RELIGIOUS POLICY ADOPTION IN THE AMERICAN STATES: MEASURING AND VALIDATING INFLUENCE OF THE CHRISTIAN RIGHT

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# TABLE OF CONTENTS

LIST OF FIGURES........................................................................................................v

LIST OF TABLES..........................................................................................................vi

ACKNOWLEDGEMENTS..................................................................................................vii

CHAPTER

I. INTRODUCTION........................................................................................................1
   The Development of Religious Freedom Policy....................................................... 1

II. LITERATURE REVIEW.............................................................................................6
   The Christian Right and Religious Policies............................................................ 6
   Policy Innovation and Diffusion.............................................................................. 8
   Social Capital and Religion.................................................................................... 10
   Race, Social Capital, and Religion......................................................................... 11

III. DATA AND METHODS..........................................................................................14
   Dependent Variables.............................................................................................14
   Independent Variables..........................................................................................16

IV. RESULTS................................................................................................................20

V. CONCLUSION..........................................................................................................26
LIST OF FIGURES

Figure 1. RFRA Adoption.................................................................34

Figure 2. Interactive Effects between the Christian Right and Conservative Government................................................35

Figure 3. Interactive Effects between the Christian Right and Social Capital........36
LIST OF TABLES

Table 1. Variable Summary.................................................................37

Table 2. State Policy Models on Religious Policy Adoption.........................38

Table 3. Social Capital Models on Religious Policy Adoption........................39

Table 4. Racial Threat Model on Religious Policy Adoption........................40
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CHAPTER 1

INTRODUCTION

My initial interest in undertaking this project is best captured by the map in Figure 1. The proliferation of religious policies beginning in the mid-1990s is theoretically motivated and the Religious Freedom and Restoration Act (RFRA) elegantly captures the social and regional patterns of adoption that are of primary interest to this paper. To understand these adoption patterns, I advance a framework of analysis based on several theories that share a similar spatial distribution to that of RFRA. An extant body of literature discusses the role of the Christian Right as an effective state-level movement. I explore how the organizational strength of the movement influences states to adopt these policies. Moreover, I explore the implications of the policy innovation literature to test how innovativeness affects the likelihood of adoption. Finally, I consider the concept of social capital and how population characteristics affect adoption.

The Development of Religious Freedom Policy

Out of the 21 states with RFRA laws, 15 had Republican controlled legislatures in 2014 while Democrats only controlled 4.\(^1\) In terms of geographic composition, 13 of the 21 states with RFRA laws are from the South. On average, the majority of these states have very little contestation in state government control and these data suggest low levels...

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\(^1\) These facts are obtained from the National Conference of State Legislators website. 
of political competition. The conservative ideology in the South is becoming increasingly uniform with Republican majorities in both chambers of government. The National Conference of State Legislators (NCSL) tracks the partisan composition of state legislatures and these data can track the growth of conservatism in the South. Throughout the 1990s, many southern states’ legislatures experienced an equilibrium where Democratic majority sessions were replaced by split sessions or Republican sessions. In terms of legislative control, there were no directly discernable patterns of conservative dominance. With the exception of Alabama and Arkansas, no southern state had majoritarian control throughout the whole decade. As early as 2004, the strength of conservatism in state houses becomes clearer. Over the past decade, governments are much less divisive with a higher percentage of southern state governments with Republican control of both chambers. The influence of conservatism could be an integral component in understanding the spread of religious policies in their current form.

The history of RFRA adoption can be traced back to the federal Religious Freedom and Restoration Act of 1993 which was passed as a response to the decision in Employment Division v. Smith that determined a state could deny unemployment benefits to an individual fired for violating a drug prohibition on peyote, despite the use of the drug being part of a religious ritual for Native Americans. Primarily, RFRA served as a protectionist policy for Native American religious customs but applied to all religious practices universally. In 1997, City of Boerne v. Flores ruled that RFRA was not a proper

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2 Both states had Democratic majorities for the course of the 1990s and withstood through the following decade. Since 2010, the majority control has been granted to the Democrats.
exercise of Congress’s enforcement power under the fifth section of the Fourteenth Amendment which states “Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

The basis of the dispute concerned Patrick Flores, a Catholic Archbishop in San Antonio who applied for a building permit to enlarge his church in a historic district in Boerne, Texas. However, local zoning laws denied the request citing an ordinance that governed additions in historic districts. In the suit, the Archbishop cited RFRA and argued that due to his congregation outgrowing its existing structure, there was a substantial burden on his free exercise of religion without a compelling state interest. The Supreme Court struck down the RFRA as it applies to states as an unconstitutional use of enforcement powers by Congress. The Court held that it defines the substantive rights guaranteed by the Fourteenth Amendment and Congress could not modify that definition. Moreover, the enactment of RFRA violated the congruent and proportional test meaning that the enforcement mechanisms of RFRA are not an appropriate exercise of federal power. Based on the enumerated powers, Boerne argued for protecting the rights pertinent to state governments and preventing the intrusion of congressional influence into States’ issues and prerogatives.

Following the federal restriction of RFRA, states began passing their own state-level RFRA bills. Typically, these bills mirror the federal legislation and are subject to the same criteria in assessing a religious suit. For example, the Sherbert Test mandates that strict scrutiny be used in determining if the Free Exercise Clause, which guarantees

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3 United States Constitution. 14th Amendment. https://www.law.cornell.edu/constitution/amendmentxiv
religious freedom, has been violated. The purview of religious freedom in relation to RFRA legislation took an unprecedented expansion in 2014 with the landmark decision in *Burwell v. Hobby Lobby Stores, Inc.*, which granted closely held for-profit corporations exemption from a law if the corporation’s owners claimed a religious objection to the law. The Court’s decision struck down the contraceptive mandate adopted by the Department of Health and Human Services (HHS) under the Patient Protection and Affordable Care Act (ACA) that requires employers to cover contraceptives for employees. Hobby Lobby’s CEO, David Green took exception to the contraceptive mandate due to religious objections to emergency contraception such as Plan B, and Intrauterine devices (IUD) that the Green family believed were abortifacients.

In the wake of the *Hobby Lobby* decision, states proposed expansion to RFRA laws that included for-profit corporations such as SB 1062 in Arizona and SB 101 in Indiana as “persons” with religious protection. The scope of these bills have been criticized as a vehicle for conservatives to use RFRA legislation to fight back against the legalization of same-sex marriage. The Arizona bill, which was vetoed by Governor Jan Brewer in 2014, would have revised the existing definition of “person” in the Arizona Revised Statutes from “a religious assembly or institution” to include “any individual, association, partnership, corporation, church… estate, trust, foundation or other legal entity.”

Indiana’s bill, however, was successful and approved by a vote of 40-10 in the

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Indiana legislature. Governor Mike Pence signed the bill into law which became effective on July 1, 2015.

Immediately following SB 101’s adoption, businesses began denying service to same-sex couples for religious reasons. Memories Pizza, a family-owned business in Walkerton, Indiana, was the first business to publicly cite RFRA as a means to refuse catering services for same-sex weddings. The perception of RFRA as a mechanism for religious-based policy and personhood has troubled the original drafters of the 1993 RFRA legislation. The *Hobby Lobby* decision operationalized a policy agenda unintended by the legislators and has since permeated into various factors of corporate services. The following excerpts from 19 members of Congress who signed the original RFRA, demonstrates the entanglement of public policy and religious expression that categorizes much of the current debate surrounding religious policies in the United States. “Congress could not have anticipated, and did not intend, such a broad and unprecedented expansion of RFRA. Nor did Congress intend for courts to permit for-profit corporations and their stakeholders to use RFRA to deny… benefits.” Moreover, “RFRA does not allow a secular, for-profit corporation to deny health coverage to their employees based on the religious objections of the corporation’s owners”.

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CHAPTER 2
LITERATURE REVIEW

The Christian Right and Religious Policies

When considering the ubiquity of religion in the United States, the separation of church and state has been a contentious issue amongst the plurality of religious, secular, public, private, and governmental interests in society. As such, it is at the forefront of the theoretical inquiry for this project. The literature discusses the role of the Christian Right as a mobilizing and driving force in morality politics in the U.S. The Christian Right has been a sizable influence in state-level politics for several decades (Conger 2010). The media and pundits have often discussed the role of “values voters” and how they influence elections and policy outcomes in socially conservative states. Previous efforts have looked at the Christian Right in a social movement context (e.g. Conger 2010, 2014), but this paper extends how the effectiveness of the social movement affects adoption.

The Christian Right is of paramount interest to the proliferation of religious policies primarily due to stronger ideological commitments at the state-level (Diamond 1998; Moen 1992; Oldfield 1996; Rozell and Wilcox 1996). The Christian Right has found it beneficial to engage in state-level politics due to greater access to grassroots organization which offers avenues capable of influencing public policy (May 1988). The political arena at the state-level is smaller than in national politics and has different rules
that seem to favor the Christian Right (Erikson, Wright, and McIver 1994). The literature claims that, due to state structures, the Christian Right will have the most impact at the state-level (Conger and Green 2002; Green, Guth, and Wilcox 1998; Persinos 1994).

**H1: As the Christian Right influence increases at the state-level, there will be a positive increase in religious policy adoption.**

Considering the sizable number of states adopting RFRA policies, the state-level amicability between the Christian Right and state legislators seems to be on the rise. The Christian Right has found leverage by being active in campaigns (Green, Guth, and Hill 1993; Green, Rozell, and Wilcox 2000; Rozell and Wilcox 1996), Republican Party organization (Green, Rozell, and Wilcox 2001; Green and Guth 1988; Oldfield 1996), or lobbying state legislatures (Cleary and Herzke 2006; Moen 1992). As such, one should expect that these states categorized by stronger Republican organizations will be more responsive to the policy preferences of the Christian Right.

**H2: The Christian Right will have a more significant effect in lobbying government to adopt religious policies in conservative states.**

While a body of scholarly work demonstrates the ways in which the Christian Right permeate into state-level policy, Conger (2010) notes that each state engages in activism through different organizations and grassroots movements under different internal identities, resources, and political systems. In effect, there is a great deal of variation amongst the states in Christian Right activism. Perhaps, then, the adoption of religious policies is more than an inherent dynamic of the Christian Right, but rather, adoption is a result of additional policy forces that either hinder or enhance the ways the
Christian Right operates. Conger (2010) claims “…the contemporary Christian Right behaves differently in Maine than it does in Mississippi” (249) demonstrating the necessity in disentangling the force of the Christian Right. For example, the impetus of Rhode Island and Maine to adopt RFRA policies, arguably, exhibits different qualities than the reasons states with strong conservative backings and influences such as Mississippi or Texas draft legislation. Therefore, the influence of the Christian Right may be overstated. Besides substantiating the impact of the Christian Right as a mechanism for religious policy adoption, by examining various bodies of literature, I will establish potential alternative explanations for adoption and develop a more illuminating picture of what has led to the proliferation of these policies.

Policy Innovation and Diffusion

Political scientists have frequently used policy innovation and diffusion as a theoretical tool in describing state-level policy phenomena (See Walker 1969; Berry and Berry 1990). Policy diffusion predominately looks at the pathways of information states share that lead to the adoption of a policy. Walker (1969) defined the process as “a program or policy which is new to the states adopting it, no matter how old the program may be or how many other states may have adopted it” (881). While there have been no direct associations between religious policies and innovation, primarily for a lack of data, there is reason to suspect it could share a relationship with conservative states with a greater proportion of “values” voters. The political composition of a state could greatly impact the proliferation of religious policies in a way independent of the influence of the
Christian Right. Moreover, diffusion can be attributed to internal state characteristics and regional characteristics that drive the adoption of the policy.

Following Berry and Berry’s (1990) work on state innovation, the discipline has unified the two competing models of policy innovation, Internal Determinants and Regional Diffusion. Internal Determinants models posit that state governments innovate based on political, economic, and social characteristics of a state (Gray 1973, Canon and Baum 1981). Regional Diffusion models emphasize the role that policy adoptions from neighboring states have in influencing a state to adopt. Berry and Berry (1990) note a conceptual weakness in separating these two theories and advance that both regional and internal determinants impact the probability of policy adoption. Following this logic, and considering the patterns in the religious policy landscape, patterns of innovation may better explain their adoption than the influence of the Christian Right. With the lack of unification in the Christian Right movement, innovation may serve as a more parsimonious theory of adoption.

Moreover, recent scholarship has addressed the mechanisms that encourage religious adoption. Nicholson-Crotty (2009) finds that the salience and complexity of an issue mediates lawmakers and their decisions to discount long-term consequences for short-term political and electoral gain. In his analysis, Nicholson-Crotty finds that high-salience low-complexity policies are more likely to diffuse when compared to other policies. For example, noncomplex issues deal with morality and education, two areas in which religion has found support for adoption. Perhaps then, it is in the legislature’s best interest to pass religious policies that are favorable amongst conservative states.
**H3:** States with higher levels of policy innovation will be more likely to adopt these policies due to the high-salience low-complexity nature of these policies.

*Social Capital and Religion*

A large body of research looks at the effects of social capital in policy outcomes, yet little work has been done in examining the way that social capital affects the policy adoption process. Putnam’s (2000) seminal *Bowling Alone* generated a great inquiry in the various ways that social capital affects outcomes. In its most basic form, social capital is defined as “social networks and the norms of reciprocity and trust worthiness that arise from [connections between individuals]” (Putnam 2000, 19). This is instantiated by the civic organizations, fraternal clubs, and activism that comprise civil society. At the state-level this translates into externalities that affect the community and relations between groups. High social capital states experience externalities such as greater support for racial integration, gender equality, and civil liberties. Moreover, high social capital is linked with greater performance in school, better health outcomes, etc.

Indeed, high social capital and civic engagement is linked with positive, tangible benefits across a myriad of social indicators. However, religious organizations have been viewed as an exception to this trend, where higher levels of participation are associated with lower levels of political tolerance (Beatty and Walter 1984). States with a higher density of religious participation tend to be those with low social capital. Paradoxically, civic engagement does not translate into high social capital for religious groups insofar as state-level measures are concerned. In this context, I use social capital as a proxy for tolerance of different cultural or religious beliefs. Low social capital would lead to low
levels of generalized trust and tolerance of differing cultural norms. These religious
cultural preference that may protect the Christian Right from a perceived cultural threat. If public policy is viewed as individualistic, where policy
adoptions and outcomes are designed to favor an in-group (i.e. the Christian Right) due to
low tolerance of other groups, low social capital enables these states to push forward
religious policies favored by the in-group.

**H4: The Christian Right will be more effective in low social capital states where policy preferences are perceived to protect religious and cultural control**

The literature provides a framework which suggests that the positioning of
different groups in relation to one another is responsible for this trend. Moreover, this
model serves as an explanatory mechanism for the strength of the Christian Right that has
previously been unexplored and enhances the relation between social capital and religion.

**Race, Social Capital, and Religion**

Many scholars contend that race mediates the relationship between social capital
and outcomes (Hero 2003, 2007). Since Key’s (1949) influential work, scholars have
acknowledged the influence of racial context on politics. Putnam (2007) even
acknowledges there is a trade-off between racial diversity and social capital. While in the
aggregate social capital and policy outcome measures tend to be positive, it is negatively
associated with indicators that account for the position of racial minorities relative to
whites (Hero 2003, 2007; Hawes and Rocha 2011). Work on racial diversity has
substantiated these concerns with the social capital thesis and has found that increases in
minority group size leads to the establishment of policies counter to the interests of racial
minorities (Tolbert and Grummel 2003). While religious policies are not explicitly targeted as racial, a larger racial population could be a proxy for multicultural views of religion and norms. If these policies in fact, preserve a cultural identity, diversity could be perceived as an existential threat to Christian policy preferences.

**H5: The effect of social capital is conditional on racial diversity, where high levels of diversity influence operationalizes a cultural threat**

The adoption of religious policies could be related to the intersection of social capital and racial diversity more explicitly. Besides race serving as a proxy for cultural threat, the Christian Right could use this leverage to act against a racial threat. If the religious population feels threatened by a growing or sizeable minority population for political, economic, or social reasons, the dominant group in society (in this case, white evangelical Christians) could approach the minority population with hostility (Giles and Hertz 1994).

Furthermore, scholarship has addressed the role of “laissez-faire racism” amongst evangelical Christians. Essentially, principled conservative ideals are bound with subtle anti-black stereotypes that justify political inaction and racial bifurcation (Bobo et al 1997, 1998). Evidence also suggests that these conservative ideals lead some evangelical Protestants to assign blame to those disadvantaged by race which normalizes practices that privilege white Americans over others (Tranby and Hartmann 2008). A low social capital state with distinct racial and cultural lines could generate support for a coalition-based movement such as the Christian Right to promulgate religious policies to preserve privilege and hierarchical racial structure.
H6: The effect of the Christian Right is conditional on the level of racial diversity, where high levels of diversity operationalizes a racial threat.
CHAPTER 3
DATA AND METHODS

Dependent Variables

The religious policies considered in the models are pharmacist conscience clause, contraception exemption, Religious Freedom and Restoration Act, and creationism vouchers. Arguably, these policies exist in policy arenas salient for religious influence. These policies are represented with dichotomous measures coded 1 if a state has adopted the policy.

The pharmacist conscience clauses proliferated after the Supreme Court decision in *Roe v. Wade*, which established that most state laws against abortion violate privacy. This led many states to propose “refusal” or “conscience” clauses granting doctors or health providers an option to refuse abortion procedures. The movement then extended to pharmacists, which gave them the right to refuse emergency contraception and contraception prescriptions on moral or religious grounds. Most of the debate surrounding the adoption of conscience clauses revolves around the distribution of

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6 With the exception of the creationism voucher, these data come from the National Conference of State Legislators (NCSL). [http://www.ncsl.org/](http://www.ncsl.org/). The creationism voucher is from an interactive local-level map on Slate. [http://www.slate.com/articles/health_and_science/science/2014/01/creationism_in_public_schools_mapped_where_tax_money_supports_alternatives.html](http://www.slate.com/articles/health_and_science/science/2014/01/creationism_in_public_schools_mapped_where_tax_money_supports_alternatives.html). All the data is compiled from the last 3 years. The conscience clause data is from May 2012, the immunization data is from July 2015, the contraception exemption data is from February 2012, the RFRA data is from September 2015, and the creationism voucher data is from 2014.
emergency contraception. Moreover, the Affordable Care Act (ACA) grants contraception exemption to employers and insurers based on religious grounds in twenty-one states and is included as a dependent variable. RFRA bills are increasingly salient with seventeen states introducing legislation in 2015 “regarding the creation of, or alteration to, a state religious freedom law”. The data on creationism is compiled from public schools in states where state law allows creationist curriculum, private schools that teach creationism and accept tax-funded vouchers and scholarships, and Responsive Ed charter schools using creationist curriculum.

Since the primary purpose of these data is to capture a propensity towards religious policy adoption, I create a dynamic state-level measure by factor analyzing the four policies. Two factors were retained after the rotated factor loadings from the full factor analysis. The first factor explains 33% of the proportion of variance for the first factor compared to 29% in the second factor. The conscience clause, creationist policies, and RFRA primarily load on the first factor. The first factor appears to be explicit in capturing the suspected religious, social, and political drivers that influence the adoption of these policies. The contraception exemption loaded on the second factor at almost 90%. The legality and regulation of contraception policy is a very complex issue that has many competing factors at the federal and state-level. The decision to issue a contraceptive exemption experiences a great deal of variation that is hard to generalize. For example, the scope of refusal clauses can be limited to just churches and church

associations to as expansive as some hospitals in other states. Conceptually, it makes sense that the loading factor deviates from the other policies. Additionally, the eigenvalue drops very close to 1 after the first factor and for the sake of a single, unified measure, I only retain the first factor. As a result, I do not consider the second factor in the analyses.

Independent Variables

The primary independent variable of interest, and suspected driver of policy adoption, is the Christian Right. I use data from Conger (2010, 2014) to capture an index of the influence of the Christian Right in each state. These data are compiled from surveys that gauge respondents’ perceptions of the Christian Right movement’s activity at the state-level and the impact the movement has on state Republican campaigns and politics. The index provides a measure accounting for the internal context of the Christian Right in each state and the variance in influence in state-level politics. The measure ranges from .83 to 2.9, or low to high influence.

The influence of the Christian Right finds traction amongst various forms of activism such as Republican Party organization (Green, Rozell, and Wilcox 2001) and lobbying state legislatures (Cleary and Hertzke 2006). Because of this permeability in state governments, I include Berry et al.’s (2010) measure of state government ideology. State government ideology is measured using a weighted average of the ideological position of the Democratic delegation in the house, the Republican delegation in the

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8 The eigenvalue for the first factor is 1.5. Despite being a relatively weak measure, the second factor barely crosses the acceptable threshold of 1 with an eigenvalue of 1.01.
house, the Democratic delegation in the senate, the Republican delegation in the senate, and the governor. In theory, the Christian Right should find more success in the states with conservative government ideology. Moreover, the Christian Right measure is limited in that it simply measures an individual-level phenomena largely contingent on organizational capacity. The inclusion of state government ideology controls for government influence independent of the Christian Right and its efforts to shape public policy.

Policy innovation is captured using the Boehmke and Skinner (2012) measure of policy innovation. The authors update Walker’s (1969) average innovation scores with 189 policies in new data to compose a dynamic innovativeness measure. Interestingly though, none of these policy measures are for religious practice or protection. Overall, the measure is consistent with Walker’s (1969) and Lutz’s (1987) notion of regional leaders in policy adoption surrounded by followers in policy adoption. One point of concern, however, is in the regional trends observed when limiting these data to a single biennial period of 2008. The states that the authors note as being less innovative (e.g. the Deep South) display uncharacteristically high levels of innovation where states historically recognized as innovative have extremely low levels of innovation. Conceptually, these states are not being innovative, per se, but are trying to catch up to the other states that have innovated prior to adoption.

To account for the issues with the innovation measurement, I include a dichotomous measure to control Southern states. Since Key’s (1949) study on southern politics, scholars have long noted the impact of the South in political research. Besides
the influence of southern policy leaders in the innovation of religious policies, the literature necessitates the need to control for the South more broadly. Moreover, it is necessary to disentangle the impetus of policy adoption in the northeast states who have been seen as innovators in RFRA adoption. Connecticut and Rhode Island passed RFRA legislation in 1993, predating the next several states by five years. Arguably the effect on the Christian Right in these states is minimal and the draft of their bills is more in line with the original intent of religious freedom legislation. Additionally, these states are problematic for measuring innovation considering their status as outliers in the RFRA legislation history. Due to the issues with intent and regional influence, I include a dichotomous measure to control for Northeast states since their mechanisms for adoption are perceivably different than southern or more conservative states.

I use the Hawes et al. (2013) social capital data to capture state-level variance in social capital. These data are compiled with MediaMark data which capture community organizational life, engagement in public affairs, and community volunteerism with weights placed on region, race, household size, income, and education. Overall, these data are similar to past measures of social capital (see Putnam 2000) and can illustrate how a state with or without a social capital-rich environment can determine its religious policies. To account for the temporal changes in these measures, I use the smoothed social capital variable with a weighted moving average. Following the work of previous minority scholarship (Hero and Tolbert 1996; Hero 2007), I include a measure of racial diversity. The racial diversity index is created from 2014 data from the Kaiser Foundation
which includes the percent white, black, Latino, and Asian in each state.\footnote{The index is calculated from Sullivan’s (1973) formula for racial diversity: Racial diversity= 1-
[(proportion Latino)$^2$ + (proportion Black)$^2$ + (proportion White)$^2$ + (proportion Asian)$^2$].} While a sizeable body of research demonstrates that the impact of racial diversity outweighs that of social capital for policy outcomes (Hero 2007; Hawes and Rocha 2011), the same may be true of the adoption process.
A bivariate regression model in Table 2, Model 1 shows that Christian Right Influence has a positive, statistically significant relationship with the adoption of religious policies (P<.05). As the organizational capacity and social strength of the Christian Right becomes more focused in a state, there is a .89 increase in influence. Conger (2010) finds that factors such as leadership skill and conservative advantage are very strong predictors of influence in the state. Therefore the movement resources and state contexts play very crucial roles in the success of the Christian Right.

To advance this contextual understanding of how the Christian Right operates, I introduce the Berry et al. (2010) measure for state government ideology. I suspect that states with a more conservative government ideology will allow for a greater conservative advantage and a stronger Christian Right Influence as consistent with previous scholarship (Conger 2010, 2014). As a result, these states will have a greater propensity for adopting these policies. To test this conventional wisdom, I introduce an interactive effect between the Christian Right measure and state government ideology for a proof of concept in Table 2, Model 2. As expected, the measure is statistically significant (P<.05). The influence of the Christian Right through resources and organizational skills increases as a state government becomes more conservative.
The marginal effects plot presented in Figure 3 demonstrates this relationship between conservative government and Christian Right influence. States beyond a government ideology of 80 (i.e. very liberal) observe the lowest and statistically insignificant effect of the Christian Right in adopting religious policies. It is interesting to note the movement seems to have a coalition of support even in states that are more ideologically liberal. Liberal states above or around the mean have a positive marginal effect ranging from approximately .5-2. Indeed, the Christian Right finds policy leverage in states that are more ideologically liberal and this finding speaks to the effectiveness of the Christian Right’s mobilization efforts. This effect will be tested in the full model to see if additional controls affect this relationship.

Additional policy mechanisms such as policy innovation are suspected of influencing the adoption of religious policies. Table 2, Model 3 introduces three independent variables, the Boehmke and Skinner (2012) measure of policy innovation and two dichotomous regional controls for southern and northeast states, respectively. The inclusion of the innovation measure increases the explanatory model by 6% (R-squared= .34). The Christian Right has a statistically significant effect on adoption (P<.05). Independent of the movement’s permeability in state government, the Christian Right’s strength and influence is more pronounced as states adopt more policies. After controlling for innovation, the government ideology is statistically insignificant (P<.05). Even after controlling for the northeast and southern states, the policy innovation measure is statistically significant (P<.05). While the statistical insignificance of the regional controls rejects the influence of regional effects, this finding substantiates the
relation of religious policies to existing policies analyzed within the policy innovation literature.

I then introduce the Hawes et al. (2013) measure of social capital in Table 3, Model 1. Social capital greatly enhances the explanatory power of the model by more than 10% (R-squared= 0.45). I conduct the Breusch-Pagan and Cook-Weisberg tests for heteroskedasticity and estimate the model with robust standard errors to correct for slight heteroskedasticity in the model. Christian Right Influence (P<.05), policy innovation (P<.05), the Northeast dummy variable (P<.1), and social capital (P<.05) are all statistically significant in the model. The inclusion of social capital suppresses the effect of the Christian Right, however, the strength of the Christian Right is still a positive predictor for the adoption of religious policies. This model finds support for the hypothesis that low social capital is a proxy for cultural divisions. Low social capital states characterized by individualistic religious policies, institute these measures to practice state discretion over religious issues that reinforce evangelical values to maintain political and social control. Higher social capital states tend to be more communitarian and adopt these policies to some degree. However, they enact these policies with a different intent that is more inclusive. Considering the nature of the dependent variable, there is support that the model captures policies characterized by individualistic and exclusive policies.

A more interesting theoretical inquiry can be found by examining possible contextual relationships that social capital has with Christian Right mobilization at the state-level. Furthermore, it gives more credence to the idea that a cultural threat exists. In
Table 3, Model 2, I estimate a multiplicative term for the Christian Right and social capital measure. Again, due to slight heteroskedasticity, the model is estimated with robust standard errors. With social capital at 0 (i.e. low social capital), the Christian Right Influence is statistically significant (P<.1) and the marginal effect of adoption is .62. The marginal effects plot in Figure 3 demonstrates that, as social capital exceeds the mean, the marginal effect of the Christian Right is a statistically insignificant predictor for the adoption of religious policies. This finding demonstrates support for the in-group solidarity of the Christian Right in low social capital states. One possible explanation for the Christian Right’s success in low social capital states is the lack of tolerance between political ideologies in these states. The Christian Right finds unity within the movement in a political space otherwise characterized by distrust and skepticism of others.

Additionally, this proxy could capture divides between the Christian Right and communities that are against the traditional family values the group upholds. Arguably, the social capital climate at the state-level is low between groups and the Christian Right pursues a policy agenda that reinforces their policy preferences at the expense of other social and cultural groups.

Considering the extant body of literature on racial diversity, I introduce the measure into Table 4, Model 1 to further illuminate if and how race, religion, and social capital intersect. The previous model established an interactive relationship between social capital and the Christian Right movement, yet racial composition could further influence the understanding of policy adoption.
The results indicate that the Christian Right, policy innovation, and racial diversity are all statistically significant (P<.05). Additionally, I run a model that reintroduces the interactive term between Christian Right influence and government ideology. Surprisingly, the effect is statistically insignificant and goes against the conventional wisdom of organizational strength in conservative governments.\footnote{These results are not reported in the paper. Christian Right Influence, Ideology, and Christian Right Influence*Ideology were all insignificant (P>.1).} After controlling for other alternative explanations, there is no statistically significant difference between liberal and conservative government ideology in affecting the capacity of the Christian Right.

While racial diversity is associated with a greater likelihood of adoption, there is no causal link that makes this significance meaningful. Considering the literature of social capital and racial threat, there is reason to suspect that the relationships that categorize policy outcomes (Hero 2007) may drive the adoption process as well. If racial diversity is indeed a proxy for cultural and social diversity, higher levels of racial diversity should, under a low social capital context, lead to a greater likelihood of adoption. The interaction term between social capital and racial diversity is statistically significant when social capital equals 0, but does not reveal a causal mechanism for the racial diversity hypothesis. A marginal effects plot demonstrates that there is no discernable difference between low and high social capital states in affecting the marginal effect of racial diversity. Given the data, there is no evidence of race and social capital affecting the likelihood of adoption.
The interaction model between the Christian Right and racial diversity presented in Table 4, Model 1 is statistically insignificant, dismissing any mobilizing efforts by the Christian Right.\textsuperscript{11} This draws a distinction between the evangelical population and the Christian Right as a political movement. The conventional wisdom of “laissez-faire racism” suggests that evangelical Protestants are motivated by race in their views on various social policies. A separate body of literature at the state-level demonstrates there are correlations between policy outcomes and racial diversity (Hero 2007). With the Christian Right’s influence in state legislatures, there are motivations to test if these existing theories have explanatory leverage on the operations of the movement. The efforts to unify these theories and expand them to another facet of the policy process have proven unfruitful. Unlike the general evangelical population, the Christian Right does not exploit racial demographics and stereotypes for political leverage. Instead, the findings suggest, regardless of levels in racial diversity or minority population density, the Christian Right operates independent of these state characteristics and instead uses other areas of division within society to influence religious policy adoption. This finding is in line with conventional wisdom, suggesting that the adoption of these policies, RFRA in particular, are adopted as a response to cultural issues such as same-sex marriage.

\textsuperscript{11} Following the “laissez-faire racism” literature (e.g. Bobo et al. 1997, 1998) I run an additional model with Black population instead of racial diversity that is not reported in the paper. An interaction yielded similar results.
CHAPTER 5

CONCLUSION

This paper has attempted to bring a greater level of understanding to the adoption of RFRA and similar religious policies. Based off the trends and patterns of the past decade, this is a highly controversial and divisive issue that has created a gulf between secularism and religious freedom. The main consistent finding throughout this paper is the power of the Christian Right in driving the adoption of religious policies. Scholars have long discussed the growth of the Christian Right in state-level politics and the proliferation of RFRA bills, creationist vouchers, and conscious clauses are just three examples of the way that the movement has successfully organized, mobilized, and lobbied to enact policy provisions that cater to its interest as a political movement. Indeed, the Christian Right is a viable actor on the state-level after controlling for a number of factors.

A number of state-level factors explain the policy landscape. Conventional wisdom suggests that the Christian Right is more effective in influencing conservative state governments, but as additional controls were introduced into the model, the results were statistically insignificant. These policies are influenced by a number of other factors. As the ideology of a state legislation exceeds the mean and becomes more liberal, the movement’s impact is statistically insignificant. One interesting finding concerned the exploration of innovativeness which seems to operate independently of the Christian
Right in driving these policies forward. Across every model, the rate of innovativeness was positive and statistically significant. Considering the nature of the measure, one explanation for this finding is that the states that are catching up with the more innovative states have tied the adoption of these religious policies with the larger area of public policy. In these states, the nature of adoption is related to other realms of commerce and regulation that the measure accounts for. These policies do not seem to have a distinct implication from passing other policies and seem to be a common thread amongst these kinds of historically low innovativeness states. Moreover, the high-saliency low-complexity nature makes these policies easy to adopt (Nicholson-Crotty 2009). After controlling for regional influences, there is no support that the South exhibits a significant relationship to the policies examined.

With the social capital literature primarily looking at effects on policy outcomes, this paper explores the implications of social capital on the adoption process and makes several key findings. States in low social capital are more likely to adopt these policies than states in high social capital states. With the emphasis of individuality in low capital states, arguably these policies aim to be more hierarchical and satisfy the dominant political group in society. Evidence from Putnam (2000, 2001) demonstrates that states with low levels of social capital have low levels of economic equality and low levels of tolerance for others’ civil liberties. Due to the lack of communitarian views, the adoption of exclusionary policies seems fitting in states that view political opportunities as a mechanism of cultural preservation.
Moreover, the Christian Right is conditioned by the level of social capital in the state. In states that have low social capital, there is a statistically significant marginal effect of the Christian Right’s influence. Arguably the divisions that exist within communities and society are exploited by the movement, yet these do not extend to issues of race and diversity. While evidence has shown that evangelicals have racial biases, the Christian Right does not resort to these stereotypes to gain political leverage. Other potential divisions in society that explain this phenomenon are political divides and religious divides by which the movement perceives these competing ideologies as a threat against the establishment. Ergo, lobbying to put these policies in place preserves the religious right’s power at the state and local level.
REFERENCES


Figure 1. RFRA Adoption

Religious Freedom and Restoration Act Policy Adoption

- RFRA Adoption
- No Adoption
Figure 2. Interactive Effects between the Christian Right and Conservative Government

Christian Right Influence and State Government Ideology

Marginal Effect of Christian Right Influence on Religious Policy Adoption

State Government Ideology

Mean of State Government Ideology

Dashed lines give 90% confidence interval.
Figure 3. Interactive Effects between the Christian Right and Social Capital

Dashed lines give 90% confidence interval.
Table 1. Variable Summary

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>N</th>
<th>Mean</th>
<th>S.D.</th>
<th>Min.</th>
<th>Max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government Ideology</td>
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<td>24.33</td>
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<tr>
<td>Social Capital</td>
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<td>0.828</td>
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<td>1.89</td>
</tr>
<tr>
<td>Policy Innovation</td>
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<td>0.020</td>
<td>0.02</td>
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<td>0.53</td>
<td>0.83</td>
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<td>Southern State</td>
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<td>0.43</td>
<td>0</td>
<td>1</td>
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<tr>
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<td>0</td>
<td>1</td>
</tr>
<tr>
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<td>3.58</td>
<td>1.00</td>
<td>-1.10</td>
<td>2.37</td>
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<tr>
<td>Proportion White</td>
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<td>Proportion Black</td>
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<td>0.01</td>
<td>0.37</td>
</tr>
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<td>Proportion Hispanic</td>
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</tr>
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<td>0.15</td>
<td>0.11</td>
<td>0.67</td>
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### Table 2. State Policy Models on Religious Policy Adoption

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian Right Influence</td>
<td>0.864*** (0.237)</td>
<td>2.653*** (0.898)</td>
<td>1.001*** (0.352)</td>
</tr>
<tr>
<td>State Government Ideology</td>
<td>0.0571** (0.0276)</td>
<td>-0.00269 (0.00649)</td>
<td></td>
</tr>
<tr>
<td>Policy Innovation</td>
<td></td>
<td>4.112** (1.632)</td>
<td></td>
</tr>
<tr>
<td>Northeast State</td>
<td>0.364 (0.395)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern State</td>
<td>0.214 (0.325)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christian Right X Ideology</td>
<td>-0.0260* (0.0130)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-1.624*** (0.462)</td>
<td>-5.632*** (1.990)</td>
<td>-2.286** (0.873)</td>
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<td>50</td>
</tr>
<tr>
<td>R-squared</td>
<td>0.217</td>
<td>0.284</td>
<td>0.340</td>
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</table>

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
Table 3. Social Capital Models on Religious Policy Adoption

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian Right Influence</td>
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<td>0.764**</td>
<td>0.826**</td>
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<td></td>
<td>(0.342)</td>
<td>(0.337)</td>
<td>(0.359)</td>
<td>(0.370)</td>
</tr>
<tr>
<td>State Government Ideology</td>
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</tr>
<tr>
<td></td>
<td>(0.00739)</td>
<td>(0.00725)</td>
<td>(0.00627)</td>
<td>(0.00651)</td>
</tr>
<tr>
<td>Policy Innovation</td>
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<td>5.453***</td>
<td>5.593***</td>
<td>5.882***</td>
</tr>
<tr>
<td></td>
<td>(1.360)</td>
<td>(1.270)</td>
<td>(1.636)</td>
<td>(1.592)</td>
</tr>
<tr>
<td>Northeast State</td>
<td>0.526*</td>
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<tr>
<td></td>
<td>(0.272)</td>
<td>(0.311)</td>
<td>(0.376)</td>
<td>(0.377)</td>
</tr>
<tr>
<td>Southern State</td>
<td>-0.198</td>
<td>-0.314</td>
<td>-0.0850</td>
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</tr>
<tr>
<td></td>
<td>(0.408)</td>
<td>(0.485)</td>
<td>(0.345)</td>
<td>(0.353)</td>
</tr>
<tr>
<td>Social Capital</td>
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<td>0.0427</td>
<td>-0.179</td>
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</tr>
<tr>
<td></td>
<td>(0.224)</td>
<td>(0.520)</td>
<td>(0.253)</td>
<td>(3.705)</td>
</tr>
<tr>
<td>Christian Right X Social Capital</td>
<td>-0.347</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.334)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Racial Diversity</td>
<td>2.098**</td>
<td>2.039*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.001)</td>
<td>(1.047)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Capital X Racial Diversity</td>
<td>-0.00712</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.0378)</td>
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</tr>
<tr>
<td>Constant</td>
<td>-1.926**</td>
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<tr>
<td></td>
<td>(0.818)</td>
<td>(0.785)</td>
<td>(1.005)</td>
<td>(1.081)</td>
</tr>
<tr>
<td>Observations</td>
<td>48</td>
<td>48</td>
<td>42</td>
<td>40</td>
</tr>
<tr>
<td>R-squared</td>
<td>0.457</td>
<td>0.471</td>
<td>0.524</td>
<td>0.563</td>
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</tbody>
</table>

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
Table 4. Racial Threat Model on Religious Policy Adoption

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>Model 1</th>
</tr>
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<tbody>
<tr>
<td>Christian Right Influence</td>
<td>-0.348</td>
</tr>
<tr>
<td></td>
<td>(0.839)</td>
</tr>
<tr>
<td>State Government Ideology</td>
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</tr>
<tr>
<td></td>
<td>(0.00625)</td>
</tr>
<tr>
<td>Policy Innovation</td>
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</tr>
<tr>
<td></td>
<td>(1.610)</td>
</tr>
<tr>
<td>Northeast State</td>
<td>0.330</td>
</tr>
<tr>
<td></td>
<td>(0.376)</td>
</tr>
<tr>
<td>Southern State</td>
<td>-0.288</td>
</tr>
<tr>
<td></td>
<td>(0.366)</td>
</tr>
<tr>
<td>Social Capital</td>
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</tr>
<tr>
<td></td>
<td>(0.256)</td>
</tr>
<tr>
<td>Racial Diversity</td>
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<tr>
<td></td>
<td>(2.956)</td>
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<tr>
<td>Christian Right X Diversity</td>
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<tr>
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<td>(0.0162)</td>
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<tr>
<td>Constant</td>
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<tr>
<td></td>
<td>(1.630)</td>
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<tr>
<td>Observations</td>
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<tr>
<td>R-squared</td>
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Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1