The Impact of Religious Fragmentation and Party Control on State Morality Policies

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Abstract. Despite the burgeoning literature on morality policies in the US, the interplay between religious diversity and party polarization and its influence on public policy remain largely unexplored. This study examines the adoption of legislation in the field of Sexual and Reproductive Health Rights, specifically focusing on abortion and same-sex marriage in the US states from the 1990s to 2014. In doing so, I adopt the conceptual framework of “manifest” morality policies that allows delineating a political opportunity structure, in which religion represents a cultural force that shapes both policy demand and party position on moral issues. The results of the discrete-time Event History Analysis show that (i) Christian fundamentalist groups in each state push legislation towards conservative values and (ii) the position on morality policy by the party in control of the government plays a greater role in determining policy output in those states that are religiously more fragmented.

Keywords: religion, partisanship, morality policies, sexual and reproductive health rights, event history analysis, US

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Introduction

Despite having been founded as a nation with separation of State and Church, the US presents a party system with a strong Christian legacy that significantly shapes public policies regulating morality issues. The post-materialist change American politics went through during the late 1960s and early 1970s offered a new political space to Christian religious groups seeking to gain influence over cultural and moral issues. While a religious cleavage has historically characterized the American party system, the new battleground of “social regulatory policies” (Tatalovich and Daynes 1998) led doctrinal orthodoxy to fuel party polarization over moral issues (Quadagno and Rohlinger 2009). In particular, Evangelicals and conservative Catholic provided a grassroots force during the 1970s for the emergence of a conservative religious-based movement, namely the Christian Right. They aimed to take control over issues such as education and sexuality in response to the perceived sexual liberalism the countercultural movement brought about. This group eventually found its political recognition as a key Republican constituency in Ronald Reagan’s election in 1980 and kept gaining influence in the Republican Party throughout both G.H.W. and G.W. Bush presidencies at the expense of highly educated mainline Protestants, who were conservative on economic issues but not on social ones. While the Democratic Party increasingly gathered support among religious liberals and seculars, Evangelicals, conservative Catholics and Mormons, who allied around their position on gender and sexuality, have pushed the Republican Party further to the right (Bernstein and Jakobsen 2010; Corrêa, Petschesky and Parker 2008; Jelen and Wilcox 2003; Quadagno and Rohlinger 2009). This shift in party constituency has exacerbated polarization between the two parties in regards to moral codes and sharpened levels of conflict in the so-called “culture wars” (Leege et al. 2002) underlying the regulation of Sexual and Reproductive Health Rights (SRHR, henceforth). Two opposing clerical visions of the “good society” have emerged, with each party owning a different position on SRHR (D’Antonio, Tuch and Baker 2013; Karol 2009; Petrocik 1996; Rhodebeck 2015).
The US states represent an intriguing case to study the interaction between religion and politics and its implications for policymaking. Most SRHR policies are waged at the state level, where great variation in policy outputs and religious settings are found. Hitherto, the extant literature in the field of morality policy has taken into consideration religious affiliation and, more specifically, the share of Evangelical Protestants in each state (Doan and McFarlane 2012; Haider-Markel and Meier 1996; Haider-Markel 2001; Medoff and Dennis 2011; Mooney and Lee 2000; Norrander and Wilcox 1999). Nevertheless, most scholarship has overlooked the linkage between religious diversity and party polarization. More specifically, it has failed to study whether and how partisan ideology varies across state governments as a function of its religious composition. Given that religious fragmentation and levels of religious conflict differ across states (MacTague 2007) it can be asked, does the ideological divide between the two parties adjust to such differences? And if so, what are the implications for the policy-making process regarding SRHR? This article examines the conditions under which religion affects American parties’ positioning on SRHR policies, which ultimately influences their adoption at the state level. The two SRHR policies under examination throughout the period 1980-2014 are remarkably divisive in the US, namely abortion and same-sex marriage.

The results of the empirical analysis indicate that the religious composition of each state does influence the policy-making process. On the one hand, the findings suggest that fundamentalist religious groups are effective in pushing policy outputs toward their values. On the other hand, high levels of religious fragmentation seem to sharpen the ideological divide between Democrats and Republicans, making the ownership of morality policy by the party in control of the state government an important factor for the adoption of the legislation under consideration.

The remainder of the article is organized as follows. In the first section I present a brief history of abortion restrictions and same-sex unions in the US. Subsequently, I review the literature on political opportunity structures and morality policies regarding SRHR in the US and
outline my theoretical expectations. In the third section I present the data and method used in
the empirical analysis. The fourth section discusses the results and finally I present the main
findings and conclude.

**Policy Trends in Sexual and Reproductive Health Rights**

As part of the policy issues that arose in the new post-materialist milieu, SRHR have been the
content of the counterculture that gained political power in the US at the end of the 1960s and
that shook the sexual conservatism and puritanism that reigned so far on the American society
(Corrêa, Petschesky and Parker 2008). SRHR grant every individual freedom over reproductive
choices, access to family planning methods and to comprehensive sexuality education, as well as
the possibility of freely choosing a partner (Cairo International Conference on Population and
Development 1994; Hong Kong 14th World Congress of Sexology 1999). While LGBT and
feminist advocacy groups have fought for SRHR to be fully acknowledged as human rights,
opposition by conservative social groups has mainly been based on religious values (Morgan and
Roberts 2012; Shepard 2000; Vaggione 2005). In the US context, abortion and same-sex
marriage have been two of the most controversial SRHR (Doan and McFarlane 2012; Haider-

This study follows the lead of many morality policy scholars (Doan and McFarlane 2012;
Haider-Markel 2001; Medoff and Dennis 2011; Meier and McFarlane 1993; Mooney and Lee
2000) and focuses on very discrete policy choices: whether to impose ultrasound testing prior to
an abortion or to legalize same-sex marriage. The first policy restricts SRHR, while the other one
expands them. The history of modern restrictions to abortion such as the forced ultrasound
begins with the 1973 Supreme Court’s landmark decision in Roe v. Wade that established a
woman’s constitutional right to have an abortion before the viability period without the
interference of the state’s government. This decision barred all previous restrictions on abortion
that several states had adopted. However, through Webster v. Reproductive Health Services (1989) and
Planned Parenthood v. Casey (1992) the Supreme Court increasingly weakened women’s and physicians’ legal protection by allowing states to enact restrictions on abortions that do not create an “undue burden” to women. Among the many restrictive measures to abortion that have been adopted by the states, forced ultrasound laws are particularly insightful. Most of these laws are based on a model bill authored by the pro-life advocacy group Americans United for Life, an interreligious organization that defends conservative Christian values. Thus, this type of legislation represents an interesting juxtaposition of political and religious interests. The obligation of undergoing an ultrasound prior to abortion has been considered as an attempt to personify the fetus and deter women from seeking an abortion, as well as a measure that circumvents the consent of the patient and a factor adding significant costs to the procedure (Guttmacher Institute, 2016).

Despite the ultrasound not being medically necessary for first-trimester abortions, thirteen states mandate it, as displayed by Figure 1. The 1994 mid-term elections that allowed Republicans to take control of both the US House and Senate also dramatically influenced the partisan makeup at state level. As the number of Republican-controlled state legislatures doubled and Republican-controlled state governments triplicated, the trend toward restricting abortion access accelerated. While pro-life advocates have tried to integrate forced ultrasound in abortion services since the mid-1990s, up to 2002 pre-abortion counseling only required women to be informed of the availability of such service (Guttmacher Institute, 2016). As shown in Table 1, Alabama was the first state to mandate the obligation of undergoing an ultrasound with the neighboring states of Florida, Louisiana, Mississippi, Texas, Kansas and Oklahoma, as well as North Carolina and Virginia, all belonging to the “Bible Belt”, following suit in subsequent years. This policy was also implemented in some Midwestern and Western states – Arizona, Indiana, Ohio and Wisconsin. Indeed, besides geographical diffusion, we can identify a time diffusion pattern. In the 2010 mid-term elections the number of Republican-controlled state legislatures and governments almost doubled. Moreover, the Tea Party Movement emerged as a relevant
political force, which effectively backed conservative candidates against moderate Republicans in many states (Tarrow 2011). This shift to the right offered new opportunities for abortion opponents to pass ultrasound legislation.

[FIGURE 1 HERE]

[TABLE 1 HERE]

The battle in favor of same-sex marriage has been legally fought since 1970, when Jack Baker and James McConnell had their marriage license turned down. They filed a suit in state court, ultimately arriving at the US Supreme Court. In *Nelson v. Baker* (1972) the US Supreme Court dismissed the couple’s appeal and created a precedent against same-sex marriage that outlasted until 2015. The salience of the issue increased considerably since 1993, when Hawaii’s Supreme Court decision in *Baehr v. Miike* suggested that the state’s prohibition of same-sex couples to marry might be unconstitutional. This ruling instigated a legislative campaign opposing same-sex marriage by national conservative religious groups and fed Republicans midterm campaign in 1996 (Haider-Markel 2001). Standing in defense of heterosexual marriage, Republican lawmakers rapidly introduced and passed the Defense of Marriage Act (DOMA), signed into law by President Clinton in 1996. The act defined marriage for federal purposes as the union of a heterosexual couple and allowed states administrations to refuse to recognize same-sex unions performed in other states. The Republican victory of 1994 also made same-sex marriage bans increasingly popular at the state level: by 1998, 28 states had implemented legislation to prohibit same-sex marriage (Haider-Markel 2001). This trend was first inverted when Vermont became the first US state to allow civil unions in 2000 and to pass legislation in favor of same-sex marriage in 2009. Table 2 shows how some of its neighboring states, namely New Hampshire and New York, followed suit in the two subsequent years. Taking example from the liberal New England pioneers, Washington became in 2012 the first Western state to
adopt legislation in favor of same-sex marriage. Geographical diffusion between neighboring states can be also observed in the case of the Southern states of Delaware and Maryland, although they started performing same-sex unions only in 2013, when the Supreme Court declared the DOMA unconstitutional in United States v. Windsor. This Supreme Court’s ruling signaled that prohibiting same-sex unions was not legitimate, which triggered an increase in the number of states adopting legislation in favor of same-sex marriage, as shown in Figure 2. That year also Hawaii, Rhode Island and Minnesota started allowing same-sex unions, with Illinois doing so in 2014. Finally, in 2015 the Supreme Court decision in Obergefell v. Hodges explicitly overruled Baker v. Nelson and made same-sex marriage available nationwide.

[FIGURE 2 HERE]

[TABLE 2 HERE]

The Political Opportunity Structure of Manifest Morality Policies

Morality issues as conflictive policies originated from what Inglehart (1971; 2008) defined as the cultural shift from materialistic to post-materialist values that most Western societies experienced in past decades and that culminated into the appearance of moral principles in the political arena. Public policies that regulate moral issues have been labeled as “morality policies” and are not easily subsumable to existing policy typologies (Nivola and Brady 2006; Quadagno and Rohlinger 2009). Following Lowi’s (1972) argument that different typologies of policies present different power relations and political patterns among societal actors, morality policies can be conceived of as a policy typology per se with idiosyncratic policy-making process patterns, factors and actors (Smith 2002). Morality policies present conflict over first principles, that is, the support or opposition to the policy is based on core values (Mooney 2000), which makes negotiation, compromise and coalition building nearly impossible, with moral arguments being doctrinal and typically rigid. At the same time, it is easy for everyone to have an opinion on morality policies,
one that is based on values that people care deeply about rather than on evaluation of policy efficiency. Therefore, morality policies have the potential for being highly salient and for triggering high levels of political mobilization (Mooney 2000).

By deviating from the conceptualization of morality policy as a typology of public policy (Lowi 1972), I follow Knill’s (2013) distinction between two types of morality policies based on their underlying interest constellations. While “latent” morality policies concern issues typically characterized by economic benefits, “manifest” morality policies regulate issues in which political decision-making is based primarily on values and beliefs. Values not only constitute the source of individual preferences, but they also represent an instrument of political and social power insofar as different actors may gain or lose power if certain beliefs prevail. Generally, manifest morality policies relate to issues that are central elements of religious doctrines, thus religion structures the values and beliefs around the topic (Knill 2013). SRHR policies are one of the best examples of manifest morality policies not affected by instrumental arguments.

Scholars have tended to subsume all “social regulatory policies” (Tatalovich and Daynes 1998) that display these policy-making process patterns under the label “morality policies”, despite the issues under regulation and their underlying constellations of preferences being extremely different. This has led to empirical difficulties in identifying the main factors or actors shaping the policy-making process at the state level. Most studies have adopted a single-issue approach, thereby over-estimating issue-specific factors or actors and leading to inconclusive evidence (Engeli, Green-Pedersen and Larsen 2013). I argue that, when considering types of morality policies, it is possible to delineate more distinctively the political opportunity structure that characterizes the policy-making process of morality policies that regulate issues around gender and sexuality.

The notion of political opportunity structure was first introduced by Eisinger (1973) and subsequently elaborated by Tarrow (2011) to study collective action and social movements. This concept indicates the possibility of opening or closing of political spaces for political agents to
advance their claims (Gamson and Meyer 1996). While the first academic studies focused on how institutional configurations may constrain political agents’ actions, a growing body of literature has focused on the ways in which the culture of a society contributes to the opportunity structure and may influence the very content of political actors’ claims (Borland 2004). As Gamson and Meyer (1996: 279) claim, “[o]pportunity has a strong cultural component and we miss something important when we limit our attention to variance in political institutions and the relationships among political actors.” Hence, in order to study manifest morality policy outputs, we must look at both the institutional and the cultural elements of the opportunity structure and the way they interact (Schwartz and Tatalovich 2009).

Some aspects of opportunity are deeply rooted in structural and cultural cleavages that barely change over time (Gamson and Meyer 1996; Kriesi et al. 1995). Stable elements of opportunity can be belief systems and worldviews on the cultural side, and institutional factors such as the openness of formal political access and the number and strength of political parties (Gamson and Meyer 1996). On the one hand, because of its separation of powers and its federal system that allows for “venue shopping” (Vickers 2013) between the national and subnational levels, the United States are a very open political system. Two decentralized, undisciplined parties, which are often constrained by the need to give voice to the interests of very different constituencies, also contribute to the permeability of the system (Kriesi et al. 1995). On the other hand, religious beliefs can be seen as elements of the cultural structure of a society that may influence the content of policies regulating issues related to doctrinal teachings (Borland 2004).

For structural and cultural cleavages to result in contentious politics, they need to be politicized by actors who see an opening in the political structure in order to advance their claims. These windows arise because of volatile elements of the political opportunity structure, such as public discourses, national mood, elections or shifts in political alliances (Gamson and Meyer 1996). While windows of opportunity usually refer to an opening in the whole political system, some policy scholars have studied narrower political opportunities. Kingdon (1984)
refers to “policy windows” to explain the opportunity for advocates to push public policy towards their preferences. In the same line of reasoning, the notion of party “issue ownership” is based on a recursive linkage through which conflicting social groups aim to use political institutions to bring public policies near to their values, leading parties to promote specific policies to increase their electoral support (Petrocik 1996). The social groups that represent the constituency of a party confer issue ownership over policy areas characterized by ongoing controversy, such as SRHR (Karol 2009), and connect the political sphere with cultural demands. Religious denominations can then be regarded as a cultural force seeking institutional representation through political parties to translate its views into policy outputs.

The literature on gender and on morality policy identifies religion as the most important source of opposition to manifest morality policies advancing SRHR (Haider-Markel 2001; Htun and Weldon 2010; Knill 2013). Religious groups play a particularly important role when the issue at hand is a salient one, such as same-sex marriage and abortion (Haider-Markel and Meier 1996; Norrander and Wilcox 1999). Religion is usually considered as the strongest social predictor of people’s attitudes towards SRHR, as well as a powerful source of mobilization (Jelen and Wilcox 2003). As shown by Adamczyk and Pitt (2009) and Sherkat et al. (2010), seculars, Jews and Mainline Protestants usually display the most liberal attitudes regarding sexuality, followed by Catholics. Evangelical Protestants and Mormons come last, having been depicted as religious fundamentalists due to their literal interpretation of the Bible and their holding of extremely traditional beliefs about sexual morality. Morality policy scholars have identified conservative Catholics and religious fundamentalists as the two main cultural forces against abortion (Jelen and Wilcox 2003; Medoff and Dennis 2010; Mooney and Lee 1995; Norrander and Wilcox

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1 Even though Mormons do not include biblical inerrancy as a fundamental tenet of faith (Glass and Levchak 2014), following Guth (2007) and D’Antonio, Tuch and Baker (2013), they are considered to be theologically conservative in all aspects regarding SRHR.
In the case of same-sex marriage, Fleischmann and Moyer’s (2009) results show that, while the official Catholic doctrine strongly opposes same-sex relationships, Catholics in the US are more accepting of homosexual behavior. Research has also found that the impact of religious fundamentalists and Catholics on the overall attitudes of a state’s population appears to depend on their numerical strength in each state, even though pro-choice groups are also stronger in predominantly Catholic states (Moore and Vanneman 2003; O’Connor and Berkman 1995). Therefore, I consider the size of religious fundamentalist and Catholic constituencies as proxies for those interests most opposed to gay and abortion rights and I expect that the greater the share of fundamentalist religious groups and of Catholics within a state, the more capacity they will have to shape the overall values regarding sexuality and to hinder the implementation of public policies advancing SRHR (H1).

Through this study, I contribute to the understanding of the political opportunity structure that underlies manifest morality policies, by considering the religious landscape of each state as the context within which state politics operates. I consider the partisan control of the state government as an opening of “policy windows”. Political parties will tend to interpret electoral gains as a signal that their constituencies agree with their positions on moral issues and seize the political opportunity of having control of the government to enact legislation near to their “owned values” (Medoff and Dennis 2011). This happened most glaringly after the 1994 and 2010 mid-term elections, when Republican-controlled states started to enact same-sex marriage bans and forced ultrasound legislation, respectively. I argue that religious communities’ ability to take advantage of these openings of “policy windows” will critically depend upon the degree of religious fragmentation in a state – i.e. whether Evangelicalism, Mormonism and

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2 The US Religious Landscape Survey conducted in 2014 by the Pew Research Center shows that Catholics are almost twice as likely to strongly favor same-sex unions with respect to Evangelical Protestants and Mormons.
Catholicism are monolithic or rather in competition with other more secular faiths. In other words, the way the cultural demands of these groups are championed by political elites may respond to the religious structure of each state. This argument is underpinned by Campbell’s (2006) and Wilcox and Robinson’s (2010) findings, which suggest that the “religious threat” posed by seculars and other liberal faith groups propels Evangelicals to mobilize in favor of their political preferences.

The constituency of religious conservatives has led the Republican Party to gain a reputation for defending traditional values regarding sexuality, while the Democrats, with a predominantly liberal voters base, have assumed the protection of SRHR (Karol 2009; Rhodebeck 2015). However, the intensity of both the conflict between religious groups and party polarization varies greatly across states. States displaying a relatively homogeneous religious population are likely to produce elites in both parties with similar religious beliefs thereby reducing cross-party ideological polarization (McTague 2007). As Moore and Vanneman (2003: 119) highlight, “[a]s the proportion of religious fundamentalists increases, so does their probable influence over major social institutions through their roles as […] politicians, policy writers, and the like”. Similarly, Glaeser, Ponzetto and Shapiro’s (2005) analysis of the role that the religious values of the electorate play in the Republican and Democrat divide across states highlights that party polarization is more likely to occur when voters display greater heterogeneity of religious beliefs.

As citizens “want to live in a society that generally expresses their values” (Vergari 2000: 293), in religious fragmented polities opposing groups will fight to have their beliefs affirmed by a policy change (Meier 1999). In such settings, extremist conflicting positions will most likely arise and represent a larger marginal electoral gain, inducing parties to distance themselves from the median voter position. These disparities in polarization imply the possibility of inter-party differences across states (Shor and McCarty 2011), with the ideological divide between Democrats and Republicans being smaller in the least polarized states. Accordingly, the
differential impact of partisan control of the government will be particularly pronounced in those states with a more diverse religious population, with Democratic control of both the executive and legislative powers yielding more liberal policy outputs as compared to governments controlled by Republicans or divided governments. Where society presents opposing moral views, the marginal electoral gains from adopting strong opposing moral positions will be relatively high, which may further incentivize partisan polarization among state legislators. Conversely, in more homogenous states, the members of the majoritarian religious group will likely be represented in the constituency of both parties, thereby leading to policy convergence in the state legislature. More specifically, I posit that the “ownership” of morality policy by the party in control of the state government will play a greater role in determining policy output in those states that are more religiously fragmented (H2).

Data and Methods
To analyze manifest morality policies I constructed an original dataset containing yearly information for all the US states bar Nebraska, whose legislature is non-partisan.\(^3\) An Event History Analysis (EHA, henceforth) is well suited for analyzing policy decisions over time and across cases (Allison 1984). Discrete-time EHA was first employed for policy analysis by Berry and Berry (1990) and has subsequently become the most widely used analysis in the field of morality policies (Doan and McFarlane 2012; Haider-Markel 2001; Medoff and Dennis 2011; Mooney and Lee 1995; Mooney and Lee 2000). Defining the time period under examination is an important theoretical aspect of EHA. It should begin when the states are first at “risk” of the event occurring. Concerning the enactment of restrictions on abortion, the risk started after the Supreme Court decision in Planned Parenthood v. Casey first allowed them to regulate abortions in the first trimester. In the case of same-sex marriage, states first became at risk of enacting this

\(^3\) The summary statistics of the sample can be found in the Supporting Information Appendix A.
legislation after 1993, when Hawaii’s Supreme Court first ruled in *Baehr v. Miike* that states’ prohibition of same-sex marriage might be unconstitutional. Therefore, the periods under examination are 1993-2014 for forced ultrasound legislation and 1994-2014 for legislation in favor of same-sex unions.

**Dependent variables**

The dependent variable, or event, is a state’s decision to adopt a specific SRHR morality policy. Specifically, the dependent variables are measured, respectively, by determining the year in which each state enacted a law in favor of forced ultrasound prior to an abortion procedure and approved same-sex marriage. The first policy restricts SRHR, while the other one expands them. For both policies, the dependent variable, *Enactment of forced ultrasound legislation* and *Enactment of same-sex marriage legislation*, is dichotomous – whether the state has enacted the legislation in any given year, or not. Data on forced ultrasound laws have been retrieved from the Guttmacher Institute and the National Right to Life Committee and data on same-sex marriage policy enactment have been obtained from the Boston Globe (2016). Further data scraping has been needed to update and/or verify information.

In examining policy adoption, a discrete-time complementary log-log model is run for each SRHR policy under examination where the probability of an event to occur is determined by a set of covariates. Hence, the unit of analysis is a state in the “risk set” – i.e. a state not having previously experienced the event of interest. The literature on morality policy has mostly used probit or logit functions but a complementary log-log function is better suited to deal with the fact that policy adoption in the dataset is a very rare event (the dependent variables score a few ones among thousand of zeros). The complementary log-log function approaches one more

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4 The original dataset and replication do. files will be made available at the author’s website.
quickly than zero (it has a thinner tail as it approaches one and a wider tail as it approaches zero), so it is more appropriate for rare event discrete-time EHA (Buckley and Westerland 2004).

**Independent variables**

The two main independent variables are the religious composition of each state and the partisan control of the government. The religious composition is measured through three variables that capture distinct but complementary aspects. The variables *Share of religious fundamentalists* (including both Evangelical Protestants and Mormons) and *Share of Catholics* within a state population are relevant to study whether higher proportions of fundamentalist denominations and Catholics are associated with the adoption of conservative legislation. Because these two variables are highly negatively correlated, they are alternatively introduced in the models. *Share of Catholics* and *Share of religious fundamentalists* tells us little, however, about how the potential interactions between religious groups may vary depending on the level of religious fragmentation. Among the states in which religious fundamentalists or Catholics are a majority, some display higher shares of liberal denominations that can counter-balance the push towards conservative policy outputs, and vice-versa. Thus, it is important to separate the effects of shares of religious denominations and a state’s religious composition on policy outcome by including them in the same model.\(^5\)

The variable *Religious fragmentation* is measured through the Herfindahl index:

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\(^5\) The continuous variable measuring the Share of religious fundamentalists has been computed by adding the share of Evangelicals and Mormons, as it is common practice by morality policy scholars (Haider-Markel and Meier 1996; Haider-Markel 2001; Mooney and Lee 1995). However, since combining these groups would weaken the Religious fragmentation index, both groups are kept separately when calculating this variable.
This index has been first introduced in political science by Hero and Tolbert (1996) as a measure of racial diversity, and subsequently adopted as a measure of religious diversity in ethnic, conflict and economic studies (Alesina et al. 2003; Easterly and Levine 1997; Fearon and Laitin 2003; Montalvo and Reynal-Querol 2005). It can be interpreted as the probability that two randomly selected individuals in a state will belong to different religious groups. It is a continuous measure that ranges from zero – when all individuals belong to the same religious group – to one – when all individuals belong to different religious groups.

Data for both variables have been retrieved from the Religious Congregation and Membership Study (RCMS, henceforth) that is collected on a ten-year basis by the Association of Statisticians of American Religious Bodies (ASARB) and distributed by the Association of Religious Data Archive (ARDA). While most scholars of morality policies employ the RCMS denominational classification, it should be noted that this classification does not rely on any measure of doctrinal orthodoxy (Frendreis and Tatalovich, 2011). I have added Mormon denominations to the RCMS’ five original categories (Catholic, Mainline Protestant, Evangelical Protestant, Orthodox, Other), and following Frendreis and Tatalovich (2011), assign denominations to each group based on statements of biblical inerrancy obtained from Frendreis and Tatalovich (2011), Mead and Hill (2001) and the very same denominations’ statements of beliefs. While the RCMS data are the most accurate source of information on religious composition freely available, they present a few weaknesses. Firstly, the RCMS does not include

The “Other” category includes isolationist Christian denominations, such as the Amish, and other non-Christian denominations. For the calculation of the fragmentation index, all six groups have been used in order to compute the percentage over the religious population.
information on the unaffiliated. While the religious “nones” do contribute to the heterogeneity of each state and represent a threat to conservative religious groups, they had to be left uncounted. Secondly, it does not provide any information on the levels of adherence. That is, different religious denominations might have different levels of adherence. Thus, the index of fragmentation only measures a small portion of the overall levels of religious diversity. Thirdly, it does not allow distinguishing between levels of conservativeness within denominations. This is particularly a problem in the case of Catholics, which have shown increasing levels of intra-denominational polarization over time (Jelen and Wilcox 2003). Thus, my measure is only an approximation of conservative Catholics’ strength in each state, as I’m not able to isolate their influence from the rest of lay Catholics.

Following Medoff and Dennis (2011), partisan control of the government is coded as a dichotomous variable (Democratic control) indicating whether Democrats have control over both the executive and the legislative in a state (one), or not (zero). The same has been done for the variable Republican control. Democratic control of the state government offers a political opportunity to enact liberal legislation allowing same-sex unions, while the control by the Republican Party favors the adoption of conservative legislation mandating forced ultrasound. The data has been retrieved from the National Conference of State Legislatures (NCSL) and from further data scraping. Because in a manifest morality policy setting party positions on moral issues are expected to matter most in a religious fragmented society (Ponzetto, Shapiro and Glaeser 2005), an interaction term is created between the dichotomous variable of Democratic control of the government and the level of Religious fragmentation, as well as between Republican control of the government and the level of Religious fragmentation.

Finally, more volatile elements of the political opportunity structure of manifest morality policies have been found to facilitate or hinder the enactment of legislation regulating abortion and same-sex marriage. Mooney and Lee (2000) underline the important influence of public opinion on policy makers’ decision to enact a contentious morality policy. Data on attitudes
towards same-sex relationships and abortion have been retrieved from the General Social Survey. The variables *Positive attitudes towards abortion* and *Positive attitudes towards same-sex relationships* measure the share of people that think that it should be possible for a pregnant woman to get a legal abortion for any reason and the share of people who think that it is not wrong at all for two adults of the same sex to maintain sexual relations. This data is available yearly for the nine regional divisions of the US and I assigned to each state its regional value. Intra-party competition is also usually considered in morality policy analyses, as levels of competition can affect electoral security and therefore the possibilities of a morality policy to be adopted (Mooney and Lee 1995). Political elites in very competitive states may prefer not to enact contentious morality policies, even though the marginal electoral gains to be made by appealing to specific religious constituencies are high (Haider-Markel 2001). Therefore, I introduce in the analysis the Ranney Index of intra-party competition. Created by Austin Ranney (1965, 1976), this index is composed by the proportion of Democratic seats in the state House and Senate, the two-party vote share of the Democratic gubernatorial candidate and the percentage of time the state government is controlled by the Democratic Party. These components are then averaged over a time period of four years to obtain a measure that runs from zero – complete Republican control – to one – complete Democratic control. As 0,5 indicates perfect competition between the two parties, the Ranney index is usually used in its “folded” version (Shufeldt and Flavin 2012). The “Folded” Ranney Index ranges from 0,5 – one party dominance – to one – perfect competition as a result of an equal balance between the two parties. Calculations of the “Folded” Ranney Index up to 2010 have been made publicly available by Dr. Carl E. Klarner and have been updated through further data scraping.

The share of women legislators is also a relevant variable. On the one hand, the number of women in the state legislature can be used as a proxy for the levels of progressive attitudes among voters with regard to gender equality and gender-related issues (Arceneaux 2001; Caiazza 2004). On the other hand, the research on women’s substantive representation has shown that
women legislators are typically more liberal in their policy attitudes, especially on all those issues dealing with women’s rights (Swers, 2001; Cowell-Meyers and Langbein, 2009). This gender effect has been found to be even greater in the case of Republican women legislators (Swers, 1998). Data on the number of women in each state legislature has been provided by the Center for American Women and Politics. The same reasoning applies to the Share of LGBT legislators. Haider-Markel (2007) finds that the larger the number of openly LGBT representatives, the more they can positively influence the adoption of pro-LGBT legislation. The same author has made available the data on the number of openly LGBT legislators in each state.

Education is usually included by the morality policy literature as a control variable because it has been found to be positively associated with more support for same-sex relationships and legal abortion (Haider-Markel 2001; Haider-Markel and Meier 1996; Jelen and Wilcox 2003). Therefore I include a continuous variable, which measures the Share of college graduates in each state. Data on the number of tertiary educated people has been retrieved from the US Census Bureau. I also include a continuous variable that measures the share of African Americans in each state, based on data retrieved from the US Census Bureau. While African Americans are adherents of theologically orthodox churches, i.e. of Evangelical Protestant denominations, they are also prominently Democrats (Leege et al., 2002; Wald and Calhoun-Brown, 2011; D’Antonio, Tuch and Baker, 2013).

As Geographical diffusion might independently influence policy outcome, I introduce in the analysis a continuous variable that measures the number of neighboring states having adopted the same policy, for each state and each year. As explained by Mooney and Lee (1995), state governments might see their neighbors as “laboratories” for policy innovation and, in case of positive outcomes, also implement the policy under consideration. Thus, the policy-making process could be partly determined by a “follow the local leader” effect (Mooney and Lee 1995). This is particularly relevant as neighboring states in the US display similar characteristics in terms of population, politics and even religion.
The history of each one of the policies under consideration configures over time a different risk set, as well as a different hazard rate, which is the probability that the legislation will be enacted in a particular year and a particular state, given that the state is at risk at that time (Allison 1984). The fact that the hazard rate is not constant over time introduces a further factor influencing the cultural opportunity structure. On the one hand, the hazard rate captures a policy diffusion pattern: with the passing of time, the more states adopt the legislation nationwide, the more the specific policy appears to be legitimate. By getting the stamp of approval from more and more states, the policy might become an issue that a government feels the pressure to legislate on. On the other hand, the hazard rate captures a nationwide attitudinal change among the population: on average, attitudes towards gender roles and sexual morality have followed a liberal trend over time (Jelen and Wilcox 2003), making the adoption of policies in favor of SRHR more likely. In order to take into account the non-flat hazard rate, three transformations of time, namely Linear time, Squared time and Squared root time are introduced. Lastly, because in the model there is a high correlation over time and across space, the standard errors are corrected through clustering by State and Decade.

**An Empirical Test of Manifest Morality Policies**

To test the hypotheses I perform discrete-time cloglog regressions that are divided into three specifications. For each analysis, Model 1 is the baseline specification, including the variables measuring Religious fragmentation, the Share of religious fundamentalists and Democratic control of the state government. Model 2 adds the control variables Share of LGBT legislators, Folded Ranney Index, Geographical diffusion, Positive attitudes towards same-sex relationships, Share of college graduates, Share of African Americans, and the time transformations. Model 3 includes the interaction term between Democratic control of the government and Religious

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7 The tables displaying the different hazard rates can be found in the Appendix B.
fragmentation and presents the estimates of the full specification. Model 3 is the baseline specification that replicates Model 1, but includes Share of Catholics instead of Share of religious fundamentalists. Model 4 adds the control variables and Model 5 the interaction term. The results remain robust after the introduction of the control variables. It should be noted that the number of observations changes for each dependent variable. This is so because of the different time periods taken into consideration and because in EHA the outcome variable is dropped after having adopted the value of one – i.e. after the event has occurred. As the number of events occurring changes from one dependent variable to the other, so does the number of observations.

Table 3 shows the likelihood of adopting legislation in favor of forced ultrasound in the case of abortion. Throughout all the models, the variables capturing the presence of religious fundamentalists and Catholics are not significant. It appears that positive attitudes towards abortion – i.e. a favorable public opinion – play a greater role in influencing public policy than the interests of religious groups. Positive attitudes towards abortion decrease the likelihood of this legislation to be adopted and are significant at the 5% level in Model 2 and Model 4, at the 1% level in Model 3 and at the 0,1% level in Model 6. The first hypothesis is thus rejected, at least in the case of legislation mandating forced ultrasound.

[TABLE 3 HERE]

When the government is controlled by Democrats or divided – that is, when Republican control is set at zero – religious fragmentation is also positively associated with more restrictions on abortion, but statistically significant at the 5% level only in Model 6. This positive association can be explained by the fact that heterogeneous states, regardless of which party controls the government, are more susceptible to have an active policymaking, as opposing social groups fight to have their values reflected in policy outputs (McTague 2007; Meier 1999; Mooney 2000).
Republican control of the government is positively associated with abortion restrictions in Model 1, Model 2, Model 4 and Model 5 and shows levels of significance between the 1% and the 0.01%. The effects of Republican control at varying levels of religious fragmentation, measured through the interaction terms in Model 3 and in Model 6, can be best understood by examining Figure 3 and Figure 4. The predicted probabilities displayed in these figures show that as the state becomes religiously more heterogeneous – that is, the variable of Religious fragmentation approaches one – the effects on policy output of Republican controlled governments versus Democratic controlled governments and divided governments becomes statistically more significant. In other words, in a context of increasing religious fragmentation, Republican control of the government makes the adoption of legislation mandating forced ultrasound more likely. These findings confirm the second hypothesis that higher levels of religious fragmentation contribute to the ideological divide between Democrats and Republicans, thus attributing greater importance to the “ownership” of morality policy by the party in control of the state government.

[FIGURE 3 HERE]
[FIGURE 4 HERE]

Table 4 presents the findings regarding legislation in favor of same-sex marriage. Throughout all models, religious fundamentalists are once more a conservative cultural force that decreases the possibility of allowing same-sex unions – statistically significant at the 1% level in Model 1 and Model 2 and at the 5% level in Model 3. Catholics increase the chances of same-sex legislation to be adopted, but show significance at the 1% level only in Model 1. This is in line with previous findings (Fleischmann and Moyer, 2009) that maintained that Catholics might be more accepting of homosexual behavior. Hence, my first hypothesis is confirmed. When the government is controlled by Republicans or divided, religious fragmentation is positively
associated with the adoption of progressive legislation, although it does not reach any statistical significance throughout all models.

[TABLE 4 HERE]

Democratic control of the state government is positively associated with legislation in favor of same-sex marriage and is statistically significant at the 1% level in Model 1 and in Model 4, even though it loses significance in Model 2 and keeps a significance level of only 5% in Model 5. To better explain the interaction terms in Model 3 and in Model 6, which measure the effects of Democratic control at varying degrees of religious fragmentation, Figure 4 shows the predicted probabilities. As hypothesized, the more religiously diverse states are – with the variable Religious fragmentation approaching one – the more the ideological divide between Democratic controlled governments versus Republican governments and divided governments increases and becomes statistically significant. This means that in religiously heterogeneous states, Democratic control of the government increases the likelihood of same-sex marriage legislation being adopted.

[FIGURE 5 HERE]

[FIGURE 6 HERE]

Lastly, I perform a robustness check by excluding the cases (i.e. states) that are extremely religious heterogeneous or homogenous. The results without the states presenting values of Religious fragmentation above the 97 percentile (Alaska and Wyoming) and below the 3 percentile (Utah and Rhode Island) are displayed in the Appendix C. The direction of the coefficients holds virtually the same, while some differences are observed in the significance levels. Most notably, in the case of legislation in favor of same-sex marriage, the variables
measuring the Share of religious fundamentalists and the Share of Catholics lose significance in Model 3, Model 5 and Model 6. In the case of legislation mandating forced ultrasound, the Share of religious fundamentalists gains some significance, at the 5% level in Model 3, while the interaction term in Model 6 is not significant anymore. Nevertheless, the graphs of the predicted probabilities display clearly how the effects on policy output of partisan control of the state government become more tangible and statistically significant as the religious fragmentation index increases.

Conclusion
This article contributes to and takes forward the research on morality policies like SRHR, more specifically on abortion and same-sex marriage. Moving beyond classical paradigms of public policy research this study builds on and expands the political opportunity structure shaping the adoption of policies underpinned by moral values. Identifying the interaction between religious fragmentation and party polarization allows understanding its effects on public policy and helps explain variation in policy patterns. The religious composition of each state proves to be a significant factor for the adoption of progressive or conservative legislation. Religious beliefs are thus a powerful driving force of policy outputs that impact on parties’ policy positions. While political parties may seek an electoral reward informed by the prevailing religious orientation of a state, they are also constrained by it.

A high religious fragmentation strengthens the importance of issue ownership by the party in control of the government. In religious fragmented societies, extremist conflicting positions will most likely arise and induce political parties to take distance from the median voter position (Glaeser, Ponzetto and Shapiro’s 2005). In such a setting, the Democratic and Republican Parties will seize the political opportunity given by the control of both the executive and legislative powers to enact legislation near to their “owned values” – i.e. in favor or against SRHR (Medoff and Dennis 2011). The interaction between religious fragmentation and
Republican or Democratic government control is in fact statistically significant, yielding a higher probability of legislation forcing women to undergo an ultrasound procedure prior to abortion and a higher probability of successful same-sex union legislation, respectively. At the same time, high shares of Evangelical Protestants and Mormons in a state reduce the likelihood of adopting progressive legislation regarding same-sex marriage.

The implications of the findings reach beyond morality policies. Firstly, this study highlights the importance for public policy studies of focusing on the intersection between culture and institutions and to consider cultural structures as possible drivers of policy change. Secondly, it underlines the need of taking into account that partisan polarization is not fixed across states. Given that political elites in both parties might display similar values, a binary reading of the ideological divide between Republicans and Democrats based on the high and increasing polarization observed at national level, is not adequate. This fact must be taken into account by all those analyses using partisanship as a key explanatory variable for dissimilar state policies.

The external validity of the findings is increased by the fact that the results hold for both abortion and same-sex policies. Yet, it should be acknowledged that a potential limitation of the two religious measures used in this study lies in the fact that some religious groups may have a disproportional impact on the culture and values of a state. Efforts to measure the Evangelical Christian Right’s strength in each state have been made by Persinos (1994) and Conger and Green (2002) for the years 1994 and 2000. However, there is no measure of religious groups’ influence over a longer time period, or for any other denomination. Therefore, I call scholars to improve the measures of religious denominations’ influence, as well as to collect data over time on the levels of adherence and the shares of religious unaffiliated. Additionally, the results underline the necessity for future research to delve into the causal mechanisms that lead to manifest morality policy outputs and to take into consideration the possibility of recursive and complex causality. Even though the literature points to religion as the strongest source of
attitudes surrounding the adoption of manifest morality policies, it is empirically difficult to establish the causal direction between religion and attitudes. Through time people may increasingly be exposed to liberal ideas regarding SRHR and adjust their denominational preferences accordingly. Nevertheless, in this case measurements of religion would still be effective for capturing the variety of attitudes towards sexual morality and SRHR. Either way, it’s clear that no variable alone, but rather a chain of concurring cultural and institutional factors, leads to a specific policy output. Hence, it could be worth exploring whether it is possible to recognize a configuration of factors that characterizes those states that enact progressive policy and those that adopt conservative legislation.

Recent legal and political developments in the US, from the Supreme Court ruling in favor of same-sex unions in 2015 to the “bathroom policies” restricting transsexual people’s rights in 2016, along with the inclusion of a pro-life agenda by the new Trump administration, indicate that the discussion on SRHR is far from over. This opens up the possibility of further research and conceptualization of manifest morality policies and their underlying cultural opportunity structure based on religious values.
References


Tables and Figures

Figure 1. Cumulative Frequency Distribution of States Adopting Forced Ultrasound Legislation
Table 1. States Adopting Forced Ultrasound Legislation by Year

<table>
<thead>
<tr>
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<td>2011</td>
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<td>Florida</td>
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</tr>
<tr>
<td>Indiana</td>
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<td>Kansas</td>
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</tr>
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<td>Virginia</td>
<td>2012</td>
</tr>
<tr>
<td>Ohio</td>
<td>2013</td>
</tr>
<tr>
<td>Wisconsin</td>
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</tr>
<tr>
<td>Oklahoma</td>
<td>2014</td>
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Figure 2. Cumulative Frequency Distribution of States Adopting Same-Sex Marriage Legislation
Table 2. States Adopting Same-Sex Marriage Legislation by Year

<table>
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<td>Washington</td>
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<td>Delaware</td>
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<td>Hawaii</td>
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<td>Maryland</td>
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<td>Minnesota</td>
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<td>Rhode Island</td>
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<td>Illinois</td>
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### Table 3. Cloglog Estimates for Discrete-Time EHA of Enactment of Forced Ultrasound Legislation

<table>
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<tr>
<th></th>
<th>Model 1</th>
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<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
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<td>5.551</td>
<td>3.183</td>
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</table>

Robust standard errors in parentheses

*** p<.001, ** p<.01, * p<.05
Figure 3. Predicted Probabilities of Republican Control on Enactment of Forced Ultrasound Legislation by religious fragmentation levels (95% Confidence Interval) – Control for Share of religious fundamentalists.
Figure 3. Predicted Probabilities of Republican Control on Enactment of Forced Ultrasound Legislation by religious fragmentation levels (95% Confidence Interval) – Control for Share of religious fundamentalists
Table 4. Cloglog estimates for discrete-time EHA of enactment of same-sex marriage legislation

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
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<th>Model 4</th>
<th>Model 5</th>
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Observations: 1,010

Robust standard errors in parentheses

*** p<.001, ** p<.01, * p<.05
Figure 5. Predicted Probabilities of Democratic Control on Enactment of Same-Sex Marriage Legislation by religious fragmentation levels (95% Confidence Interval) – Control for Share of religious fundamentalists
Figure 6. Predicted Probabilities of Democratic Control on Enactment of Same-Sex Marriage Legislation by religious fragmentation levels (95% Confidence Interval) – Control for Share of Catholics
## Appendix A.

### Table A1. Summary Statistics of the Sample

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<td>.140</td>
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## Appendix B

**Table B1. Annual Hazard Rates for States Adopting Forced Ultrasound**

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<tr>
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*Notes:* Risk set - Total of states that have not adopted the legislation yet; Hazard rate - Adoptions/Risk set
Table B2. Annual Hazard Rates for States Adopting Same-Sex Marriage Legislation

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<th>Hazard Rate</th>
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Notes: Risk set - Total of states that have not adopted the legislation yet; Hazard rate - Adoptions/Risk set
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<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
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<td>Share of women legislators</td>
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<td>(0.000)</td>
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Observations: 947

Robust standard errors in parentheses

*** p<.001, ** p<.01, * p<.05
Figure C1. Predicted Probabilities of Democratic Control on Enactment of Forced Ultrasound Legislation by religious fragmentation levels, excluding Alaska, Wyoming, Rhode Island, and Utah (95% Confidence Intervals) – Control for Share of religious fundamentalists.
Figure C2. Predicted Probabilities of Democratic Control on Enactment of Forced Ultrasound Legislation by religious fragmentation levels, excluding Alaska, Wyoming, Rhode Island, and Utah (95% Confidence Intervals) – Control for Share of Catholics
<table>
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<th>Model 4</th>
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<td>12.293*</td>
<td>2.668**</td>
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Observations: 927

Robust standard errors in parentheses
*** p<.001, ** p<.01, * p<.05

Table C2: Coefficient Estimates for Discrete-Time EHA of Enactment of Same-Sex Marriage Legislation, excluding Alaska, Rhode Island, and Lieh.
Figure C3. Predicted Probabilities of Democratic Control on Enactment of Same-Sex Marriage Legislation by religious fragmentation levels, excluding Alaska, Wyoming, Rhode Island, and Utah (95% Confidence Intervals) – Control for Share of religious fundamentalists
Figure C4. Predicted Probabilities of Democratic Control on Enactment of Same-Sex Marriage Legislation by religious fragmentation levels, excluding Alaska, Wyoming, Rhode Island, and Utah (95% Confidence Intervals) – Control for Share of Catholics