stark & Finke, 2000, p. 29; Turner, 1991, p. 243). In recent decades, secularization theory has come under increasing criticism and debate (Philpott, 2009) with some claiming that the theory should be dismissed (Stark & Finke, 2000).

This study is not intended to summarize or address the entire debate. Rather, it focuses on one aspect: the extent of secularization in the religion policies of western democratic governments. Thus, it does not address other aspects of the debate such as the extent to which people are religious or secularization in the non-West. This question is particularly important because many claim that secularization theory, while not necessarily accurate for the non-West, still applies in the West.

This study begins with a brief examination of the larger debate over secularization theory with a particular emphasis on trends advocating that the theory is still valid and those aspects...
of the theory stressing secularization in the public sphere, and especially in government. Second, it examines the debate over secularization in the West, focusing on arguments that the West is the exception to a more general rejection of secularization theory. Third, it examines the change in government religion policies in twenty-seven western democracies between 1990 and 2008 using eighty-one variables from Round 2 of the Religion and State (RAS2) dataset. As is discussed below this adds thirty-two variables and six years of data to the Round 1 (RAS1) dataset. The results show that both religious discrimination—limitations on the religious institutions and practices of minority religions—and religious legislation are ubiquitous in western democracies throughout this period with religious discrimination increasing significantly and religious legislation remaining stable.

Some Recent Trends in Secularization Theory

When discussing secularization theory it is important to begin with the fact that it is not a monolithic theory. Advocates of the theory do not fully agree on what exactly is meant by secularization. Furthermore, the meaning of secularization and the nature of the debate over the theory have evolved over time (Casanova, 1994; Fox, 2008). This discussion focuses on the debate as it is currently formulated.

While secularization theory still has its advocates, there is increasing acceptance of the proposition that religion remains a significant factor in society and politics. This is perhaps best exemplified by former supporters now advocating the theory’s rejection. For instance Peter Berger (1997, p. 974) states that:

What I and most other[s] … wrote in the 1960s about secularization was a mistake. Our underlying argument was that secularization and modernity go hand in hand. With more modernization comes more secularization. It wasn’t a crazy theory. There was some evidence for it. But I think it’s basically wrong. Most of the world today is certainly not secular. It’s very religious.

Even secularization theory’s current supporters often accept that religion remains important. For instance, many contemporary advocates defend a more limited version than the all-encompassing version argued by, among others, Smith (1970) and Wilson (1982). They posit that religion is becoming less important in the modern era but, acknowledge that it still remains significant and is unlikely to disappear (e.g. Beyer, 1999; Voye, 1999). For example Casanova (2009, pp. 1060–1061) argues that ‘existing European democracies are not as secular as secularist theories of democracy seem to imply. European societies may be highly secular, but European states are far from being secular or neutral.’

The current debate revolves around three issues. First, what aspect of religion will decline: religiosity—whether people are religious (which itself can be divided into belief and practice)—or religion’s public sphere influence? This public sphere influence has been variably defined as religion’s ‘power’ in the public sphere (Lechnor, 1991), the scope of religious authority (Chaves, 1994, p. 750; Yamane, 1997), influence over social institutions (Dobbelraere, 1999) or society as a whole (Gauchet, 1997), boundaries between the secular and religious (Hallward, 2008), the public role of religious institutions (Finke, 1992; Minkenberg, 2009, p. 1193) ‘the state, the economy, and science’ (Casanova, 1994, p. 20) and state religion policy (Finke, 1992; Fox, 2008; Lambert, 1999). Many additional treatments of secularization, discussed in more detail below, address government religion
policy (Demerath, 2001; Fox, 2008; Kaspersen & Lindvall, 2008; Madeley, 2009; Norris & Inglehart, 2004; Thomas, 2005). Thus, this study’s focus—government religion policy—is a central aspect of secularization theory.

Second, how much must religion, in whatever manifestation is at issue, decline for it to be called secularization? Third, has such a decline occurred? If showing that religion remains present or relevant is sufficient, falsifying secularization theory is trivial. However, if any decline constitutes secularization, the issue is more difficult for two reasons. First, we lack the data to measure all aspects of the religious economy (all religious activity occurring within a society as well as between societies). Second, even if we had these data, it would be nearly impossible to evaluate how much of a drop in one aspect of the religious economy would compensate for a rise elsewhere (Fox, 2008). For example, how much increased government support for religion would compensate for a drop in religiosity? The relative importance of the religious economy’s various parts is subjective, as is the question of how much of a decline would be considered secularization. Accordingly it is unlikely that any consensus answer to this question is attainable. However, if we focus on limited parts of the religious economy such as state religion policy (Fox, 2008) or religiosity (Norris & Inglehart, 2004), we can come to workable conclusions.

To complicate matters, many posit that secularization occurs but is complemented by a simultaneous process of sacralization (secularization’s opposite). The religious economy is not static and is constantly evolving with different aspects of religion in different locations declining and becoming stronger (Demerath, 2001; Fox, 2008; Stark & Finke, 2000). This view of religion as evolving and remaining relevant certainly contrasts with the spirit of secularization theory (Fox, 2008).

A variation of this view accepts predictions by Smith (1970) and Wilson (1982), among others, that factors including but not limited to urbanization, the decline of traditional communities, science, rationalism, modern political ideologies, and materialism all threaten religion. However, rather than succumbing to these threats, religion evolved and responded to meet them. Many explanations for modern religious fundamentalism posit that it is a reaction against precisely these threats which is intended to preserve and reinvigorate religion (Almond et al., 2003; Appleby, 2000; Berger, 1996/1997; Haynes, 2009, pp. 159–161; Juergensmeyer, 2008).

While this review is incomplete, it is sufficient to demonstrate two points. First, the debate is no longer one of absolutes. Many secularization theory supporters accept that religion is declining but not disappearing. The theory’s opponents tend to view religion as an important social factor, but just one among many. Stark and Finke’s (2000) ‘myth of past piety’ argument is a case in point: there has never been a golden age of faith and there have always been people who are religious and people who are not. Thus, while the world did not secularize, there are secular elements in the world.

Second, despite overwhelming evidence of religion’s continuing significance, a strong core group remains which does not reject secularization theory. As noted above, some redefine secularization theory as the decline but not disappearance of religion. Others like Taylor (2007) engage in more fundamental redefinitions. Taylor argues that secularization means that modernity has changed the conditions of belief in that people now have a secular option to choose. Yet, this approach also does not deny that religion remains a significant social and political factor. Interestingly, Taylor’s arguments are strikingly similar to those noted above who argue that modern challenges to religion have resulted in the genesis and rise of religious fundamentalism. Thus, Taylor’s new definition of secularization describes
a process that is prominent among the causes of what many call religion’s resurgence and revitalization.

This defense of secularization theory combined with the realization that religion has not disappeared provides the more general context for the specific focus of this study, the religion policies of western governments.

Secularization in the West?

There is a growing trend in the literature positing that secularization theory has been disproven in the non-West but is still valid for the West. This trend is not monolithic. The extent and nature of specific claims vary, but all agree on one central point: that a part of the world variously described as the West, Europe, or specific parts of Europe is somehow an exception.

Many manifestations of this claim are passing references which focus on secularization theory’s invalidity or religion’s importance in a global (non-western), regional, or local context, but briefly note that the West is an exception. Berger (1996/1997, 2009) argues that religion is resurging worldwide but secularization theory still applies to Western and Central Europe and certain intellectual circles. Marquand and Nettler (2000, p. 2) argue that: ‘Western Europe appears to be an exception ... Organized religion almost certainly plays a smaller role in politics in 2000 over most of the territory of the European Union than it did in 1950.’ They also note this may change due to the influx of Muslims into the region (see also Emerson & Hartman, 2006, p. 140; Jelen, 2007, p. 29). This type of passing reference is also common in studies of Islam’s influence on politics (e.g. Hefner, 2001, pp. 492–493; Tezcur et al., 2006, p. 218; Tibi, 2000).

Juergensmeyer (1993, 2008) makes this argument indirectly, arguing that in the non-West, western secular ideologies suffer from a crisis of legitimacy which is leading to a return to religion. This implicitly portrays the West as the source of secularism and a non-western rejection of this secularism. His arguments are echoed by many others (e.g. Appleby, 2000, p. 106; Azzam, 2006, p. 1120; Kunovich, 2006, p. 437; Monshipouri, 1998, p. 26; Zubadia, 2000, p. 60). Studies which categorize different forms of secularity likewise focus on the West, and sometimes also Turkey (e.g. Hurd, 2004, 2006; Kuru, 2009; Madeley & Enyedi, 2003). While not always discussed explicitly, these trends are assumed have originated in the West and are to be found primarily in the West.

While indirect and passing arguments are more common, several studies directly address this posited western exceptionalism. There is no generally accepted explanation for this phenomenon but different types of arguments can be identified. Haynes (1997, 1998, 2009) postulates that western secularization is a result of various government policies including equality policies and the co-optation and subordination of religious institutions. In contrast, religion elsewhere remains vibrant both in the form of religiosity and political-social influence. The only major exception to this is the USA, though this US exception is also mixed. Religiosity is not declining in the USA but the desire to keep religion in the private sphere remains strong.

Crouch (2000) argues that that increased individualism has caused Europeans to reduce ties to their churches’ more restrictive collective identities. He discusses declining church attendance and a loss of church political influence in Europe. In addition, the post-World War II atmosphere of liberalism has forced European churches to focus more on tolerance, which has undermined their authority in society. However, among the religious in the West,
there are indications that religion is becoming more significant (Achterberg et al., 2009; Van Der Brug et al., 2009).

Charles Taylor (2007, p. 1), based on a selective survey of western history from the sixteenth century to the twenty-first, argues that religion no longer legitimizes the State in the West:

The modern Western state is free from this connection . . . with a couple of exceptions, in Britain and the Scandinavian countries, which are so low key and undemanding as not to really constitute exceptions . . . in our ‘secular’ societies you can fully engage in politics without ever encountering God.

This is because the West has shifted from ‘a society where belief in God is unchallenged . . . to one in which it is understood to be one option among others’ (Taylor, 2007, p. 3). Essentially, this option of believing in something other than God, which is now entrenched in western society and thought to the extent where most people consider unbelief the only plausible option, has changed the nature of religion’s role in society weakening it significantly. He describes a historical process of evolution from an ‘enchanted’ view of the world where all natural events were attributed to Gods, Angels, and Demons, to a worldview with no room for the transcendent where such explanations are unthinkable. Taylor explicitly limits his arguments to the West and, thereby, implicitly posits that these processes are limited to the West.

Halman and Draulans (2006), Kaspersen and Lindvall (2008), and Voicu (2009) focus on classic explanations for secularization but apply them only to the West, ignoring the non-West. Bruce (2002, 2009) argues similarly but diverges from the others in three respects. First, he explicitly notes that these trends are limited to the West. Second, he acknowledges Juergensmeyer’s (1993, 2008) essential arguments regarding religions’ resurgence in the non-West. Third, he discusses countervailing trends in the West but argues that these constitute religion continuing to play a role that it had played in the past, not religion taking a role where it never had before. That is, some residual elements of religion from the past remain but are slowly dissipating.

Many focus on western exceptionalism with regard to religiosity. Norris and Inglehart (2004) show that religiosity in the West—as measured by belief in God and attendance at religious services among other measures—is lower, particularly among the wealthy. They attribute this to existential security. When one no longer has to worry about basic issues like food, shelter, and safety, there is less need for religion. While they do not do so, this argument is applicable to state support for religion.

Many attribute this trend to the supply-side theory of religion—that the presence of religious monopolies limits choices, results in resentment against state religions, and causes the clergy to seek material benefits from the Government at the expense of their spirituality (Jelen, 2007, pp. 28–31; Stark & Finke, 2000; Stark & Iannaccone, 1994). However, there is little discussion of why religious monopolies lead to a decline in religious practices in the West but not elsewhere (Gorski & Altinordu, 2008, p. 68). In contrast, Davie (2006) argues that the weakening of religious monopolies has given Europeans the choice to be religious or not. Yet, Davie argues, most Europeans want religion present in order that it be available should they want it and that religion fulfills a number of important social and political functions. Thus, she argues that religion’s influence is diminished but not gone.
While the empirical evidence for religiosity shows a decline in the West (Norris & Inglehart, 2004; Pollack, 2008), the evidence with regard to the role of religion in government is mixed. Madeley (2009) finds a drop between 1900 and 2002 in the number of states with official religions. However, he notes that a religious influence on politics in this region remains present. In contrast, Fox (2008) compares government religion policy in 1990 to 2002, finding that western official religions and religious legislation are more common than in the former Soviet Bloc, Asia, and sub-Saharan Africa. In addition, most western democracies do not meet any of the several standards for separation of religion and state examined by the study.

Not everyone accepts the argument that secularization theory applies to the West. Thomas (2005) argues that western secularization is a ‘political myth’ based on normative aspirations. Stark and Finke (2000) and Swatos and Christiano (1999) similarly call the argument that people in the West were more religious in the past a ‘myth’. However, most counter-arguments are implicitly found in studies examining religion’s influence in the West. These include studies of the impact of religion and religious institutions on public policy and politics (Davie, 2001; Minkenberg, 2002; Warner, 2000), democracy (Kalyvas, 1996, 1998), voting (Van Der Brug et al., 2009), European integration (Diez & Barbato, 2008; Hagevi, 2002; Katzenstein & Byrnes, 2006; Minkenberg, 2009), and European national identity (Kunovich, 2006) as well as on the impact of Europe’s growing Muslim population on politics and Society in Europe (e.g. Fetzer & Soper, 2003; Pfaff & Gill, 2006; Silvestri, 2009; Warner & Werner, 2006). While this list is not exhaustive, it does demonstrate a wealth of research which posits religion’s continuing importance in the West.

In retrospect, the emerging argument that secularization theory remains valid in the West is not surprising. Secularization theory originated in the western experience, created by western thinkers who assumed their experience would be replicated in the non-West. As evidence mounted that secularization had not occurred, perhaps most obviously in the non-West, advocates of secularization theory had no choice but to limit their claims. As noted above, they are doing so with regard to the extent and nature of secularization. It is also natural to retreat to claiming that the theory is still valid for the world region whose experience originated the theory. This claim is extremely debatable. This study examines it in the context of one aspect of the religious economy: state religion policy between 1990 and 2008.

The Data

This study uses data on twenty-seven western democracies from the Religion and State Round 2 (RAS2) dataset. RAS2 includes yearly codings for each state for 1990 to 2008. This improves over the Round 1 dataset (RAS1) by adding six additional years of data. RAS2 uses the same coding procedures as RAS1 but includes more detailed variables. These procedures involve research assistants writing reports on each country which provide the basis for coding the data. The sources include general sources—including the US State Department International Religious Freedom reports, reports by numerous human rights organizations and Barrett et al., (2001)—country specific academic sources, the texts’ relevant laws, and print media articles from the Lexis-Nexis database.

Space limitations prevent a full description of RAS2 but some relevant aspects require discussion. RAS2 focuses on government policies, institutions, practices, and laws rather than on civil society or religiosity. The variables are coded at the national level and do not include the behavior of regional or local governments unless a significant plurality of these
governments engage in a codeable behavior. Finally, they reflect either laws on the books or consistent government policy (Fox, 2008).5

This study assesses the change over time in RAS2’s religious discrimination and legislation variables. The religious discrimination variable measures thirty distinct types of restrictions on either the practices or institutions of minority religions which are not placed on the majority religion, up from sixteen types in RAS1. Political and economic restrictions, while an important issue of study, are not included in RAS2 because RAS2 focuses on government religion policy rather than treatment of minorities. Each of these thirty items is coded separately on the following scale:

0. None
1. The activity is slightly restricted for some minorities.
2. The activity is slightly restricted for most or all minorities or sharply restricted for some of them.
3. The activity is prohibited or sharply restricted for most or all minorities.

A full listing of each type of religious discrimination is provided in Table 1. These variables are added to form a composite religious discrimination score for each country which ranges from 0 to 90.

RAS2’s religious legislation variable includes fifty-one types of religious legislation, which are listed in Table 3. This is up from thirty-three in RAS1. They measure various forms of legislation and government policies which support religion including legislating religious precepts, financing of religion, and granting religious bodies or officials religious authority. Each type is coded as 1 if the relevant law or policy is present in a state. These variables are added to form a composite religious legislation score for each country which ranges from 0 to 51.6

The analysis presented here is meant to be descriptive. It does not address causality and, rather, asks whether and to what extent religious discrimination and legislation are present in western democracies and has this changed over time? Demonstrating a strong presence for both of these factors that is not decreasing is sufficient to counter claims that the West is secularizing.

Religious Discrimination in Western Democracies

As noted, RAS2’s religious discrimination variable measures restrictions on the religious practices or religious institutions of minority religions which are not placed on majority religions. This distinction is both operationally and theoretically crucial. For example the 2004 French law banning wearing ‘conspicuous religious symbols’ in schools is not coded in this category because it applies to all religions equally.5 While one can argue that the ‘true’ motivation for this law is to restrict Muslims, the French made a conscious decision to restrict all religions—including the majority religion—consistent with the country’s secularist political doctrine. Also, the RAS2 codings do not reflect assumed intent and, rather focus on actions taken. To do otherwise would be to base the codings on subjective opinions in place of on facts.8

The French law differs from restrictions on the wearing of headcoverings by Muslim women—usually teachers and public employees—in countries like Belgium, Germany, and Switzerland. These are coded as religious discrimination because they apply to Muslims, a minority religion, but not members of the majority religion. Thus, the RAS2
<table>
<thead>
<tr>
<th>Type of religious discrimination</th>
<th># of countries with type of discrimination</th>
<th># of countries which changed their policy between 1990 and 2008</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>1990</td>
<td>2008</td>
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<tr>
<td>--------------------------------</td>
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</tr>
<tr>
<td>Public observance: religious services/festivals/holidays/Sabbath</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Building, leasing, repairing, and/or maintaining places of worship</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>Access existing places of worship</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Formal religious organizations</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Running religious schools/religious education</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Make/obtain materials necessary for rel. rites/customs/ceremonies</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Mandatory education in the majority religion</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Arrest, continued detention, or severe official harassment</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Surveillance of minority religions</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Write/publish/disseminate religious publications</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Religious laws on personal status, (marriage, divorce, burial)</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Wearing of religious symbols or clothing</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Ordination/access to clergy</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Proselytizing by permanent residents of state to members of maj. rel.</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Proselytizing by permanent residents of state to members of min. rel.</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Proselytizing by foreign clergy or missionaries</td>
<td>6</td>
<td>7</td>
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<tr>
<td>Minority rel. must register to be legal or receive special tax status</td>
<td>14</td>
<td>14</td>
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<tr>
<td>Custody of children granted to members of majority rel. on basis of rel.</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Restricted access of minority clergy to hospitals/jails/military bases</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Declaration of some minority religions dangerous/extremist sects</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Anti-religious propaganda in government publications</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Other types of restrictions</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Total number of restrictions</td>
<td>77</td>
<td>111</td>
</tr>
<tr>
<td>Average number of restrictions per country</td>
<td>2.85</td>
<td>4.11</td>
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</table>

**Notes:**
- The following types of religious discrimination were not present in any western democracy between 1990 and 2008 and are, accordingly, not included in the table: private observance of religious services/festivals/holidays/Sabbath; forced observance of religious laws of another group; conversion to minority religion; forced renunciation of faith by recent converts to minority religions; forced conversions of people who were never members of majority religion; attempts to convert members of minority religion which fall short of force; import religious publications; access to religious publications for personal use.
- As each type of discrimination is coded between 0 and 3 countries can change policies without a change in the number of countries which have such a policy.
definition of religious discrimination reflects, among other things, a government’s willingness to maintain the dominance of a specific religion through restrictions on minority religions not placed on the majority religion. It also is distinct from secularist influences in that secularists would restrict all religions in the public domain rather than just minority religions.

The analysis presented in Figure 1 shows nontrivial mean levels of religious discrimination in western democracies which rose nearly 30 percent between 1990 and 2008. This rise—as compared to 1990 levels—is statistically significant from 1995 onward. This rise is stable in that in each year the mean level of religious discrimination is either the same or higher than the previous year and the increases are spread out along the entire time period, representing an important long term trend.

The analysis in Table 1 of the thirty specific types of religious discrimination included in RAS2, shows that this trend is not limited to a small number of specific types of religious discrimination. In 2008, twenty-three categories of religious discrimination exist in at least one country, twenty-two exist in at least two countries, thirteen in at least four countries, and nine in at least six countries. Between 1990 and 2008, seventeen types of discrimination increased in at least one country. The most common restrictions are on building, maintaining or repairing places of worship and registration requirements for minority religious institutions. Also, over a quarter of Western European countries place restrictions on proselytizing by foreigners. For example, Austria, Belgium, Denmark, Switzerland, and the UK require special visas for missionaries and/or religious workers and/or have denied such entry to some missionaries or religious workers. Greece legally bans all proselytizing but this is rarely enforced in practice except against groups such as Mormons and the Jehovah’s Witnesses.

Finally, the country by country analysis in Table 2 shows significant cross-country variation in the level of religious discrimination, but religious discrimination is ubiquitous and rising. Only five western democracies engage in no discrimination as measured by RAS2. In 2008, sixteen countries engage in at least two types of religious discrimination, eleven in at least four types, and seven in at least six types. Religious discrimination

![Figure 1. Mean religious discrimination in western democracies, 1990 to 2008.](image-url)
increased in twelve western democracies but decreased in two. The most discriminatory country, based on the composite score is Germany. This is due in large part to its treatment of what it considers ‘cults’ or ‘sects’ such as the Scientologists, but Germany also engages in significant levels of discrimination against other religious minorities, especially Muslims who in 2008 experienced ten of the types of discrimination included in RAS2.

Given all of this, the presence and rise of religious discrimination in western democracies is both broad and deep. This discrimination is solely composed of restrictions placed on the religious practices and institutions of minority religions that are not placed on the majority religion and, thus, effectively, and perhaps intentionally, result in the privileging of the majority religion. This finding is clearly inconsistent with the argument that western democracies are secularizing.

### Religious Legislation in Western Democracies

As noted, RAS2’s religious legislation variable measures government support for religion by, among other things, legislating religious precepts, financing religion, and granting

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<td>0</td>
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<td>1</td>
<td>Austria</td>
<td>9</td>
<td>4</td>
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<td>Belgium</td>
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<td>Cyprus, Greek</td>
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of authority or privileges to religious bodies or officials. All of these actions show a
government willingness to support religion, usually the dominant religion. This active
government support for religion arguably reflects an active support for religion by at least
some elements of society.

An analysis of the mean levels of religious legislation over time in western democracies,
presented in Figure 2, shows that religious legislation has remained stable between 1990
and 2008. The mean, while fluctuating slightly between 1990 and 2008, began and ended
the period at 7.22. Thus, the average western democracy had over seven types of religious
laws throughout this period.

The analysis of the specific types of religious legislation included in RAS2 in Table 3
shows that this general trend cannot be explained by a small number of specific types
of legislation. In 2008, of the fifty-one types of legislation included in RAS2, thirty exist in at
least one western democracy, twenty-nine exist in at least two countries, seventeen exist in
at least five countries, and six exist in at least eleven countries.

The most common form of religious legislation is religious education in public schools.
In most of the twenty-four countries with such policies, this education is optional or it is
possible to opt out but in Greek Cyprus, the classes are mandatory for Greek Orthodox
students. In fourteen countries it is not available in all religions for which there are a
significant number of students. For example, in Italy classes are only available in
Catholicism. In eleven of these countries (nine of them Catholic) the teachers of the
religious classes are clergy or appointed by the relevant religious institutions.

The other more common forms of religious legislation involve funding religion. This
includes funding religious education in private schools, collecting religious taxes, grants to
religious organizations, and paying clergy’s salaries which are present in eighteen, eleven,
and twelve countries respectively. In western democracies, the legislation of religious
precepts as law is less common but it does exist. For example, eight countries limit
activities on the Sabbath and/or religious holidays. For instance, in Switzerland, most
shops and places of work are closed on Sundays.¹⁰

![Figure 2. Mean religious legislation in western democracies, 1990 to 2008.](image-url)
Table 3. Specific types of religious legislation, 1990 to 2008

<table>
<thead>
<tr>
<th>Type of religious legislation</th>
<th>1990</th>
<th>2008</th>
<th>Decrease</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal status defined by religion/clergy</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Marriages performed by clergy have civil recognition</td>
<td>8</td>
<td>9</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Ban on homosexuality or homosexual intimate interactions</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Blasphemy laws or limits on speech about majority rel./rel. Figures</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Blasphemy laws protecting minority religions/religious figures</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Close some/all businesses on religious holidays, Sabbath, etc.</td>
<td>6</td>
<td>6</td>
<td>0</td>
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<tr>
<td>Other restrictions on activities during religious holidays etc.</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Religious education in public schools</td>
<td>24</td>
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<td>Official prayer sessions in public schools</td>
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<tr>
<td>Fund of religious schools/religious education in non-public schools</td>
<td>16</td>
<td>18</td>
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<td>2</td>
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<tr>
<td>Fund seminary schools</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Funding of religious education in colleges/universities</td>
<td>5</td>
<td>6</td>
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<tr>
<td>Public schools segregated by rel./separate pub. schools for some rel.</td>
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<td>2</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Fund of religious charitable organizations</td>
<td>3</td>
<td>4</td>
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<td>1</td>
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<tr>
<td>Collect taxes on behalf of religious organizations</td>
<td>11</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Government positions, salaries, or other funding for clergy</td>
<td>12</td>
<td>12</td>
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<td>0</td>
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<tr>
<td>Direct general grants to religious organizations</td>
<td>13</td>
<td>13</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Fund building/maintaining/repairing religious sites</td>
<td>8</td>
<td>8</td>
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<td>0</td>
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<tr>
<td>Free air time on television/radio for religious organizations</td>
<td>5</td>
<td>5</td>
<td>0</td>
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<tr>
<td>Other funding for religious organizations/activities</td>
<td>3</td>
<td>5</td>
<td>0</td>
<td>2</td>
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<tr>
<td>Official government religious ministry or department</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Certain gvt officials get rel. position due to their gvt position</td>
<td>2</td>
<td>1</td>
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<tr>
<td>Certain rel. officials become gvt officials due to their rel. position</td>
<td>2</td>
<td>2</td>
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<td>0</td>
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<tr>
<td>Some/all government officials must be members of majority religion</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>0</td>
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<tr>
<td>Religious courts with jurisdiction over family law and inheritance</td>
<td>2</td>
<td>2</td>
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</table>
Finally, the country-level analysis in Table 2 shows that while variation exists in the levels of religious legislation, it is present in all twenty-seven countries in this study. In fact, in 2008 only Liechtenstein had as few as two types of religious legislation, twenty-one countries had at least five types, and seven countries had at least eleven types. At the country level, religious legislation was not static. It increased in seven countries but decreased in eight. For instance in 2008 Spain stopped making direct payments to the Catholic Church and Sweden, in the context of removing its official religion in 2000, eliminated some laws. On the other side of the coin, Luxembourg began funding ‘recognized’ religions in 1998 and during George W. Bush’s presidency, the United States began more systematically funding faith-based charities, a trend that had begun more tentatively and with more restrictions under previous administrations.

Should the argument that the West is secularizing be correct, we would have expected religious legislation to be uncommon and decreasing. In contrast, it did not decrease and several countries added new laws or practices.

Finally, as shown in Table 2, it is difficult to claim that even a segment of the West is secularizing. Only in Greece and Greek Cyprus did religious discrimination and religious
legislation both decrease. Clearly, these are not the countries which Berger (1996/1997, 2009) had in mind when claiming that some parts of the West are secularizing. The only countries which can be said to have extremely low levels of government involvement in religion are Andorra, Liechtenstein, and the United States. The first two are relatively small countries which constitute a minute fraction of the West’s population. The United States has always been considered an exception with regard to government religion policy because it tends to maintain strict levels of separation of religion and state but has a comparatively religious population (Fox, 2008). Furthermore, the United States has been showing an increase in religious legislation by beginning to fund faith based initiatives and allowing religious schools to receive direct aid from local governments via vouchers.

**Conclusions**

As noted above, there is a growing, but not uncontested, literature arguing that the West is an exception to the world trend and is secularizing. This study shows that for at least one portion of the religious economy—government religion policy—the West is not secularizing. Restrictions on the practices and institutions of minority religions that are not placed on the majority religion are common and increased by almost 30 percent between 1990 and 2008. As noted above, the targeting of restrictions on minority religions but not the majority religion distinguishes this behavior from a general desire to eliminate religion from the public sphere and effectively, and perhaps intentionally, privileges the majority religion. Religious legislation is present in all twenty-seven states included in this study and has not decreased over a nineteen-year period.

Denmark is a good example of this trend with both significant support for religion as well as increasing limits on minority religions, particularly Muslims. Its national church—the Evangelical Lutheran Church—receives substantial government support—including but not limited to a church tax collected by the Government—and performs government functions such as registering all births, deaths, marriages, and divorces, as well as the management of cemeteries (including secular ones). The Government funds religious schools, seminaries, and religious education in public schools. Zoning laws often restrict building Mosques. The 2004 ‘Imam Law’ allows foreign religious workers visas only if they are associated with a recognized denomination and limits the number of visas per denomination. It denies visas if there is ‘reason to believe the foreigner will be a threat to public safety, security, public order, health, decency or other people’s rights and duties’, alluding to Imams who preach ideas contrary to Danish cultural norms.13

Although we focus here on whether the West is an exception to the world trend and is secularizing, this study also discloses a notable rise in religious discrimination between 1990 and 2008. This trend requires further discussion. While the religious discrimination variable used here codes the treatment of all minorities in a country, we can anecdotally attribute much of this increase in discrimination to the treatment of Muslims and a growing tendency to restrict what some governments call ‘cults’ or ‘sects’ which many European governments define broadly.

One of the most common increases in religious discrimination between 1990 and 2008 were new anti-sect laws or policies. For instance, after a mass suicide by a sect called the Order of the Solar Temple, a 1996 French parliamentary commission identified 173 groups as ‘cults’, including the groups considered by many governments to be ‘cults’ or ‘sects’ such as Church of Scientology, the Unification Church, and Jehovah’s Witnesses.
However it also includes groups considered more mainstream elsewhere such as Mormons, Seventh Day Adventists, and Pentecostals. The defining criteria for inclusion on the list appear to be size and a lack of an extensive history in France. These groups, while not banned, are subject to intense scrutiny. In 1998 the Government created the ‘Interministerial Mission in the Fight against sects/cults’ (MILS), which was dissolved in 2002 and replaced in 2003 by a similar organization called MIVILUDES. Both organizations have been accused of abuses of religious freedom (Fox, 2008; Kuru, 2009).

After a mass suicide, Belgium similarly created the ‘Belgian Sect Observatory’ in 1999 which maintains a list of over 600 sects and cults and has been accused of targeting some of them for slander and discrimination. Like the French list, this one includes groups considered more mainstream elsewhere including Seventh Day Adventists, Zen Buddhists, Mormons, Hassidic Jews, and the YWCA. In extreme cases, discrimination against these groups can include police surveillance, loss of jobs, denial of citizenship, and loss of child custody. Thus both the Belgian and French policies seem to be targeted against groups which are small and different rather than against dangerous groups.

The other two largest increases in religious discrimination were restrictions on the wearing of religious clothing or symbols and restrictions on building, maintaining or repairing of places of worship. The former exclusively involves restrictions on Muslim women’s headcoverings. In most cases these restrictions are on public employees and teachers and are often the result of local government policies. For instance, in 2003, Germany’s Federal Constitutional Court upheld a state level ban on headscarves for civil servants. By the end of 2008 at least eight German states had enacted such a ban. Similarly, several municipalities in Belgium including Antwerp and Brussels enacted bans on headcoverings by municipal employees. The bans on building, maintaining, or repairing places of worship are most often directed against Mosques, but in some cases against sects. For instance, several local governments in France refuse to rent space or grant building permits to the Jehovah’s Witnesses. This brief survey is sufficient to demonstrate the primary targets of this rise in discrimination, but a full evaluation of the extent and causes of this dynamic are beyond the scope of this study and should be the topic of future research.

The trend of consistent and ubiquitous religious legislation also contradicts predictions of the West’s secularization. For instance, national governments near-universally fund religion with only Andorra engaging in none of RAS2’s nine categories of funding religion. Even supposedly ‘archaic’ types of funding such as governments collecting religious taxes are not decreasing. All eleven states which collected such taxes in 1990, continued to do so in 2008. As of 2008, in Belgium and Iceland this tax is mandatory but can be given to multiple religions as well as secular organizations such as the University of Iceland. In Austria, Denmark, Finland, and Germany, one has to officially withdraw from religious membership to avoid the tax. In Italy, Portugal, Spain, and Sweden, citizens can voluntarily donate a portion of their income taxes to a religious organization. Among these states, Denmark, and Portugal collect this tax only for the state religion and Finland does so only for the state religion and Orthodox Church. In Switzerland many of the cantons collect religious taxes but the specific policy varies from canton to canton (Fox, 2008).

Some, like Bruce (2002, 2009) would argue that these practices are simply the maintaining of past practices and represent inertia rather than any real support for religion. However this argument opens several questions. If religion remains only through inertia and there is no real support for state religion in the West why has this inertia not dissipated at all in a nineteen year period? Furthermore, as noted above, these results do not represent
a static level of religious legislation. Rather several countries have reduced their support for religion while others have increased it. Thus, this stability cannot be explained by anachronism and inertia.

The government religion policy data examined here are only one part of the West’s larger religious economy and many would argue that other parts, such as individual religiosity, are declining (e.g. Norris & Inglehart, 2004). Thus, consistent levels of religious legislation and increasing religious discrimination are not, in and of themselves, proof that religion in general is becoming more important in western democracies. However, as Fox (2008, pp. 361–364) argues, there is no interpretation of this type of result that does not mean religion remains a significant factor. The simplest interpretation is that this is part of a larger trend where religion is remaining important and perhaps increasing in importance. Another interpretation is that this government sponsored support for dominant religions is a compensation for declining religiosity and religious identity. If this is the case, this would mean that politicians in democratically elected governments in supposedly secularizing societies still think supporting religion benefits their political careers. This implies that there is still a strong political base supporting these policies.

In the case of the increasing religious discrimination, it is possible to argue that this reflects a desire to maintain the dominant culture, security concerns, and, perhaps, protect citizens from potentially dangerous and predatory ‘culs’ or ‘sects’. However, the specific restrictions do not materially add to security and by agitating minority populations they likely increase security risks. The restrictions targeted at ‘culs’ or ‘sects’ actually focus on small groups new to a country without any consideration for whether they are actually dangerous or predatory. These policies seem more consistent with a desire to protect the religious status quo. Put differently, if religion was not important in the West, the introduction of new religions with small followings into a country should be met with apathy, not resistance.

Furthermore, when this is viewed in the context of the significant levels of support for the dominant religion through legislation—including the near-universal religious education in public schools—it is difficult to argue that the motivations for these discriminatory polices do not also involve a desire to support the dominant religion. Also, even if one discounts these increases based on these arguments, it is clear the religious discrimination has not decreased, which is what one would expect if the West were secularizing. Also, as noted above, there is no explanation for increasing government involvement in religion that does not mean that some aspect of the religious economy remains important, a finding patently inconsistent with secularization theory. Thus, while this study focuses on a limited part of the religious economy, it is a significant one that has implications for our understanding of the entire religious economy. And, even if we limit our assessments to this segment of the religious economy, it shows a trend that runs counter to the more often researched religious belief segment. This proof that not all aspects of the West’s religious economy are secularizing, in and of itself, is arguably worthy of note.

Given all of this, the evidence presented here calls into serious question the claim that counter to the world trend, western democracies are secularizing. These findings are more consistent with arguments by Demerath (2001), Fox (2008) and Stark and Finke (2000) that the religious economy is complex and dynamic with religion declining in some parts and becoming more important in others. They are also consistent with findings that as religiosity decreases in the West, those who are religious push for more religion in government (Achterberg et al., 2009). Neither of these interpretations are consistent with the monolithic drop in all aspects of the religious economy that one would expect.
based on secularization theory. That being said, the results presented here call for further and more detailed examination, perhaps at the case-study level, of the motivations for passing and maintaining religious legislation that supports the dominant religion and restricts minority religions.

Acknowledgements

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Notes

1 For a more detailed discussion of various definitions of secular and secularization as well as the historical development of the concept, see Gorski and Altinordu (2008) and Philpott (2009, pp. 185–187).

2 Juergensmeyer (2008) is somewhat less absolutist about the prevalence of secularism in the West than in Juergensmeyer (1993), but even in Juergensmeyer (2008), western religious extremists are portrayed as the exceptions rather than the rule.

3 Western democracies are defined here as Western Europe, North America, Australia and New Zealand. The specific countries are listed in Table 2. This follows the practice of previous publications using the RAS1 dataset (e.g. Fox, 2008) and other major data collection projects such as the Minorities at Risk project (www.cidcm.umd.edu/mar).

4 For a detailed description of coding procedures, sources, and a fuller description of RAS2 see Fox (2009a, 2009b) and the RAS website at www.religionandstate.org. Information on RAS1 which used similar procedures is also available in Fox (2008). All countries were coded a second time by backup coders for inter-coder reliability tests. The reliability tests for religious discrimination produced correlations of between .967 and .989 and the tests for religious legislation produced correlations of between .947 and .963 depending on the year of the coding. This meets the generally accepted threshold of .900 or greater.

5 This focus on national level behavior and government policy is similar to other major data collections on religion and human rights such as Cingranelli and Richards (2006) and Grim and Finke (2006).

6 For a full discussion of the differences between the religious legislation and religious discrimination variables as well as why the items in the scales are weighted equally, see Fox (2008, 2009b). For a full discussion of the differences between RAS1 and RAS2, see Fox (2009a).

7 It is included in a RAS2 measure of government regulation of all religions not analyzed in this study.

8 For more details on this coding policy see Fox (2008).


14 An English translation of this report is available at http://www.cff.com/french/Les_Sectes_en_France/cults.html.
References


