

# NAKED PUBLIC SQUARE OR CRUMBLING WALL OF SEPARATION? EVIDENCE FROM LEGISLATIVE HEARINGS IN WISCONSIN

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*In recent years, we have seen an escalation of the rhetoric in the debate — some would call it a “culture war” — over the appropriate relationship between Church and State in the United States. Scholars should approach this issue as an empirical question to be answered through systematic research on the actual relationship between religion and politics in American society. This paper considers the actual role of religion in American public life by empirically examining the way in which faith-based advocacy organizations engage in political debates in one important arena, public hearings before the Wisconsin State Legislature. In doing so, it seeks to negotiate the Scylla of those who lament the crumbling of the revered “wall of separation” and the Charybdis of those who decry the religious “nakedness” of the public square. Analysis of testimony given by religious advocacy organizations demonstrates that, although they do participate actively in this public-political arena, they do so very much on the political system’s own terms, frequently — though not exclusively — employing non-religious legitimations for their public policy positions.*

In recent years, we have seen an escalation of the rhetoric in the debate--some would call it a “culture war”--over the appropriate relationship between church and state in the United States. The views of the two sides in this debate can be briefly summarized by giving their respective answers to the question: is religion excluded from or marginalized in America’s public life and institutions? Or, to use Richard John Neuhaus’s (1984) famous phrase, is the public square naked? One side, epitomized by Yale Law Professor Stephen Carter (1993), answers this question: “Yes, unfortunately.” American democracy is in peril because religious ideas, beliefs, and motives have been excluded from public life and institutions. This exclusion is all the more troublesome because in their private lives, Americans are anything but “naked” religiously. That is, it is not that Americans generally are disbelieving, but that they are forced to be in American public culture and institutions. The other side, exemplified by Barry Lynn, President of Americans United for Separation of Church and State, answers this question: “No, unfortunately.” American democracy is in peril not because religious groups are *excluded* from public institutions but because they are attempting to *colonize* them. Freedom is daily threatened by groups

such as the Christian Coalition who are producing cracks in the wall of separation between Church and State<sup>1</sup>.

While these partisans have already formulated their answers to the question of whether the public square is naked or the wall of separation is crumbling, scholars must approach this issue as an empirical question to be answered through systematic research on the *actual* relationship between religion and politics in American society. Those who have done so in the past have found the situation to be far more complex than partisans on either side have suggested (Fowler and Hertzke 1995; Wald 1992). As N.J. Demerath (1994:106) has written,

*"Especially where [political] power is concerned, religion is neither the wimp of past deprecations nor the bully of more recent journalistic accounts. Religion's relationship to power is no more amenable to simplistic summary now than before. Indeed, precisely because of the new enthusiasm for a religious recrudescence on the part of scholars and journalists alike, it is all the more important to summon as much perspective as possible on the matter."*

This research seeks to bring such perspective to the issue of the role of religion in American public life by empirically examining the way in which faith-based advocacy organizations engage in political debates in one important public arena. In doing so, it seeks to negotiate the Scylla of those who lament the crumbling of the revered "wall of separation" and the Charybdis of those who decry the religious "nakedness" of the public square.

More specifically, I work toward this end by examining the use of religious and secular legitimations by religious groups in testimony given at public hearings before the Wisconsin State Legislature. I focus on the extensive reliance by religious groups on secular legitimations of public policy positions, as well as on variations in the extent of use of secular legitimations by group type. I conclude by comparing the types of argumentation presented by religious and secular groups to test whether religious groups are more likely than secular groups to ground their policy positions in non-specifically religious moral legitimations (what I call *civil religious* legitimations).

## **PRODUCING THE SACRED IN THE PUBLIC SPHERE**

In *The Restructuring of American Religion* (1988) and again in *Producing the Sacred* (1994), Robert Wuthnow points to the growth and increasing importance on the American scene of religious special purpose or special interest groups. According to his analysis of the *Encyclopedia of Organizations*, in 1985 there were some 800 nationally incorporated religious special purpose groups. "Since 1960," Wuthnow (1988:112) reports, "approximately 300 new organizations have been founded. And since World War II the number of new organizations totals nearly 500. This means, of course, that the majority of special purpose groups in American religion ... is far larger than at any time in American history. At the close of the Civil War, for example, no more than several dozen such groups were known to have been in existence." The implications of this growth in religious special purpose groups are significant, especially for those groups whose main concern is some aspect of "public affairs."

According to Wuthnow, the way groups “produce the sacred” in public arenas is shaped by the socio-cultural environment in which the groups exist. While he recognizes the constraining aspects of the secular socio-cultural environment which characterizes contemporary America, Wuthnow is also sensitive to the enabling aspects. His elaboration of this subtle position merits being quoted at length.

*“Religious special interest groups need to be understood in relation to the wider environmental resources and constituencies that make them possible in the first place and that influence their contribution to the public expression of religious values. Among these conditions it is especially important to consider the relationship between religious special interest groups and the secular emphasis of contemporary society, the growing role of the state, and the highly rationalized character of modern institutions. ... The relationship between religious special interest groups and their environment is thus a symbiotic one. For their part, these groups are able to flourish because the broader environment is already heavily laden with such groups. But the rationalized and formally organized character of the social environment, in turn, is reinforced by the fact that religious special interest groups conform so closely to its procedures.” (Wuthnow 1994:92)*

Wuthnow (1994:155) concludes that no religious organization “is prevented from producing expressions of the sacred that can be communicated in the public arena, but all of them are constrained to speak in certain languages and to say some things rather than others.” Allen Hertzke’s landmark work on religious lobbying provides an excellent example of how this looks in a particular political institution at a particular moment in time.

In *Representing God in Washington*, Hertzke (1988) provides one of the few scholarly studies to date of religious lobbies in Washington, D.C. He notes that in 1950 there were 16 major religious lobbies in D.C., and by 1985, there were at least 80 (Hertzke 1988:5). This religious special interest group explosion coincides with the advocacy explosion in general, both being driven by the expansion of the state into ever more areas of life. In this sense, already suggested by Wuthnow above, the expansion of the secular state enables the numeric growth of religious advocacy organizations in the political sphere. But, again, these groups must accept, in large part, the secular “rules” of the political “game,” especially if they have any serious intention of realizing concrete political victories<sup>2</sup>.

Of particular interest here is one major case Hertzke highlights in which religious lobbies were effective in realizing their goal: the Equal Access Act of 1984. As Hertzke (1988:162) summarizes it, “The Act stipulates that it is illegal for a school district that grants the use of school facilities to voluntary extracurricular student groups before or after school to deny the same use to student-initiated groups on the basis of ‘religious, political, philosophical, or other content of the speech at such meetings.’” What is interesting in terms of this analysis is that, in lobbying for this act, fundamentalist religious groups came to “embrace the language of rights,” which “is more appealing than the language of moral imperatives” in the congressional context. As a Moral Majority lobbyist told Hertzke: “We can’t afford to say ‘God settled it, that’s it.’” The Moral Majority learned from the success of “rights talk” over “God talk” in the Equal Access Act, and

would attempt to apply it to other issues in which they were involved. To wit: Jerry Falwell has said, speaking of the abortion issue in particular, "We are reframing the debate. This is no longer a religious issue, but a civil rights issue" (Hertzke 1988:196). From this example it seems clear that the congressional milieu shapes and constrains religious groups which seek to influence Congress. Groups proliferate, but religious rhetoric "inevitably seems to give way to lobby strategies aimed at change on the margins" (Hertzke 1988:88). Hertzke found plenty of evidence for the fact that the norms and priorities of the political institution itself "mold the message" of religious groups seeking to influence the political institution.

One of the most important recent developments in American political life--and one which Daynes and Tatalovich (1996) convincingly argue is a primary cause for concern among separationists like Barry Lynn's Americans United for Separation of Church and State--is the emergent activism of the U.S. Catholic Bishops, especially through their public policy arm, the United States Catholic Conference (USCC) (Byrnes 1991; Casanova 1994). While a great deal of research has been done on the abortion politics of the Catholic hierarchy, Michele Dillon (1995a, 1995b, 1996) has most systematically analyzed the differences in the discourses produced in different socio-cultural and institutional environments. Her research, therefore, is most helpful in understanding the secular constraints on religious advocacy which is the focus of this paper.

In one particularly important paper, Dillon (1996) argues that in the United States--a highly contested religious environment in which the Catholic Church is historically a cultural outsider--the Church is likely to use two discursive strategies: (1) acknowledging the autonomy of legislation from Catholic morality, and (2) legitimating its policy positions by drawing upon *culturally inclusive* arguments over *doctrinally specific* arguments. Rather than making specific and explicit reference to scripture, Catholic teaching, Vatican II or the Pope, the Church is more likely to use arguments which draw upon scientific authority and national identity, or which draw generic connections between law and morality (Dillon 1996:28). Her analysis of the abortion statements issues by the national bishops' conferences in England and Wales, Ireland, Poland, and the United States supports this claim.

In the work of each of these three scholars, then, we see *both* a recognition of an increase in political activity by religious organizations *and* an acknowledgment of the constraints on the way they must go about their political advocacy. The analyses I present below seeks to apply this balanced perspective to the work of religious advocacy organizations in the Wisconsin state legislative arena.

## **THE CASE: LEGISLATIVE HEARINGS IN WISCONSIN**

Testifying at legislative hearings is both one of the most common and one of the most important activities of political advocacy organizations. According to Schlozman and Tierney's (1986) authoritative study, testifying at hearings is the number one technique for influencing public policy employed by political organizations. Fully *99 percent* of organizations in their study reported using the tactic (Schlozman and Tierney 1986:150, Table 7.1). This is true also of religious advocacy organizations, though slightly less so than for the organizational population. Hofrenning found that 91 percent of religious lobbyists he

surveyed reported testifying at hearings as a tactic their organization used to influence policy (1995:130, Table 11).

Of course, although nearly all political advocacy organizations testify at hearings, not all organizations do so frequently. In fact, Schlozman and Tierney found that only 27 percent of all organizations report testifying at hearings “frequently,” and Hofrenning reports that only six percent of religious organizations testify frequently (Hofrenning 1995:132, Table 12). These differences are significant as Laumann and Knoke (1987:165) have found that frequency of testimony before Congressional committees is positively related to an organization’s influence reputation in its policy domain<sup>3</sup>.

Despite its importance as suggested by these facts, testimony at legislative hearings is a comparatively neglected empirical phenomenon. Considering the three major studies of religious lobbying in Washington—Hertzke (1988), Moen (1989), and Hofrenning (1995)—we find that none include analyses of legislative testimony as part of their overall consideration of the involvement of religious group in politics<sup>4</sup>. Thus, the research reported here seeks to begin filling this empirical gap in the literature on religious advocacy.

### ***Hypotheses***

The most general question here is, “To what extent do religious groups employ specifically religious legitimations for policy positions when testifying before legislative committees?” If, in fact, the secularity of modern political institutions places constraints on what religious groups can say and do in the political arena, we should find support for the following hypothesis:

*H1: Religious groups are more likely to invoke secular legitimations than specifically religious legitimations to justify their policy positions in public hearings before the Wisconsin State Legislature.*

Beyond this general question, several further hypotheses can be posed that point to systematic variations that might be expected between different types of religious advocacy organizations in the likelihood of invoking religious legitimations in their testimony.

***Political Insider versus Political Outsider Religious Groups:*** As was noted above, in his research on religious lobbying in Washington, D.C., Hertzke (1988) highlights the capacity of the secular legislative arena to shape religious advocacy, especially when religious groups seek to become political “insiders” (see also Moen 1989). Hofrenning (1995), by contrast, emphasizes the prophetic politics of religious advocates, noting that religious groups often adopt “outsider” tactics in their advocacy work. It is, of course, possible that both Hertzke and Hofrenning are correct if we consider “insider” and “outsider” as political statuses of groups rather than as tactics employed by them. We might then expect that the more a group is or seeks to be a political “insider” in the legislative arena, the less likely that group will be to use religious legitimations in its testimony, as compared to groups which are political “outsiders.” This suggests the following hypothesis:

*H2: Religious groups which are political insiders are less likely to invoke*

*specifically religious legitimations to justify their positions than religious groups which are political outsiders.*

**Denominational versus Paradenominational Religious Groups:** As was already discussed, in his work on the postwar restructuring of American religion, Wuthnow (1988) highlights the decline of denominationalism and the concurrent rise of paradenominational special purpose groups. Among the most important potential consequences of the rise of paradenominational special interests is that they are more likely to mold their public messages to accommodate the expectations of secular political institutions. Unlike denominationally-based organizations, paradenominational organizations must downplay attachment to any specific theological traditional or institutional church history so as to accommodate the variety of different religious traditions of their members. Consequently, their religious argumentation must be more ecumenical, their theology “thinner,” and their legitimations less distinguishable from secularism<sup>7</sup>. This suggests the following hypothesis:

*H3: Religious groups which are denominationally-based are more likely to invoke specifically religious legitimations to justify their positions than are paradenominational groups.*

**Liberal versus Conservative Religious Groups:** While the denominational-paradenominational distinction is clearly important, better known to those who don't follow trends in religious life for a living is the increasing prominence of conservative Christian organizations in politics. Indeed, what has been called the “rediscovery of the religious factor” in American politics was largely driven by the emergence on the political scene of the New Christian Right — especially the Moral Majority in the 1980s and the Christian Coalition in the 1990s. Conservative Christian organizations have been seen as the vanguard of the movement to “bring God back in to politics.” Liberal religious organizations, by contrast, have sometimes been criticized for being more interested in politics than in God. The “peace and justice” agenda promoted by Presbyterian, Congregational UCC, or ELCA churches, some say, is identical to a liberal political agenda grounded in secular humanism.

We might expect, therefore, that conservative religious groups will be more likely than liberal religious groups to ground their policy positions in specifically religious terms. This expectation is represented in Hypothesis 4:

*H4: Conservative religious groups are more likely to invoke specifically religious legitimations to justify their positions than are liberal groups.*

From the above hypotheses it is possible to derive one further hypothesis about the likelihood of invoking religious legitimations by cross-classifying the types of religious groups which present testimony before legislative committees.

**Group Type (Denominational/Paradenominational) and Theology:** If H3 and H4 above are correct, then we would expect the following also to be true:

*H5: Denominationally-based conservative groups are the most likely and paradenominational liberal groups are the least likely to invoke specifically religious legitimations to justify their positions.*

## **DATA AND METHODS**

I test these five hypotheses by content analyzing the testimony of religious advocates who testified before legislative committees on capital punishment and welfare reform in the 1995-96 biennium, and partial birth abortion and same sex marriage in the 1997-98 biennium. A chi-square test for differences in the type of testimony given by issue area revealed no significant differences, and therefore the testimony on these four issues is pooled in this analysis. Considering these four issues together, I was able to identify 109 instances in 41 pieces of testimony in which some legitimation of the position taken was offered.

### ***Why Wisconsin?***

While every state clearly has its own political culture and traditions which shape the making of public policy by the legislature, Wisconsin possesses some special characteristics which make it one of the better state legislatures to study if a scholar is choosing to study only one. First of all, the Wisconsin legislature ranks 12th out of 50 states in the level of professionalization, as measured by member's salary, staff, and time spent in session (Squire 1992). Second, the population of Wisconsin--its progressive heritage notwithstanding--is ideologically middling, ranking 22nd out of 49 states in the extent of conservatism as calculated from the percentages of the state's respondents who identified themselves as conservative in a series of surveys (Wright, et al. 1985). Finally, considering the overall impact of interest groups on public policy (as compared to other political institutions such as the governor, political parties and the bureaucracy), on a five point scale which ranges from dominant to subordinate, Wisconsin is one of 18 states which falls in the middle ("complementary") of the scale (Thomas and Hrebentar 1990). Thus, while I make no claim that the findings here are simply generalizable to other states, I feel comfortable that the findings will not be heavily shaped by extremes of amateurism, ideology, or general interest group strength/weakness.

### ***Dependent Variables***

The outcome of interest in this paper is the extent to which religious groups employ *specifically religious legitimations* in their public testimony before the state legislative committees. The texts will therefore be analyzed for specifically "religious" as compared to broader "cultural" legitimations. As Dillon (1996:28-31) describes them for the Catholic tradition, specifically religious (what she calls "doctrinal") legitimations include explicit references to scripture, Christian or Catholic teaching, Vatican II, and the Pope. These categories are generalized and expanded in this analysis to accommodate non-Catholic religious traditions. The six categories of religious legitimation in this analysis are: references to scripture, church teaching and tradition, church documents, church leaders, personal authority of a religious leader, and other (see Table 1).

By contrast, *cultural argumentation* in Dillon's analysis is comprised of four sub-categories: scientific authority, socio-economic analysis, the relationship between law and

**Table 1**  
**Total Legitimations Presented by Religious Groups (N=109)**

<i>TYPE</i>	<i>EXAMPLE</i>	<i>% OF TOTAL</i>
<b>RELIGIOUS LEGITIMATIONS</b>		
Scripture	"God decrees in his law that you shall not murder, and in this Commandment God forbids the taking away of our life or the lives of others unjustly."	10.9
Church Tradition & Teaching	"The Church's teaching on the matter is clear--abortion is never permissible."	7.9
Church Documents	" <i>The Catechism of the Catholic Church</i> teaches that the psychological genesis of homosexuality remains largely unexplained."	5.9
Church Leaders	"The Holy Father urges us to ensure proper support for families and motherhood."	5.0
Personal Authority	"As a religious leader, I find this bill a distressing and offensive measure."	5.9
OTHER	"I believe that there are some absolutes. In my case, from God."	4.0
<b>TOTAL</b>		<b>39.6</b>
<b>CULTURAL LEGITIMATIONS</b>		
<b>CIVIL RELIGIOUS LEGITIMATIONS</b>		
Law & Morality	"Respect for marriage is not the imposition of one sectarian dogma but the recognition by people of many faiths of what Jefferson called a 'self evident truth' in the natural law."	13.9
National/State Identity	"Such a commitment will also reflect a social vision more compatible with the progressive and humane tradition of the state."	6.9
<b>TOTAL</b>		<b>20.8</b>
<b>SECULAR LEGITIMATIONS</b>		
Scientific Authority	"According to Dr. Frank Boehm, a self proclaimed pro-choice physician and Director of Vanderbilt U. Medical Center, 'Never is a partial birth abortion needed or indicated.'"	16.8
Legal Authority	"The U.S. Supreme Court declared in 1885 that any prospective state had to have laws resting on 'the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony.'"	3.0
Socioeconomic Analysis	"Numerous studies show that marriage itself is a societal good. Typical is a study in the <i>American Journal of Sociology</i> that finds married couples have longer lifespans than unmarried people."	8.9
Personal Experience	"I doubt [that homosexual people will become straight] because I myself spent several years of my own life trying just exactly that, finding myself unsuccessful, and creating an emotional wake for myself and others."	10.9
<b>TOTAL</b>		<b>39.6</b>

morality (e.g., “the inextricable connection between civil law and basic moral principles” and “an emphasis on religious pluralism and freedom of conscience”), and national identity (“our American law and way of life comprise an obvious and certain recognition of the law of God, and that our legal system is both based in it, and must conform to it”) (Dillon 1996:28-31). Though Dillon does not distinguish between them, I consider the former two categories of cultural argumentation *secular legitimations* and the latter two *civil religious legitimations*. The category “civil religious legitimations” is drawn from Rhys Williams and N.J. Demerath’s (1991) work on the place of religion in America’s political culture, and will be analyzed separately in a later section of this paper. Beyond the categories suggested by Dillon, my preliminary inspection of the testimony presented before the Wisconsin State Legislature suggested some additional categories of cultural legitimation. Table 1 gives a descriptive overview of the coding categories, including a representative example of each type of legitimation, and the frequency with which they were invoked. Coding of the testimony was initially done independently by the author and a trained student assistant. A random sample of 10 pieces of testimony were coded and yielded a very high inter-coder reliability score of .91 (Pearson’s *r*), so the remaining 31 pieces of testimony were coded solely by the author.

Although this table gives breakdowns for specifically religious, civil religious, and secular legitimations, for purposes of the statistical tests in the analyses below the dependent variables are dichotomized as specifically religious (=1) or cultural (=0) since it is this difference which is the central concern here. After testing the hypotheses about the use of *specifically religious* legitimations, I will then separately analyze the use of *civil religious* legitimations by religious as compared to secular groups.

### ***Independent Variables***

Groups are classified on three dimensions suggested in the hypotheses above: a political insider-outsider dimension, a denominational-paradenominational dimension, and a liberal-Catholic-conservative dimension.

1. ***Political Insider/Outsider Groups:*** Political insiders are defined as those groups which can be identified by one or more of the following criteria: (a) were named on the Wisconsin State Legislator survey as being active on abortion, capital punishment, or welfare reform issues; (b) are registered to lobby with the State Ethics Board; or (c) testified at more than one of the legislative hearings under consideration in this study. Political outsiders are defined as all the other groups which testified at one of the hearings but were not identified by any of these three criteria.
2. ***Denominationally-based/Paradenominational Groups:*** Denominational groups are those groups which are rooted in a single church (such as Plymouth Congregational U.C.C. or First Unitarian Society) or denomination (such as the Wisconsin Catholic Conference or the Lutheran Office for Public Policy). Paradenominational groups, by contrast, are those which are either interdenominational (such as the Wisconsin Conference of Churches or the Interfaith

Conference of Greater Milwaukee) or nondenominational (such as the Wisconsin Christian Coalition or Wisconsin Christians United).

3. ***Liberal/Catholic/Conservative Groups:*** Division of groups into “liberal,” “Catholic,” and “conservative” categories followed the conventional strategy of Roof and McKinney (1987). Liberal groups include the Presbyterian Church U.S.A., Wisconsin Conference of Churches, and Wisconsin Jewish Conference. Conservative groups include Wisconsin Christian Coalition, Pro-Life Wisconsin, and Wisconsin Christians United. And Catholic Groups include the Wisconsin Catholic Conference and the Archdiocese of Milwaukee.

## ANALYSES

Data addressing each of the five hypotheses above were subjected to statistical tests of association between the variables of interest. Chi-squares are the appropriate test statistics for the contingency tables produced by cross-classifying nominal level variables as in these analyses (Blalock 1979). The chi-square test indicates the *existence* of a significant relationship between the two variables beyond what would be expected from random assignment of observations to cells in the contingency table. The following tests address each of the hypotheses stated above.

First, I consider the most general hypothesis, that *religious groups are more likely to invoke secular legitimations than specifically religious legitimations to justify their policy positions in public hearings before the Wisconsin State Legislature*. The data *do not support* this hypothesis. Table 1 (above) shows that religious groups invoke religious and secular legitimations with the same frequency: 39.6 percent of the time. The fact that specifically religious legitimations are a minority (39.6 percent) of the total legitimations offered by religious groups suggests that religious groups do consider seriously non-religious grounds for their public policy positions. Interviews with religious advocates, which I present more fully elsewhere (Yamane 1999), support the idea that religious groups are very aware of the need to ground their arguments in broadly acceptable cultural terms.

Table 2 provides the analyses which test Hypotheses 2-5. The first hypothesis tested (H2), based on the distinction between political insiders and outsiders, is that *religious groups which are political insiders are less likely to invoke specifically religious legitimations to justify their positions than religious groups which are political outsiders*. The data *do not support* this hypothesis. There is no significant association between the two variables ( $\chi^2=0.065$ ;  $p=.799$ ), though the raw numbers do show political *insiders* by a slim margin to invoke more frequently specifically religious legitimations. This finding of no relationship is in line with recent scholarship on lobbying generally which suggests that distinguishing between insider and outsider groups is ever more difficult in an era when well-established groups use classically outsider tactics such as phone calling and letter writing campaigns at the same time that more marginalized groups use classically insider tactics such as direct lobbying and offering testimony at public hearings (Nownes and Freeman 1998).

**TABLE 2**  
**TESTS FOR ASSOCIATION BETWEEN VARIOUS TYPES OF RELIGIOUS ORGANIZATIONS AND THE USE OF SPECIFICALLY RELIGIOUS LEGITIMATIONS IN PUBLIC HEARINGS**

<i>Group Type</i>	<i>% Religious Legitimations</i>	<i>% Cultural Legitimations</i>	$\chi^2$	<i>DF</i>	<i>Signif.</i>
Political Insider (N=53)	45.3	54.7	0.065	1	p=.799
Political Outsider (N=56)	42.9	57.1			
Denominationally-based (N=69)	55.1	44.9	9.29	1	p=.002
Paradenominational (N=40)	25.0	75.0			
Liberal (N=54)	50.0	50.0	2.17	2	p=.337
Catholic (N=25)	44.0	56.0			
Conservative (N=30)	33.3	66.7			
Conservative, Denominational (N=2)	100.0	0.0*	*Insufficient cases in cell to employ $\chi^2$ test		
Liberal, Denominational (N=42)	59.5	40.5			
Conservative, Paradenominational (N=28)	28.6	71.4			
Liberal, Paradenominational (N=12)	16.7	83.3			

The next hypothesis (H3), based on Wuthnow's analysis, is that *religious groups which are denominationally-based are more likely to invoke specifically religious legitimations to justify their positions than are paradenominational groups*. The data strongly support this hypothesis ( $\chi^2=9.29$ ;  $p=.002$ ). Denominationally-based religious groups invoke religious legitimations more than twice as frequently as paradenominational groups. Moreover, while the specific types of religious legitimations used by denominational groups are spread across the various categories, paradenominational groups rely most heavily on scripture as a source of authority. This buttresses the argument made above that the theology of paradenominational groups is relatively thin, and further suggests that

scripture may serve as the lowest common denominator for paradenominational groups which derive from the Judeo-Christian tradition broadly understood. A further increase in paradenominational group activity in the political sphere, therefore, is likely to further reinforce its secularity, especially if that activity comes at the expense of the involvement of denominationally-based religious groups which seem better able to insulate themselves from the pressures of conforming to the secular norms of the legislative arena.

H4 suggested that *conservative religious groups are more likely to invoke specifically religious legitimations to justify their positions than are liberal groups*. Surprisingly, the data *do not support* this hypothesis ( $\chi^2=2.17$ ;  $p=.337$ ). In fact, the numbers show the opposite. Liberal religious groups use religious legitimations 50 percent of the time, while conservative groups use them only 33.3 percent of the time. This suggests that politically-active, conservative religious groups in Wisconsin have followed the lead of the Christian Right on the national level in attempting to ground their public policy positions in more widely-acceptable, cultural arguments.

In Wisconsin--and nationally--there is a correlation between conservative religious traditions and paradenominational interest group organization. A final statistical test for religious group differences in public policy legitimation assesses whether the strong relationship between paradenominationalism and the use of secular legitimations holds only for conservative groups, or whether liberal paradenominational groups will also be more likely to use secular legitimations than their denominationally-based relatives. Recall that H5 originally held that *denominationally-based conservative groups are the most likely and paradenominational liberal groups are the least likely to invoke specifically religious legitimations to justify their positions*. Given the findings in the test of H4 above, this hypothesis must be revised to propose that *denominationally-based liberal groups are more likely to invoke specifically religious legitimations than conservative paradenominational religious groups*<sup>6</sup>. An insufficient number of cases in the “conservative, denominational” category prohibit the use of a  $\chi^2$  statistic to test this hypothesis; however, the pattern of responses offers *prima facie* evidence to support *both* versions of H5. Both liberal and conservative paradenominational religious groups are less likely to invoke specifically religious legitimations than liberal or conservative denominationally-based groups.

This suggests once again the great importance of understanding the trend toward increasing numbers of paradenominational organizations involved in religious advocacy. The openness of our secular political structure to the involvement of interest groups of all sorts creates a welcoming environment for religious advocacy groups, but the rationalized and formally organized nature of that environment seems also to foster the very types of paradenominational organizations which are most likely to conform to the system’s secularity.

### ***Civil Religious Legitimations***

As was noted earlier, in their work on the place of religion in American political culture, Williams and Demerath (1991) take up a longstanding issue in the sociology of religion: the meaning and purpose of civil religion in America. Taking Robert Bellah’s (1967) classic essay as their point of departure, Williams and Demerath argue that civil religion conceptualized as “the Durkheimian fabric of common values that binds the American people geographically and historically ... is a cultural myth.

*"Its forms remain, but the cultural cohesion it purportedly reflects has dissolved. It is not a constant or a unifying belief system, but rather a discourse. Civil religious discourse has become a tool for legitimating social movements and interest group politics. ... In portraying [civil] religion as a discourse, we view it as a set of cultural resources used differentially by groups to interpret and legitimate their places or agendas within the community." (1991:417-18)*

Civil religion, in this view, is no longer a sacred canopy which integrates the American nation. Rather, it is a useful resource for politically active religious groups since it seeks to connect morality and policy, without grounding the morality of the policy position in any specifically religious authority.

Williams and Demerath (1991:419) also suggest that the "separation of religious organizations from the official polity" (i.e., institutional differentiation) leads churches to be "perceived as 'carriers of the moral' in the culture." We might expect, then, that religious groups will play this role by drawing upon civil religious discourses in legitimating their public policy positions more than secular groups. The analyses presented in this section attempt to see whether this is in fact the case by testing the following hypothesis:

*H6: Religious groups are more likely to invoke civil religious legitimations to justify their policy positions than are secular groups.*

Prior to testing this specific hypothesis, a more general survey comparing the pattern of legitimations by religious and secular groups is in order. Table 3 provides such a comparison<sup>7</sup>. This table shows the greater reliance by religious groups on civil religious legitimations, and the exceptional frequency with which secular groups use invoke the authority of socioeconomic analysis. Secular groups also more frequently invoke legal authority, while religious groups are somewhat more likely to use scientific authority or the authority of personal experience in justifying their public policy positions

**TABLE 3**  
**TOTAL NON-RELIGIOUS LEGITIMATIONS**  
**PRESENTED BY RELIGIOUS V. SECULAR GROUPS**

Type	% of Total (N=107)	
	Secular Groups	Religious Groups
<b>CIVIL RELIGIOUS LEGITIMATIONS</b>		
Law & Morality	6.6	23.0
National/State Identity	4.3	14.8
<b>TOTAL</b>	<b>10.9</b>	<b>37.8</b>
<b>SECULAR LEGITIMATIONS</b>		
Scientific Authority	17.4	21.3
Legal Authority	15.2	6.6
Socioeconomic Analysis	41.3	14.7
Personal Experience	15.2	19.6
<b>TOTAL</b>	<b>89.1</b>	<b>62.2</b>
<b>TOTALS</b>	<b>100</b>	<b>100</b>

**TABLE 4**  
**TEST FOR ASSOCIATION BETWEEN TYPE OF ORGANIZATION**  
**(RELIGIOUS-SECULAR) AND USE OF CIVIL RELIGIOUS LEGITIMATIONS**

<i>Group Type</i>	<i>% Civil Religious Legitimations</i>	<i>% Secular Legitimations</i>	$\chi^2$	<i>DF</i>	<i>Signif.</i>
Religious Groups (N=64)	37.7	62.3	9.77	1	p=.002
Secular Groups (N=43)	10.9	89.1			

The data presented in Table 4, then, address H6 directly. These data confirm what Table 3 suggests, that religious groups are significantly more likely than secular groups to invoke civil religious legitimations to justify their public policy positions ( $\chi^2=9.77$ ,  $p=.002$ )<sup>8</sup>. This supports Williams and Demerath's contention that religious groups are the "carriers of the moral" in our political system, which is distinguished by considerable institutional differentiation and religious disestablishment. It is also in line with the analyses of religious lobbying in Washington of Hertzke and Hofrenning, both of which suggest that religious advocacy organizations bring unique perspectives to the political table, even when they are not specifically religious.

## CONCLUSION

Any attempt to address the relationship between religion and politics must be undertaken with an eye to the broader issue of the place of religion in society generally. This has been a central concern of sociologists from the classical period to the present, and has most often been treated under the rubric of "secularization" (Tschannen 1992; Wilson 1985). In recent years, several sociologists have launched a wholesale assault on the reality of secularization (Stark and Iannaccone 1994; Warner 1993). The proclamations of these "new paradigm" critics notwithstanding, secularization theory has been vigorously and in my view adequately defended by scholars such as Jose Casanova (1994), Mark Chaves (1994), and Philip Gorski (2000). For my part, against its new paradigm critics, I conceive of secularization *not* as involving a unidirectional movement toward the disappearance of religion, but as entailing a *double-movement*, the *first moment* of which focuses not on the decline of religion, *per se*, but on the broad movement in the history of the West toward a decline in the scope of religious authority vis-a-vis secular authorities. And the *second moment* of which recognizes the re-emergence of religious organizations in the political sphere, but under secularizing conditions established in the first moment. Put more concretely, under conditions of societal-level secularization, where the scope of religious authority over institutions such as courts and legislatures has diminished, religious groups which seek to be effectively involved in those institutions are constrained to work in a way which articulates with and is accommodative of the reality of secular society (Yamane 1998).

Returning to the issue which opened this paper, I contend that the debates over the nakedness of the public square are often unfruitful because critics and defenders of religious involvement in public life each highlight only one aspect of this “double-movement of secularization.” Those who decry the naked public square tend only to see the first moment of declining religious authority, while those who lament the crumbling wall of separation tend only to see the second moment of resurgent religious activity in politics. But it is only by seeing the symbiotic relationship between the two moments that we can get beyond the either/or mentality which seems to dominate not only the academic debates over secularization, but the public debates over religion and politics as well.

The reality of religious group activity in public life, I suggested at the outset, is somewhere in between these two extreme positions. The analyses presented above support this view. Religious groups do participate actively in the political system, though they do so very much on the political system’s own terms. This is the middle-ground I sought in the beginning. The findings are in line with recent calls to be sensitive to the ways “culture wars” in concrete institutional contexts deviate from the extreme positions which characterize mass-mediated, elite cultural conflict (see the essays collected in Nolan 1996 and Williams 1997). Certainly, at any given time, the balance between religious establishment and free exercise is tenuous, and zealots on either side might push the scale too far one way or the other; however, for the most part, it seems a more appropriate balance is struck, at least in the Wisconsin State Legislature.

Of course, the Wisconsin State Legislature is but one of fifty state legislatures in the United States. In the end, I hope the significance of these findings from Wisconsin stimulate further research on religious advocacy in other state legislatures, either alone or in comparison with one another. For example, comparisons of the level of religious argumentation in states with different dominant religious cultures will shed further light on the conditions under which religious groups are religious in public. Furthermore, more extensive research leading to the creation of larger data sets than the one analyzed in this paper will also allow more advanced statistical techniques to be applied in modeling these processes, rather than restricting the analyses to cross-classification tables as I must do here.

## NOTES

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1. This theme is repeated in materials produced by Americans United such as the group’s monthly newsletter (*Church & State*) and in fund-raising letters such as

the one I received in April 1999 in which Lynn declared, “the wall [of separation] is the only thing protecting us from religious tyranny.” This debate about the proper role of religion in American political life also takes place on a more sophisticated philosophical level as, for example, in the essays collected in Weithman (1997). See especially Weithman’s introductory essay to that volume, “Religion and the Liberalism of Reasoned Respect.”

2. It is certainly not the case that achieving political victories (passage or killing of legislation, inclusion or exclusion of amendments to bills, etc.) is always the goal of religious advocacy organizations. The United States Catholic Conference Office of Government Liaison, for example, distinguishes between “lobbying” and “witnessing” on different issues. Lobbying efforts are those in which “the USCC expects to commit all appropriate lobbying efforts to amend, pass or defeat specific legislation,” while witnessing takes place on those issues on which “the USCC expects to take a formal position but does not intend to commit additional efforts to influence its disposition by Congress” (United States Catholic Conference, Office of Government Liaison, “Legislative Program: 105th Congress,” February 1997).
3. This is probably because testimony at the federal level is almost always *invited* by the committee, so that frequency of testimony doesn’t so much create a group’s influence ranking as *reflect and reinforce* it.
4. A recent exception is the conference paper cited above by Daynes and Tatalovich (1996) which does code religious group testimony before the U.S. Congress on civil rights and nuclear issues. But their analysis is primarily descriptive, offering an overview of the groups which testified and whether they offered “wholly secular” testimony or “purely religious arguments” or both. How, precisely, religious and secular were defined is not explained. While the paper is interesting and points in the right direction by empirically studying testimony, it nonetheless seems to lack analytical sophistication in its approach to the data. The focus on testimony, in the last analysis, seems mostly to be a *prelude* to the authors’ other, more central concerns.
5. John Evans (1997) has shown how internal religious pluralism-among other factors-affects the way a paradenominational group like the Religious Coalition for Abortion Rights frames its arguments in the public square. I am indebted to Evans for his input and guidance on this point.
6. Catholic groups are excluded from these analyses because they are, by definition, all denominationally-based.
7. Because secular groups never used any specifically religious legitimations, the comparisons between religious and secular groups in this section consider only the civil religious and secular legitimations offered by these groups.
8. Further analyses of religious group differences in the use of civil religious legitimations similar to those presented above yielded no significant findings.

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