

Possible Dimensions of Religious Freedom

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Abstract

The compiling of country profiles for the reference work *Religious Freedom in the World* required a clear concept of what they should contain and an instrument to retrieve this information equitably in vastly different situations. As this work is setting the benchmark in the field, IJRF considers it of interest to reproduce the criteria for country profiles as well as the checklist with questions for assessing the situation in a country.

Keywords religious freedom, criteria for country profiles, questionnaire, research.

Criteria for country profiles

In the country profiles of *Religious Freedom in the World*¹, we have sought to:

- Give a political overview of the country.
- Give a listing, with percentages, of the religious groupings within the country.
- Give a brief religious background of the country: what the major religious groups are now; what they have been historically; what changes are taking place; whether religion(s) tend to be tied to

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¹ Paul A Marshall (ed) 2008. *Religious Freedom in the World*. Lanham: Rowman & Littlefield 2008:449-476. Appendix C: Criteria for profiles of religious freedom; Appendix D: Checklist of elements of religious freedom score. The American spelling is retained. Used with permission.

ethnicity, or to region, or to political parties; whether religious commitment is high or low, fanatic, lukewarm, or nominal.

- Mention any constitutional guarantees or restrictions on religious freedom, and other constitutional guarantees or restrictions relevant to religious freedom, and whether such guarantees are respected.
- Outline the legal framework that guarantees or restricts religious freedom, and other guarantees or restrictions relevant to religious freedom, and whether such guarantees are respected.
- If it is relevant, outline the legal framework at the provincial/state/regional level.
- Mention if religious freedom is restricted by law, outline the scope of the restrictions (e.g., what is forbidden or hampered), what the penalties for violations are, and to what degree the law is actually followed.
- Mention if the government restricts religious freedom by extralegal means; outline the scope of the restrictions and the penalties for violations.
- Mention any restrictions on religious freedom by "society," such as repression by family members, physical attacks, mob riots, or discrimination or exclusion in employment, housing, movement, and so forth. Here, we also note the degree to which the government tries and succeeds in curbing social restrictions on religious freedom.
- Mention any restrictions on religious freedom due to warfare or terrorism and the degree to which government tries and succeeds in curbing such restrictions on religious freedom.
- Mention any other factors not covered by the above.
- Mention noteworthy incidents that have occurred in the last two years and very noteworthy ones that have occurred in the last decade. This could include important trials, imprisonment, or massacres.
- Use these criteria and the checklist to assign the country a score on a religious freedom scale of one to seven, with one being good and seven being bad.

Checklist of elements of religious freedom

To aid in this process, we have used a checklist that attempts partially to summarize the various possible dimensions of religious freedom and which broadly follows the criteria given in international human rights standards. Willy Fautre of Human Rights without Frontiers developed such a checklist, and the list given here is adapted and expanded from his work. Many parts of the checklist are repetitive because they approach the same material from different angles, such as individual freedom, self-government by religious bodies, economic dimensions, and discriminatory treatment between religious bodies. Some boxes may be empty for some countries.

The list can serve as a guide to many of the dimensions of religious freedom, to see how the violations can be grouped, and to check the intensity of the limits.

It should be emphasized that the scores [in the book] so derived are for countries and territories, not governments. We are interested in the practical situation, not per se in the culpability of any government. In a situation of terrorism or of civil war, the government may not be particularly blameworthy, but the religious freedom situation may be atrocious. The agents of religious repression might be terrorists or, perhaps most commonly, 'society,' as when religious groups are attacked by mobs or face pervasive discrimination.

The vertical categories refer to different elements of religious freedom. The horizontal categories refer to the presence or absence of freedom, the degree of the restriction of freedom, the nature of the restriction, the intensity of the restriction, the variability of the restriction, and the agent(s) of restriction. The checklist can also serve as a guide to whether you have covered most of the dimensions of religious freedom, to see how the violations can be grouped, and to check the intensity of the limits.

Sample of questionnaire

Table D.1 Individuals' Right to Freedom of Conscience																	
Do citizens have the right ...	(a) Yes	(b) No	(c) Yes But	(d) No Exc ept	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
1.1 to have or not have a religion or belief of their choice?																	
1.2 ...																	

Horizontal categories of the checklist²

The first four horizontal categories are: (a) yes, (b) no, (c) yes, but, (d) no, except.

The other boxes, (e)-(q) ask whether religious freedom:

- (e) is constitutionally guaranteed?
- (f) is legally guaranteed?
- (g) is given only to some groups not others (this is then taken up in the later boxes on discrimination)?
- (h) suffers de facto or de jure limitation by the central state or federal government.
- (I) suffers de facto or de jure limitation by regional government.
- (j) suffers de facto or de jure limitation by local government.
- (k) suffers de facto or de jure limitation by local government agents (such as police) acting unofficially.
- (l) Is there religious discrimination or practical limitation on religious freedom (access to employment or housing, familial violence ...) because of social pressure; which?
- (m) Does the government try to limit the effects described in (l)?

² Editors' note: Instead of reproducing the forms with a lot of blank space as they appear in the book, we have chosen to merely give the horizontal and the vertical dimensions of the checklist. This means the horizontal categories will have to be answered concerning each vertical category.

- (n) Does religious freedom suffer because of violence or threat from radical groups?
- (o) Does the government try to limit the effects described in (n)?
- (p) How severe are penalties applied to those who break government limits on religious freedom?
- (q) Assign a score to the overall degree of religious freedom in the country, due to all the above factors, on a scale of 1-7, with 1 being the most free, 7 being the least free.

Vertical categories of the checklist

1. Individuals' Right to Freedom of Conscience

Do citizens have the right:

- 1.1 to have or not have a religion or belief of their choice?
- 1.2 to adopt or to abandon a religion or belief?
- 1.3 to change religion or belief?
- 1.4 to be members of religious or non-religious communities of their choice?
- 1.5 to keep private their religious or non-religious affiliation (e.g. in the case of a census)?
- 1.6 to manifest, to defend, to promote and to disseminate their religious or non-religious beliefs in private?
- 1.7 to manifest, to defend, to promote and to disseminate their religious or non-religious beliefs in public?
- 1.8 to manifest, to defend, to promote and to disseminate their religious or non-religious beliefs in the media?
- 1.9 to take part in worship services, processions and pilgrimages, and to perform the rites associated with their religion or belief?
- 1.10 to choose not to take part in worship services and religious rites or customs which conflict with their personal beliefs?
- 1.11 to observe or not to observe days of rest in accordance with their religious beliefs and to celebrate festivals and ceremonies, whether secular or religious?

- 1.12 to make, seek out, acquire, import, export and possess literature, audio or video cassettes and other objects related to their religious or non-religious beliefs?

2. Freedom of Worship

Do communities of believers have the right:

- 2.1 to have legal status?
- 2.2 to manifest their religious beliefs by holding private worship services?
- 2.3 to manifest their religious beliefs by holding public worship services?
- 2.4 to build, reopen, restore and maintain religious premises and places of worship where they can hold services?
- 2.5 to rent premises for religious worship?
- 2.6 to own their religious premises and places of worship?
- 2.7 to claim back religious premises and places of worship which have been unfairly confiscated from them?
- 2.8 to make full and free use of their chosen religious premises and places of worship in order to hold meetings and to carry out religious rites or customs?
- 2.9 to manufacture, acquire and use religious objects and artifacts according to their needs?
- 2.10 to own their religious objects and artifacts?
- 2.11 to hold services or meetings and to perform their rites or customs in a place other than their official premises (in open air, in cemeteries, private homes, hospitals, children's homes, prisons, army barracks...)?
- 2.12 to have free access to places sacred to their religion or belief?
- 2.13 to organize processions and pilgrimages?
- 2.14 to celebrate religious festivals in public or in private?
- 2.15 to celebrate baptisms, weddings and burials and so forth in accordance with their religious traditions?
- 2.16 to choose freely their religious personnel for their religious services and meetings?
- 2.17 Other?

3. Freedom of Clergy

Do ministers/ clergy/ religious leaders have the right:

- 3.1 to perform the rites and customs established by their religious community using the holy books and liturgical texts of their choice and using the language, music and songs of their choice?
- 3.2 to preach in conformity with the doctrine of their religious community, without threat or interference from the state?
- 3.3 to have access to prisons, hospitals, the armed forces and other relevant bodies for chaplaincy work?
- 3.4 Other?

4. Right to Self-Government by Religious Bodies

Do communities of believers have the right:

- 4.1 to implement their own institutional and hierarchical structures?
- 4.2 to train, appoint, elect or designate their future officers themselves, and to train them in their own institutes?
- 4.3 to appoint, to locate and to relocate their officers according to their needs?
- 4.4 to appoint, to elect and to designate their own leaders?
- 4.5 to set up communities and religious orders?
- 4.6 to own possessions and to use them as they choose?
- 4.7 to build, acquire, reopen and restore buildings and then to operate them independently?
- 4.8 to exchange, acquire, receive, import and use holy books and other religious publications?
- 4.9 to write, print and circulate, according to their needs, books and publications which deal with religious matters or which defend the freedom of conscience or religion?
- 4.10 to establish and maintain relationships with individuals and communities involved in religious affairs, without regard for national boundaries?
- 4.11 to solicit and receive voluntary financial and other contributions from individuals and institutions, either domestically or internationally.
- 4.12 Other?

5. Freedom of Religious Education and Instruction

- 5.1 Do families have the right to decide whether their children receive a religious education or not?
- 5.2 Do religious communities have the authority to ensure that religious instruction is given to the children entrusted to their care?
- 5.3 Do religious communities have the authority to run elementary schools, secondary schools, universities and other institutes of higher education?
- 5.4 Can religious instruction be given in teaching establishments which are not run by the religious community concerned?
- 5.5 Are the religious and moral beliefs of believers' children studying in state schools truly respected?
- 5.6 Are believers' children free not to participate in the activities of official organizations which have aims contrary to their religious and moral beliefs?
- 5.7. Are the various teaching establishments subject to the same set of rules, regardless of their religious or non-religious orientation?
- 5.8 Other?

6. Right to Social Participation

Do religious groups have the right:

- 6.1 to establish, manage, maintain and conduct charitable, humanitarian, medical, social and cultural institutions and associations?
- 6.2 to establish and practice printing houses, publishing houses and distribution networks?
- 6.3 to found and own newspapers, news agencies, radio and television stations and other media?
- 6.4 to have access to means of public communication (television, radio, Internet, newspapers, magazines)?
- 6.5 to found political parties?
- 6.6 Other?

7. Equality/Non-Discrimination of Individuals

Do believers of different religions, different groups within religions and atheists enjoy the same rights in the following areas?

- 7.1 The choice of studies and access to university or other institutes of higher education.
- 7.2 Entry into a profession and free practice of work.
- 7.3 The enjoyment of economic, social and cultural rights and advantages.
- 7.4 Accommodation in employment, schools and prisons to manifest their religious belief.
- 7.5 Before the courts.
- 7.6 Public life: Ability to hold public office.
- 7.7 Military service and conscientious objection.
- 7.8 Freedom of expression.
- 7.9 Freedom to seek information and to receive it from others.
- 7.10 Freedom of movement and of emigration.
- 7.11 Freedom of association and assembly.
- 7.12 Marriage or other social arrangements.
- 7.13 Other?

8. Equality/Non-Discrimination of Communities and Institutions

Do communities of believers, different groups within religions, atheistic groups and institutions enjoy the same rights in the following areas?

- 8.1 Is there a state church or religion?
- 8.2 The establishment, management and maintenance of charitable, humanitarian, medical, social, cultural and religious institutions and associations.
- 8.3 The soliciting, receipt and handling of voluntary contributions, financial or other, from individuals and institutions.
- 8.4 The establishment and management of printing houses, publishing houses and distribution networks.

- 8.5 The founding and running of newspapers, press agencies, radio and television stations and other media.
- 8.6 Access to various public networks of social communication.
- 8.7 The public sector: legal status, representation on committees, in local administrations, etc.
- 8.8 The defense of their rights and denouncing of any attack on their freedom.
- 8.9 Chaplaincy arrangements.
- 8.10 Other?

9. Religious and Economic Freedom

- 9.1 Are there any restrictions on religious affiliation in the economy?
- 9.2 Are there non-tariff barriers to trade based on religion?
- 9.3 Does religious discrimination affect the fiscal burden of government?
- 9.4 Are these regulatory burdens on economic activity and entrepreneurship based on religion?
- 9.5 Are there restrictions on banks and foreign exchange based on religion?
- 9.6 Are there any labor market restrictions based on religion?
- 9.7 Are there any religious restrictions on foreign investment?
- 9.8 Are there restrictions on property rights based on religion?
- 9.9 Are charitable donations allowed, including those to religious activities?
- 9.10 Are there restrictions on freedom of spiritual association in the workplace?
- 9.11 Are there rules governing employees and employers based on religion?
- 9.12 Are there restrictions on access to education based on religion?
- 9.13 Do communities of believers have the right to manufacture, acquire and use religious objects and artifacts according to their needs?
- 9.14 Do communities of believers have the right to own their religious objects and artifacts?

- 9.15 Do religious groups have the right to establish, manage, maintain and conduct charitable, humanitarian, medical, social and cultural institutions and associations?
- 9.16 Do religious groups have the right to establish and practice printing houses, publishing houses and distribution networks?
- 9.17 Do communities of religious believers have the right to appoint, to locate and to relocate their officers according to their needs?
- 9.18 Do communities of religious believers have the right to own possessions and to use them as they choose?
- 9.19 Do communities of religious believers have the right to exchange, acquire, receive, import and use holy books and other religious publications?
- 9.20 Do communities of religious believers have the right to establish and maintain relationships with individuals and communities involved in religious affairs, without regard for national boundaries?
- 9.21 Do communities of religious believers have the right to solicit and receive voluntary financial and other contributions from individuals and institutions, either domestically or internationally?
- 9.22 Do believers of different religions, different groups within religions, and atheists enjoy the same rights in the enjoyment of economic, social, and cultural rights and advantages?
- 9.23 Do believers of different religions, different groups within religions, and atheists enjoy the same rights in accommodation, employment, schools and prisons to manifest their religious belief?
- 9.24 Do believers of different religions, different groups within religions, and atheists enjoy the same rights where freedom of movement and of emigration is concerned?
- 9.25 Do communities of believers, different groups within religions, atheistic groups, and institutions enjoy the same rights in the establishment, management and maintenance of charitable, humanitarian, medical, social, cultural and religious institutions and associations?
- 9.26 Do communities of believers, different groups within religions, atheistic groups, and institutions enjoy the same rights in

soliciting, receipt and handling of voluntary contributions, financial or other, from individuals and institutions?

- 9.27 Do communities of believers, different groups within religions, atheistic groups, and institutions enjoy the same rights in the establishment and management of printing houses, publishing houses and distribution networks?
- 9.28 Do communities of believers, different groups within religions, atheistic groups, and institutions enjoy the same rights in the founding and running of newspapers, press agencies, radio and television stations and other media?
- 9.29 Do communities of believers, different groups within religions, atheistic groups, and institutions enjoy the same rights in access to various public networks of social communication?

10. Incitement against Religious Groups

Does the state:

- 10.1 publish materials inciting religious discrimination or hatred?
- 10.2 supply funding for those publishing material inciting religious discrimination or hatred?
- 10.3 broadcast material inciting religious discrimination or hatred?
- 10.4 supply funds to those broadcasting religious discrimination or hatred?
- 10.5 fund preachers/teachers inciting religious discrimination or hatred?
- 10.6 fund places of worship inciting religious discrimination or hatred?
- 10.7 fund schools inciting religious discrimination or hatred?