RELIGION'S ROLE IN CONSTITUTIONS OF THE WORLD. A SOCIOLOGICAL STUDY OF THE TWENTIETH CENTURY

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Abstract

Since the late twentieth Century, many theories have emerged in sociology of religion challenging classic and prevalent modernization-secularization theory and emphasizing religion plays an important role in modern societies. These theories stepped strongly into the twenty-first century. This article examines religion's role in constitutions of the world in order to evaluate these arguments generally and illustrates the relationship between religion and power in the contemporary world. We see that most states protect freedom of religious beliefs but the protection for freedom of religious practices and making religious groups is low. Furthermore, although in a number of countries religion plays an important role in informal social life yet, formal social life has been being secularized. This analysis is done based on the statistical data collected from constitutions of 166 countries.

Key-words: Christianity, constitution, Islam, religion, religious freedom, secular, state

Introduction

     Religion has a unique role in traditional society and rules over both individual and collective life. Thus it's impossible to understand traditional society without understanding religion. Durkheim described and explained this role accurately in his first and last major books. "It is inadmissible that systems of ideas like religions, which have held so considerable a place in history, and to which, in all times, men have come to receive the energy which they must have to live, should be made up of a tissue of illusions. To-day we are beginning to realize that law, morals and even scientific thought itself were born of religion, were for a long time confounded with it, and have remained penetrated with its spirit. How could a vain fantasy have been able to fashion the human consciousness so strongly and so durably?" (Durkheim, 1964: 69-70). "Yet if there is one truth that history has incontrovertibly settled, it is that religion extends over an ever diminishing area of social life. Originally, it extended to everything; everything social was religious- the two words were synonymous. Then gradually political, economic and scientific functions broke free from the religious function, becoming separate entities and taking on more and more a markedly temporal character" (Durkheim, 1984: 119).

     Thus the relationship between traditional society and religion is sufficiently clear and any more research would specify the details. But how has the relationship been in recent centuries especially the twentieth[1] century? Many various theories have considered the topic. We'll review them soon. Suspending all temporarily, anyone who is aware of religion's mentioned role and the nature of social phenomena immediately faces the question of how it's possible that such a phenomenon associated with social life is running to the margin of society at such a speed that common sense seems to suggest.

     The events of the twentieth century- especially of its second half- challenged the classic sociological theories of religion. Sociology needs to rethink continuously apart from whether more studies would lead to new findings or not. It is useful to review a number of these events. "Since around 1980, the modernization-secularization paradigm[2] has been increasingly called into question, though the paradigm still has its defenders. World events since the late 1970s have called attention to religion's continued impact on society and politics. These events include the Iranian revolution and subsequent Islamic opposition movements throughout the Islamic world. There are also numerous clashes between Muslim and non-Muslim groups throughout the world including those in Bosnia, Chechnya, India, Nigeria, and the Sudan. The attacks of September 11, 2001, the increasingly international terror activities of Al-Qaeda, and the realization that many Muslims who live in Western states subscribe to radical Muslim ideologies have made it clear that this is also relevant to the West. This increasing awareness of

the power of religion is not limited to Islam. Ronald Reagan's rise to the presidency with the help of the religious right demonstrated the power of Christian fundamentalism in U.S. politics. The liberation theology movement in Latin America and increasing participation of Catholic clergy in Latin American opposition movements demonstrates religion's continuing potency in that world region. There is no shortage of ethnoreligious clashes that involve groups other than Muslims, including those in Sri Lanka, Tibet, and the Sikh-Hindu tensions in India. It is also becoming clear that while there may be a decrease in attendance at worship in some Western countries, on a worldwide basis it is increasing" (Fox, 2008: 19-20).

If religion's influence on society at the micro level is measured with individual indicators and at the macro level with collective actions- religious movements- the evidences will be significant and considerable. Table 1 reveals the religiosity in some representative countries.

Table 1: Religiosity Worldwide		
Country	Percent considering religion important	Percent identifying as a religious person
Iran	94.6	83.7
Turkey	91.3	82.6
Saudi Arabia	97.8	70.4
India	80.7	77.9
Japan	19.5	24.2
Egypt	99.6	92.5
Algeria	99.1	59
United Kingdom	40.7	48.7
France	40.9	47
Germany	33.9	42.9
United States	71.6	72.1
Brazil	91	88
Association of Religion Data Archives, National Profiles, 2002-2005		

Africa, most of South America, Middle East, Southern Asia and United States get high frequencies and it implies extensive religiosity. Considering to the fact that a large proportion of world population live in these areas, religion's importance will be made clearer in contemporary world. We refer to the most recently published Encyclopedia of religious movements to measure approximately the second indicator. "The Encyclopedia of New Religious Movements provides uniquely global coverage of the phenomenon, with entries on

over three-hundred movements from almost every country worldwide. Coverage includes movements that derive from the major religions of the world as well as neo-traditional movements…" (Clarke, 2006: I). Doing without many small-sized and less important movements ignored in the encyclopedia, at least 300 major religious movements have emerged in a relatively short time including a geographically wide extent. Focusing on the details of the data is not our purpose. If one takes a look at the surface of the data, it's sufficiently convincing to start a scientific research.

2. Literature review

The classic social thinkers did basic and immense researches about religion. Unlike present-day theorists, they had an agreement on lots of issues of religion. "The seminal social thinkers who founded the social sciences all believed that modernization would lead to a gradual decrease in religion's influence in society and politics. While there may have been disagreement among such thinkers as Freud, Marx, Comete, Durkheim, Weber, and Tonnies as to the particulars of this reduced role for religion, they all agreed that processes within modernity would cause it to occur" (Fox, 2008: 13-14).

Since the late twentieth century, among social scientists, the level of acceptance of modernization-secularization theory has decreased and the study of religion has increased (Kucukcan, 2005; Berger, 1999). Sociologists, anthropologists, and psychologists are all getting into the religion game, trying to discover the roots of human religious belief, religion's influence on institutions and behaviors, and bring quantitative methods to bear on the study of religious practice (Maximiliano, 2010; Barro & McCleary, 2006). The summary of recent theories exploring religion's role is that while there is no consensus as to whether there has been an overall decline or increase in religion's influence, it is getting clear that the influence of some aspects of religion has decreased while the influence of other aspects has increased. Thus, secularization and sacralization are occurring simultaneously in different aspects of society.

Modernization-secularization theory asserts that religion is becoming less important as a political and social force in modern world. It argues that:

- Religious criteria for appropriate behavior have been replaced by laws that focus on overt acts likely to disturb social relations rather than morality.

- Modern states no longer rely on religion for legitimacy. State power tends to be legitimated by the will of the people, national identity, or other sources.

- Science undermines religion's role in explaining the world. It provides understanding of the physical universe and a kind of worldview.

And so on.

In short, the functions that religion served in the past are in modern world being fulfilled by more rational scientific institutions and organizations, which do a superior job at fulfilling these functions. Thus, religion's role will decrease or perhaps move from the public scene to the private scene (Martin, 1978; Glasner, 1977).

It's important and necessary to give an outline of the arguments countering modernization-secularization theory. Some believes that religion has always been an active factor but the prominence of modernization-secularization theory has caused many social thinkers to ignore this. Furthermore, religion is not just present; it is among the basic elements of modern society. Historically, religion has been an inherent part of all major civilizations (Arjomand, 1993). Religion is arguably considered one of the bases for many nationalist ideologies in the West (Smith, 1999). Weber, in his argument of nation as a new concept, underlines this point many times. "The causal components that lead to the emergence of a national sentiment in this sense may vary greatly. If we for once disregard religious belief- which has not yet played its last role in this matter, especially among Serbs and Croats- then common purely political destinies have first to be considered" (Weber, 1946: 176). He concludes "The conciliar, and at the same time nationalist, reaction against the universalism of the papacy in the waning Middle Ages had its origin, to a great extent, in the interests of the intellectuals who wished to see the prebends of their own country reserved for themselves and not occupied by strangers via Rome. After all, the name natio as a legal concept for an organized community is found first at the universities and at the reform councils of the church" (Weber, 1946: 179).

Some argue rather than causing religion's decline, modernization contributes to a resurgence of religion. Religious groups and organizations are defending themselves against modern processes and evolving to become stronger. Thus religion is undergoing a process of revitalization (Hanf, 1994; Duschinsky, 2012).

There are some studies seeking to find the circumstances of the relationship between major religion and "power and public life". In many cases, the comparison of Islam and other religions is investigated. "Many argue that secularization does not occur in Islamic societies. A number of factors are cited to explain why this is the case. In Islam, secular law is superseded by divine law and most regimes in Muslim countries accept this principle or at least pay lip service to it. Islam has no clergy, making all believers equidistant from God. It also tends to focus on the local level, thereby increasing participation, as well as the feeling that one has a personal connection to the religion and its institutions. It has been an important source of identity, which has been especially important in the context of the struggle against colonialism" (Fox, 2008: 30). Norris and Inglehart analyzed the available evidences related to the argument.

For instance, they assert that Islamic countries tend to be more traditional than Western countries on issues such as homosexuality, abortion and divorce. In other words, the prevalence of religious beliefs in people's minds can be observed. They also point other differences between Muslims and non-Muslims. "Support for religious authorities is stronger in Muslim societies than in the West, but here it is not a simple dichotomy, as many other types of society also support an active role for religious leaders in public life, including the sub-Saharan African countries under comparison as well as many Catholic nations in Latin America" (Norris & Inglehart, 2011: 154). Is secularization occurring in the world? They conclude "Secularization has generally been sweeping through affluent nations, in politics as well as in society, although the pace of change and its effects differ from one place to another. Unlike the advanced industrial societies of Europe and North America, we do not have any substantial body of time-series data[3] with which to analyze trends in developing countries – but the limited evidence that is available indicates that these trends have not been occurring there. There is no evidence of a worldwide decline of religiosity, or of the role of religion in politics- this is a phenomenon of industrial and postindustrial society" (Norris & Inglehart, 2011: 212). Furthermore, there have been many efforts to establish an Islamic state in a number of Muslim countries. For instance Iran in 1979 and Sudan in 1964 had an Islamic revolution (Esposito, 1996).

Reporting what is happening to religion, we try to define the conceptual space of constitution. It can be viewed from different perspectives. Finer offers a technical definition. "Codes of rules which aspire to regulate the allocation of functions, powers and duties among the various agencies and officers of government, and define the relationships between them and the public" (Finer, 1979: 15).

From sociological approach, the constitution of a country is a kind of social contract, which binds people, society and state. It is the embodiment of the general social consensus in a society. People of a specific country introduce themselves independent of others and dependent on a common identity. An honest commitment to the goals set out in the constitution ensures promotion of nationhood and stability of the system. Law is a main instrument to regulate social life in modern society; so if religion's influence on law is seen, religion's role in formal subsystems of society can be carefully inferred.

Our thesis is that although religion plays an important role in informal social life yet (see Table 1) and even many people tend to manage their lives- both formal and informal aspects- based on religion especially in Muslim countries, formal social life- in other words the special realm of authorities- has been being secularized. It is notable while secularization is a historical process mainly in the West, secularism is a doctrine. These two do not necessarily go forward coherently. For instance, It's possible in a particular society secularism influences on elites-powerful people who regulate formal social life- but the majority don't follow it. We don't seek to offer a systematic demonstration; this paper is only an outline.

3. Method

This dataset[4] is produced by the Religion and State Project[5]. 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. The religion clauses from all relevant constitutions are extracted and the codesheet based on these constitutions is developed. Then all constitutions based on the codesheet are coded.

All codings discussed below are coded yearly from 1990 to 2002. 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[6]. It's necessary to specify that we concentrate our statistical analysis on only 2002. In that year, the missing data are minimum.

4. Results

Using statistical description, now we want to put constitutions into categories. We also present the most important findings of the relationship between religion and constitution including the countries with the most religious constitutions. The first variable is general constitutional status of religion. The list of the countries can be divided into three main groups[7] by this variable. First, the countries which have SRAS[8] clause within their constitutions. The clause is often mentioned in the forms below:
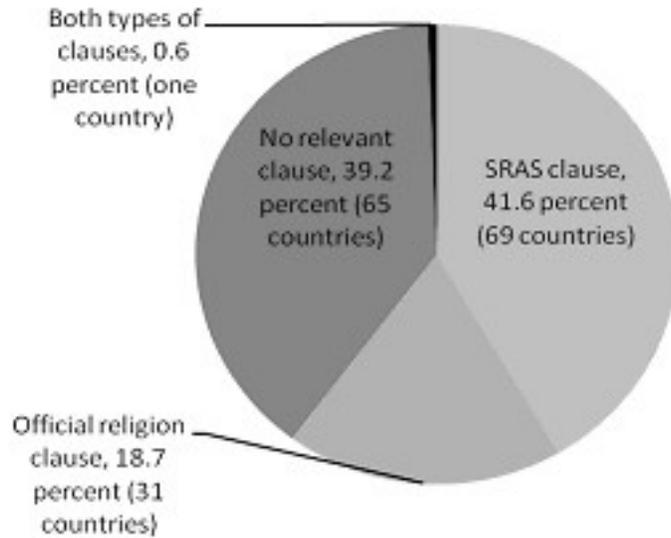
The state may not recognize a religion/ There is no state religion/ The state is secular/ The state is independent from religion or religious organizations/ The state shall refrain from engaging in religious activity.

Second, the countries which have Official religion clause in their constitutions. The clause is often mentioned in the forms below:

A religion is declared the official religion/ The state is declared a religious state/ The state supports a specific religion as the state religion/ A religion is declared the traditional religion.

And third, the constitutions with no relevant clause

Diagram 1: General constitutional status of religion

Nearly 20 percent of the countries declare their official religions; 40 percent specify separation of religion and state; and 40 percent don't have any relevant clauses in their constitutions. The 31 countries which have official religions are categorized by the majority religions. Ignoring Cambodia and Nepal, we can say that two thirds are Muslim and one third are Christian. In recent decades fundamentalists have been acquiring power in Muslim countries and religious state is the first goal of Islamic fundamentalism (Abukhalil, 1997; Esposito, 1998).

Table 2: Countries with official religion clause		
Country	Majority religion	f
Algeria, Bahrain, Bangladesh, Egypt, Iran, Iraq, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Morocco, Oman, Pakistan, Saudi Arabia, Sudan, Tunisia, Yemen	Islam	19
Argentina, Bolivia, Costa Rica, Denmark, Greece, Iceland, Liechtenstein, Malta, Norway, Zambia	Christianity	10
Cambodia	Buddhism	1
Nepal	Hinduism	1

Table 3: Clauses dealing with specific types of SRAS	
Clause	P
Ban on religious political parties	18.1
State education is secular or no religious education in public schools.	9.6
Clergy or religious functionaries may not hold political office.	7.8
The state may not interfere in/with religious organizations.	6
Religious organizations may not interfere with the state/government or may not be used for political ends.	4.2
Ban on the use of religious symbols by political parties.	3
Clergy or rel. functionaries may not engage in pol. activities such as propaganda or campaigning.	3
Bans on religion being associated with other organizations such as unions.	2.4
Ban on the use of religious language or symbols in politics.	1.8
Ban on religious tests to hold public office other than positions dealing with a specific religion.	1.8
The state may not fund or subsidize religious organizations.	1.2
The state may not fund religious education.	0.6
A specific religion and the state are separate.	0.6

Ban on religious political parties, secularity of state education, and "clergy may not hold political office" have the highest proportional frequencies. In Azerbaijan, Barbados, Bolivia, Cyprus-Greek, El Salvador, Guatemala, Honduras, Ivory Coast, Mexico, Nicaragua, Panama, Paraguay, and Philippines, clergy do not hold political office. Azerbaijan, Burkina Faso, Cape Verde, Chad, Ecuador, Ethiopia, Honduras, India, Japan, Lithuania, Mali, Mexico, Moldova, Nicaragua, Portugal, and Ukraine declare secularity of state education in their constitutions. The countries which forbid religious political parties are classified based on continent in Table 3.

Table 4: Countries with ban on religious political parties		
Country	continent	f
Algeria, Angola, Benin, Burundi, Djibouti, Equatorial Guinea, Gambia, Ghana, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Sudan, Zaire	Africa	17
Kazakhstan, Kyrgyzstan, Mongolia, Nepal, Philippines, Turkey,	Asia	7

Turkmenistan,		
El Salvador, Mexico, Panama	North America	3
Bulgaria, Cyprus-Turkish, Portugal	Europe	3

More than half of the countries with ban on religious political parties are located in Africa. All of them were once the colonies of Western countries. Algeria became independent from France in 1962; Angola from Portugal in 1975, Benin from France in 1969, Burundi from Belgium in 1962, Djibouti from France in 1977, Equatorial Guinea from Spain in 1968, Gambia from UK in 1965, Ghana from UK in 1957, Ivory Coast from France in 1960, Liberia from US in 1847, Mali from France in 1960, Niger from France in 1960, Nigeria from UK in 1960, Senegal from France in 1960, Sierra Leone from UK in 1961, Sudan from Egypt and UK in 1956, and Zaire from Belgium in 1960. Religion has been an important source of identity, which has been especially important in the context of the struggle against colonialism. It is considerable to study- in a separate work- the influence of these Western Countries on the formation of African constitutions. Nevertheless, we can imagine the domain of the influence if the compact evidence and the brief reason are opened.

Table 5: Constitutional protection for religious freedom	
Clause	P
Right to religious education or instruction	31.9
Bans on incitement, hate speech, animosity, enmity, or hostility based on religion (includes by political parties or other organizations).	15.1
Ban on required religious education in public schools in a religion other than one's own.	11.4
Ban on the requirement to take an oath in a religion other than one's own (general).	10.2
Ban on the requirement to take part in a rel. ceremony of a rel. other than one's own in schools.	9.6
All religions are equal (under the law) or no religion may be given special privileges.	8.4
Government may not interfere with all religions or religious organizations or all religious organizations are autonomous (free exercise).	7.2
Ban on the requirement to take part in a rel. ceremony of a rel. other than one's own (general).	6

Ban on all required religious education in public schools.	4.2
Requires protection of places of worship, holy sites, etc.	4.2
Protection or recognition of religion or religious rights of indigenous peoples	4.2
Bans on imposing religious observance.	2.4
Ban on required payment of religious taxes in a religion other than one's own.	2.4
Ban on religious taxes.	1.8
Government may not interfere with some religions or religious organizations or some religious organizations are autonomous (free exercise).	1.2
Ban on the requirement to take an oath in a religion other than one's own in schools.	1.2
Ban on the use of physical or moral compulsion to force someone to convert or prevent them from converting.	1.2
Bans databases collecting information on people's religion.	1.2
Bans religious tests for holding public office.	0.6

"Right to religious education or instruction" is the common clause in more than 30 percent of the countries. "Bans on hostility based on religion" gets the second rank. The third rank belongs to the one being in close connection with "right to religious education". "Ban on required religious education in public schools in a religion other than one's own" is declared in more than 10 percent of the constitutions. 4 percent put ban on all required religious education in public schools- Colombia, India, Japan, Kenya, Papua New Guinea, Sierra Leone, and Switzerland. In Colombia, Kenya, Papua New Guinea, and Switzerland, the majority religion is Christianity. Nearly 70 percent of Indians are Hindu and around 50 percent of Japanese are Buddhist. Japan is a country full of neoreligionists; Almost 25 percent of the people are neoreligion adherents. In Sierra Leone, two large religious groups live together- Muslims and Ethnoreligionists. Thus there are almost all religions in the set of the countries with ban on all required religious education in public schools.

Table 6: Types of religious freedom explicitly mentioned in the constitution	
Clause	P
Freedom of religion or conscience.	91.6
Freedom of worship, observance, or to practice religious rituals or rites.	61.4
Form religious groups or practice religion in groups. This includes the right to a religious community.	28.9
The right to profess (choose, etc.) a religion.	25.3

Religious organizations may manage their own affairs.	15.7
The right to propagate or spread a religion	13.9
Freedom to change one's religion	13.3
No one is required to disclose their religion or religious beliefs.	12.7
The right to not profess a religion or freedom from religion or be an atheist.	10.8
Freedom from coercion with regard to religion.	9
Protection of religious rights even in states of emergency or war.	7.8
Have a place of worship or own property (for religious organizations)	6.6
Hold or express religious opinions	3.6
Right not to join or be a member of a religious organization.	2.4
Raising children in one's religion.	0

Freedom of religion or conscience is specified in more than 90 percent of the constitutions. It is obvious that silence must not be interpreted limitation or restriction. However, the high proportional frequency leads us to this conclusion: there is a general consensus on freedom of religion in the world or nearly all states and people at least pretend to be proponent of freedom of religion[9]. Moving from freedom of conscience to freedom of religious practice, one meets a 33 percent decrease; 90 is reduced to 60. And if one moves further- approaching to the clause "Form religious groups"- there will be a 66 percent decrease; 90 is reduced to 30. The path- religious belief, religious practice, and religious community- leads to a powerful religion in society. Therefore political regimes protect freedom of conscience much more rather than "right to a religious community".

Table 7: Protection from discrimination on the basis of religion	
Clause	P
General ban on discrimination of the basis of religion	49.4
Everyone is equal regardless of their religion.	43.4

"General ban on discrimination on the basis of religion" is declared in nearly 50 percent of the constitutions. The same content in a similar clause- "Everyone is equal regardless of their religion"- is repeated in more than 40 percent of the cases.

Table 8: Types of laws that are subject to religious law or associated with religion	
Clause	P
Religious law is declared a principle or the main source of legislation.	7.2

Laws may not be contrary to the principles or law of a designated religion.	2.4
Family law	8.4
Inheritance	4.8
Property	2.4
Criminal laws	1.8

In Bahrain, Egypt, Iran, Kuwait, Maldives, Mauritania, Oman, Pakistan, Saudi Arabia, Sudan, Syria, and Yemen, religion is a principle or the main source of legislation. Islam is the prevalent religion in each of the twelve countries. Malaysia can be added to the above list as well. In Malaysia, laws may not be contrary to the principles of Islam.

Table 9: Symbolic references to religion	
Clause	P
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".	33.1
Oaths of office which include mandatory references to God or Religion.	20.5
General references to religion other then references to God.	18.1
Oaths of office which include optional religious references to God or religion.	13.9
General references to or quotes from the Bible, Koran, or similar religious documents.	3
Oaths of office which require one to respect, glorify, protect, defend, uphold, or safeguard a religion (or other similar terminology).	1.8

"General references to God" is expressed in 33 percent of the constitutions. In more than 20 percent of the cases, there are oaths of office which include mandatory references to religion. Israel, Greece, Iran, Pakistan, and Saudi Arabia have General references to or quotes from religious documents in their constitutions.
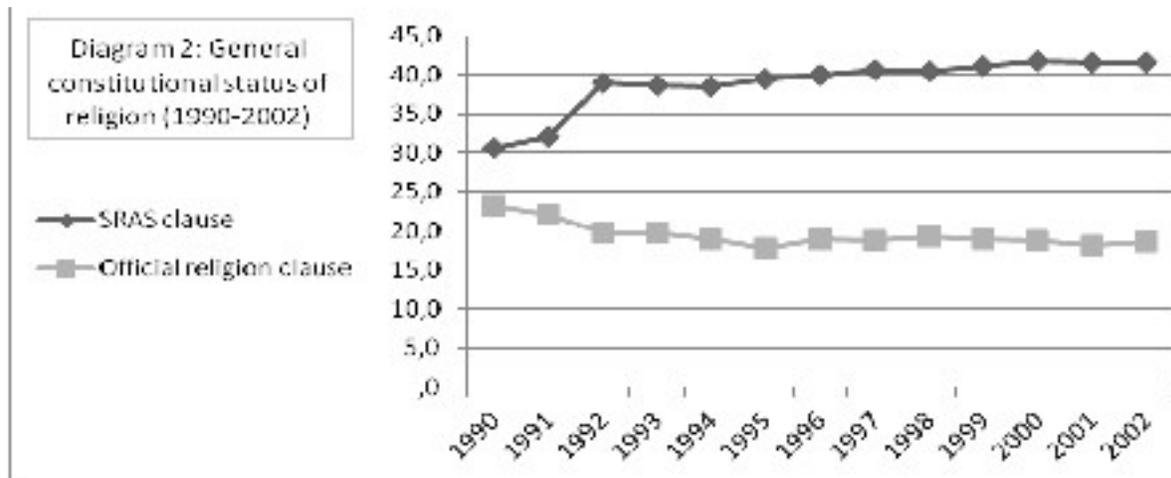
Table 10: Other constitutional references to religion	
Clause	P
Declaration that a religion or religions have a special place in the country's history, culture or government or that a specific religion has a special relationship with the government.	9.6
Some or all government officials—other than those with religious portfolios—must belong to the majority religion.	8.4
Establishment of religious courts or judges.	5.4

Establishment of a religious council to serve some public purpose such as advising the government.	4.8
The state may grant asylum to those persecuted for their religious beliefs or affiliation.	4.2
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.	3.6
Seats in the legislative branch or cabinet are allocated at least in part along religious lines (identity).	3.6
Registration of religious organizations or the law regulates the creation or disbandment of religious organizations.	3.6
Places of worship or religious organizations are exempted from taxes.	3.6
Mandatory religious education for members of the majority religion	3
The state must strengthen ties/relations/unity with countries of similar religion.	2.4
Religious education is regulated or controlled by the state.	1.8
Some seats in the legislature are reserved for members of specific religions or religious organizations (institutional).	1.2
Religion cannot be used as a reason to break the law.	1.2
The government, its institutions, or officials may not act contrary to religious principles or ethics.	0.6
Citizenship is linked to religion.	0.6
Ban on conversion away from the majority religion.	0.6
Limits on religious organizations owning property.	0.6
Parliamentary immunity does not include blasphemy or contradicting the tenets of a religion.	0

Table 9 includes some of the most important clauses related to religion. In Algeria, Iran, Jordan, Kuwait, Maldives, Oman, Pakistan, Syria, Tunisia, Yemen, Denmark, Norway, Nepal, and Thailand, some or all government officials must belong to the majority religion. There are religious courts in Cyprus-Greek, Ethiopia, Indonesia, Iran, Jordan, Kenya, Nigeria, Pakistan, and Sri Lanka. Establishment of a religious council to advise the government is suggested in 8 constitutions: Algeria, Comoros, Iran, Malaysia, Mauritania, Pakistan, Singapore, and Sri Lanka. Religious education for members of the majority religion is required in Iran, Pakistan, Saudi Arabia, Turkey, and Malta. States of Bangladesh, Iran, Pakistan, and Saudi Arabia must strengthen unity with Islamic countries. In Cyprus-Greek, citizenship is linked to religion. It is useful to do analysis each of the clauses and the relevant countries separately but it needs a lot

of case studies. However, our purpose is just to outline religion's role in constitutions of the world.

Finally, it is illustrative and useful to trace constitutions on timeline. What is the trend? Diagram 2 shows that the proportional frequency of constitutions with SRAS clause increased from 1990 to 2002; it was 30 percent in 1990 and ran over 40 percent in 2002. On the contrary, the proportion of constitutions with Official religion clause decreased during the same period.

Diagram 2: General constitutional status of religion (1990-2002)

It is noteworthy that religious movements can involve vast numbers of followers and in many cases are radically changing the way people understand and practice religion and spirituality. Fundamentalism is rising as an antithesis of globalizing modernity and secularity. It's growing especially in Muslim countries (Ercins, 2009; Vorster, 2007). 88 percent of people in Saudi Arabia and 71 percent of Algerians agree that only the laws of the Shari'a should be implemented. In Turkey 68 percent believe that religious leaders should influence the government. 95 percent of Pakistanians and 75 percent of Iranians believe that politicians who do not believe in God are unfit for public office. In Iraq 78 percent and in Egypt 60 percent believe that churches give answers to social problems (Association of Religion Data Archives, National Profiles, 2001-2005). Consequently, the twenty-first century can show us a completely different picture. Islamic Fundamentalists might gain power in some countries and religious constitutions might increase amazingly.

5. Conclusion

One fifth of the countries of the world[10] have official religion; two fifths declare separation of religion and state; and two fifths are silent on the issue. Two thirds of the countries with official religion are Muslim and one third are Christian. "Ban on religious political parties" and "secularity of state education" are the most frequent clauses which specify SRAS.

Political parties are among the most powerful social groups in society and public schools are among the most fundamental agents of socialization. Therefore the former stops religion from gaining power today and the latter prevents it from gaining power in the future.

Many types of religious freedom are explicitly mentioned in the constitutions. Nearly all states protect freedom of religious beliefs but the protection for freedom of religious practice and right to a religious community is considerably decreased. The events of the twentieth century demonstrated frequently the fact that some religious groups are enthusiast to gain power if there is a proper moment to take action.

If we set the clause "religion is the main source of legislation" as a criterion to choose the most religious constitutions, Iran, Saudi Arabia, and Yemen will be the top three countries. Saudi Arabia and Iran have always introduced themselves as the true center of Islam in history and they are also among present-day great advocates.

Finally, we return to our initial question; what is religion's role in constitutions of the world? We tried to find approximately the coordinates of religion's position on the plane of constitution. It's not located in the circle of our purpose to answer the questions of how important the religion's role is or how much attention one should pay for religion as a variable in a scientific analysis or decision-making. Additionally, giving answer to these questions is undoubtedly dependent upon the particular circumstances of the cases. Overall, religions and constitutions are closely interrelated. In contemporary societies, religion is more restricted by constitutions rather than regulating them; but the direction of the relation is not essentially fixed and perpetual; it can be inverted.

Our first suggestion for future research is to measure the most important clauses related to religion using some indices indicating the same concept in society to examine how much the current events and processes in the countries are following the constitutions.

Exploring religion in constitutions is mainly focused on religion's role in political regimes. Religion's role in economy, culture and community has to be considered in order to evaluate comprehensively and systematically the level of accuracy of recent theories asserting the significance of religion's role in modern society. Thus the second research suggestion is to study and complete the remained dimensions of religion's role in society index (RRSI).

References

Abukhalil, As'ad. 1997. Change and Democratisation in the Arab World: The Role of Political Parties. Third World Quarterly, Vol. 18, No. 1, 149-163.

Arjomand, Said Amir. 1993. The Political Dimensions of Religion. New York: State

University of New York Press.

Barro, Robert J. & Rachel M. McCleary. 2006. Religion and Political Economy in an International Panel. Journal for the Scientific Study of Religion, Vol. 45, No. 2, 149-175.

Berger, Peter L., 1999. The Desecularization of the World: Resurgent Religion and World Politics. Wm. B. Eerdmans Publishing.

Clarke, Peter B. 2006. Encyclopedia of New Religious Movements. Routledge.

Durkheim, Emile. 1964. The Elementary Forms of the Religious Life. J. W. Swain. London: G. Allen & Unwin.

Durkheim, Emile. 1984. The Division of Labor in Society. W. D. Halls. London: The Macmillan Press.

Duschinsky, Robbie. 2012. Fundamentalism and the Changing Religious Field. Social Compass, Vol. 59, No. 1, 21-33.

Ercins, Gulay. 2009. An antithesis of globalizing modernity: Fundamentalism. International Journal of Human Sciences, Vol. 6, No. 1, 652-672.

Esposito, John L.. & John Obert Voll, 1996. Islam and Democracy. Oxford University Press.

Esposito, John L. 1998. Islam and civil society in the Middle East. Iranian Journal of International Affairs, Vol. 10, No. 3, 198-213.

Finer, Samuel E. 1979. Five Constitutions. Harvester Press.

Fox, Jonathan. 2008. A World Survey of Religion and the State. Cambridge University Press.

Glasner, Peter E. 1977. The Sociology of Secularization: A Critique of a Concept. London: Routledge & Kegan Paul.

Hanf, Theodor. 1994. The Sacred Marker: Religion, Communalism and Nationalism. Social Compass, Vol. 41, No. 1, 9-20.

Kucukcan, Talip. 2005. Multidimensional Approach to Religion: a way of looking at religious phenomena. Journal for the Study of Religions and Ideologies, Vol. 4, No. 10, 60-70.

Martin, David A. 1978. A General Theory of Secularization. Oxford: Blackwell.

Maximiliano, Korstanje. 2010. Ideology and Prejudices: Exploring the roots of religion. Antrocom, Vol. 6, No. 1, 101-113.

Norris, Pippa & Ronald Inglehart. 2011. Sacred and Secular: Religion and Politics Worldwide. Cambridge University Press.

Smith, Anthony D. 1999. Ethnic Election and National Destiny: Some Religious Origins of Nationalist Ideals. Nations and Nationalism, Vol. 5, No. 3, 331–355.

Vorster, Jakobus M. 2007. Analytical perspectives on religious fundamentalism. Journal for the Study of Religions and Ideologies, Vol. 6, No. 17, 5-20.

Weber, Max. 1946. Essays in Sociology. H. H. Gerth & C. Wright Mills. New York: Oxford University Press.

Appendix I

List of the countries analyzed in the article			
Albania	Egypt	Lithuania	South Korea
Algeria	El Salvador	Luxembourg	Spain
Andorra	Equatorial Guinea	Macedonia	Sri Lanka
Angola	Eritrea	Madagascar	Sudan
Argentina	Estonia	Malawi	Suriname
Armenia	Ethiopia	Malaysia	Sweden
Australia	Fiji	Maldives	Switzerland
Austria	Finland	Mali	Syria
Azerbaijan	France	Malta	Taiwan
Bahamas	Gabon	Mauritania	Tajikistan
Bahrain	Gambia	Mauritius	Tanzania
Bangladesh	Georgia	Mexico	Thailand
Barbados	Germany	Moldova	Togo
Belarus	Ghana	Mongolia	Trinidad & Tobago
Belgium	Greece	Morocco	Tunisia
Belize	Guatemala	Mozambique	Turkey
Benin	Guinea-Bissau	Namibia	Turkmenistan
Bolivia	Guinea	Nepal	UAE
Bosnia	Guyana	Netherlands	Uganda
Botswana	Haiti	New Zealand	Ukraine
Brazil	Honduras	Nicaragua	United States
Bulgaria	Hungary	Niger	Uruguay
Burkina Faso	Iceland	Nigeria	Uzbekistan
Burundi	India	North Korea	Vanuatu
Cambodia	Indonesia	Norway	Venezuela
Cameroon	Iran	Oman	Vietnam
Canada	Iraq	Pakistan	Yemen
Cape Verde	Ireland	Panama	Yugoslavia

Cent Afr Rep	Israel	Papua New Guinea	Zaire
Chad	Italy	Paraguay	Zambia
Chile	Ivory Coast	Peru	Zimbabwe
China	Jamaica	Philippines	
Colombia	Japan	Poland	
Comoros	Jordan	Portugal	
Congo-Brazzaville	Kazakhstan	Romania	
Costa Rica	Kenya	Russia	
Croatia	Kuwait	Rwanda	
Cuba	Kyrgyzstan	Saudi Arabia	
Cyprus-Greek	Laos	Senegal	
Cyprus-Turkish	Latvia	Sierra Leone	
Czech Republic	Lebanon	Singapore	
Denmark	Lesotho	Slovakia	
Djibouti	Liberia	Slovenia	
Dominican Republic	Libya	Solomon Islands	
Ecuador	Liechtenstein	South Africa	

Notes

[1]- Regarding to the topic of the article, the twentieth century is not defined from January 1, 1900 to December 31, 1999. History is not interrupted by centuries.

[2]- The argument that religion is becoming less important as a political and social factor in modern times.

[3]- Obviously, there have been fewer surveys in undeveloped and developing countries due to financial problems and a lack of social experts. So it is necessary to collect data in various ways. Using data extracted from constitutions, this article seeks to step into these less known countries.

[4]- The Religion and State Constitutions (1990-2002) data comes from the Association of Religion Data Archives (ARDA).

[5]- The Religion and State (RAS) project is a university-based project located at Bar Ilan University in Ramat Gan, Israel.

[6]- There is a full list of the countries analyzed in the article in Appendix I.

[7]- Bulgaria cannot be located in any groups. It is the only case with both types of clauses.

[8]- The term SRAS refers to separation of religion and state.

[9]- The descending sequence of 90, 60, 30 (the frequencies of the first three clauses in Table 5) may be able to disclose the level of the pretence approximately.

[10]- The results can be carefully generalized to the world.