

## **The Politics of Morality Policy: Symposium Editor's Introduction**

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Abortion, capital punishment, legalized gambling, homosexual rights, pornography, physician-assisted suicide—these are among the most controversial and widely discussed issues facing public policymakers today. They also fall into a special class of public policy that political scientists recently have labeled *morality policy*.

At stake are questions of first principle: When does life begin? Does the state have the right to take a life? Is gambling inherently evil? Should homosexuality be on a moral and legal par with heterosexuality? Morality policy is, therefore, no less than the legal sanction of right and wrong, the validation of a particular set of basic values. While much criminal law defines right and wrong, what sets morality policy apart is that it deals with subjects on which there exists no complete consensus in a polity on these values. The important distinction between morality policy and nonmorality policy is that at least a significant minority of citizens has a fundamental, first-principled conflict with the values embodied in some aspect of a morality policy. The level of public consensus on these values may vary, and this indeed may affect the politics of morality policy (Meier, 1999). For example, the politics of abortion regulation, on which in the United States there is a close split on competing values, may be different from the politics of the death penalty, where public opinion and values typically are more lopsided. While these policies often require little expenditure or bureaucratic action, and while few people may be affected directly by them, they can be extremely potent symbols of what a polity believes and stands for (Edelman, 1964; Gusfield, 1963).

Political scientists recently have begun to examine these intrinsically interesting and politically important issues as a class, focusing on the question: *What are the politics of morality policy?* (Haider-Markel & Meier, 1996; Meier, 1994; Mooney & Lee, 1995; Tatalovich, Smith, & Bobic, 1994). Answering this question not only will tell us about how political systems handle this class of policy, but it also may lead to a better understanding of the policy process in general. In one of the seminal arguments in the study of public policy, Lowi (1972, 1988) posited that different types of policy spawn different types of political activity. Most of our theories of policymaking come from the study of policy that deals with the distribution and redistribution of wealth, and the regulation of business activity (e.g., Gormley, 1986; Hill, Leighley, & Hinton-Andersson, 1995; Hwang & Gray, 1991). But, as Tatalovich et al. (1994, p. 2) put it, “issues of moral conflict are not easily assimilated into theories and models based upon economic and class interests.” Incrementalism (Lindblom, 1959; Simon, 1958), the impact of socioeconomic and political factors on state policy adoption (Dye, 1966; Hill et al., 1995; Hwang & Gray, 1991), and the inordinate power of interest groups (Olson, 1965) are just a few of the dominant lines of thought about policymaking that are based on analyses of economically based policy. The literature on morality policy seeks to expand and test the generalizability of our understanding of policymaking by identifying whether or not, and in what ways, morality policy politics differs from that of nonmorality policy.

To understand the effects of a class of policy on the policymaking process, we first must define the characteristics that set that class of policy apart from others. Early consideration of this subject for morality policy (Meier, 1994; Mooney & Lee, 1995; Nice, 1992; Smith, 1975, pp. 90–126; Tatalovich & Daynes, 1988) has yielded a degree of consensus on a few simple characteristics, as seen in this symposium. First, morality policy and its politics are characterized by debate over first principles, in which “at least one advocacy coalition involved has portrayed the issue as one of morality or sin and used moral arguments in its policy advocacy” (Haider-Markel & Meier, 1996, p. 333). Such arguments are presented as “self-evident and morally compelling” (Bowers, 1984, p. xxiii), leading to “ultimate clashes of values that cannot be resolved by argument” (Black, 1974, p. 23). The debate is about which basic values a polity ought to validate, not, as is usually the case, about what is the best way to achieve an agreed-upon policy goal (Smith, 1997). Whether or not both sides of the debate need to adopt this first-principled position and to what extent the debate on values must dominate the political atmosphere for the characteristics of morality politics to appear are points that are unsettled, and that are taken up in this symposium (Mooney & Lee, 1999b; Pierce & Miller, 1999).

That the debate over these policies is based in large part on first principles leads to morality policy’s other defining characteristics (Gormley, 1986; Meier, 1994, p. 4; Mooney & Lee, 1995). First, these policies technically are simpler than most nonmorality policies. Because the debate is about first principles and not instrumental policy impact, almost anyone legitimately can claim to be well informed. Banning the death penalty, for example, validates a certain value regarding the sanctity of human life; there is little gainsaying this. Other values also may be affected by such a policy, but this will lead only to clashes of first principle, not to technical debate about whether the policy will “work” or not.

Further, because morality policy debate is characterized by conflicts of first principle, it can be highly salient to the general public. These are not arcane policy instruments; they are clear and simple statements about a polity’s values. It is often more meaningful to some people whether or not their state executes criminals or allows abortion than, for example, whether there is even a modification of the income tax code. In the latter case the impact on their financial well-being is often tenuous and hard to understand, leading citizens to turn off to the debate; but in the former cases the debate over basic values is exciting and meaningful, and so can grab citizen attention.

The final characteristic of morality policy flows from all of these other characteristics—morality policy politics has a higher-than-normal level of citizen participation (Carmines & Stimson, 1980; Gormley, 1986). With little technical information needed and with high salience, citizen involvement will be increased in all phases, from paying more attention to the debate, to having informed opinions, to actually speaking out and participating actively in the policymaking process.

These characteristics of morality policy and politics—that it involves clashes of first principle on technically simple and salient public policy issues with high citizen participation—are only the most agreed upon in the literature. Other definitional points are not so settled. One of these, to which several of the symposium articles speak, has to do with differentiation among types of morality policy. For example, how does “sin” policy differ from “redistributive” morality policy (Meier, 1999), and how does minority-favored morality policy differ from

that favored by a majority of citizens (Mooney & Lee, 1999b)? More important, what are the behavioral implications of these distinctions? Another important question is whether and how policy can change from morality to nonmorality policy (or vice versa), and from one type of morality policy to another (Meier, 1999; Pierce & Miller, 1999). These questions are crucial, as they involve defining the characteristics that generate the unique politics of morality policy. This is an area in which future research could be very fruitful.

Beyond these questions of definition, the core question in the morality policy literature is: What difference do these differences make on the politics of morality policy? Much theoretical and empirical headway already has been made on this question, and the articles in this symposium go a long way toward both consolidating what is known and staking out new territory for study.

Most previous research on this question has focused on the determinants of morality policy, in the tradition of comparative U.S. state policy studies (Fairbanks, 1977; Meier & McFarlane, 1992; Mooney & Lee, 1995). These studies have examined the differences between the socioeconomic and political factors found widely to influence levels of nonmorality policy (e.g., Dye, 1966; Hill et al., 1995; Hwang & Gray, 1991) and those factors found to influence morality policy. Since basic moral values, rather than economic or political values, are affected by these policies, the moral values of state citizens are hypothesized to influence their adoption. Further, with high public salience and citizen participation on these issues, politicians do not need to resort to the information-filtering mechanisms that are usually so important in policymaking to determine these values. Indicators of citizens' values, such as aggregate measures of religious affiliation and public opinion, have been used successfully in empirical models of state morality policy adoption, supporting this line of thought (Berry & Berry, 1990; Fairbanks, 1977; Mooney & Lee, 1995, in press; Nice, 1992).

A related, but subtler, question is the difference between the influence of interest groups and citizen values on morality policymaking (Haider-Markel & Meier, 1996; Meier & Johnson, 1990; Mooney & Lee, 1995). Interest groups are understood to advocate successfully for nonmorality policy supported by a minority of citizens when the majority is apathetic (Olson, 1965). Interest groups have the advantages of being active, concerned, and in possession of the technical information policymakers need to make decisions. But with simple and salient morality policy, these advantages are lost, leading to the hypothesis of the dominance of majority public opinion on morality policy, at the expense of interest group influence (Haider-Markel & Meier, 1996; Mooney & Lee, in press). Of course, a significant problem with testing this hypothesis is the high level of correlation that often exists between interest group strength and citizen values in a polity. Two articles in this symposium address this question with the creative use of opinion and interest group influence measures (Haider-Markel, 1999; Norrander & Wilcox, 1999), but this remains an important area for study.

The second topic on which there has been multiple morality policy studies is policy implementation and compliance. Meier (1994, p. 4) argues that the lack of empirical policy analysis in morality policy debate leads to policies that are "extremely popular but rarely effective." The first principle-based, noncompromising, and highly salient nature of morality policy and politics also may lead to significant noncompliance by those affected, including passive resistance and even political violence (Doan & Meier, 1998; Sharp, 1997; Szymanski, 1997; Tatalovich et al., 1994). A related implication of the

nonincremental and noncompromising nature of morality policy is that policy debates are rarely settled. The losers retain their values and continue to seek their validation, whether in the same or other forums (Epstein & Kobylka, 1992; Tatalovich et al., 1994). Indeed, losers actually may be inspired to heightened political action by their policy defeats (Zimring & Hawkins, 1986, pp. 41-46). In this symposium, Meier (1999) and Smith (1999) address the question of morality policy implementation. Other issues for future study include the role of the bureaucracy in forming and implementing morality policy, particularly street-level policies and those that clash with the values of the bureaucratic agency empowered to implement them.

These lines of inquiry—on morality policy adoption and implementation—are but the most developed to date. Other more isolated studies have extrapolated the effects of the unique characteristics of morality policy to other aspects of the policymaking process. There have been suggestions about morality policy politics generating both more and less accountability to the public than more routine policymaking (Cowley & Stuart, 1997; Mooney & Lee, in press), having special impacts on judicial decisionmaking and policymaking (Epstein & Kobylka, 1992), enhancing the role of political entrepreneurs (Haider-Markel & Meier, 1996; Meier, 1994), affecting policy reinvention (Mooney & Lee, 1995, 1999a), failing to diffuse regionally as other policies do (Haider-Markel & Doan, 1998), and varying across countries in their impacts and definition (Studlar, in press). Several of the studies in this symposium stake out new territory to be explored in future work, such as the effect of morality policy on the behavior of individual policymakers (Haider-Markel, 1999), agenda setting (Glick & Hutchinson, 1999), and policy diffusion (Mooney & Lee, 1999b), and the differences between expressed and unexpressed political preferences and values (Meier, 1999; Smith, 1999).

These studies provide a range of findings that indicate Lowi's early insight was correct in the context of morality policy—this unique type of policy indeed does have a unique politics. The goal for future studies of morality policy is to map out these differences and their causes more completely to generalize our understanding of the policymaking process.

The seven articles in the current symposium tackle a variety of substantive topics and work in theoretical areas that have different levels of development, but each deals with the same basic question: How do the unique characteristics of morality policy affect the policymaking process? Meier begins the symposium with the theoretical development of morality policy implementation and definition hypotheses that should prove seminal. His distinction between "sin" and "redistributive" morality policy is particularly important, in that it clarifies a definitional question that has had researchers talking past each other for several years. Pierce and Miller, and then Norrander and Wilcox, travel the well-trodden path of U.S. state policy determinants modeling, making subtle inroads into our understanding of this subject. Pierce and Miller show that issue definition is central to determining the politics of the policymaking process. Even a small change in this definition can affect the extent to which the process is driven by purely morality-based concerns. Norrander and Wilcox attempt to differentiate between the influence of public opinion and interest groups on morality policy adoption with a creative use of data. They also raise an intriguing point about how the specificity of opinion and policy may change the balance of these forces. Smith examines both state policy adoption and implementation, showing that values dominate both processes more consistently

than do factors related to the stated policy justifications. He also finds that for “sin” policy, visibility of and demand for “sin” well may lead not to acceptance and reduced regulation, but to more restrictive policy, demonstrating the effect of differences between publicly stated and privately held values (Meier, 1999).

The last three articles in the symposium examine aspects of the policymaking process in which morality policy’s impacts have been less well studied. Haider-Markel looks at how the consideration of morality policy can affect individual-level voting behavior in the U.S. House of Representatives. He uses a creative method of comparing the influence of interest groups and constituency opinion, and demonstrates that even on the same substantive issue (gay rights), the level of salience of specific votes and bills can have a systematic impact on the balance of these influences. Glick and Hutchinson conduct one of the first serious examinations of agenda setting in the context of morality policy theory. Their findings suggest that morality policy indeed does have a distinctive pattern of agenda setting. Mooney and Lee demonstrate that the temporal diffusion of morality policy in the U.S. states varies systematically with variation in public opinion and policy definition.

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