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# A ‘Nordic Religious Freedom Paradox’? Freedom of Religion and Belief as Constructed by Two Global Datasets

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## Abstract

Major research initiatives like the Religion and State Project (RAS) led by Jonathan Fox and the Pew Research Institute’s Government Restrictions series have in recent years produced major datasets measuring the global state of religious regulation and restrictions. However, these datasets challenge the image of the Nordic countries as pioneers of freedom of religion or belief. Yet some scholars have suggested the existence of the Nordic Human Rights Paradox: that although the Nordic countries promote human rights globally, the implementation of human rights at home is not very convincing. This paper presents the two datasets and analyses the specific coding for the Nordic countries. The argument is that while the data in some cases point to the existence of a Nordic Religious Freedom Paradox, there are also discrepancies in how freedom of religion and belief has been operationalized by the two projects and in the Nordic countries.

*Keywords: freedom of religion or belief, Pew Research, government restrictions, religious discrimination, religious diversity*

One might suppose the relationship between religious freedom, democracy, and diversity was simple: that Western societies used to be strongly religiously homogenous, but that the emergence of modern societies saw the emergence of a religious diversity that is now prospering, assisted by the arrival and growing prominence of human rights in general and the freedom of religion in particular. However, this story has been scrutinized by scholars working from critical perspectives for some time (Sullivan 2005; Mahmood 2015; Hurd 2017). Yet recently, results emerging from a

very different position also pose questions for a simplistic narrative. The new challenge comes from the two international comparative projects, the Religion and State project (RAS), led by political scientist Jonathan Fox, and reports on government restrictions from the Pew Research Center research institute. Both emphasize that government restrictions have been in the ascendant globally, but most strikingly in the European stronghold of liberal democracies. Fox stresses that his results run counter to 'major and influential trends in the literature' (Fox 2019, 286) and mentions Norway as an example: '[B]y no means the most restrictive among Western democracies, [it] engages in substantial restrictions on religious minorities' (Fox 2020, 1). Similarly, in the Pew study Denmark is the only full democracy to be categorized as having heavy government restrictions on religion, a category otherwise occupied by authoritarian states (40 per cent), hybrid regimes (37 per cent), and flawed democracies (20 per cent) (Pew 2020). The questions these results prompt, based on two oft quoted and well-respected international datasets, are of the utmost importance. They allow 'big' questions to be investigated, such as the question of the link between religious freedom, liberalism, and democracies. The link is generally assumed to be so strong that when reference is made to a democracy, this tends to mean a 'liberal democracy'. This suggests that democracy is more than an electoral method; it also requires the protection of freedoms and rights as advocated by liberal ideas of natural or inalienable rights, that is, 'human rights' (Plattner 1998, 172). Analysing the Nordic scores in religious freedom indexes provides an entry into these questions. How is it possible that the Nordic countries, 'moral superpowers' in relation to international human rights (Langford and Karlsson Schaffer 2015, 1) and dominating the top tier of democracy indexes (Economist Intelligence Unit 2021), receive such an assessment of their treatment of religious minorities? How are we to interpret the relatively high levels of restrictions and discrimination affecting religious minorities in countries generally considered among the most liberal and democratic? Have the Nordic countries diverged from their ideals of human rights regarding religion? Or could it be that the findings are simply the result of how freedom of religion and belief (FoRB) is measured?

This article explores these questions by investigating the intersection of the standard statistical measures of religious diversity and human rights by Pew and the RAS and the handling of religion in the Nordic countries. The measures are important because the results they produce are not only part of scientific debates but are also taken up by the media, NGOs, and governments (Birdsall and Beaman 2020). However, the measures are not neutral

and may contain some bias, which crucially determines their results. Yet a critical approach to the instruments of measurement should not overshadow the fact that the measurements – even if they prove to be biased – may in fact reveal that the protection of FoRB in the Nordic countries is weaker than expected and requires scholars to think about why this may be the case.

### **Nordic exceptionalism and the Nordic human rights paradox**

The presentation of the Nordic countries as human rights superpowers participates in the 'Nordic exceptionalism' narrative in which the Nordic countries differ from other countries in relation to welfare (Pedersen and Kuhnle 2017), gender equality (Teigen and Skjeie 2017), trust (Delhey and Newton 2004), and happiness (Martela et al. 2020). While the Nordic countries may basically be 'good societies', the narrative of 'Nordic exceptionalism' is also a brand that can be criticized for its opaque claims which may blind observers to inherent contradictions (Langford and Karlsson Schaffer 2015, 7).<sup>1</sup> Recently, some scholars have pointed to the existence of a 'Nordic Human Rights Paradox' – a contradiction between how the Nordic countries promote human rights internationally and their domestic implementation (Langford and Karlsson Schaffer 2015; Vik et al. 2018). The key idea in the concept of the Nordic Human Rights Paradox is that the Nordic countries, though they promote human rights internationally as part of their foreign policy and development aid, do not necessarily implement human rights fully at home.

Based on the relatively poor performance according to the measures Fox and Pew provide, the paradox also seems to apply to religious rights. Denmark, Norway, and Sweden have in recent years expanded their foreign policy focus on FoRB.<sup>2</sup> In 2019 the Danish foreign ministry appointed a Special Representative for Freedom of Religion or Belief. On the website of the foreign ministry his work to promote freedom of religion or belief (FoRB) in the UN and in the EU with 'likeminded countries' is presented as 'substantial'. In addition, with Sweden and Norway, Denmark has submit-

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1 The claim is that it is often difficult to validate which factors have produced the phenomenon, the values supposedly determining policy are often only vaguely presented, mechanisms through which they gain importance are often not clarified, and change and variation over time or across cases are often not accounted for.

2 [https://www.regjeringen.no/en/topics/foreign-affairs/human-rights/ny-struktur/freedom\\_religion/id2343410/](https://www.regjeringen.no/en/topics/foreign-affairs/human-rights/ny-struktur/freedom_religion/id2343410/); <https://www.government.se/opinion-pieces/2018/07/religious-freedom-is-a-fundamental-human-right/>; <https://um.dk/en/foreign-policy/office-of-the-special-representative-for-freedom-of-religions-or-belief>

ted a 'substantive input' to the formulation of the Declaration of Principles of the International Religious Freedom Alliance, which Denmark joined in August 2020. Denmark has also 'ensured that Freedom of religion or belief is among the priorities' of the EU's International Development Aid legislation (NDICI) and the EU Action Plan on Human Rights and Democracy. As a member of the Human Rights Council (2019–2021) Denmark played a key role in ensuring that FoRB issues were included in relevant resolutions.<sup>3</sup> This suggests the existence of a particular Nordic Religious Freedom Paradox: a version of FoRB is promoted abroad that is not implemented at home. However, it is noteworthy that the Nordic countries are not the only countries that 'actively promote FoRB as part of their foreign policy [but] actually have less than stellar conditions for religion and religious tolerance domestically' (Birdsall and Beaman 2020, 64). Denmark is thus in the same company as Germany, Hungary, the UK, and the US in having special envoys for FoRB and 'high' social hostilities involving religion and 'moderate' government restrictions according to the Pew data. This means the paradox may be a general paradox of which the Nordic countries provide a particularly clear example. Paradoxes are often indicators of cognitive or social structures being oversimplified and polarized (Lewis 2000). According to the sociologists of religion Olga Breskaya and Giuseppe Giordan human rights has a 'sociological potential of whether freedom research ... [which] remains untapped' (Breskaya and Giordan 2019, 2). They suggest that the normative and legal nature of rights has alienated sociologists. The convoluted character of legal documents discourages scholars lacking legal training or interest, and the strong normativity has prevented the asking of critical questions. Scholars working on the Nordic Human Rights Paradox share similar concerns, arguing for both the need for a more 'theory-driven approach' (Langford and Karlsson Schaffer 2015, 192–3) and 'fine-grained empirical work documenting how Nordic human rights policies have evolved over time rather than on more theorising on those policies' (Vik et al. 2018, 194). This article aims to contribute to these discussions based on a critical examination of FoRB in the Nordic countries from the perspective of the Nordic Human Rights Paradox. This means the aim is not to normatively evaluate whether FoRB in the Nordic countries is challenged but to explore the evaluation of data that constitute the basis of the claims of increased government restrictions and discrimination. The article will first present the measures and then the Nordic context of freedom of religion legislation

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3 <https://um.dk/en/foreign-policy/office-of-the-special-representative-for-freedom-of-religions-or-belief/parliamentary-debate-on-the-status-of-the-danish-forb-initiative/>

and religious diversity, before addressing how they meet in the coding of the material on the Nordic countries from Pew and the RAS. It ends with a discussion of what may explain the Nordic freedom of religion paradox.

### **Measuring the regulation of religion**

The Pew Research Center describes itself as 'a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world'<sup>4</sup> with the aim of enriching conversations and supporting decision making. Pew was established in 1990 by the Times Mirror newspaper company and receives the bulk of its funding from the Pew Charitable Trusts, a trust established by the children of the Sun Oil Company founder Joseph N. Pew and his wife.<sup>5</sup> Pew collects data on a large variety of subjects through surveys, documents, and interviews and has collected data on restrictions to religion globally in 198 countries and from 20 published sources of information, including reports by the US State Department, the United Nations, and various nongovernmental organizations since 2007. Since 2015 this is as full datasets with explanatory documents to allow the scholar to engage with the data (Pew 2020). However, the interest in government restrictions is just one of many interests of the research institute, which in relation to religion also includes worldwide datasets on religious affiliation and beliefs (Grim 2014).

The Religion and State (RAS) Project is a research initiative, which was established by the political scientist Jonathan Fox and is based at Bar-Ilan University in Israel. The project has been funded by the Israel Science Foundation and various other sources of research funding, presenting its aims as providing accurate descriptions of government religion policies worldwide and to create a greater understanding of the factors which influence government religion policy, and how government religion policy mutually influences other political, social, and economic factors.<sup>6</sup> The RAS collected data for 183 states (all countries with populations of 250,000 or more) in three waves RAS1(1990), RAS2(2008), and RAS3(2014), which include data on an annual basis between 1990 and 2014. To examine the question of discrimination in more depth, in 2014 the RAS developed an additional dataset, the Religion and State-Minorities dataset (RASM3), as part of the Religion and State Round 3 project (RAS3). The dataset measures religious discrimina-

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4 <https://www.pewresearch.org/about/>

5 <https://www.pewresearch.org/about/our-funding/>

6 <http://religionandstate.org/>

tion against 159 religious minorities in 37 Christian-majority Western and European democratic countries between 1990 and 2014.

The overall interest of the RAS project lies in government religion policy with an emphasis on discrimination as reflected in the prominence of government-based religious discrimination (GRD), or 'government restrictions placed on the religious practices or institutions of religious minorities which are not also placed on the majority group' (Fox, Finke, and Eisenstein 2018, 887). The Government Restrictions Index (GRI) is prominent in Pew's material. Unlike the RAS, which does not present overall categorizations of countries but makes the scores of variables available (and downloadable) for different types of analysis, the Pew report result is based on a division of countries into the categories of very high (5 per cent), 'high' (15 per cent), moderate (20 per cent), and low (60 per cent) levels of restrictions (Pew 2014).

Pew's point of departure is three indexes (*government regulation, government favouritism, and social regulation*), developed to enable the production of cross-national data regarding the consequences of the regulation of religion (Grim and Finke 2006). The RAS makes similar distinctions, and the two datasets supplement each other well. The RAS collected data between 1990 and 2014 and has more than 100 relevant variables, measuring religious discrimination and regulation. It also has publicly available datasets specifically related to religious minorities. Pew has data from 2007–2019 and 20 variables specifically aimed at measuring government restrictions.

However, the question of FoRB is addressed quite differently in the two datasets. In Pew's datasets, the GRI is collected as responses to 20 questions and has a possible range of 0 to 10 (Center 2018). The index is specified in four subcategories: *government favouritism of religious groups; laws and policies restricting religious freedom; government limits to religious activities; and government harassment of religious groups*. Specific engagement with FoRB is therefore part of the index. The RAS approach to freedom of religion differs from Pew's to the extent that it attempts to avoid using the concept of religious freedom. Fox has identified nine different competing conceptions of religious freedom. Each conception (free exercise, religious persecution or repression, religious toleration, discrimination based on religion, neutrality/a level playing field, no minimum requirements for religious freedom, no separationism, no unclear laicism/secularism, religious discrimination) normatively defines how the state may react to religion in general and religious minorities more specifically (Fox 2017). Because there is no agreement concerning the precise meaning of the freedom of religion, and '[d]etermining which standard is the correct one is a normative issue that is

beyond the purview of this study' (Fox 2020, 26), the RAS refrains from it. Instead, GRD can be used, as even if one uses 'what is perhaps the narrowest of these definitions of religious freedom, any act of GRD violates all of these conceptions of religious freedom' (ibid.). However, in a 2021 article with Finke, Fox suggests that while human rights by definition focus on the individual, restrictions on institutions may affect the freedom of religion for individuals and thus constitute violations of religious freedom. Based on this logic, they draft the concept of Institutional Religious Freedom (IRF). IRF is claimed to be central for discussions of the religious freedom of minorities, as restrictions to IRF are greater for minority religious institutions than those against individuals, while the opposite is true for majority religions (Fox and Finke 2021, 17). IRF is measured based on four categories of government action. These are: 1) direct restrictions on religious institutions or clergy; 2) restrictions on institutions associated with religious institutions (religious education institutions, religious political parties and trade unions); 3) restrictions on communal prayer, religious rites of passage, and religious publications; and 4) restrictions on political speech by clergy or religious institutions. Based on these criteria, 19 of the 36 types of discrimination against religious minorities, and 19 of the 29 types of religious restrictions, violate IRF (Fox and Finke 2021).

### **Measuring FoRB**

Engaging with the two different measures is a complicated operation, and I will therefore restrict myself to two tasks: I will first examine both measures to see if the general claim of an increase in government restrictions (Pew) or religious discrimination (RAS) can be substantiated in relation to the Nordic countries. Second, I will ask what consequences the change will have regarding FoRB in line with how the two projects are themselves connected with the concept. It will be part of both tasks to evaluate the fit between the measures and the religious landscapes and policies of the Nordic countries. Before analysing how these measures are used as measures of government restrictions and religious discrimination, I will therefore present them.

### **Context of freedom of religion in Nordic countries**

The Nordic states are (relatively) small welfare states with populations between 350,000 (Iceland) and 10.2 million (Sweden) and strong support for publicly funded welfare institutions like schools, hospitals, and univer-

sities. The Nordic countries are very often presented as leading nations in the field of human rights, and support for human rights is widespread. For example, the Norwegian scholar Pal Ketil Botvar finds that upper secondary school students in Sweden and Norway are much more supportive of human rights than similar groups in Belgium, Germany, England and Wales, and the Netherlands. Unlike in the Nordic countries, there is relatively little support for human rights in these countries in relation to a personal religious position (Botvar 2015). Regarding religion, the Nordic countries are Lutheran majority societies with the Evangelical Lutheran Churches, historically state churches, retaining a relatively strong population base. As the only Nordic church, the Lutheran majority church in Denmark remains integrated with the Danish state to the extent that it can be categorized as a state church (Kühle et al. 2018). This does not mean that Danes belonging to other religions (or none) do not have FoRB. Article 67 of the Danish constitution (unchanged since 1849) states that ‘Citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done’.<sup>7</sup> In addition, in 2017 a new act, ‘Act Regulating Faith Communities outside the Folkekirke’, fulfils a promise made in the 1849 constitution of a law regulating the conditions of religious communities outside the majority Lutheran church (Kühle and Nielsen 2021; Lassen 2020). The act was thus ‘a milestone in Danish legal history and the history of religion in Denmark’: while to a large extent it simply codified and specified the previous regulation of faith communities outside the Folkekirke, the new act offered a more coherent framework for the registration of recognized religious communities (Lassen 2020). Article 11 of the Finnish constitution states that ‘Everyone has the freedom of religion and conscience. Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one’s convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion.’<sup>8</sup> In addition, the first Act on Religious Freedom (267/1922) was followed in 2003 by a new Act on the Freedom of Religion (453/2003), which like the Danish act on religious minorities also specifies the rules for the registration of minority religions. In Iceland the constitution’s mentions of religion resemble those of the Danish constitution, but

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7 [https://www.thedanishparliament.dk/-/media/pdf/publikationer/english/my\\_constitutional\\_act\\_with\\_explanations.ashx](https://www.thedanishparliament.dk/-/media/pdf/publikationer/english/my_constitutional_act_with_explanations.ashx)

8 <https://finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>



a new constitution has been discussed since 2013, and the proposal does not mention the Evangelical Lutheran Church by name. It substantially expands the protection of religious freedom by deleting reference to 'public order' and 'good morals' and instead formulates limitations as 'required in the name of democratic principles and necessities' (Landemore 2017, 777). In 2019 a subsidiary agreement meant that the staff of the majority church were no longer to hold civil service status and paid directly by the government. Funeral services are also delegated to religious and secular groups.<sup>9</sup> In Norway a 2012 constitutional reform formally abandoned the state church system. This meant that the constitutional paragraph which formerly stated that 'the Evangelical-Lutheran Religion remains the official religion of the State' was replaced by 'All inhabitants of the realm shall have the right to free exercise of their religion. The Church of Norway, an Evangelical-Lutheran church, will remain the Established Church of Norway and will as such be supported by the State. Detailed provisions as to its system will be laid down by law. All religious and belief communities should be supported on equal terms' (§ 16). The constitution explicitly mentions human rights: '§2 The foundational values remain our Christian and humanist inheritance. This Constitution shall ensure democracy, the rule of law and human rights' (Lovdata 2012; Botvar 2015; Kühle et al. 2018). In Sweden the separation of church and state in 2000 aimed to create a neutral and secular state which treated different religions more equally, though in some areas like burial services the majority church still functions as a public service organization (Pettersson 2011, 132), while article 6 guarantees 'freedom of worship: that is, the freedom to practice one's religion alone or in the company of others'.<sup>10</sup>

### **New religious rights legislation**

It is characteristic in all countries that new and/or updated legislation has emerged within the last two decades, and that this legislation replaces ad hoc and untransparent administration, with a stronger commitment to the rights and plights of the religious minorities that choose to register. It is also characteristic that the Lutheran Church clearly remains a majority church, though ties have been loosened in all countries. However, the position of this church remains different from the other religious organizations due to

<sup>9</sup> <https://www.state.gov/wp-content/uploads/2021/05/240282-ICELAND-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

<sup>10</sup> <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-instrument-of-government-2015.pdf>

its special relationship to issues like burials, chaplaincies, and the position in relation to end of term or Christmas celebrations in primary schools (Kühle et al. 2018). The teaching of RE in public schools is non-confessional in four of the countries, while the Finnish model is 'weak confessional' (Ubani et al. 2020, 4), as the teaching is segregated based on religious affiliation. While most children attend ordinary primary schools in all the Nordic countries, Denmark has the strongest tradition of independent state-funded schools, some of which are based on Christian, Muslim, or Jewish values (Kühle et al. 2018, 113), but it is also possible to receive state funding for religious schools in Finland, Norway, and Sweden. Among more controversial issues Denmark has implemented pieces of legislation restricting 'undemocratic' preaching and donations since 2016, which may target religious minorities (Kühle and Nielsen 2021). Following the same argument, a ban on face coverings (the 'burqa ban') was adopted in Denmark in 2018, while Norway implemented a similar ban, but only at universities. Circumcision (of boys) is another controversial issue in the Nordic countries. The debates became especially intense after Iceland, 'known for its respect for human rights and natural contrasts of fire and ice' (Gunnarsdóttir 2018, 161) discussed a ban in 2018. Bans have also been discussed in the other Nordic countries (Akturk 2019). Overall, the coding of Pew and the RAS is therefore expected to reflect that the Nordic countries seem to have increased their overall concern for minority religions but also – and this applies especially to Denmark – to have an increase in specific restrictions related to so-called hate preachers and face veils, which target Islam, in particular.

### **Restriction of religion according to the Pew Research Center**

What happens when the two measures of government restrictions and discrimination encounter and assess the Nordic religious landscapes? Table 1 (in Appendix) shows Pew's GRI scores for the Nordic countries in selected years.

Table 1 provides three initial insights. First, while the scores of the different Nordic countries are in the same range, Denmark (and in 2007 Iceland) scores significantly higher than the other Nordic countries, and Finland and Sweden consistently score lower. This corresponds with the picture described above, meaning that talk of a Nordic pattern should not obscure the fact that Pew's approaches distinguishes between the countries within the Nordic region. Second, the data overall confirm Pew's general claim that government restrictions on religion are growing. The largest changes

are seen in 'Limits on religious activity', where the rise confirms (and even exceeds) the general European development, which is seen to have doubled over a 10-year period and is described as 'one of the largest increases in any of the five global regions analyzed' (Diamant 2019). Among other factors Pew associates the increase with the way that

numerous European countries and cities have banned people from wearing religious symbols or religious clothing, either completely or in certain circumstances (such as at public service jobs or photographs for official documents). For example, France in 2011 outlawed full-face coverings, preventing Muslim women from being able to wear the burqa or niqab in public. And in Spain in 2010, several cities in Catalonia banned the burqa and niqab, as well as face-covering veils, in public buildings (ibid.).

This description fits with how Denmark, with a score of 4.7, was 'promoted' to the category of 'high restrictions' based on the 2018 'burqa ban'. The fact that the score dropped to 4.1 in 2019 suggests the developments Pew charts do not follow a simple pattern. Third, the highest levels of religious restrictions concerns 'Favouritism of religious groups' and 'General laws and policies'. It is these dimensions that drive the index, and while they are much more stable than the 'limits on religious activity' dimension, they also increase, and their contribution to the change in GRI is as significant as the contribution of 'limits on religious activities' and contributes more overall to the position of the Nordic GRI above the global median of 2.9. This means arguments based on Pew that government restrictions are severe in the Nordic countries are mainly a result of high scores in the 'Favouritism' category – that is, questions asking about whether some religious groups receive funding (GRI.Q.20), are recognized in the constitution (GRI.Q.20.1), have recent privileges (GRI.Q.20.2), or receive funds from the state (GRI.Q.20.3), but also whether religious education is taught in public schools (GRI.Q.20.4). All the Nordic countries, including Finland, score highly on these questions (with the possible exception of Sweden). Moreover, scores have increased, even if the countries seem to have moved towards more inclusion of minority religions. From a Nordic perspective, even for those critical of the privileged position of the majority churches, it is in fact difficult to understand why these questions measure government restrictions. On these grounds the GRI emerges as partly informed by a US-based wall of separation.

### Discrimination on religious grounds in the RAS project

In the RAS dataset government-based religious discrimination (GRD) covers 36 variables, which directly measure religious discrimination and 29 variables, which cover 'Religious restrictions', and 52 variables, which concern 'Religious support'. Table 2 (in Appendix) presents the Nordic values for the different dimensions of GRD.

One of the results of the RAS is that '[w]ith a few minor exceptions both societal and governmental religious discrimination were present and increased between 1990 (or the earliest year available) and 2014 in 37 Western and European Christian majority democracies' (Fox 2017, 201). The data in Table 2 do not show a consistent pattern of change: six of the scores remain stable or decrease; nine scores increase. Indeed, the sum of scores for the two indexes decreases, and only 'Discrimination against minority religions' is increasing, driven mainly by a dramatic increase in discrimination against minority religions in Denmark, which doubles from five to ten. The variables driving the changes in the scores for 'Discrimination against minority religions' include restrictions on wearing religious symbols or having access to food appropriate to religious concerns. As with Pew, most of the coding seems to represent the developments in the Nordic countries well, but some variables are more puzzling – for example, 'mx28: Restrictions on the running of religious schools and/or religious education in general' – which is coded as increasing in relation to Sweden (but none of the other Nordic countries). What does this mean? Unlike in the United States, where private schools are ineligible for public funding, and where religion cannot be taught in state schools, many European countries, including the Nordic countries, allow the establishment of state-funded private schools with a certain religious profile if the school adheres to certain regulations. Schools in general may also either teach about religion or offer confessional religious education according to the religious belonging of the student (Berglund 2015). The coding of this category does not seem to represent a US bias, as Fox is aware that some countries like Canada have an education policy which 'is more closely related to religion' (Fox 2020, 205), and that restrictions may not mean that religion is unfree. State funding certainly changes the discussion, for funding necessarily entails control and some restrictions, which may constitute religious discrimination, even if the overall aim of the support is to include religious minorities in an education system in which religion plays a part. Unlike some of the other variables, the relationship between restrictions and discrimination is therefore quite complex. The Pew Research Institute finds that *religious restrictions* have risen globally, as well

as in the Nordic countries. The RAS project finds that *religious discrimination* has grown globally, as well as in the Nordic countries. How do these two results translate to the question of freedom of religion?

### Freedom of religion in the Pew studies

The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a 'common standard of achievements for all peoples and all nations', protects freedom of religion in article 18, which states that 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'(UDHR).

This expression is central to Pew's engagement with freedom of religion, which is examined through the subcategory of laws and policies restricting religious freedom (Pew 2019, 2020); a category within which the Nordic countries scored particular highly. The coding is presented in Table 3 (in Appendix).

The relevance of the first three categories (GRI01-03) for discussions of FoRB is obvious, though the specific evaluation appears puzzling,<sup>11</sup> and the conclusion may be discussed: is it really the case that only the constitutions of Finland and Norway provide for "freedom of religion" or include language used in Article 18 of the United Nations Universal Declaration of Human Rights'? (GRI01). That only Finland is assessed to protect religious practices without any contradictions (GRI02)? And that only Iceland has national laws and policies that provide for religious freedom, and the national government respects religious freedom in practice (GRI03)? As previously discussed, it seems fair to point to Denmark and Iceland regarding the wordings in the constitutions, as these date back to the nineteenth century and therefore predate the United Nations Universal Declaration of Human Rights, but this is not the background of the coding. The coding concerns the banning of slaughter without stunning and male circumcision and the possibility of wearing headgear in passport photos.<sup>12</sup>

11 For example, what does it mean 'to qualify or substantially contradict the concept of "religious freedom"' (GRI01)?

12 The Pew Research Institute has been very forthcoming in providing explanations for coding (email 29.10.21). They do in some cases reflect a lack of information. However, our concern here is not to assess whether the scores are adequate or fair but to examine what is considered a restriction on freedom of religion.

The two other questions (GRI14 and Q18) clearly target the practice of providing religious groups with the opportunity to register to be eligible for benefits such as tax exemption and the existence of a state organization that manages religious affairs. It is again possible to discuss the specific coding, but the concern here is the extent to which these questions should be part of a general measure of FoRB. The possibility for religions to register is very common among European countries and is by 'the European understanding of this right' (Flere 2010, 100) considered to conform with FoRB if registration is not a condition for religions to exist but a possibility that gives religious communities access to some privileges.

### **Freedom of religion in the RAS project**

The RAS's assessment of IFR also points to registration as a practice that violates religious freedom (Table 4). The state and/or the majority church in cooperation with the state provide many of the other variables assessed as challenging religious freedom concern services in all or some of the Nordic countries. This may help us understand some of the mechanics behind the 'Nordic Religious Freedom Paradox'.

### **Nordic welfare states and the protection of FoRB**

The point to stress may be that the Nordic countries' scores are quite favourable in many areas. For example, the Nordic countries' score a total of zero in GRI8 (Is religious literature or broadcasting limited by any level of government?) and GRI12 (Did the national government display hostility involving physical violence toward minority or nonapproved religious groups?), along with several other questions. Yet the scores in several other categories suggest that FoRB is precarious in the Nordic countries in the eyes of both Pew and the RAS. Why is this so? The two datasets differ in detail, but they share a concern with state engagement with religion as such. This concern is akin to what Lori Beaman and Winnifred Sullivan have called 'a particular historical allergy to the establishment of religion' (Beaman and Sullivan 2016, 3) in scholarly debates on religion–state relations. The allergy has its roots in US history and politics but has come to permeate global discussions of religion and state. This bias seems to be present in the assessments of registration as a problematic practice in both datasets and may lead to assessments of restrictions as too restrictive in several cases.

First, in the Nordic countries the majority churches are in continuing conversations with the state within the framework of the welfare state. The majority church's involvement in chaplaincies, education, and burial practices, for example, suggests that their position vis-à-vis the state may be described as semi-autonomous (Kühle et al. 2018, 89), and their overall relationship as intertwined (Christoffersen 2006), though the connotations of the latter may suggest a harmonious unity and neglect the fact that some social and cultural elements do not sit comfortably and result in friction and disharmony. 'Entanglement' could work as 'a more appropriate description and metaphor to suggest relationships, sites and values that are in a tangle' (Turner 2014, 542). Second, the Nordic welfare states in some cases distribute public funding to chaplaincies and private schools (Kühle et al. 2018), for example. Because the state also increasingly wants to distribute privileges to minority religious organizations, the new laws on religious minorities have installed procedures like registration to secure and widen the privileges only a few religious organizations have previously held. While there is no doubt that recognition procedures may be discriminatory (Lægaard 2012), states 'confront demands for the recognition of religious differences' (Hofhansel 2013, 90) and attempt to create a 'model of extended privileges' to extend the majority churches' privileged position to some minority religions (Sakaranaho and Martikainen 2015). The relationship between minority religions and the Nordic states is therefore complex and ambiguous – and perhaps increasingly so. The establishment and integration into the legal structure of the 'new religious diversity' are still a relatively new development in the Nordic countries, so things are often very much in the working. While some developments in the Nordic countries may limit FoRB – and the strong concern in Denmark to protect democracy from radical Islam may introduce discriminatory practices – some developments like an increased focus on registration, religious education, and chaplaincies may in fact suggest a greater inclusion of religious minorities. Beaman and Sullivan suggest that debates would profit from a critical examination of this and discharging it by '[a]ccepting the natural presence of establishment as a heuristic draws to the forefront some of the underlying assumptions of theoretical, legal and policy approaches to religious diversity and what has often been described as its management' (Beaman and Sullivan 2016, 6). The questions of the two international datasets are not always fine-tuned to this, yet they are helpful in opening a discussion of how 'patterns of religion–state governance produce difference in religious freedom regimes' (Breskaya and Giordan 2019, 4).

### The 'Nordic Religious Freedom Paradox'

The datasets produced by Pew and the RAS thus paint a picture of freedom of religion for minorities in the Nordic countries as precarious due to restrictions and discrimination. However, the Nordic countries are strong supporters of freedom of religion globally. The disconnect between the global image of the Nordic countries as promoters of human rights and the image painted by these two datasets may be partly due to different understandings of religious diversity in the US and in the Nordic countries in particular and broadly in Europe. However, returning to the question of a 'Nordic Religious Freedom Paradox' adds a further dimension. Proponents of the Nordic human rights paradox explain the paradox as related to 'scepticism, at the domestic level, toward constitutionalism, judicial review and individual rights within the Nordic states by reference to national legal culture, democratic tradition and a certain constitutional temperament' (Langford and Karlsson Schaffer 2015, 1). This scepticism emerges in the evaluation of the formal protection of rights in constitutions, which Pew finds insufficient. From a Nordic perspective, manifestations may still be considered protected, even if they are not presented in 'human rights language'. It may indeed be part of the model of Nordic exceptionalism that this is the case, though it is also a general (Europe-biased) argument that the meaning of freedom of religion cannot be limited to the formulation in international human rights regimes (Breskaya and Giordan 2019, 4). Moreover, the Nordic countries are highly regulated, with laws and regulations ruling numerous aspects of both private and public life. For example, zoning laws are often very detailed, but while these 'localized dimensions of religious freedom' (Miller 2020) certainly can be a tool for curbing FoRB, the existence of restrictions for religious organizations, which resemble what similar organizations face, is probably not. While restrictions related to issues like circumcision on the one hand interferes with FoRB, on the other it is obvious that the state could feel called to ensure compliance with certain medical standards (Erlings 2022). In extensive welfare states like the Nordic countries it is much more likely that the state will prioritize the rights of the child over religious rights in the conundrum of balancing rights (Akturk 2019).

My aim is therefore not to criticize the measure but to point to how the questions prompted by the construction of the two international datasets are of the utmost importance, because they allow big questions to be posed like the question of the link between religious freedom and liberal and Western democracies which opened this article: how are we to interpret the relatively high levels of restrictions and discrimination against religious minorities



in countries generally considered among the most liberal and democratic? Anthropologist Saba Mahmood's studies of the governance of religious minorities in Egypt led her to claim that modern secular governance based on minority rights, freedom of religion, and equality may in fact create more inequality and provoke conflict (Mahmood 2015). For Mary Ann Glendon the problem is what she calls rights talk, which 'in its absoluteness, prompts unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead towards consensus, accommodation, or at least the discovery of common ground' (Glendon 1991, 14). Rather than relying on courts settling who is correct or whose rights have been infringed, she suggests dispute resolution, a method that (through civil litigation, arbitration, or mediation) is widely used in the Nordic countries, with the state playing an active role in promoting social values (Petersen 2021). The tendency not to focus too much on (individual) rights per se but to place them within the context of social justice and societal cohesion is thus a key feature of the Nordic welfare states (Strang 2018).

The Nordic focus on human rights has been described as a branding issue (Kirkebø, Langford, and Byrkjeflot 2021, 191). Like the US-centred accounts of human rights history, Nordic exceptionalism is currently being critically examined and challenged (Vik et al. 2018, 191), with warnings being issued that 'the narrative structure of Nordic exceptionalism follows the same pattern as partisan and nationalist accounts of American exceptionalism' (Langford & Karlsson Schaffer 2015, 3). Obviously, one triumphalist understanding of freedom of religion should not replace another, and it is indeed likely that scholars around the globe will also find that the realities in their country do not match the questions if they perform a similar analysis. This does not mean that universal definitions of human rights should be rejected; they should be critically examined. For example, research on the Nordic human rights paradox rightly warns against placing too much emphasis on values, culture, or identity as the key causal factor (Langford and Karlsson Schaffer 2015, 2f.) and focusing on how human rights norms have been engaged with domestically (Vik et al. 2018, 193).

As both the Pew and RAS projects find societal conflict (social restrictions or discrimination) to be roughly correlated with the level of government restrictions/discrimination, an understanding of government restrictions and discrimination appears central to addressing the challenges of religious diversity. This endeavour appears especially likely to succeed if it is placed in relation to context-rich understandings of various human rights regimes, religion-state models, and types of societies.

**Conclusion**

Previously, questions of discrimination and restrictions placed on religion have rarely been addressed in research. The emergence of a clear transnational research and policy agenda charting both the situation of religious diversity and government restrictions and discrimination opens new research avenues. In this article I have analysed how the data from Pew and the RAS, which suggest a surprisingly high level of government-based religious restriction and discrimination in the Nordic countries, may partly result from a desire to extend to minority religions the privileges previously assigned only to the majority religion. The aim is not to claim that the positive image of the happy, equal, affluent human-rights-loving Nordic countries is either completely right or entirely wrong, but simply to say that the inclusion of religious minorities in highly integrated and strong welfare states is a difficult task that may take different forms. The measures we use, like any approach, form what we see, and which questions we can ask and investigate.

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**Table 1. Government Restrictions Index**

Year: 2007/17	Favouritism of religious groups	General laws and policies restricting freedom of religion	Harassment of religious groups	Limits on religious activity	Overall GRI						
	2007	2017	2018	2019							
Denmark	8.0	9.3	6.3	5.7	0.7	1.4	1.1	4.5	2.5	4.1	4.1
Finland	3.0*	9.5	1.3	2.7	0.3	1.4	0.0	2.9	0.6	2.6	2.6
Iceland	8.0	10.0	5.7	4.3	0.7	0.7	1.4	5.2	2.6	3.7	3.7
Norway	6.7	7.3	2.7	2.7	1.4	1.4	0.0	3.8	1.5	2.9	3.2
Sweden	2.3	3.5	3.7	5.0	0.0	1.4	0.5	1.0	1.2	2.3	2.8
Average	5.6	7.9	3.9	4.1	0.6	1.3	0.4	3.5	1.7	3.1	3.4
Median	6.7	9.3	3.7	4.3	0.7	1.4	0.5	3.8	1.5	2.9	3.2
Global median**									1.8	2.8	2.9

\* I have been in touch with Pew Research Institute regarding this and other coding. The response was 'In terms of the increase since 2007, it may very well be that for 2007 this information was not taken into account, but it should have been. So you may be on the right track that the information for 2007 coding was incomplete' (email 29.10.21).

\*\* The Pew Research Center uses medians to show global and regional differences in scores in the full indexes (GRI and SHI). This is done to limit the influence of a few outliers from the regional or global averages.



**Table 2.** RAS3.

	Discrimination against minority religions (36 variables)		Religious restrictions (29 variables)		Religious support (52 variables).	
	1990	2014	1990	2014	1990	2014
Denmark	5	10	16	17	17	17
Finland	1	4	6	4	11	12
Iceland	4	5	11	13	26	27
Norway	11	13	5	4	14	12
Sweden	10	12	11	6	16	14
Sum	31	44	49	44	84	82

**Table 3.** Nordic scores in Pew’s general laws restricting religious freedom. Source: (Pew 2020)

GRI01 Does the constitution, or law that functions in the place of a constitution (basic law), specifically provide for ‘freedom of religion’ or include language used in Article 18 of the United Nations Universal Declaration of Human Rights?

Yes	Finland, Norway
The constitution or basic law does not provide for freedom of religion but does protect some practices	Denmark, Iceland, Sweden
No	

GRI02 Does the constitution or basic law include stipulations that appear to qualify or substantially contradict the concept of ‘religious freedom’?

No	Finland
Yes, there is a qualification	Norway
Yes, there is a substantial contradiction and only some religious practices are protected	Denmark, Iceland, Sweden
Religious freedom is not provided in the first place	

GRI03 Taken together, how do the constitution/basic law and other national laws and policies affect religious freedom?

National laws and policies provide for religious freedom, and the national government respects religious freedom in practice	Iceland
National laws and policies provide for religious freedom, and the national government generally respects religious freedom in practice; but there are some instances (e.g., in certain localities) where religious freedom is not respected in practice	Denmark, Finland, Norway, Sweden
There are limited national legal protections for religious freedom, but the national government does not generally respect religious freedom in practice	
National laws and policies do not provide for religious freedom, and the national government does not respect religious freedom in practice	

GRI14: Does the national government have an established organization to regulate or manage religious affairs?

No	Finland, Iceland, Norway,
No, but the government consults a nongovernmental advisory board	
Yes, but the organization is noncoercive toward religious groups	Denmark, Sweden
Yes, and the organization is coercive toward religious groups	

GRI18: Does any level of government ask religious groups to register for any reason, including to be eligible for benefits such as tax exemption?

No	
Yes, but in a nondiscriminatory way	Sweden
Yes, and the process adversely affects the ability of some religious groups to operate	
Yes, and the process clearly discriminates against some religious groups	Denmark, Finland, Iceland, Norway

**Table 4.** Institutional Freedom of Religion, RAS3 2014.

MX13 Buildings	All: Building, leasing, repairing, and/or maintaining places of worship are prohibited or sharply restricted, or the government engages in a severe form of this activity for most or all minorities
LX49 Registration	All: A registration process for religious organizations exists which differs in some manner from the registration process for other non-profit organizations
Mx11 Burials	Finland, Norway: Burials are not significantly restricted for any, or the government does not engage in regulation. Denmark: Burials are slightly restricted, or the government engages in a mild form of restrictions for some minorities Iceland, Sweden: Burials are slightly restricted for most or all minorities or sharply restricted for some.
Mx05 Circumcisions	Sweden: Circumcisions are slightly restricted, or the government engages in a mild form of this practice for some minorities.
Mx28 Religious schools or religious education in general	Denmark, Iceland, Norway: Religious schools or religious education are not significantly restricted for any minorities. Sweden: Religious schools or religious education are slightly restricted for some minorities. Finland: Religious schools or religious education are slightly restricted for most or all minorities or are sharply restricted for some of them.
Mx16 Ordination of and/or access to clergy	Finland, Norway, Sweden: the government does not engage in ordination of and/or access to clergy Denmark, Iceland: Ordination of and/or access to clergy is slightly restricted for some minorities.
Mx18 Access of minority clergy to jails compared to the majority religion	Denmark, Finland and Iceland: Access of minority clergy is not significantly restricted for any minorities Sweden: Access of minority clergy is slightly restricted for some minorities. Norway: Access of minority clergy is slightly restricted for most or all minorities, or access is restricted for some of them.
Mx19 Access of minority clergy to military bases compared to the majority religion	Sweden: Access of minority clergy is slightly restricted Norway: Access of minority clergy is slightly restricted for most or all minorities, the government engages in a mild form of this practice, or the activity is sharply restricted for some of them, or the government engages in a severe form of this activity for some of them.
Mx20 Access of minority clergy to hospitals and other public facilities compared to majority religion	Sweden: Access is slightly restricted Norway: Access is slightly restricted for most or all minorities, the government engages in a mild form of this practice, or the activity is sharply restricted for some of them.

