

Religion and State Constitutions Codebook

Jonathan Fox
May 24, 2012

I. Introduction

This codebook is intended to describe the codings produced by the religion and state project, round 2. This project coded all countries which in 2003 had a population of at least 250,000 and Western Democracies countries with lower populations. The general goal is to provide detailed codings on all religion clauses in constitutions. I extracted the religion clauses from all relevant constitutions and developed the codesheet based on these constitutions. I then coded all constitutions based on the codesheet.

Constitutions were located primarily from the following sources: the Religion and Law International Document Database,¹ the International Constitutional Law project,² the Political Database of the Americas,³ and the University of Richmond Constitution Finder.⁴ In most cases these databases provided English language translations of constitutions not written in English, usually academic or official government translations. Otherwise, I translated the constitutions using Google Translate. To test Google Translate's accuracy, I compared several constitutions for which translations were available to a translation of the original document by Google Translate. While the translations were never identical, none of the differences would have influenced the codings.

All codings discussed below are coded yearly from 1990 to 2002. In cases where earlier constitutions were unobtainable, the codings begin in the year for which the earliest available constitution was enacted. Also, if a state became independent after 1990, as did many of the former Soviet republics, the codings begin in the year they became independent. Cases in which there was no active constitution due to a lack of a constitution or a state of civil war in which there was no effective government were not coded. Also, Brunei has a constitution but copies are unavailable so it is not included.

II. A General Note on Variable Names and Abbreviations

Each variable in the dataset is coded separately for each year. The name of a variable has a static prefix followed by the year. For example, the *Constitutional Status* variable begins with the prefix 'coff.' The 1990 version is named *coff1990*, the 1991 version, *coff1991*, etc. The descriptions below show only the prefix without the year but all variables are modified in this manner based on the year for the coding.

The term SRAS refers to separation of religion and state

¹ www.religlaw.org.

² www.servat.unibe.ch/law/icl/.

³ <http://pdba.georgetown.edu/Constitutions/constudies.html>.

⁴ This page contains links to copies of constitutions elsewhere on the internet. <http://confinder.richmond.edu/>.

III. Variable Listing

cname: Country Name

Official Status of Religion

Unless otherwise noted, all of the below clauses are coded as 1 if such a clause is present. They are otherwise coded as 0.

coff: General Constitutional Status of religion

0. No relevant clause
1. SRAS clause
2. Official religion clause
3. both types of clauses

coffamend: relevant clause in the constitution may not be amended.

SRAS Clauses (general and specific language)

coffsras: Presence of a SRAS clause.
coffsras01x: The state may not (shall not, etc.) establish/institute/adopt/recognize a religion.
coffsras02x: There is no state religion (code similar language such as 'no religion will have a state charcahter')
coffsras03x: The state is secular (code similar words such as 'lay').
coffsras04x: The state is separate/autonomous/independent from religion or religious organizations (or vice versa). (includes similar language such as the state is not bound by a religion, not linked to a religion etc.)
coffsras05x: The state shall refrain from engaging in religious activity.
coffsras06x: Other SRAS clause
coffsras99x: More than one of the above categories are coded

Establishment of religion (EOR) clauses (general and specific language)

coffestab: Presence of EOR clause
coffestab01x: A religion is declared the state religion, official religion, or established religion.
coffestab02x: The state is declared a religious state (eg. "X is an Islamic state")
coffestab03x: The state supports, upholds, or recognizes a specific religion as the state religion.
coffestab04x: A religion is declared the traditional religion.
coffestab05x: Other EOR clause
coffestab99x: More than one of the above categories are coded

SRAS clauses dealing with specific types of SRAS

csras01x: The state may not interfere in/with religious organizations.
csras02x: Ban on religious political parties

<i>csras03x</i> :	Bans on religion being associated with other organizations such as unions.
<i>csras04x</i> :	Ban on the use of religious symbols by political parties.
<i>csras05x</i> :	Ban on the use of religious language or symbols in politics.
<i>csras06x</i> :	Ban on religious tests to hold public office other than positions dealing with a specific religion.
<i>csras07x</i> :	The state may not fund or subsidize religious organizations.
<i>csras08x</i> :	Religious organizations may not interfere with the state/government or may not be used for political ends.
<i>csras09x</i> :	Clergy or religious functionaries may not hold political office.
<i>csras10x</i> :	Clergy or rel. functionaries may not engage in pol. activities such as propaganda or campaigning.
<i>csras11x</i> :	State education is secular or no religious education in public schools.
<i>csras12x</i> :	The state may not fund religious education.
<i>csras13x</i> :	A specific religion and the state are separate.
<i>csras14x</i> :	Other.

Constitutional Protection for Religious Freedom

<i>cfree01x</i> :	Bans on imposing religious observance.
<i>cfree02x</i> :	Ban on religious taxes.
<i>cfree03x</i> :	Ban on required payment of religious taxes in a religion other than one's own.
<i>cfree04x</i> :	Ban on the requirement to take an oath in a religion other than one's own (general).
<i>cfree05x</i> :	Ban on the requirement to take part in a rel. ceremony of a rel. other than one's own (general).
<i>cfree06x</i> :	All religions are equal (under the law) or no religion may be given special privileges.
<i>cfree07x</i> :	Government may not interfere with some religions or religious organizations or some religious organizations are autonomous (free exercise).
<i>cfree08x</i> :	Government may not interfere with all religions or religious organizations or all religious organizations are autonomous (free exercise).
<i>cfree09x</i> :	Bans on incitement, hate speech, animosity, enmity, or hostility based on religion (includes by political parties or other organizations).
<i>cfree10x</i> :	Right to religious education or instruction
<i>cfree11x</i> :	Ban on required religious education in public schools in a religion other than one's own.
<i>cfree12x</i> :	Ban on all required religious education in public schools.
<i>cfree13x</i> :	Ban on the requirement to take an oath in a religion other than one's own in schools.
<i>cfree14x</i> :	Ban on the requirement to take part in a rel. ceremony of a rel. other than one's own in schools.
<i>cfree15x</i> :	Bans religious tests for holding public office.
<i>cfree16x</i> :	Ban on the use of physical or moral compulsion to force someone to convert or prevent them from converting.
<i>cfree17x</i> :	Bans databases collecting information on people's religion.
<i>cfree18x</i> :	Requires protection of places of worship, holy sites, etc.
<i>cfree19x</i> :	Protection or recognition of religion or religious rights of indigenous peoples
<i>cfree20x</i> :	Other

Types of religious freedom explicitly mentioned in the constitution

(These freedoms must be granted to everyone, not just a portion of the population for them to be coded) (21)

<i>cfreetype01x</i> :	Freedom of religion or conscience.
<i>cfreetype02x</i> :	Freedom of worship, observance, or to practice religious rituals or rites.
<i>cfreetype03x</i> :	Freedom to change one's religion
<i>cfreetype04x</i> :	The right to profess (choose, etc.) a religion.

<i>cfreetype05x:</i>	The right to not profess a religion or freedom from religion or be an atheist.
<i>cfreetype06x:</i>	Hold or express religious opinions
<i>cfreetype07x:</i>	Right not to join or be a member of a religious organization.
<i>cfreetype08x:</i>	The right to propagate or spread a religion
<i>cfreetype09x:</i>	No one is required to disclose their religion or religious beliefs.
<i>cfreetype10x:</i>	Education or instruction in public schools or at the government's expense
<i>cfreetype11x:</i>	Education or instruction at one's own expense or does not list at whose expense (also right to teach).
<i>cfreetype12x:</i>	Raising children in one's religion.
<i>cfreetype13x:</i>	Form religious groups or practice religion in groups. This includes the right to a religious community.
<i>cfreetype14x:</i>	Have a place of worship or own property (for religious organizations)
<i>cfreetype15x:</i>	Religious organizations may manage their own affairs
<i>cfreetype16x:</i>	Right to a chaplain in hospitals, the military, etc.
<i>cfreetype17x:</i>	Protection of religious rights even in states of emergency or war.
<i>cfreetype18x:</i>	Freedom from coercion with regard to religion.
<i>cfreetype19x:</i>	In public.
<i>cfreetype20x:</i>	In private.
<i>cfreetype21x:</i>	Other.

Qualifications on freedom of religion

<i>cfreexqual01x:</i>	The constitution qualifies freedom of religion (code if any of the below categories are coded)
<i>cfreexqual02x:</i>	National security or defense
<i>cfreexqual03x:</i>	Public defense, safety, interest, common good, or order or prevent public nuisance.
<i>cfreexqual04x:</i>	The law, constitution, or public policy (include religious beliefs do not include the right to break the law or incite breaking the law here)
<i>cfreexqual05x:</i>	Public health
<i>cfreexqual06x:</i>	To protect the rights and freedoms of others
<i>cfreexqual07x:</i>	Affecting/violating the religious beliefs of others
<i>cfreexqual08x:</i>	Can't be used for political purposes.
<i>cfreexqual09x:</i>	Public morals or 'good customs'
<i>cfreexqual10x:</i>	In accordance with local customs or culture
<i>cfreexqual11x:</i>	In accordance with the majority religion
<i>cfreexqual12x:</i>	The secularity of the state or separation of religion and state
<i>cfreexqual13x:</i>	May be limited when under martial law or state if emergency
<i>cfreexqual14x:</i>	Religious beliefs do not justify opposing or harming the government
<i>cfreexqual15x:</i>	defamation.
<i>cfreexqual16x:</i>	Religious rights do not include the right to be a member of a secret society or religions with secret doctrines or rites.
<i>cfreexqual17x:</i>	Other.

Other freedoms or rights qualified by religion

<i>cqualfree01x:</i>	Freedom of speech or expression.
<i>cqualfree02x:</i>	Parliamentary immunity for speech
<i>cqualfree03x:</i>	Gender equality
<i>cqualfree04x:</i>	Other.

Types of laws that are subject to religious law or associated with religion

<i>claws01x:</i>	Religious law is declared a principle or the main source of legislation.
<i>claws02x:</i>	Laws may not be contrary to the principles or law of a designated religion.
<i>claws03x:</i>	Family law.
<i>claws04x:</i>	Inheritance
<i>claws05x:</i>	Property.
<i>claws06x:</i>	Criminal laws.
<i>claws07x:</i>	Other.

Symbolic references to religion

<i>csumbol01x:</i>	General references to God (includes other names for god Such as Allah or other deities), other than oaths of office, such as “in the name of God Almighty.”
<i>csumbol02x:</i>	General references to religion other than references to God.
<i>csumbol03x:</i>	General references to or quotes from the Bible, Koran, or similar religious documents.
<i>csumbol04x:</i>	Oaths of office which include optional religious references to God or religion.
<i>csumbol05x:</i>	Oaths of office which include mandatory references to God or Religion.
<i>csumbol06x:</i>	Oaths of office which require one to respect, glorify, protect, defend, uphold, or safeguard a religion (or other similar terminology).
<i>csumbol07x:</i>	Other.

Protection from discrimination on the basis of religion

(specific types of persecution or discrimination based on religious identity prohibited by the constitution)

<i>creldis01x:</i>	General ban on discrimination on the basis of religion
<i>creldis02x:</i>	Everyone is equal regardless of their religion.
<i>creldis03x:</i>	Education
<i>creldis04x:</i>	Marriage and family
<i>creldis05x:</i>	Voting.
<i>creldis06x:</i>	Workplace.
<i>creldis07x:</i>	Membership in political parties.
<i>creldis08x:</i>	Civil service
<i>creldis09x:</i>	Other.

Other Constitutional References to Religion

<i>cother01x:</i>	The head of state is described as the protector or defender of the state religion or is required to protect or defend the state religion.
<i>cother02x:</i>	Declaration that a religion or religions have a special place in the country’s history, culture or government or that a specific religion has a special relationship with the government.
<i>cother03x:</i>	Recognizes a specific religion or religions as legal personalities or recognized (but not official) religions.
<i>cother04x:</i>	The government, its institutions, or officials may not act contrary to religious principles or ethics.
<i>cother05x:</i>	Seats in the legislative branch or cabinet are allocated at least in part along religious lines (identity).

cother06x: The government enacts or approves the internal regulations of the state religion.

cother07x: The state takes part in the appointment of officials of the majority religious organizations. (eg. Bishops)

cother08x: The state takes part in the appointment of officials of minority religious organizations. (eg. Bishops)

cother09x: The state is responsible for the organization or administration of places of worship or religious institutions.

cother10x: The state must protect, defend, or preserve its religion or its religious heritage or traditions.

cother11x: Establishment of religious courts or judges.

cother12x: Qualifications in religious jurisprudence qualify one to be a judge in the country's general courts (as may other qualifications).

cother13x: Qualifications in religious jurisprudence are mandatory to be a judge in general courts.

cother14x: The courts may nullify laws on religious grounds.

cother15x: Establishment of a religious council to serve some public purpose such as advising the government.

cother16x: Citizenship is linked to religion.

cother17x: Ban on conversion away from the majority religion.

cother18x: The state recognizes marriages and/or divorces performed under the auspices of at least some religions.

cother19x: Required state funding of religion or religious taxes.

cother20x: [20]The government must support religious education or provide religious education (optional or mandatory, specify which) in schools.

cother21x: Religious education is regulated or controlled by the state.

cother22x: Mandatory religious education for members of the majority religion

cother23x: Some or all government officials—other than those with religious portfolios—must belong to the majority religion.

cother24x: Some or all government officials *and their parents*—other than those with religious portfolios—must belong to the majority religion.

cother25x: Some seats in the legislature are reserved for members of specific religions or religious organizations (institutional).

cother26x: The state must strengthen ties/relations/unity with countries of similar religion.

cother27x: The government/legislature is granted the power to regulate, legislate, or set policy on religion..

cother28x: Right to conscientious objection to military service.

cother29x: The state may grant asylum to those persecuted for their religious beliefs or affiliation

cother30x: [30]Relations with a specific religion are governed by agreement, treaty, or concordant.

cother31x: Relations with all religions are governed by agreement or concordant..

cother32x: Registration of religious organizations or the law regulates the creation or disbandment of religious organizations.

cother33x: Places of worship or religious organizations are exempted from taxes.

cother34x: Limits on religious organizations owning property.

cother35x: Religion can not be used as a reason to break the law.

cother36x: Parliamentary immunity does not include blasphemy or contradicting the tenets of a religion.

cother37x: General declarations of support for religious tolerance.

cother38x: Other.