

Exploring the Trends and Consequences of Religious Registration: A Global Overview

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Abstract

Religious groups often rely on a registration process to receive the legal status needed to operate openly. Yet, the registration process has become a recent source of controversy. This research uses case studies to understand the controversies surrounding the registration process, three global collections to chart the trends in the use and demands of the registration process, and multivariate models to explore the consequences of introducing registration requirements within a nation. Both the case studies and the descriptive overviews find that the use of religious registration is increasing and it is increasingly resulting in fewer religious freedoms. In the multivariate models we find that religious registration was a significant predictor of the government interfering with the right to religious worship, but was not a significant predictor when it came to the government protecting religious freedom. We conclude that registration can be benign, but it is often used as a tool to interfere or deny the activities of select religions, or all religions.

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Many organizations rely on legal recognition from the state to operate and religious organizations are no exception. Legal status is typically required for basic operations, including the ownership or renting of property, the employment of staffs and entering contracts, the paying or not paying of taxes, and the operation of educational, health care and humanitarian institutions, as well as public worship and a long list of public practices associated with religious organizations. As a result, obtaining this legal recognition is both practical and vital. Without this status, religious organizations are restricted in how, where and if they can operate. In short, gaining a legal entity status is typically required for the long-term growth and survival of any religion (Durham 2004).

But how this legal status is awarded has long been a source of controversy. Although most nations rely on some form of a registration system, the criteria required, the methods used for granting approvals and the privileges awarded to this legal status vary widely from one country to the next. On the surface, asking religions to register with the state is a seemingly benign and harmless practice; and, in many states the process is relatively simple and few applications are denied. Yet, past research has suggested that the registration process is often associated with decreased religious freedoms and increased religious discrimination.

In the following report we explore this relationship in greater detail. First, we review a few of the most prominent, well documented and frequently cited cases where registration practices have been associated with reduced religious freedoms and increased religious discrimination. This review will help to identify a few key areas where the registration process can contribute to the denial of freedoms for some or all religions. Second, using multiple data collections, we offer a descriptive overview of how the registration process is conducted around the globe today and recent trends in registration requirements. Finally, moving beyond the high profile cases, and using data for virtually all countries, we try to understand why the registration process is often associated with reduced religious freedoms and increased discrimination.

Registration as a Tool for Discrimination

Because the registration process is often the gatekeeper for religious groups securing a legal entity status, and because obtaining this status is often essential for the operation of religious organizations, many religious freedom controversies have centered on registration issues. Indeed, a series of recent historical events have highlighted how the registration process can be entangled in debates over religious freedoms and the treatment of minority religions. In her 2005 annual report, Asma Jahangir, the United Nations' Special Rapporteur on Freedom of Religion and Belief, stated that "registration appeared often to be used as a means to limit the right of freedom of religion or belief of members of certain religious communities (p. 17)." She continued to offer similar assessments in reports that followed (Special Rapporteur on Freedom of Religion or Belief 2011). Below we review a few of these prominent cases in an effort to

better identify how and why religious registration is often associated with controversies over religious freedoms and discrimination.

Russia

Russia offers an example of how the registration process can be used to curb or attempt to eliminate the activities of select religions. In 1990, after Russia abandoned the official Soviet ideology of scientific atheism and passed legislation guaranteeing that all religions were equal before the law, the door was opened for a host of new religious groups, including a flood of evangelical and Pentecostal Christian groups. Even the oft-persecuted Jehovah's Witnesses were permitted entry. Receiving an official legal registration on March 27, 1991, the Witnesses held a series of conventions throughout Russia and neighboring areas, reporting a total attendance of 74,000.¹ But as the new groups' audience and membership rapidly grew, support for allowing virtually all religious groups to register began to wane (Shterin and Richardson 2000; Wanner 2004; Froese 2008).²

In 1997, the Russian Parliament passed a complex and ambiguous law "On Freedom of Conscience and Associations" by a vote of 358 to 6. Religious groups were now divided into traditional religious organizations (*religioznaia organizatsiia*) and non-traditional religious groups (*religioznaia gruppy*), with the non-traditional groups receiving far fewer legal privileges and facing the requirement to undergo an annual registration.³ Along with being cumbersome and time-consuming, this registration procedure proved highly restrictive. The requirement that groups must exist in a community for 15 years before they can qualify for registration quickly disqualified the rapidly growing new groups. Plus, many regional authorities within Russia passed even harsher legislation against the "new" sects and stricter requirements for registration (Wanner 2004; Froese 2008). The unregistered groups were denied the rights to open a bank account, own property, issue invitations to foreign guests, publish literature, receive tax benefits, and faced restrictions on where worship services could be held. Even after receiving approval, the non-traditional groups were granted few privileges beyond conducting religious rites and religious education on the property designated for their group (Fagan 2013).

When a 1999 amendment to the 1997 law required all groups to reregister or be dissolved, the Ministry to Justice dissolved approximately 980 groups by May 2002.⁴ Following the 1997 law and the 1999 amendment, Muslims, Jehovah's Witnesses, the Salvation Army, the Church of Scientology, Seventh-day Adventists, the Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostal and Catholic monastic orders all faced extensive challenges, with

¹ For an historical account as reviewed by the Jehovah's Witnesses, see <http://www.jw-media.org/rights/russia.htm>.

² For evidence on the growing interest in religion during the early 1990s see Greeley (1994); Greeley (2002).

³ Wanner (2004: 738) and Fagan (2013) report that legal privileges limited to the traditional organizations included the ability to distribute literature, run radio and television programs, host foreign guests and conduct services in alternative locations such as hospitals and prisons.

⁴ The Ministry of Justice claimed that all dissolved groups were defunct, but members of the groups claimed otherwise in the *International Religious Freedom Report 2006*.

several requiring court action to avoid “liquidation.” Even a successful re-registration, however, was no guarantee that it would not be revoked in selected locations. After multiple attempts, the Jehovah Witnesses were re-registered, but in 2004 the Golovinskiy Intermunicipal District Court in Moscow found Jehovah’s Witnesses a “threat to society” and revoked its registration. Not only did this ban their activities in Moscow, it also resulted in landlords across Russia revoking rental agreements with Witnesses.

The European Convention on Human Rights (ECHR) would rule in 2010 that dissolving the Jehovah's Witnesses’ Moscow congregation was illegal and that the 15-year requirement to qualify for registration violated the ECHR provisions on the freedoms of religion and association.⁵ As of 2013, however, the Russian government had failed to comply with the ECHR ruling and the 15-year requirement remained.⁶

France

Whereas Russia used the requirement of registration as a tool for curbing the activities of targeted groups, the registration process is voluntary in France. Yet groups that fail to register do not qualify for tax-exempt status and they do not hold official recognition of the state. Indeed, it is difficult for groups to operate without being registered because they are not allowed to use or rent public buildings, open checking accounts, put articles in a newspaper to publicize events or complete many other routine organizational activities.

The government offers two main options for registering with the local prefecture. The first is used by a wide range of cultural associations (e.g., music, sports, etc.) and is not tax exempt. The second option is tax exempt and is strictly for worship and spiritual instruction. Religious groups have the option of applying for both of these options, and frequently do. But even with these recognitions, religious organizations are limited in the activities they can openly sponsor. A third registration option, *utilité publique*, allows religious groups to engage in humanitarian aid.⁷ This option, however, is far more difficult to receive and most religious groups do not hold this status.⁸ Once again, because registration is so essential for religious groups, it has become a source of tension between religious groups and the state.

The recent history of France is filled with debates over which religious groups should be allowed to register or even exist (Kuru 2009; Palmer 2011). After members of the religious group Order of the Solar Temple committed mass suicide in 1994, strong anti-cult movements arose within France. The National Assembly quickly appointed a commission headed by Alain Gest to address the perceived dangers. The Gest Commission’s 1995 report failed to offer a

⁵ See the *International Religious Freedom Report, 2010* on Russia for more details:
<http://www.state.gov/j/drl/rls/irf/2010/148977.htm>

⁶ *International Religious Freedom Report, 2013*
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁷ The *International Religious Freedom Report 2013*
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁸ Although vague about the registration status being discussed, the 2005 *International Religious Freedom Report* on France stated that the Ministry of the Interior reported that only 109 of 1,138 Protestant associations, 15 of 147 Jewish associations, and approximately 30 of 1,050 Muslim associations were granted this status in 2005.

definition for sects, but they were clear about the 173 sects they considered dangerous. The list included the third largest Christian group in France – Jehovah’s Witnesses – as well as Soka Gakkai, Scientologists and multiple evangelical, Adventist, and Pentecostal groups (Gest and Guyard 1995). Although the criteria for defining dangerous sects remained vague, and the official use of the list of 173 groups was eventually dropped, the desire to regulate them remained. Indeed, the 2001 About-Picard law placed increased restrictions on “cult-like movements” and eased the government process for dissolving such groups (Duvert 2004; Jahangir 2007). While France simplified the registration process in 2010, the laws and rulings related to registration continue to change frequently.

Along with the vague and frequently changing standards for what constitutes an appropriate religion, the process for approval also contributes uncertainties for religions registering. Approvals for registration are conducted by a local prefecture and the local officers have substantial discretion in who is approved. The 2001 *International Religious Freedom Report* on France stated bluntly that “[l]ocal authorities often determine the treatment of religious minorities.” When the About-Picard Bill was about to be passed in 2001, reports surfaced that evangelical clergy were “afraid to speak up” and succumbed to the perceived threat of local government action and public pressure (Witham 2001, p. 21). Moreover, if the local prefecture concludes that a properly registered group is no longer meeting the registration requirements, the religious organization is required to pay taxes both on past and future donations at a rate of 60 percent.⁹ The threat of local prefectures violating religious freedoms was recognized by the U.N.’s Special Rapporteur on Freedom of Religion. In her 2007 report, Asma Jahangir called for the state to be more vigilant in monitoring state sponsored agencies and activities that threatened to violate religious freedoms (Jahangir 2007).

The case of France illustrates that even when registration is not a formal requirement it can be a practical necessity and can remain a powerful influence on how and if groups can operate.

China

In China the registration process is clearly used as a mechanism for government control. As reviewed in detail by Fenggang Yang (2006, p. 97), the relationships religions hold with the government roughly fall into three categories: the five patriotic association groups *officially registered* with the government (red market), the underground religious groups *officially banned* by the government (black market), and a large group of religious organizations and practices with an *ambiguous legal status* (gray market). The officially registered groups are granted government approval and the freedom of public worship, but they face sharply increased government regulations and monitoring. In contrast, the unregistered groups avoid the restrictions of the registration process, but they incur the costs of concealing their activities if

⁹ See the France report in the 2013 *International Religious Freedom Reports* 2013 for more details: <http://www.state.gov/j/drl/rls/irf/2013religiousfreedom/index.htm#wrapper>.

officially banned or operating without any legal recognition if they fall into the ambiguous gray market.

The five patriotic association groups approved by the government are required to register with multiple state agencies.¹⁰ Once registered, they must continue to meet requirements and gain approvals. For example, religious leaders must meet the approval of the state's local Religion Affairs Bureau, must be open to inspections and the organization is required to demonstrate support for the Communist Party. A common method for demonstrating support is the holding of meetings to study state policies and regulations and laws. One of the frequently stressed policies is known as the "three fixes:" registered groups must worship in a fixed place; have a fixed and approved leadership; and, conduct ministry in a fixed location. Each of these "fixes" allows the state to monitor the groups more closely and prevents them from evangelizing across administrative borders. The content of the teachings also monitored, with a Protestant pastor reporting that the "Religious Affairs Bureau has given me hints against preaching or teaching on topics like the doomsday, the final judgment, and the creation of the world (Huang & Yang 2005, p. 51)." However, the level of monitoring and the tolerance for policy violations varies by the demands of the local Religious Affairs Bureau and by religious tension at the national level. Sometimes, local officials overlook violations and conduct little monitoring; other times, the regulations of the state are strictly enforced.

In sharp contrast to registered groups being confined to fixed locations, the unregistered groups are frequently moving even when they are not banned by the state. Seldom permitted to own or rent property and often attempting to avoid the attention of the state, many are forced to relocate on a regular basis. Moreover, charity groups affiliated with these groups are not allowed to raise funds, hire employees, open bank accounts or own property.¹¹ Once again, the levels of restrictions placed on these groups and the state's attempts to curb their activities vary over time and by location. Some unregistered groups are openly tolerated or even tacitly approved by local authorities; others are forcibly shut down. All of the groups, however, know that tolerance is tentative.

Azerbaijan

Azerbaijan is one of several former members of the Soviet Union that holds high registration requirements for religions. Despite constitutional promises that "[a]ll religions are equal before the law" and assurances from President Ilham Aliyev in 2012 that "[f]reedom of religion, freedom of conscience have been fully established in Azerbaijan," the registration process has proven far more restrictive for groups defined as non-traditional.¹² *International*

¹⁰ Based on private correspondence with Dr. Fenggang Yang, the patriotic association groups are required to register with the Religious Affairs Bureau, the Civil Affairs Bureau, and perhaps the Bureau of Economics or Commerce.

¹¹ See the China report in the 2013 *International Religious Freedom Reports*:
<http://www.state.gov/j/drl/rls/irf/2013religiousfreedom/index.htm#wrapper>

¹² For a review of the Azerbaijan constitutional articles on religion, go to the ARDA.com:
http://www.thearda.com/internationalData/countries/Country_16_6.asp

Religious Freedom Reports, Forum 18 News Service, Human Rights without Frontiers and other human rights organizations have documented a long list of religious groups that have been denied registration. “Non-traditional Muslims,” Shia Muslims and groups considered foreign, such as the Baptists, Jehovah’s Witnesses, Baha’i, and Seventh-day Adventists, face the most resistance; but even Muslim groups that are members of the state-backed Caucasian Muslim Board have had their registrations revoked.

Administered by the State Committee on Work with Religious Associations (SCWRA), the registration process uses many avenues for blocking and revoking registrations. Because the requirements are complex, vague and sometimes contradictory, the SCWRA has broad discretion in how the standards are applied.¹³ When the European Court of Human Rights ruled on the case of *Islam-Itihad Association v. Azerbaijan* on Nov. 13, 2014, it noted that the “lack of any definition of the term ‘religious activity’ made it impossible for the applicants to foresee what constituted ‘religious activity’.” The ruling further noted that “domestic authorities were thus given an unlimited discretionary power in that sphere.”¹⁴ When this administrative discretion is combined with a Law on Religious Freedom that has been amended 14 times between 1992 and 2014, there are few clear standards for how registration can be ensured.

Along with being complex, vague and ever-changing, the registration process requires ongoing approval at multiple levels and for multiple activities. Each congregation must be approved both at the local level and the state level. Moreover, Muslim groups must be approved by the Caucasus Muslim Board (CMB) before they can attempt registering with the SCWRA.¹⁵ Despite an official requirement that applications are acted on in 90 days, the approval process is often a lengthy one, with several groups reporting that their applications are either not accepted or are intentionally delayed. Even when approved, groups continue to face an ongoing scrutiny for retaining approval. For Muslim groups, their clerics must also be approved by the CMB and their worship is periodically monitored. But all groups must be cautious about the activities they support, the publications used and the contacts they hold with groups outside of Azerbaijan. When registrations are revoked, the groups are forced to disband and in some cases their worship centers are demolished.¹⁶

Although the registration decisions of the SCWRA can be appealed to the state’s courts, success has been limited. Wary of corruption in the court system and fearing that it will result in increased attention from police, most groups avoid this option even when registration has been unjustly denied. Indeed, the SCWRA often turns to the local courts to suspend a religious

President Ilham Aliyev’s quote is taken from Forum 18’s April 17, 2012 report “Azerbaijan: Religious Freedom Survey”: http://www.forum18.org/archive.php?article_id=1690

¹³ See the series of articles in *Human Rights without Frontiers*, 2009 http://www.hrwf.net/index.php?option=com_content&view=article&id=179:news-2009&catid=38:freedom-of-religion-and-belief&Itemid=90

¹⁴ European Court of Human Rights, *Case of Islam-Itihad Association v. Azerbaijan*, November 13, 2014, [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147866#{"itemid":\["001-147866"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147866#{"itemid":["001-147866"])

¹⁵ See the Azerbaijan report in the 2013 *International Religious Freedom Reports*: <http://www.state.gov/documents/organization/222403.pdf>

¹⁶ Forum 18 offers a long list of examples: <http://www.forum18.org/archive.php?country=23>.

group's activities. Even when groups are successful in their court appeals, it often comes at a great cost and offers few assurances of sustained protections. For example, the Islam-Itihad Association's victory in the European Court of Human Rights mentioned above took 11 years. This is how, in Azerbaijan, the registration process denies some groups the legal right to exist and serves to control and monitor the activities of all others.

Registration and Denying Freedoms

These high profile cases identify several ways that the registration process can be used for denying freedoms. The first and most obvious is that registration can be limited to only select groups, denying or restricting the legal entity status of all others. Second, the criteria used for groups obtaining legal status are often complex, vague and ill-defined, granting the bureaus and agencies registering religions broad discretionary powers. This allows state agencies to effectively block select religious groups or greatly inhibit their ability to survive. Third, the approvals for registrations are often granted by local authorities who are swayed by the social and religious pressures of their local area. Indeed, some legal scholars have concluded that local administrative action, rather than national legislation, often is the greater deterrent to religions meeting registration requirements (Podoprigora 2004). Fourth, the broad discretionary powers and local influences result in religious minorities facing far greater challenges in meeting registration requirements. This problem is sharply accentuated when there is a lack of legal recourse for the minorities (Finke, Martin and Fox 2013; Finke and Martin 2014). Fifth, though attention often is focused on how the lack of legal status punishes a group by restricting activities, it also hampers the group by withholding rewards. Whether they are financial incentives from tax breaks or the cultural legitimacy of being an approved religion, a lack of approval can deter the growth and survival of a group. Finally, though difficult to document with accuracy, critics frequently point to the suppressive effect that registration requirements can place on the religious freedoms of groups even when they are officially approved.

But the cases just reviewed are four of the most prominent and frequently cited cases on how religious registration can curtail freedoms. Questions still remain on how extensive these registration requirements are across the globe, if they are increasing, and how they are related to religious freedom more generally.

Patterns and Trends in Registration

Prior to 2000 there was no trusted data source with quantitative measures on religious freedom and religious registration. Since 2000, however, there has been a flurry of data collections on religious freedoms and a new body of research has begun to emerge. The three most significant and heavily used collections are the Religion and State Project at Bar Ilan University, the Pew Research Center and the Association of Religion Data Archives (www.theARDA.com) at Penn State University.

Although the collections vary in the information sources used and the specific topics measured, their religious freedom measures are highly correlated and have produced very similar results (See Grim and Finke 2011; Finke and Martin 2014). The Religion and State collection

offers the most detailed collection of measures and covers the widest span of time, with annual measures from 1990 to 2008. This collection was based on the coding of summary reports that used information from human rights reports, academic resources, as well as news media sources, primarily taken from the Lexis/Nexis database. The Pew Research Center collection also relied on a wide range of sources and conducted annual collections from 2007 to 2012. The Pew Research Center has written multiple reports on the data, but it has not been widely disseminated for further research. Finally, the ARDA collection relied entirely on information from the State Department's *International Religious Freedom Reports* conducted in 2001, 2003, 2005 and 2008. We will use each of these collections, both to offer a wider range of measures and to replicate findings when they measure the same topics.¹⁷

Table 1 offers a summary measure from each of the three collections. Although the wording of the responses and the years data were collected varied, they all asked if there was “no” registration process for the time period from 2005-2008. The level of agreement was very high. Each found that 18 to 21 percent made no formal requests for registration, with approximately 80 percent requesting registration.¹⁸ The remaining responses differed in how they were worded, yet some similarities still emerged. Whereas, the Religion and State collection initially appears to differ from the Pew collection on the percentage of countries that discriminate against unregistered groups (19 percent vs 30 percent), they are in remarkably close agreement on groups that might face adverse consequences from the registration process, such as the loss of status as a legal entity. When the final two response categories are added for each measure, they agree that religious groups might face adverse consequences in 46 to 49 percent of the countries.

The most consistent and dramatic findings of Table 1, however, are the increasing percentage of countries requesting groups to register and the increasing percentages openly discriminating against unregistered groups. The Religion and State collection found that governments discriminating against unregistered groups increased from 14 to 19 percent between 1990 and 2008. Between 2007 and 2012, the Pew Research Center reported an even more rapid increase. They found that whereas “the [registration] process clearly discriminates against some religions” in 30 percent of the countries in 2007, it jumped to 42 percent in 2012. Moving to the other end of the responses, it is equally clear that the number of countries with “no” registration requirement is falling sharply. Whereas the RAS collection found that 29 percent of the countries had no registration requirement in 1990, the Pew collection found that the percentage had dropped to 12 percent in 2012.

The requirements of the registration process also appear to be increasing. As shown in Table 2, the percentage of countries requiring the submission of doctrines, a minimum number of members, a waiting period, registering at two levels, and higher requirements for religious

¹⁷ For more information go to Fox (2008) for the Religion and State collection, the Pew Research Center (2014) for their collection, and Grim and Finke (2006; 2011) for the ARDA collection.

¹⁸ As illustrated earlier by the example of France, there is often a fine line between requiring and requesting groups to register. The Religion and State question used the word “requirement,” the Pew Research Center’s phrase was “ask groups to register for any reason.” This slight difference in wording might explain the slight difference (18 vs 21) in the percentage not requesting groups to register.

minorities all increased between 1990 and 2008. The table also shows that the majority of countries have a registration process that is different for religious groups than other non-profits and this percentage is increasing, from 53 to 60 percent. Finally, there is a sharp increase (from 19 to 27) in the percentage of countries where registration “is required but sometimes denied.”

Moving to Table 3 we can see how registration requirements vary by the global region and majority religion of a country. Nations that were members of the former Soviet Union and those in the Middle East/North Africa region stand out as areas where registration is far more frequently required, more frequently discriminates against select religions and where applications are more frequently denied. For each of these regions, about half of their members openly denied registrations compared to 30 percent and less for the remaining regions. None of the regions, however, were exempt from using registration to selectively target minority religions or religion more generally. For example, the Pew Research Center found that in 31 percent of the Western Democracy nations, the “registration process clearly discriminates against some religions.” This rate is far lower than the former Soviet members or the Middle East/North Africa region, but higher than Sub-Sahara Africa and Latin America. Likewise, the Religion and State project found that 52 percent of the nations in Western Democracies hold a requirement that “minority religions (as opposed to all religions) must register in order to be legal or receive special tax status.” Once again, this rate was far lower than the former Soviet members or the Middle East/North Africa region, but was higher than all remaining regions.

Given the regional patterns, it isn’t surprising that the Christian Orthodox and Muslim majority nations consistently hold the highest rates for denying registrations and using the registration process to discriminate against select religions. But once again, no group of nations was exempt from using registration to directly or indirectly discriminate against select religions. Whereas, only two percent of Catholic majority nations denied registration applications, compared to 46 and 49 percent for Orthodox and Muslim majority nations, the Pew Research Center found that the registration process still discriminates against some religions in 34 percent of Catholic majority nations. The Religion and State collection found that 52 percent of Catholic majority nations had distinctive registration requirements for minority religions.¹⁹ Clearly, the regional location and the majority religion in a nation has a strong relationship with the use of the registration process for targeting select religions and limiting their freedoms, but they are neither necessary nor sufficient for explaining how the registration process is used. To better understand why registration is often associated with fewer freedoms and open religious discrimination, we turn to measures and models used to explain religious freedoms more generally.

¹⁹ Hungary offers an extreme example of a Catholic majority nation where the registration process has been used to strip legal rights from minority religions. A law that took effect on Jan. 1, 2012 deregistered more than 350 groups and recognized 14 groups. The deregistered groups could apply for registration, but the requirements included “at least 100 years of international operation or 20 years of operation in the country; at least 1,000 signatures” and a long list of other requirements. As of 2013, several cases related to this law are pending in the European Court of Human Rights. See the *International Religious Freedom Report 2012 and 2013*.

We build on past models that explore religious freedoms in two ways. First, we add a measure of religious registration requirements to the models. These requirements have been a source of conflict between religions and the state and they are often associated with discrimination against religions; but are they associated with reduced religious freedoms when all things are considered? Second, we use new analytical tools, between-within logistic models, which allow us to test for proposed relationships between countries and for changes within countries over three points in time. This allows us to offer a rigorous test of the proposed relationship between religious registration and religious freedoms, as well as replicate previous research with a new analytical technique.

Exploring the Relationships

A large body of research has found a strong relationship between democracy and support for human rights (e.g., Davenport and Armstrong 2004; Poe, Tate and Keith 1999; Poe and Tate 1994). And, as shown in Table 3, there are fewer registration requirements and the requirements are less discriminatory in regions of the globe where democracies are more prevalent. Yet, attributing freedoms to democracy offers few insights into what contributes to the support and promotion of human rights. Moving beyond a summary measure, recent research has relied on more precise measures of democracy and governance, such as free elections and an independent judiciary. Both free elections and an independent judiciary have been associated with higher levels of religious freedoms, but the independent judiciary has proven especially important for religious minorities and their clergy, where the majority rule of the ballot box is less helpful (Finke, Martin and Fox 2013). Another measure of governance has been government effectiveness. This measure moves beyond the state's intent and attempts to gauge the state's ability to protect freedoms or enforce regulations (Buckley and Mantilla 2013).

A second set of predictors draws on religious economy arguments to propose that the relationship between religion and state, as well as the larger cultural and social pressures, can result in reduced religious freedoms (Grim and Finke 2011; Finke and Martin 2014). When governments support an "established" religion or favor one religion over others, these arguments suggest that religious freedoms of the non-established religions will be reduced. As illustrated in the case studies reviewed earlier, the established religions are granted favors and freedoms not given to other religions. In short, a favored relationship with one religion tends to erode the freedoms of other religions.

The religious economy arguments also suggest that cultural and social pressures can have both a direct and indirect relationship with religious freedoms. The direct pressures are felt most forcefully through interactions at the local level, from interpersonal relations to business transactions to local social movements (Gurrentz and Finke 2014). But cultural and social pressures also can have an indirect relationship by influencing government actions. These pressures influence both the laws and policies that are enacted and how they are enforced. As noted in the case studies, social pressures can influence how local authorities interpret and enforce legislation on religion, including registration requirements. Once again, the most

frequent targets are minority religions. Because they represent unwanted competition both for the dominant religion and the state, minority religions are often the first to lose religious freedoms.

Finally, previous models explaining religious freedoms have pointed to other cultural, historical and economic measures that should be considered. Past research has consistently shown that Muslim-majority countries place more restrictions on religious practice (Fox 2008; Grim and Finke 2011). Previous work also suggests that current and former communist countries hold lower levels of religious freedom, because religion is viewed as offering a competing ideology or simply failing to provide allegiance to the state (Finke and Martin 2014). In addition, we will control for economic measures often associated with support for human rights. Together the measures assembled for these models will offer a rigorous test of the potential influence religious registration requirements on reducing religious freedoms.

Testing the Models

The models are tested using data from the 155 countries with a population greater than 500,000 and will rely on measures for each country from three points in time: 2003, 2005, and 2008. Using the measures from all three collection periods offers two important advantages for our analysis. First, it provides more measurement points, resulting in 408 individual observations clustered by each country. This allows us to use a mean value for each country that is based on measurements from three points in time. Second, having the same measures at three points in time allows us to use longitudinal models. This permits us to assess changes over time for particular measures within countries, in addition to the comparisons between countries. We will use longitudinal models that incorporate both the clustered data that test for relationships between countries as well as data at multiple time points that test for relationships within a country due to over time changes.

Most previous analysis of religious freedoms has chosen between random effect models, where the clustered data for each country has a single value, or fixed effects, which provides an exploration of the within-country changes over several time points. We will conduct our analysis using both the traditional random effects model and a recently developed hybrid model that combines both random and fixed effects. This model, often referred to as a between-within model (Allison 2009, 2014; Sjolander et al. 2013), combines random and fixed effects models by addressing both within-country changes that occur over time (equivalent to a fixed effects approach), and between-country effects based on the mean value for each country cluster (equivalent to a random effects approach). Further, this approach is beneficial in that it allows us to include time-constant measures that cannot be included in traditional fixed-effects models and allows us to test the differences in the between- and within-country effects on religious freedoms (Allison 2009; Neuhaus and Kalbfleisch 1998).²⁰ When our test for equality finds that the

²⁰ For each of the models using the between-within hybrid model, we tested the equality of the coefficients from the within-country effects (deviation from the mean) and between-country effects (the mean value for each country cluster). Using a Wald test in Stata 13, we are able to test whether there is a significant difference between the two effects, and if there is, then we include both the within country and between country effects in our model. If the effects are not significantly different, then we can conclude there is no inherent reason to include the within country

coefficients for the between and within effects are significantly different, we report coefficients for both. However, even when the between and within coefficients are significantly different, they might fail to hold a significant relationship with the dependent variable (religious freedom). When the coefficients for the between and within effects are not significantly different, we only report coefficients that are calculated as an average of each country cluster (408 observations). Due to the binary nature of our dependent variables, we rely on the logistic regression between-within models (Allison 2009; Long 1997).

The measures used in the models are taken from a wide range of data sources, with many of the measures drawn from the ARDA and the Religion and State collections reviewed earlier. Our two dependent variables are drawn from the ARDA collections. The first is a general measure of whether a country protects religious freedoms and is recoded into a dichotomous variable, where “0” represents a country that protects religious freedom at all levels, and “1” for a country that only protects at some levels or does not protect at all. The second measure addresses a more specific religious freedom and asks “does the government interfere with an individual’s right to worship.”²¹ The three possible responses were collapsed into two categories: a “0” if there was no interference or a “1” if there was some or severe interference. Rather than focusing on the government’s actions in protecting religious freedom, this measure focuses on the government’s actual interference in religion. Hence, the first is a measure of the state as a protectorate of religious freedom and the second is a measure of the state violating a specific religious freedom.

For the governance measures we rely on the Cingranelli-Richards (CIRI) Human Rights Data project (2010) for an indicator of judicial independence, with a “1” designating that the judicial system is generally independent from external control or influence by other branches of government or the military and a “0” when it is not. The CIRI project also offered a measure on free elections, with a “1” indicating that a country generally had free and open elections. Finally, the government effectiveness index was developed by Kaufmann et al. (2010) and is one of the World Bank’s Worldwide Governance Indicators (2014). The index ranges from -2.450 (weak) to 2.430 (strong), measuring the perceptions of the government’s quality of public and civil service and the government’s commitment to implementing its policies. Further, this index represents a collection of various concepts and measures for calculation (See Kaufmann et al. 2010 for details).

The measures for government favoritism of select religion(s) and social and cultural pressures restricting religions are taken from the ARDA collection. The Government Favoritism Index (GFI) is composed of five measures of government favoritism and ranges from 0 to 10,

coefficient (Allison 2009; Neuhaus and Kalbfleisch 1998). After doing the Wald test for equality, we re-ran the models only including the within country and between country effect if both parts were significantly different from each other.

²¹ We used the individual measures of government regulations and interference, rather than the larger Government Restrictions Index (GRI), because it allows us to understand the specific conditions or situations where religious registration requirements might have a lesser or greater impact. In analysis not shown, we found that the results for the GRI were similar to those we found when using the single summary measure for the government protecting religious freedom reviewed above.

where 10 represents a country with the highest level of favoritism. The measures include explicit endorsements or direct funding from the state as well as favored treatments in state institutions, such as how religion is presented or taught in schools. The Social Restrictions Index (SRI) captures multiple dimensions of societal and cultural pressures on religious belief and practice.²² Like GRI, the SRI is composed of five indicators and ranges from 0 to 10. These measures touch on resistance of clerics and the society more generally toward new or nontraditional religions.

The remaining measures rely on the data sources used in previous research. A measure for a nation being a current or recent communist nation is derived from the InfoPlease collection (2011) and is a time constant measure, where “0” represents a country that has never been a communist nation and “1” where the country is or was a communist nation. The proportion of the population that is Muslim is also measured as a time invariant variable and is based on the 2005 adherence estimate given in the World Christian Database (2005). Finally, the gross national income measure is the log of each country’s gross national income per capita in constant 2005 United States dollars as reported by the World Bank for 2003, 2005, and 2008 (2015). See Table 4 for a complete list of descriptive statistics and brief descriptions of our independent and dependent variables.

For each of our two dependent variables, we present our results in two stages. First using the average value for each country cluster we present a traditional random effects model. This allows us to explore the variation in differences across countries, while ignoring possible changes within countries over time. Next, we use the hybrid model to explore both the effects of differences across countries as well as the effects of significant changes within a country over time. Overall, we find that religious registration is not a significant predictor of our summary measure on government’s protection of religious freedoms, but it is a significant predictor of the government interfering with an individual’s right to worship. Below we address these results in detail, while exploring other predictors of these two measures

Predicting a Government’s Protection of Religious Freedoms

Table 5 offers two models predicting government protection of religious freedom. In the first model, our random effects model, four country level characteristics emerge as significant predictors: government favoritism, social regulation, current or previous communist government, and the presence of free and open elections.²³ But the measure of religious registration was not significant in either the traditional random effects model or the between-within model. As expected, our measures for government favoritism and social regulation were strong predictors of reduced protections for religious freedom. Also consistent with our predictions and past research, our measure for current and former communist countries was a significant predictor, with current or former communist countries having an 82.7 percent higher odds of the

²² The SRI utilized in this paper is a modification of the index of the same name described by Grim and Finke (2006). The construction of the modified SRI is detailed in the reviewers’ appendix.

²³ These results are largely consistent with previous research by Finke and Martin (2014). The most important difference is that the measure for the independent judiciary was not significant.

government not protecting religious freedoms at all levels. Finally, free and open elections are a significant predictor of increased protection.

The second model in Table 5, the between-within logistic model, allows us to observe both comparisons between-countries (similar to model 1) and within-country changes over time. Similar to model 1, the government favoritism, social regulation, free and open elections, and a current or former communist government are all significant predictors, when we are explaining differences between countries. As reviewed above, the coefficients for within-country changes are only shown when the between- and within-country coefficients are significantly different. Using our test of coefficient equality, we find a significant difference for social regulation, free and open elections, and government effectiveness; therefore we include the between and within coefficient for each of these measures in the second model. Despite the significant differences between the coefficients, however, only a change in government effectiveness over time resulted in a significant improvement in the odds of a government protecting religious freedoms. In other words, as a country's level of government effectiveness (quality of public service, commitment to implementing policies, etc.) increases, the odds that the country protects religious freedoms at all levels also increases.

In brief, Table 5 largely replicates past research findings: country level measures for governance and relations between religion and state are significant predictors of government support for religious freedom. The measure for religious registration was in the expected direction, but was not a significant predictor of a government protecting religious freedoms at all levels. When we turn to our measure on the government interfering with the practice of religion, however, the influence of registration is clearly evident.

Predicting a Government's Interference with an Individual's Right to Worship

Whereas Table 5 relied on a summary measure on "government protection for religious freedom," Table 6 turns to a measure on the state's interference with one of the most basic and valued religious freedoms: the individual's right to worship. Once again, we present the results in two models. The first allows for comparison with past random effects models and the second introduces our between-within logistic model.

Although the results of Tables 5 and 6 are similar in most areas, there is a striking difference in the results for the religious registration measure. This measure is now a significant and strong predictor for both models when explaining between country differences. In countries requiring religious organizations to register for any reason, the odds of having a government interfere with an individual's right to worship is 196 percent higher than in countries without a registration requirement. A result that is consistent with the case studies discussed above, where the inclusion of registration requirements often restricted practice and in some cases disbanded religious organizations from legally practicing.

Moving beyond the registration measure, the results are similar to previous findings. Government favoritism, social regulation and the presence of free and open elections are again significant predictors, with government favoritism and social regulation increasing the odds of

governments interfering with the right to worship and free elections reducing the odds. Once again, the test of equality for the between-country and within-country effects are significantly different for social regulation and free and open elections, though government effectiveness was not. The effect of changes in social regulation over time also was a significant predictor of a government's odds of interfering with religious worship. As a country's level of social regulation increases over time, the odds of the government interfering with religious worship also increased.

Taken as a whole, Tables 5 and 6 find that the measure for religious registration is a significant predictor of the government interfering with the right to religious worship, but falls short of significance when predicting the more general measure of the government protecting religious freedom. As expected from past research, government favoritism, social regulation and the presence of free and open elections were consistently strong predictors. Surprisingly, our measure for an independent judiciary was never significant and our measure for countries with a current or former communist government was only significant when predicting the government's support for religious freedom. Finally, when predicting the odds of government protection and interference, we only found two significant "within-country" coefficients: government effectiveness in Table 5 and social regulation in Table 6. One obvious explanation for the lack of significant over time relationships is the limited number of time points (three) and short time span (five years). Because government change is often slow and infrequent, more over time relationships might be found if the number of time points and span of time was increased.

Conclusions

Relying on reviews of four nations and three global collections, this report has tried to understand how the religious registration process is used by governments and why it is often associated with reduced religious freedoms. To offer a closer inspection on how the process might be related to fewer freedoms, we selected four countries where religious registration has been a source of recent debate and controversy. To provide a global review, we turned to three cross-national collections that included multiple measures on the requirements and consequences of religious registration. These global collections allowed us to offer a descriptive overview of how the process is used as well as chart trends on the use of religious registration from 1990 to 2012. Finally, our multivariate statistical models helped explain where and how religious registration is being used.

The four countries selected for closer review had different majority religions and came from multiple regions of the globe; yet, they often shared similarities in how the registration process served to restrict religious freedoms of select religions. We found that for these nations the registration requirements were often complex, vague and ill-defined and were typically designed to control the activities of targeted groups. We also found that the registration requirements were frequently administered by local officials with broad discretionary powers who faced both the formal authority of the national bureaucracy and the informal pressures of the local community. When the broad discretionary powers were combined with the vague standards

and the strong pressures to control select groups, minority religions consistently paid the highest costs for registration requirements. Often losing their legal entity status, they faced the increased costs of concealment and lost all legal privileges to operate as organizations. Plus, they were denied the rewards given to the registered religions: tax exemptions, subsidies and cultural legitimacy. Even when minority religions were registered, however, they often faced increased monitoring, more frequent registration reviews and some were given a lower level of registration with fewer privileges. For each of these countries the heaviest burden fell on the minority religions, yet we also found that the registration requirements resulted in increased restrictions for all religions.

Turning to the global collections, we found that registration requirements for religions increased sharply from 1990 to 2012. Whereas 71 percent of all the nations asked or encouraged groups to register in 1990, the number rose to 88 percent in 2012. Along with an increase in the use of religious registration, we found that there was a consistent increase in the requirements for registering. The Religion and State collection offered five measures on common requirements for measurement and all of them increased during the 1990 to 2008 collection period

This increase in the use of religious registration was accompanied by an increase in the discrimination shown against religions. Once again, the minority religions were the most frequent targets. All three collections found that the registration process is frequently discriminatory toward select religions. The Religion and State and the Pew Research Center collections also documented the increase in discrimination. Pew's measure on the process clearly discriminating against some religions jumped from 30 percent of the countries in 2007 to 42 percent in 2012.

Our quick overview of regional differences and differences by the majority religion in the country found some clear patterns. Former members of the USSR and the Middle East/North Africa region were the country groups most likely to deny registrations and to use the registration process to discriminate against some religions. When organized by the nations' majority religion, Muslims and Orthodox Christians held the highest rates. But none of the country groups were exempt from using the registration process to discriminate.

Finally, our statistical models found that when explaining differences between countries, religious registration is a significant predictor of the government interfering with the right to religious worship even when we enter a series of controls for state governance, religion and state relations and other measures used in past research. When predicting the more general measure of the government protecting religious freedom, however, the measure for registration was not a significant predictor. These differences in findings might occur for a couple reasons. First, one is measuring government support and the other is measuring interference. Although seemingly related, even when governments are providing support for freedoms in one area they can be interfering with freedoms in another. Second, the government support measure relies more on the formal measures of support. But formal support is often deceiving. Recent data collections have shown that constitutional promises of religious freedoms are often given even when there are significant and consistent violations of these promises.

The case studies and the analysis of quantitative data both demonstrate that the relationship between religious registration and religious freedom is a complex one. A state requiring religions to register is often as benign as it seems. But the registration process also can be used as a tool for targeting select religions or controlling all religions. Based on the quantitative analysis, some of the most valued rights of individuals, such as the freedom to worship, are often threatened by religious registration.

Table 1. Level of Registration for Religious Groups, 1990-2012

Religion and State	1990	2008
<i>Impact of registration</i>	N=	N=
No registration requirement.	29%	21%
Registration is not required, but is allowed or encouraged and may include benefits	34%	33%
Officially required to register. Unregistered are not restricted, but may be denied status as a legal entity.	24%	27%
Government enforces registration requirements and discriminates against unregistered groups	14%	19%
Pew Research Center	2007	2012
<i>Ask groups to register for any reason, including tax benefits</i>	N=	N=
No	18%	12%
Yes, but in nondiscriminatory way	34%	34%
Yes, and adversely affects some religions	19%	13%
Yes, and the process clearly discriminates against some religions	30%	42%
ARDA	2005	
<i>. . . does the Government require religions to register for any reason?</i>	N=	
No	18%	
Yes, but in a nondiscriminatory way	44%	
Yes, in a discriminatory way	37%	

Footnote on sources

Table 2. Requirements and Actions of the Registration Process, 1990 and 2008

Religion and State	1990	2008
<i>The registration process requires. . .</i>		
the submission of the religion's doctrine	14%	18%
a minimum number of community members	17%	30%
a waiting period, or religions must be present in a country for a certain amount of time	7%	9%
groups to register both nationally and locally in order to operate legally	4%	8%
minority religions (as opposed to all religions) to register in order to be legal or receive special tax status	39%	46%
<i>The registration process for religions is. . .</i>		
a multiple-tiered registration system with different tiers getting different rights and privileges	7%	9%
in some manner different from the registration process for other non-profit organizations	53%	60%
required but sometimes denied	19%	27%

Table 3. Measures of Religious Registration by Global Regions and Majority Religion

	Global Region						Majority Religion					
	Global Region						Christian					
	West. Dem.	Former USSR	Asia	Mid East & N Afr	Sub-Sah Africa	Latin Am.	Catholic	Orthodox	Other Chris.	Chris Total	Muslim	Other Relig.
Religion and State, 2008												
The registration process is required but sometimes denied	0%	46%	28%	50%	20%	30%	2%	46%	12%	15%	49%	31%
Minority religions (as opposed to all religions) must register in order to be legal or receive special tax status	52%	75%	21%	70%	30%	48%	52%	85%	37%	50%	47%	34%
The registration process for religions is in some manner different from the registration process for other non-profit organizations	56%	89%	38%	50%	57%	70%	68%	92%	56%	66%	40%	69%
Government enforces registration requirements and discriminates against unregistered groups	4%	39%	28%	25%	17%	19%	5%	54%	7%	12%	26%	31%
Pew Research Center, 2012												
Registration process clearly discriminates against some religions	31%	82%	50%	60%	20%	30%	34%	69%	32%	38%	48%	48%
Government has an established organization to regulate religion	35%	82%	75%	95%	39%	37%	46%	77%	29%	43%	87%	58%

Table 4. Descriptive Statistics of Dependent and Independent Variables

Variables	Obs.	Mean	Std. Dev.	Min	Max	Description
Require Registration	483	0.522	0.500	0	1	Country requires registration (0=no, 1=yes)
Discriminate During Registration	483	0.335	0.473	0	1	Country discriminates during registration (0=no, 1=yes)
Gov. Protects Religious Freedoms	493	0.460	0.499	0	1	Gov. Protects religious freedom (0=protects at all levels, 1=protects at some levels or not at all)
Gov. Interferes with Right to Worship	493	0.509	0.500	0	1	Gov. interferes right to worship (0=does not interfere, 1=at least sometimes interferes)
Government Favoritism Index	493	4.850	2.984	0	10	Gov. favoritism of religion (lower means less favoritism)
Social Regulation Index	493	4.208	3.326	0	10	Social Regulation of religion (lower means less regulation)
Communist Country	501	0.269	0.444	0	1	Country is/was communist (0=never a communist nation, 1=communist nation)
Free and Open Elections	477	0.390	0.488	0	1	Free and open elections (0=no or partially free and open elections, 1=generally free and open elections)
Independent Judiciary	477	0.294	0.456	0	1	Independent Judiciary (0=within independent judicial system, 1=judicial system is generally separate)
Government Effectiveness	495	-0.119	1.011	-2.450	2.430	Index of Government Effectiveness (lower means less effective)
Log GNI Per Capita	473	3.808	0.551	2.415	4.974	Log of GNI Per Capita in each country in 2005 constant U.S. dollars
Muslim Proportion	483	0.265	0.358	0.000	0.991	Estimate proportion of Muslims in each country
Year	501	2005.333	2.057	2003	2008	Year measured (2003, 2005, 2008)

Table 5. Logistic Models Predicting Government Protection of Religious Freedoms

	Random Effects Model		Between-Within Model	
	OR	Robust SE	OR	Robust SE
Presence of Registration Requirements	1.691	0.384	1.477	0.372
Government Favoritism Index	1.213***	0.056	1.181**	0.055
Social Regulation of Religion	1.355***	0.048		
Communist Government	1.827*	0.296	1.857*	0.315
Free and Open Elections	0.382*	0.376		
Independent Judiciary	1.114	0.402	1.161	0.439
Government Effectiveness Index	0.865	0.339		
Log Gross National Income	1.129	0.370	1.036	0.358
Proportion of Muslims	2.173	0.444	0.783	0.514
Within-Country Social Regulation			1.067	0.067
Between-Country Social Regulation			1.554***	0.072
Within-Country Free and Open Elections			1.086	0.461
Between-Country Free and Open Elections			0.101***	0.582
Within-Country Government Effectiveness			0.078**	0.962
Between-Country Government Effectiveness			1.195	0.337
Year	0.975	0.065	1.039	0.068
Constant	2.37E+20	130.448	1.12E-34	137.109
Pseudo R2	0.326		0.393	

Notes: Each model has 408 observations across three waves, resulting in 155 observation clusters. *p<.05; **p<.01; ***p<.001

Table 6. Logistic Models Predicting Government Interference in Religious Freedoms

	Random Effects Model		Between-Within Model	
	OR	Robust SE	OR	Robust SE
Presence of Registration Requirements	2.957**	0.420	2.528**	0.414
Government Favoritism Index	1.154**	0.051	1.148**	0.052
Social Regulation of Religion	1.372***	0.044		
Communist Government	1.774	0.344	1.673	0.362
Free and Open Elections	0.413*	0.356		
Independent Judiciary	1.237	0.445	1.572	0.486
Government Effectiveness Index	0.853	0.382	0.971	0.354
Log Gross National Income	1.225	0.469	1.311	0.460
Proportion of Muslims	2.556	0.568	1.154	0.590
Within-Country Social Regulation			1.182**	0.064
Between-Country Social Regulation			1.458***	0.058
Within-Country Free and Open Elections			1.225	0.467
Between-Country Free and Open Elections			0.099***	0.587
Year	0.770***	0.060	0.806***	0.064
Constant	2.24E+226***	119.155	1.40E+186***	128.269
Pseudo R2	0.334		0.375	

Notes: Each model has 408 observations across three waves, resulting in 155 observation clusters. *p<.05; **p<.01; ***p<.001

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