CAN DIFFERENCES IN NATIONS' RULE OF LAW BE EXPLAINED BY RELIGION?

Skinner, David L.
Korea Nazarene University
& Mount Vernon Nazarene University

Park, Chung-yeol
Korea Nazarene University

ABSTRACT
This research examines whether religions can explain differences in the rule of law across nations. It finds that several religious groups can explain much of the variation in the rule of law while others have no explanatory power.

INTRODUCTION
The rule of law is important to economists, political scientists, business persons and others as are the cultural values that can explain its strength or absence. One possible set of explanatory variables is a country's spectrum of religions. This paper examines the questions of whether certain religions are associated with the rule of law and, if so, in which directions.

This research uses the World Justice Project's Rule of Law Index (RLI) [WJD] to create a measure of the rule of law. The data for the distribution of various religions is from the World Christian Encyclopedia [World].

Simple linear regressions find that nations with higher percentages of Great Commission Christians, Protestant Christians and Non-Religious citizens have significantly (alpha = 0.01) stronger rule of law. At a weaker alpha of 0.05, Atheists and Muslims are also related to RLI. However, while Atheists are positively related to the RLI, Muslims are negatively related.

The most powerful multiple regression model finds that Great Commission Christians, Protestant Christians and Pentecostal Christians collectively explain 41.7% of nations' RLI.

The literature is in Section 2, data sources in Section 3, methodology in Section 4, findings in Section 5, and conclusions in Section 6.

LITERATURE REVIEW
Sherlock notes that from earliest times, human societies have exhibited religious characteristics. Each religious group has "1) a shared worldview, 2) norms that are promoted as coming from a divine source, and 3) a system of transcendent punishment for violations." "Understanding religion as an adaptive public good is one way of explaining the persistence of religion across cultures since the time human beings first started living in groups." A public good is non-rival and non-excludable. Consumption of a public good by one person does not reduce the supply of that good for another. And, if it is available to one it is available to all. An adaptive public good

helps to maintain a society. Religion can help maintain order, encourage approved behavior and punish misbehavior. Since each religious group is different, each may be related to the rule of law in a different way. For example, Judaism, Christianity and Islam point to transcendent punishment imposed by a single God while Hinduism depends on punishment through reincarnation.

The Bible contains numerous covenants between God and his people. The major covenants include: Noahic Covenant (Genesis 8-9), Abrahamic Covenant (Genesis 12-17), Covenant with Isaac (Genesis 27), Covenant with Jacob (Genesis 28), Mosaic Covenant (Exodus 19-24), Israel Covenant (Deuteronomy 29-30), Davidic Covenant (II Samuel 7), and the New Covenant (Jeremiah 30-33 and the New Testament) along with various priestly covenants, national covenants and personal covenants. A covenant corresponds to a contract in modern law. The first five books of the Bible, the Pentateuch, are even called the Books of the Law. The focus of the Bible on covenants and law suggests that Judaism and Christianity would be expected to support the rule of law.

Carroll and Shiflett detail the freedom, equality, tolerance, compassion, charity and abolition of slavery in the history of Christianity. Those characteristics would also be expected to support the rule of law. Jeong notes that most studies of social capital use western data and only consider Christianity. Studies of non-western cultures are generally not empirical. Also noted is the fact that religious communities are the most significant sources of social capital. Jeong uses data from the 1999-2002 World Values study to show that Protestantism and Catholicism are positively related to civic engagement in Korea, while Buddhism and other religions are not. The Christian relationship to social capital may result from the emphasis on relieving suffering while traditional Buddhism is concentrated on controlling desires which would be unrelated to social capital. The civic engagement of Christians ought to be positively related to the rule of law while the disengagement of Buddhists ought to be unrelated. Within Christianity, Protestantism emphasizes individualism while Catholicism emphasizes solidarity. The Buddhist concept of *anatman* stresses interconnectedness. Therefore, Catholicism might be closer to Buddhism than to Protestantism. Both Protestantism and Catholicism have high levels of institutionalization (hospitals, colleges, schools, welfare agencies, etc.) while Buddhism does not. Protestantism has a high level of autonomy from the state while Catholicism and Buddhism have low to moderate levels of autonomy. For these reasons, Protestantism may have a more positive relationship with the rule of law, followed by Catholicism and finally Buddhism. Since Jeong examines trust in persons and not in government, the explanation may not directly transfer.

Tan discusses the Confucian attempt to balance community and liberty. The former suggests an attachment to the rule of law while the latter rejects it. The traditional view of Confucianism is slanted against individual liberty both in western cultures and even among many Asians. However, Tan points out traditions within Confucian thought that support personal liberty within the bounds of community.

Lee proposes a new category of power to explain Asian cultures' rule of law. "Relational power" is suggested in addition to the more traditional politico-juridical power and disciplinary power. Politico-juridical power is wielded by a single person and imposed on another. It is most often associated with the rule of law both as power imposed on citizens and as the need for limiting that power. Disciplinary power is not identified with a person but is the result of disciplines such as science and is also coercive. "Relational power" is developed from interpersonal relationships and is most strongly observed in Confucian societies. In Korea, for example, the family is the principal focus and Korea as a nation is thought of as an extended family. Politico-juridical power is often identified with the rule of law. Disciplinary power is often, though not always,

aligned with the rule of law. Relational power is often in conflict with the rule of law. It exhibits itself in examples of cronyism, favoritism or nepotism. Therefore, religions associated with Confucianism are likely to have weaker rule of law.

Nathan writes about the impact of law on modern Korean Buddhism while this study examines the relationship in the opposite direction. The Japanese occupation in the early twentieth century appeared to use law to oppress Buddhism. However, it may have been a vehicle for reform that was already underway. It is interesting to note that a significant part of the law regarding religions centered on propagation. To be legally recognized as a religion in Korea, an organization needed to exhibit some effort to proselytize. That conflict should produce an ambiguous relationship between Buddhism and the rule of law in that country.

Ambuel examines Thailand's constitutional reforms and their relationships with Buddhism. He shows that Buddhism as a justification of political power has declined while Buddhism as a standard for political reform has risen. It has had a strong influence on the types and implementation of reforms.

A collection of papers edited by Turner, Feinerman and Guy discusses the rule of law in China. In particular, it notes the disconnect between codified law and what is enforced by the judicial system. Part of the difference is due to the relational nature of law enforcement in China and that may be explained by its Confucian history. That conclusion is reinforced by McArthur, Englehardt and Jasperson [11]. A small sample of actual judges found that they modified (or felt pressure to modify) actual laws based on their Confucian ethics.

Arumugam argues that the rule of law is often defined from a western perspective which upholds individual rights while Asian law seems to suppress individual rights in favor of the collective. They also note that little of the research on the rule of law has come from Asia.

Islam's decline from the religion of the world's leading countries to the religion of poor, autocratic ones is related by Lewis. He points to Islam's treatment of women, lack of compromise, lack of separation of church and state, inability to adapt to those it could not conquer, and search for scapegoats.

As an example, the Iranian author Taheri points out that

> All but one of the world's remaining military regimes are in Muslim countries. With the exception of Turkey and Bangladesh, there are no real elections in any Muslim country. Of the current 30 active conflicts in the world…28 concern Muslim governments and/or communities. Two-thirds of the world's political prisoners are held in Muslim countries, which also carry out 80% of all executions each year.

Since 2001, Iraq has held elections, but remains unstable. The qualities of Islam would be expected to undermine the rule of law.

Skinner found that much of the variation in the Index of Economic Freedom, the Globalization Index and Failed States Index can be explained by religion. The rule of law is one feature of nations which have been economically successful. Businesspeople and others need to depend on the rule of law for their success.

The literature suggests that religion would be related to the rule of law. The empirical questions of (1) which religions are associated with the rule of law and (2) the directions of the relationships are the focus of this paper.

DATA SOURCES
World Justice Project's (WJP) Rule of Law Index (RLI) [WJP] is used to create a measure of the rule of law. The WJP defines the rule of law to be

> a rules-based system in which the following four universal principles are upheld:
> - The government and its officials and agents are accountable under the law.
> - The laws are clear, publicized, stable, and fair, and protect fundamental rights, including the security of persons and property.
> - The process by which the laws are enacted, administered, and enforced is accessible, fair and efficient.
> - Access to justice is provided by competent, independent, and ethical adjudicators, attorneys or representatives, and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

WJP reports eight dimensions constructed from more than 400 variables drawn from the responses of 66,000 ordinary citizens and 2,000 legal experts. The eight factors are:

- Limited government powers
- Absence of corruption
- Order and security
- Fundamental rights
- Open government
- Effective regulatory enforcement
- Access to civil justice
- Effective criminal justice

It is instructive for purposes of this study to note that none of these factors focuses on religion. Each factor is a normalized sum of its inputs. No overall "composite" is score is reported by the WJP. For this study a "composite" score is found by averaging the eight factors for each country, a methodology not inconsistent with that used by WJP. This composite is used as the dependent variable.

The World Christian Encyclopedia contains data on the religious spectrums of nations broken down into various Christian subcategories and by other major religions. All the 66 countries covered by the RLI are included except Hong Kong so n = 65 for this study.

The broad Christian classes include:
- Christian
- Roman Catholic
- Protestant
- Anglican
- Orthodox
- Independent
- Evangelical
- Pentecostal/Charismatic
- Great Commission Christians

Other religious groups include:
- Muslim
- Jewish
- Baha'i
- Buddhist
- Hindu
- Spiritist/ Ethnoreligionist/ Chinese folk religion
- Nonreligious
- Atheist

Some of these categories are clear but since others of these may not be, the following definitions are quoted from the World Christian Encyclopedia.

> *Independents.* Separated from, uninterested in, and independent of historic denominationalist Christianity.
> *Evangelicals.* A subdivision mainly of Protestants consisting of all affiliated church members calling themselves Evangelicals, or all persons belonging to Evangelical congregations, churches or denominations: characterized by commitment to personal religion.
> *Charismatics.* Baptized members affiliated to nonpentecostal denominations who have entered into the experience of being filled with the Holy Spirit.
> *Great Commission Christians.* Believers in Jesus Christ who are aware of the implications of Christ's Great Commission, who have accepted its personal challenge in their lives and ministries, are attempting to obey His commands and mandates, and who are seeking to influence the body of Christ to implement it.
> *Ethnoreligionists.* Followers of a non-Christian or pre-Christian religion tied closely to a specific ethnic group, with membership restricted to that group; usually animists, polytheists, or shamanists. Older terminology: pagans, heathens, tribal religionists, traditional religionists. [In this paper the term is also used to include Chinese folk religionists and spiritists.]
> *Nonreligious.* Persons professing no religion, no interest in religion; secularists, materialists; agnostics, but not militantly antireligious or atheists.
> *Atheists.* Militantly anti-religious or anti-Christian agnostics, secularists, or 120arxists.

There are obvious data limitations. RLI measures are reported for 66 countries for 2011. Religions may not be defined in a way that appeals to every reader. Categories are not mutually exclusive: A Protestant Christian may also be Evangelical and Pentecostal. Some data may be contradictory: Haitians who claim to be Roman Catholics and also practice Voodoo (an Ethnoreligion) may be theologically impossible but occur in the real world.   In addition, the data are self reported: A respondent may claim to be a Great Commission Christian but his/her neighbors may be unaware of that. The white noise resulting from these data limitations may understate religion's explanatory power.

METHODOLOGY
First, an OLS regression is run with each individual religion as the independent variable and RLI as the dependent variable to determine the direction and significance of individual relationships and the percentage of the variation in RLI that is explained (R square).

Second, stepwise multiple regression is used to find the most effective 2-factor model, 3-factor model, etc. No theoretical order of entry is imposed since no particular theory is being tested

other than to determine whether religions predict RLI. The significance of results is allowed to determine order. Due to data limitations described above, multicollinearity is expected. Correlations between the various religions run from -0.68 to +0.78 with more than 5% of the correlations having an absolute value greater than 0.5. Therefore, the percentage of the variation in the RLI explained by a set of religion variables is less than the sum of the percentages explained by the religions individually.

A more complex model is not considered an improvement over a simpler one unless its increase in explanatory power justifies its increase in complexity. An F test is used to determine whether a larger model is significantly better than a smaller model:

$$F = [(R^2_L - R^2_S)/(k_L - k_S)]/[(1 - R^2_L)/(N - k_L - 1)]$$

where: df = $(N - k_L - 1), (N - k_S - 1)$
R^2_L = the R^2 of the larger model (more religious groups),
R^2_S = the R^2 of the smaller model,
k_L = the number of religious groups in the larger model,
k_S = the number of religious groups in the smaller model, and
N = the sample size.

Adjusted R^2 is used throughout to avoid the upward bias of the unadjusted R^2.

FINDINGS
Table 1 summarizes the findings of the RLI composite regressed individually on each religion. It reports the correlation, slope, adjusted R^2 and significance level. Religious categories are listed from the strongest predictor to the weakest. The top three religions are significant at the 0.01 level. The next two are not significant at 0.01 but are significant at 0.05.

The slope indicates the change in RLI associated with a one percent increase in the religion's fraction of the population. A positive correlation or slope indicates a positive relationship with the rule of law. The only religion that exhibits a significant negative correlation with RLI is Muslims.

The significance level is shown to three decimals although some are so significant that scientific notation is reported. In the text, significance levels are reported in parentheses.

R^2 indicates the proportion of the variability in RLI explained by that religion. Adjusted R^2 is reported to avoid the upward bias of the unadjusted R^2. Some are negative and must be interpreted as meaningless (na).

The strongest relationship is for Great Commission Christians which explains 32.4% of the variation in RLI. For each additional percent of Great Commission Christians in the population, a country's RLI increases an average of 0.0057. Nations with more Great Commission Christians have significantly (.000) greater rule of law.

The other significant predictors at the 0.01 level are Protestants which explain 18.2% (0.000) and the Non-Religious which explain 10.0% (0.006). For each additional percent of those groups, the RLI rises 0.0032 and 0.0048 respectively. At the 0.05 level are Atheists 7.2% (0.018), and Muslims 4.8% (0.044). For each additional percent of Atheists, the RLI rises 0.0109. The most troubling results are for Muslims in that they are the only significant religious group with a negative sign. For each additional percent of Muslims a country has, the RLI changes -0.0011.

Table 1
Simple Regressions on RLI

Religion	Correlation	Slope	R^2	Significance
Great Commission Christians	0.578	0.0057	0.324	4.489E-07
Protestants	0.422	0.0032	0.182	2.311E-04
Non-Religious	0.338	0.0048	0.100	0.006
Atheist	0.293	0.0109	0.072	0.018
Muslim	-0.251	-0.0011	0.048	0.044
Jew	0.206	0.0673	0.027	0.099
Spiritist/ Ethnoreligions/ Chinese folk religion	-0.168	-0.0024	0.013	0.180
Christians	0.158	0.0006	0.009	0.210
Orthodox	-0.152	-0.0012	0.008	0.226
Baha'i	-0.138	-0.0356	0.003	0.274
Anglicans	0.131	0.0020	na	0.297
Independent Christians	-0.103	-0.0023	na	0.386
Hindu	-0.105	-0.0015	na	0.405
Evangelical Christians	0.109	0.0026	na	0.412
Pentecostal/Charismatic Christians	-0.067	-0.0007	na	0.594
Roman Catholics	-0.048	-0.0002	na	0.702
Buddhist	-0.024	-0.0002	na	0.850

The other religions (Jews, Spiritist/Ethnoreligions/Chinese Folk religions, Orthodox Christians, Baha'is, Anglicans, Christians as a whole, Independent Christians, Hindus, Evangelical Christians, Pentecostal/Charismatic Christians, Roman Catholics and Buddhists) have no ability to predict RLI individually.

Stepwise regression of the RLI on multiple religions results in numerous models that are significantly better than simpler models. Only the best 2-factor model and 3-factor model are reported here.

The religion variables suffer from multicollinearity. Regression assigns a significance to each religion based its contribution after the other religions in the model have been accounted for. With correlated religions, the reported significance of each is downgraded.

The best single-factor model involves Great Commission Christians (GCC) with an R^2 of 0.280. That means GCC explains 28.0% of the variation in RLI. The best multiple regression models will be given next. Since the sizes and signs of the coefficients are similar, a more complete description will follow the multiple regression models.

The best 2-factor model employs GCC and Protestants and has an R^2 of 37.7%. An F test shows this 2-factor model is significantly (0.000) better than the best 1-factor model.

Best 2-Factor model: $R^2 = 37.7\%$ (000).

$$RLI = 0.5056 + 0.0047 \text{ GCC} + 0.0020 \text{ Protestant} \qquad\qquad (1)$$
$$(0.000) \qquad (0.000) \qquad\quad (0.014)$$

There are also two other 2-factor models that are significantly better than the best 1-factor model. One includes GCC and the non religious. The model's R^2 is 34.3% (0.011). The other includes GCC and Atheists with an R^2 of 34.2% (0.021). In each case, the GCC coefficient rounds to 0.005 as in the best model and the second factor's coefficient is positive so all these explanatory variables are positively related to the rule of law.

The best 3-factor model contains GCC, Protestants and Pentecostal/Charismatic Christians. The R^2 is 41.7% and an F test shows this 3-factor model is significantly (0.000) better than the best 2-factor model.

Best 3-Factor model: $R^2 = 41.7\%$ (0.000).
$$RLI = 0.5280 + 0.0047 \text{ GCC} + 0.0025 \text{ Protestant} - 0.0025 \text{ Pentecostal} \qquad (2)$$
$$(0.000) \qquad (0.000) \qquad\quad (0.002) \qquad\qquad (0.025)$$

There are four additional 3-factor models that are also significantly better than the best 2-factor model. They all include GCC and Protestants. In each case, the GCC coefficient ranges from 0.004 to 0.006 and the Protestants coefficient from 0.002 to 0.003. The third factor in each varies from Independent Christians (-, $R^2 = 41.0\%$, significance 0.000), Evangelical Christians (-, $R^2 = 40.7\%$, significance 0.000), the Non-Religious (+, $R^2 = 40.5\%$, significance 0.000) to Christians as a whole (-, $R^2 = 39.5\%$, significance 0.010). The sign indicates the direction of the relationship for each.

No 4-factor model was significantly better than the best 3-factor one.

As noted above, in each instance the F test shows that the larger model is significantly better than the previous one at predicting the dependent variable. The signs of the common coefficients are the same and their sizes are similar. For example, the coefficients for GCC are 0.0057, 0.0056 and 0.0047 for the 1-, 2- and 3-factor models. That means that a 1% increase in GCC in a nation is associated with an increase of about 0.005 or 0.006 in the RLI composite. Great Commission Christians are positively associated with more rule of law.

Similarly, increased presence of Protestants is associated with greater rule of law. The 1-, 2- and 3-factor coefficients are 0.0032, 0.0019 and 0.0026. A 1% increase in Protestants is associated with a 0.02 or 0.03 increase in the RLI composite.

Conversely Pentecostal/Charismatic Christians are negatively associated with the rule of law. The 1- and 3-factor coefficients are -0.0007 and -0.0025. A 1% increase in Pentecostal/Charismatic Christians is associated with a negative change in the RLI composite.

The R^2 Great Commission Christians shows that 32.4% of the difference in the rule of law can be explained by one religious group. The R^2 of the 3-factor model indicates that the set of three religious variables can explain 41.7% of the RLI composite. A high R^2 might have been expected if religion was among the 8 factors that compose the RLI. Since religion was not directly included in the indicators, the results are striking.

CONCLUSIONS
This paper examines the relationships between a simple composite of the Rule of Law Index (RLI) factors and the distribution of various religions.

Simple regression results indicate that nations with higher percentages of three religious groups are associated with significantly (0.01) greater rule of law. They are (R^2 in parentheses) Great Commission Christians (32.4%), Protestants (18.2%) and the Non-religious (10.0%). Two others also produce significant results at the 0.05 level. Atheists (7.2%) are associated with more rule of law and Muslims (4.8%) are associated with less.

Stepwise regression results produced models with two and three factors. An F test was employed to determine whether each model was significantly better than the previous one. The most complete model is:

$$RLI = 0.5280 + 0.0047 \text{ GCC} + 0.0025 \text{ Protestant} - 0.0025 \text{ Pentecostal} \qquad (2)$$
$$(0.000) \qquad (0.000) \qquad (0.002) \qquad (0.025)$$

This 3-factor model explains 41.7% of the variation in the composite constructed from the Rule of Law Index (RLI) even though the Index doesn't explicitly contain religion as an indicator.

As the RLI is expanded to more nations, the questions of this study should be reexamined to verify whether results are consistent with a larger data set.

Although causality is not claimed, most of these world religions have existed for centuries or millennia and the rule of law is evolving, so it is logical to conclude that if there is a cause and effect, religion impacts the rule of law and not the other way around.

The question of whether certain religions are associated with the rule of law can be answered in the affirmative.

REFERENCES

Ambuel, D. (2001). "New Karma: Buddhist Democracy and the Rule of Law in Thailand." *American Asian Review*, Volume 59, Number 4, 131-162.

Arumugam, R., ed. (2005). *Asian Discourses of Rule of Law: Theories and Implementation of Rule of Law in Twelve Asian Countries, France and the U.S.* Singapore: Institute of Southeast Asian Studies.

Carroll, V., and D. Shiflett, D.(2001). "Christianity on Trial". *Encounter*.

Jeong, H. O. (2010). "How Do Religions Differ in Their Impact on Individuals' Social Capital? The Case of South Korea." *Nonprofit & Voluntary* Sector Quarterly, Volume 39, Number 1, 142-160.

Lee, C. W. (2009). "The Rule of Law and Forms of Power: Theorizing the Social Foundations of the Rule of Law in Korea." *Korea Journal*, 5-28.

Lewis, B. (2001). *What Went Wrong? The Clash Between Islam and Modernity in the Middle East*. Oxford: Oxford Press.

McArthur, D. N., E. E. Englehardt and J. O. Jasperson (2009). "Progress Toward the Rule of Law in China: 'Democratizing' the Demands of Law With Confucian Ethics." *International Journal of Applied Philosophy*, Volume 23, Number 2, 249-270.

Nathan, M. A. (2009-10). "The Encounter of Buddhism and Law in Early Twentieth-Century Korea." *Journal of Law and Religion*, Volume 25, Number1, 1-32.

Sherlock, R. (2009). "Religiosity as a Public Good." *Politics and the Life Sciences*, Volume 27, Number 2, 27(2), 2-12, 2009.

Skinner, D. L. (2002). "Are Christian Nations Economically Free?" *Proceedings of the 18th Annual Christian Business Faculty Association Conference*.

Skinner, D. L. (2010). "Can the Risk of State Failure Be Explained by Religion?" *Proceedings of the 17th Annual Conference of the American Society of Business and Behavioral Sciences*.

Skinner, D. L. (2003). "Globalization and Religion." *International Business & Economic Research Journal*, Volume 2, Number 5, 61-66.

Taheri, A. (2001). "Islam Can't Escape Blame for Sept. 11." Wall Street Journal, Oct. 24, A22.

Tan, S. H. (2004). "From Cannibalism to Empowerment: An Analects-Inspired Attempt to Balance Community and Liberty". *Philosophy East and West* , Volume 54, Number 1, 52-70.

Turner, K. G., J. V. Feinerman and R. K. Guy eds. (2000). *The Limits of the Rule of Law in China*. Seattle: University of Washington Press.

WJD (2011). *The World Justice Project Rule of Law Index*. Washington, DC.: World Justice Project.

World Christian Encyclopedia (2001) 2nd, Vol. 1. NYC: Oxford University Press.