

SHARED DETERMINANTS WITHIN THE TYPOLOGY OF MORALITY POLICY

A M.A. Thesis

Presented to

The Faculty of the Department of

Political Science

University of Houston

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Political Science

By

Eric M. DeBruin

May 2013

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Abstract

Although many political science scholars have studied morality policy and its determinants, few have aggregated the data to examine the presence of common determinants throughout the morality policy typology. This is problematic because the morality policy typology is constructed, and therefore policies can be added or dropped over time; therefore, the policies within the typology may not share the same determinants. This research examines the liberalness of all fifty states based on morality policies enacted as of 2008, and uses a factor analysis to demonstrate the common determinants shared amongst these policies across state lines. I find public opinion or ideology, as expected, is the most common determinant across all policies examined. However, most policies within the morality typology are more likely to be influenced by unique determinants than common factors, meaning policies within the morality typology may be influenced more by state level politics than typology wide determinants.

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1. Introduction

Morality policies and politics have a long history in America and most recently attracted national attention as numerous states voted on the legalization of marijuana and the Supreme Court debated the merits of same sex marriage. Morality policies are often, but not necessarily, crafted at the state level, and seek to codify certain values and/or criminalize others. These policies regulate such issues as drugs, abortion, gay and lesbian rights, capital punishment and others. Although there are numerous instances of the federal government regulating morality, recent history suggests the states exercise a large amount of control over morality policy within their own borders.

The idea that typology would influence the relevant politics and the determinants of adoption was pioneered by Lowi (1964), who highlighted three types of policies: distributive, redistributive and regulatory. Since 1964, however, numerous scholars have noted Lowi's list of typologies was incomplete and added a morality category. Policies within this typology are often tested individually and studies testing the strength and unity of the morality policy typology across states are absent, despite evidence that morality policy evokes the predicted responses among respondents and through local implementation (Blankenau and Leeper 2003; Mooney and Schuldt 2008:).

The moral politicization of issues is somewhat arbitrary; policies are added and removed from the morality category over time depending largely on how salient the issue is and how it is defined. An advocacy group must support the policy in question with moral arguments before it can be lumped together with other morality policies (Roh and Berry, 2008). Although some of these policies share politics and determinants, there remains political variation within the typology. Considering the arbitrary nature of the

morality policy grouping, it seems reasonable to ask: Do states share common morality policies, and if so, do some of these morality policies typify the liberalness of certain states better than others? Also, do these policies share a common set of determinants and politics across states? These larger questions, which look at morality policy in the aggregate, remain unanswered in the political science literature.

At their most basic level, morality policies do exactly what they claim to do: regulate behavior perceived as immoral. Thus in order for a morality policy to exist the related action must be seen as an immoral one. These underlying normative concerns are known as “first principles,” and are relatively easy actions for people to take issue with because they require little political knowledge to form an opinion (Mooney, 2001). Because of their accessibility, these issues have relatively high salience (Haider-Markel and Meier 1996). However, despite sharing these unifying characteristics, there are differences among the classifications of morality policy.

First of all, the morality typology not only differs from other typologies in its construction, but also exhibits unique politics. Policymakers crafting morality policy are often portrayed as more responsive to public opinion (Mooney and Lee, 2001, 1995), and the adoption of morality policy is thought to be shaped by different determinants than those influencing the adoption of non-morality policy (Fairbanks 1997; Mooney and Lee, 2001, 1995). Although this disparity between non-morality and morality policies is certainly recognized in the literature, it is often taken for granted that all morality policies share the same determinants, which may not be the case.

Numerous scholars have distinguished between morality policies where there is contention over the morality of an issue among citizens and elites (known as contentious

or redistributive), and morality policies where there is relative agreement over the permissiveness of an action (Meier, 1994; Mooney and Lee 2001). Furthermore, and as previously mentioned, the category of morality policy is fluid, and thus the classification of a policy has more to do with the politicization of the issue than the specifics of the issue itself. Education policy, for example, is a relatively clear category, with any policies concerning education included. In contrast, the morality category adds and drops policies over time. The regulation of alcohol at the start of the twentieth century certainly was a morality issue. America's puritan heritage fueled the prohibitionist movement, which categorized drinking as moral sin (Morone, 2003). But today alcohol is no longer defined as such, and policies concerning alcohol (with the exception of laws permitting the sale of alcohol on Sunday) have much more to do with public safety (drinking and driving, or state bans on happy hour) than morality (Studlar, 2001). The selectiveness of morality issue construction is rather unique among policy typologies.

Policies examined within this article relate to capital punishment, gay rights, abortion, Sunday sales of alcohol, medicinal marijuana, salvia divinorum, gambling, and physician assisted suicide¹. All of these policies fall within the issue area of morality politics, and therefore involve first principle issues where some of the actors involved characterize the act as sinful (Mooney, 2001). One needs only to recall religious groups picketing executions and abortion clinics, or the polarization of gay marriage by the televangelist and pastor Jerry Falwell in order to conceptualize the charged moral environment surrounding these issues. Physician assisted suicide is also polarized over moral principles, as its opponents are often religious and claim only God can end life

¹ Tobacco is excluded under the assumption that it is now largely treated as a public health, not morality, issue.

(Glick and Hutchinson, 2001). Evidence that drinking today is largely a public health issue more than a morality issue is reflected by societies' treatment of alcoholism as a disease, and the related laws, which mostly act to make drinking safer, not restrict immoral practices. Laws against the Sunday sales of alcohol, however, tap into the Christian sentiment of respect for the Sabbath, and therefore are included in the study. Likewise, gambling has long raised the ire of religious groups and is therefore a candidate for inclusion. Lastly, certain drugs, once illegalized by the federal government, have long been viewed morality issues (Meier, 1994).

The selective nature of the morality typology leaves the door open to the possibility that each policy may possess somewhat unique politics. The unique and varied politics across the typology indicate some policies may group together better than others. Therefore, the presence of certain morality policies may help to predict the permissiveness of a state better than others.

This research examines the presence of morality policies across states, and to what extent each typifies the moral permissiveness of each state. The presence or absence of each policy within a given state is coded dichotomously, and these dichotomous variables are aggregated to create a composite score of a state's permissiveness regarding morality issues. A factor analysis will be applied to generate a ranking of the states' permissiveness, and then to compare the importance of each individual morality policy to a states' permissiveness in general. This analysis will demonstrate the links between morality policies, and how these policies are related to the passage of other morality policies.

Although the political science literature regarding morality policy has covered a wide variety of issues, there is a scarcity of multiple issue studies assessing the larger framework of morality policies. This study attempts to fill that void by examining how morality policies are distributed across all fifty states, and how well each policy itself fits into the morality category while exemplifying the permissiveness of the state responsible for its adoption. Furthermore, this research sheds light on the number of factors shaping various morality policies. Finally, this research may help clarify the utility of the morality typology.

2. Literature Review

2.1 Morality Policy

Although the policies comprising the morality typology change over time, the characteristics and politics distinct to this typology remain constant. These distinct characteristics and politics stem from the value dimension of morality politics, which other policy typologies lack. Not only are morality policies grouped differently than others, but they also have a different set of determinants because they engage citizens on fundamentally different levels than most other policies. Morality policies have huge import for American politics, and may hold explanatory power for national issues, such as the realignment of the party system in the wake of the civil rights movement (Mooney, 2000).

Obviously, the Supreme Court plays a role in the politics of morality policy, as evidenced by *Roe v Wade* and their current hearing of the legality of the Defense of

Marriage Act (DOMA). By wading into morality issues the Supreme Court virtually guarantees its ruling will not be popular with some segment of the country and lessens the ability of state legislatures to enact policies closely mirroring public opinion. The Supreme Court, in recent years, has increasingly legislated on the issue of morality out of sync with public opinion at the state level, especially on issue of capital punishment, gay and lesbian rights, gambling, and abortion (Mooney, 2000). Although it has been shown the Supreme Court does sometimes play a direct role in abortion policy adoption within state legislatures, recent history demonstrates that over time conservative states, such as South Dakota, will find local detours to the Supreme Court's ruling (Patton, 2007). The court's power is limited when it comes to moral disputes however. Therefore, although the courts may occasionally wade into moral disputes, and often will act as agenda setters, morality policy is most frequently determined in state legislatures (Canon, 1992)

Morality typology differs from all others because its categorization depends on the actors involved, and not on any distinct characteristic of the policies themselves (Mooney, 2001). Instead, the issue is defined as one that involves core values and first principles. An issue, once classified as a morality policy, takes on the characteristics of redistributive politics, where it is the values that are slated to be redistributed, or a politics of sin² characterized by the lack of any support whatsoever for the act deemed immoral (Meier, 2001). There is general agreement regarding the distinct characteristics of the morality typology.

² Beyond this, research indicates abortion policies may take on characteristics more akin to a fusion of morality and redistributive policy (see section 2.3 for further discussion) (Roh and Berry, 2008)

First and foremost, citizens can claim to be well informed very easily because morality policy appeals to moral values and as such is not overly technical or complicated to understand (Studler, 2001). Second, these issues are very salient to the general public because they are easy to understand, affect all citizens the same, and appeal to basic values (Mooney, 2000). Third, these policies will see higher rates of citizen participation than others because they attract citizens easily, engage them on moral grounds, and do not require a lot of time to understand (Meier, 1994). Finally, the most significant implications for the politics of morality is policy makers are highly responsive to citizen opinions on this subject (Mooney, 2000).

The most prominent and recurrent factor in the literature regarding the adoption of morality policy is public opinion. Public opinion plays a crucial role not only because morality politics are highly salient and accessible, but also because policymakers are largely attentive to ideological issues regarding morality. This “hyper-responsiveness” is created because the redistribution of morality satisfies a constituency without a minimum or determined financial disincentive (as is often the case with other redistributive policies), and because the issues trigger value judgments and are therefore of great import to the average citizen (Mooney, 2000).

There are other variables thought to temper the affect of public opinion on morality policies. Interest groups, for example, demonstrate an ability to lessen or enhance the effects of public opinion on policy makers throughout the literature (Meier, 1995; Mooney and Lee, 1995). These interest groups may often be spurred on by industry forces, who push interest groups to advocate for the policies of their choice (Meier, 1994). However, there is disagreement in the literature over the extent of this

influence, and it is completely possible that the degree of influence differs on a state-by-state level. Stemming from this point, the degree of religiosity and fundamentalism has been shown to effect morality policy adoption (Fairbanks, 1977). Education is another traditional determinant of morality policy (Haberle 1996, Haider-Markel and Meier 1996). Lastly, it should be noted that, because morality policy generally affects values, not bank accounts, there is a large consensus within the literature that socioeconomic variables will have no discernable effect on morality policy adoption.

2.2 Determinants of Gay and Lesbian Policy

Unfortunately, political scientists were slow to turn their attention to the issue of gay and lesbian rights, and the empirical study of gay, lesbian, and bisexual politics did not begin in earnest until 1996 (Cook, 1999). This attention was largely spurred on by a growing consciousness of gay and lesbian issues by the American population throughout the early 1990s. The election of Bill Clinton, his “don’t ask don’t tell” policy, Hawaii’s Supreme Court decision to allow same sex marriage, and the 1996 Defense of Marriage Act were among the issues that increased the national salience of gay and lesbian rights (Haeberle, 1996). Furthermore, this issue was defined, on both the elite and national level, as a morality issue when Pat Buchanan opened the 1992 Republican National Convention by insisting that gay and lesbian marriage was “amoral” (Haeberle, 1996).

The early literature mostly took a different, less complicated, and narrower focus to study gay and lesbian rights policy adoption than the works that followed. The first wave of scholarship linked the passage of this type of legislation to five key determinates: (1) urbanism/social diversity, (2) gay and lesbian population and resource mobilization,

(3) the political opportunity, (4) power and number of Conservative Protestants, and (5) education (Haieberle, 1996; Cook 1999). These findings, however, were often generated at the city, not state level. In the face of these findings, however, one would be wise to consider Melinda D. Kane's (2007) work on sodomy decriminalization, which demonstrated the causal determinants shifted over time. Later political science work has added a more nuanced understanding of gay and lesbian policy determinants.

Recent scholarship has demonstrated that although gay and lesbian rights determinants conform to traditional morality politics when issue salience is high, these determinants more closely resemble those of interest group politics when salience is low (Haider-Markel & Meier, 2006). The reasoning behind this is somewhat intuitive. Because gays and lesbians make up such a small segment of the population, they must win over a near majority of the straight population if the issue becomes highly salient, and if not, they may effectively pressure lawmakers to pass favorable legislation without generating much unwanted attention (Haider-Markel & Meier, 1996). Thus under non-salient conditions, when the interest group politics dominate, significant determinants are: (1) elite support, (2) early civil rights policies, (3) National Gay and Lesbian Task Force (NGLTF) members, (4) NGLTF resources, and (5) high levels of education (Haider-Markel & Meier, 1996). These determinants conform to traditional models of interest group politics, which emphasize past policies, elite preferences, and interest group resources. Of these, only education may be interpreted as at all related to traditional morality politics. Religion, which is typically associated with morality politics, plays an ambivalent role in these issues. There is a fairly high degree of consensus in the literature that protestant fundamentalists, born-again Christians, and evangelicals all act

against queer rights legislation, but research also suggests moderate Christian affiliation has no effect whatsoever (Haeberle 1999; Haider-Markel & Meier, 2006).

2.3 Determinants of Abortion Policy

The political science literature has often studied abortion policy in three temporal phases: (1) pre *Roe v. Wade*, (2) pre *Webster v. Reproductive Health Services*, and (3) post *Webster v. Reproductive Health*. It is also good to keep in mind some authors have demonstrated changes in the determinants of state level abortion policy during each temporal period (Strickland and Whicker, 1992). As indicated, traditional morality policy theory dictates public opinion and interest group pressures should strongly influence abortion. However, the political science literature is inconclusive regarding a number of other socio-economic and geographic variables that may also influence the adoption of abortion regulations, and as to whether or not abortion should always be classified as a type of morality policy. It is clear intrastate influence is exercised to some degree through interest groups, diffusion and norm setting, but states possess a significant amount of authority to leave a distinct mark on abortion within their borders (Arceneaux, 2002; Hansen, 1993; Mooney and Lee, 1995). However, national factors, specifically United States Supreme Court decisions and presidential election years, affect voting on abortion policy (Roh and Haider-Markel, 2003).

Public opinion and the variables that may enhance it have a substantive and fairly well studied effect on abortion policy. The question is not if public opinion affects abortion determinants, but how much is abortion policy adoption affected by public opinion and what are the other mitigating factors. Both electoral competition and interest

group strength can either enhance or damper the affect of public opinion, but interest group strength may exert more influence (Cohen and Barrilleaux, 1993; Mooney and Lee 1995). Competitive elections enhance the power of public opinion, but interest groups will win close to half the battles against popular opinion, even at landslide levels; public opinion must be almost consensual to effectively defeat organized interests (Cohen and Barrilleaux, 1993). Finally, it should be noted that direct democracy within states does create abortion policy that more closely resembles public opinion (Arceneaux, 2002).

State level differences in the gender and partisan makeup of state legislatures create differences in the government response to public opinion regarding abortion. The literature is clear an increase in democrats or women in the legislature would lead to more liberal abortion policy (Hansen, 1993; Norrander and Wilcox 1999). However the affect of religion and religiosity is not so clear. On the one hand, it certainly seems clear states with larger Catholic and fundamentalist populations will be more likely to have more restrictive morality policies (Mooney and Lee 1995; Norrander and Wilcox 1995). On the other hand, there is evidence conservative religious beliefs have only held explanatory power within the post-Webster period (Strickland and Whicker, 1992).

There a number of factors found to demonstrate slight influences on abortion policies. Per capita income has been shown to be exert significant influence over abortion policy, but the power of socio-economic variables is largely discounted in much of the literature (Strickland and Whicker, 1992) Also, abortion regulation has been shown to diffuse regionally, in the same way as most other types of polices, and is therefore, at some level, crafted by regional norms (Mooney and Lee, 1995).

Abortion however, may not exactly fit the morality typology alone. Roh and Berry (2008) made a case for conceptualizing abortion policy as a type of redistributive policy through “which government funds are redistributed to low-income citizens for the purpose of getting an abortion.” Abortion policy does possess some redistributive determinants, and the authors concluded that a mixed redistributive/morality model best explains its adoption under referenda. This combined model found political ideology, and the percentage of blacks, low income earners, unmarried women, protestant fundamentalists and Catholics to be significant determinants of abortion funding initiatives through popular vote (Roh and Berry, 2008).

2.4 Gambling

Unfortunately the only relevant political science literature regarding gambling in the United States deals with state lottery adoption. State lotteries differ in one very important way from other forms of gambling: the state directly earns revenues from lotteries, but does not from any other private gambling establishment. Therefore, the incentives of each policy would be distributed differently. The most comprehensive study on the determinates of a state adopting a lottery was conducted by Frances Stokes and William D. Berry (1990), who examined internal determinants and regional diffusion models of lottery adoption and demonstrated a mix of the two models hold the greatest predictive power. Internally, lottery adoption is influenced by the fiscal health of a state government, the timing of election years, personal income levels within the state, percentage of the population adhering to fundamentalist religions, and externally, by the

number of neighboring states with the same policies (Berry and Berry, 1990). Ness and Mistretta (2009) confirmed this regional diffusion pattern, but demonstrated it for governments who tie lottery revenue directly to funding for state higher education. Although both studies confirm the importance of regional diffusion, and one the importance of internal determinants, the results must be taken with a grain of salt when applied to other gambling restrictions since, as mentioned, the revenue ends up in different places.

2.5 Drugs and Alcohol

It is ironic that drug and alcohol regulation may be most often identified with morality policy while a substantial void exists in the political science literature regarding these issues and their determinants. This study focuses on Sunday sales of alcohol, marijuana and salvia. Around a century ago, when alcohol was viewed as a morality policy issue, Puritanical Christians imposed their teetotaling values on a mostly Catholic population (Morone, 2003). That era in American history has, by and large, long since passed, but its legacy is still alive in states that ban sales of alcohol on Sunday. Because no political science literature exists regarding salvia divinorum or the Sunday sales of alcohol, what follows will briefly examine policy adoption regarding drugs.

There is little research regarding the most commonly held predictor of morality policy adoption, public opinion, and its effects upon the adoption of marijuana policy. This is largely because users of marijuana or other illegal drugs have a greater incentive to remain silent for fear of stigmatization or even arrest (Meier 1994; Thomas, 2007). However, the scant literature has revealed a few determinants that be unique to marijuana

policy. Decriminalization of marijuana has been found to be influenced by three environmental factors: (1) drug use, (2) alcohol industry forces within the state, and (3) the drug treatment capacity of a state (Meier, 1992). However, it should be noted these three environmental factors account for less than one third of the total variance in marijuana decriminalization, thus a large amount of the variance may be explained by factors common to all morality policies (Meier, 1992). Conversely, alcohol industry lobbyists may play a crucial role in keeping marijuana illegal, and will steer the demand for intoxication toward its product of choice (Meier, 1994).

Secondly, drug control has often focused around issues of race. Marijuana has often been stereotyped as used by people of color, such as Mexicans at the turn of the century, or Jazz musicians during the Harlem Renaissance. Not only that, but also these stereotypes have often led to the adoption of policies, as exemplified by El Paso becoming the first United States locale to criminalize marijuana in 1911 (Meier, 1994). It is possible that a relation between race, ethnicity and the (de)criminalization of drugs still occurs.

Lastly, drug policy, much more so than other types of morality policies, is often determined at the national level. This national influence is not just in terms of what is legal or illegal, but exercises its influence through agenda setting and initiatives (Musto, 1999). States in turn often take cues from the federal government, and this may act to distinguish drug and alcohol policies from other policies within the morality typology (Meier, 1994).

2.6 Physician Assisted Suicide

Physician assisted suicide is extremely understudied in the political science literature, and instead receives more attention in journals dealing with sociology and religion. This phenomenon is largely explained by the limited nature of cases where physician assisted suicide (PAS) has been legalized (currently limited to two states, Oregon and Washington). PAS policies clearly fall within the morality typology. The attention the issue has received from conservative religious groups and the surrounding contentious public opinion also conforms to morality policy expectations (Glick and Hutchinson, 2001). Although the relevant literature is somewhat underdeveloped, a few important lessons regarding the position of PAS within the morality policy typology are worthy of note.

As expected, the impact of religion is crucial in shaping opinions regarding PAS, but there is no definite agreement as to how exactly this mechanism functions. Singh (1979) demonstrated (1) race, (2) strength of religion, (3) attendance of religious services, and (4) opinions regarding freedom of expression helped shape opinions regarding the permissiveness of PAS. Furthermore, there is agreement across studies that the non-religious possess the highest approval rating of PAS (Hamil-Luker and Smith, 1998; Ward, 1980). The literature is ambivalent regarding the exact mechanism through which religion operates. Hamil and Luker and Smith (1998) believe denominational differences are shaping public opinion, with liberal Protestants more likely to support euthanasia than the non-religious who, in turn, exhibit no significant difference in attitude from Catholics nor self-identified fundamentalist Protestants. The authors found self-identified evangelicals and liberal Protestants hold less favorable beliefs than the non-religious.

Conversely, variables, specifically strength of affiliation and/or church attendance, have been demonstrated to be driving this affect (Burdette et al., 2005).

Race and ethnicity demonstrate a more muddled and less understood influence than religion. Disagreement regarding the importance of Blackness exists among scholars who primarily focused on the affects of religion; when the influence is demonstrated to be significant it is decidedly anti-PAS (Burdette et al., 2005; Hamil-Luker and Smith, 1998; Ward 1980; Singh 1979). An additional study conducted within the Hawaiian border demonstrated individuals of Hawaiian and Filipino descent as less probable than others to support PAS, after controlling for other factors (Braun et al., 2001). It is possible, however, that these ethnic and racial effects may be largely driven by unobserved religious factors.

Lastly, the relevant political science literature, when it has chosen to focus on PAS, has focused on issue framing and public opinion. Individuals exposed to an individual rights frame are more likely to support PAS, while individuals exposed to a sanctity of life frame exhibit no difference of opinion (Joslyn and Haider-Markel, 2006, 2002). Differences in the identity of who presents the message makes no difference on public opinion, probably because PAS invokes first principle values, and thus, as expected, “experts” do not lend much credibility (Joslyn and Haider-Markel, 2006).

Although there is a sizable body of literature examining the determinants of public opinion regarding PAS, almost no attention whatsoever has been apportioned to explaining the adoption of PAS laws. This is, as mentioned, largely because of the scarcity of those laws, but political scientists should attempt to make do with the data at hand. In a qualitative analysis, Glick and Hutchinson (2001) argue the dearth of PAS

legalization has to do with the opposition of interest groups (specifically the Catholic Church and the American Medical Association) and the fairly negative early media attention PAS received. These hypothesis, at least, serve as a point of departure for future political science scholarship on the issue of PAS.

2.7 Capital Punishment

Almost all the literature dealing with capital punishment divides the focus into two temporal periods: (1) before and (2) after the 1972 Supreme Court decision, *Furman v. Georgia*, which vacated all statutes regarding the death penalty, leaving the states free to do as they wished (Mooney and Lee, 2001). As expected, issue specific public opinion and ideology plays a role in shaping capital punishment policy, although there is disagreement as to what extent each of these factors plays out. (Jacobs and Carmichael, 2002; Mooney and Lee, 2000; Norrander, 2000; Nice, 1992) Finally, there appears to be certain characteristics, such as race and racism, urbanization and inequality, specific to the politics of capital punishment that may not apply to other morality policies.

It is unclear if adoption of capital punishment is more strongly tied to ideology or policy specific public opinion. Multiple authors (Jacobs and Carmichael, 2002; Nice, 1992) have analyzed data and come to the conclusion that ideology, as rated on a conservative to liberal scale, is an important determinant of capital punishment adoption. However, Mooney and Lee (2000) note, “citizens’ general ideology has no independent effect on policy adoption, once specific public opinion is controlled for,” thus leaving the importance of public opinion vis-à-vis ideology somewhat ambiguous.

The factors driving this opinion are of greater interest, especially since they deviate from the classic political explanations of morality policies. White support for the death penalty is largely driven by racism (Soss, et al., 2003). Although Soss, Langbien and Metelko (2003) could only demonstrate white prejudice produced a 34% increase in likelihood of support for the death penalty, this support jumped to 66% when whites lived in counties that were at least 20% Black. This finding is confirmed across studies, but has only been shown to be relevant in white attitudes towards Blacks, and not any other racial group (Jacobs and Carmichael, 2002). Thus, contrary to other morality policies (with the possible exception of marijuana) the adoption of capital punishment may be driven by the percentage of Blacks within a state.

Finally, there are a few additional conclusions to be drawn from the literature. States with higher levels of inequality will be more likely to adopt the death penalty (Jacobs and Carmichael, 2002). Furthermore, although legislators do follow public opinion on capital punishment, especially when it is highly contentious (Mooney and Lee, 2000), they are also influenced by the perceived threat (or lack) of judicial action by the state Supreme Court (Langer and Brace, 2005). This dovetails with Barbara Norrander's (2000) conclusion that capital punishment adoption is influenced by a host of factors, such as past policies, political culture, and past opinions.

2.8 Synthesis

The literature covering these six issue areas is immense and diversified but does not present a comprehensive explanation for what determines policy adoption. The

literature covering morality policy as a broad category singles out public opinion and interest group pressure as the hypothetical common determinates of policy adoption. Specifically, strength of NGLTF in membership and resources conforms to this model for policies relating to gay and lesbian rights. Public opinion, however, can be affected by a number of variables, and this opinion, in turn, helps determine morality policy implementation. However, these affects on public opinion vary by policy. Race influences public opinion regarding capital punishment, PAS, and may directly influence the adoption of drug laws. Religion plays a role in shaping public opinion regarding PAS, gay and lesbian rights, and gambling, but also directly influences abortion policy adoption. These are the only cross-categorical variables found in the literature however.

Beyond these above-mentioned variables, each policy's adoption is influenced by distinct variables. Early studies regarding the determinants of gay and lesbian legislation found urbanism, gay population and resources, political opportunity and education all influenced policy adoption, while later studies demonstrated this policy behaves as a morality policy when salience is high and as interest group policy when salience is low. The impact of public opinion on abortion policy is magnified or diminished depending on interest group strength, electoral competition, and the presence or absence of mechanisms for direct democracy. Although these affects on public opinion may certainly be generalizable to other morality policies, other determinates, such as percentage of women and democrats in the legislature may be related only to abortion. Likewise the variables that influence the adoption of gambling legislation (fiscal health, timing of election years, personal income levels, and the number of neighboring states with similar policies), cannot be extended to other morality policies. National trends and perhaps alcohol

industry forces will uniquely influence drug policy. Lastly, PAS policy may be uniquely influenced by feelings regarding freedom of expression, and capital punishment by the threat of judicial action.

As evidenced by the above discussion, there is no coherent framework of variables found to influence morality policy in general. Also, almost all of the work on morality policy deals with individual issues, and not the typology itself. Thus there are no measures of a states' permissiveness regarding morality policy, and no way to determine which of these policies best predicts permissiveness of states. Therefore, this work extends the literature by providing not only a permissiveness score, but also by showing the relation of each morality policy to this score.

Table 1 - Policy Determinants (cont. on page 21)

Policy Type	Determinants
Gay and Lesbian Rights	Urbanism, Gay and Lesbian population and resources, political opportunity, strength of conservative protestants, education (Cook, 1996; Haeberle 1996): when salience is high public opinion and interest group pressures, when salience is low the determinants more closely resemble those of the interest group model, which are, present elite opinions, civil rights legacy, NGLTF membership and resources, and education (Haider-Markel & Meier 1996)
Abortion	Women and Democrats in the legislature (Hansen, 1993; Norrander, 2000), percentage of catholic fundamentalists among the population (Mooney and Lee 1995; Norrander and Wilcox, 1999; Roh and Berry 2008) percentage of unmarried women, black population, and low income percentage (Roh and Berry, 2008): Electoral competition and interest group strength (effect public opinion) (Cohen and Barrilleaux, 1993; Mooney and Lee 1995)
Gambling	Fiscal health, timing of election years, personal income levels, percentage of population adhering to fundamentalist religions, number of neighboring states with the same policy (Berry & Berry 1990)
Drugs and Alcohol	Race, national trends, alcohol industry forces (Meier, 94; Musto 99)

PAS	Race, religion, percentage of population regularly attending religious services, opinion regarding freedom of expression (shape public opinion regarding PAS) (Burdette et al., 2005; Hamil-Luker and Smith, 1998)
Capital Punishment	Inequality (Jacobs and Carmichael, 2002), threat of judicial action (Langer and Brace, 2005), political culture, past policies opinions (Norrande, 2000) Racial attitudes (affects support for capital punishment) (Soss, et al., 2003)

3. Research Design and Results

3.1 Data and measurement

All information utilized in this study are drawn from data set compiled by Jason Sorens and William P. Ruger through a project entitled, “State and Local Public Policies in the United States.”³ These data sets are broken down by policy category and include not only morality policies but many others as well. All of the information utilized, however, is only current through 2008, and thus more recent changes in morality policy legislation will, unfortunately, not be accounted for. For the purposes of this study, one morality policy dataset was created.

As noted above, this study will include variables related to six different policy areas: (1) gay and lesbian rights, (2) abortion, (3) gambling, (4) drugs and alcohol, (5) physician assisted suicide (PAS), and (6) capital punishment. All included variables were dichotomously coded and modified, so a value of “1” indicates the presence of the more liberal or permissive policy within each state. Although some variables required no modification from their original version, others required recoding.

³ Although the authors provided no suggested citation for their data sets, all data was accessed online at: <http://www.statepolicyindex.com>

The variable measuring the presence of gay and lesbian policies within each state was disaggregated and simplified. The original data set utilizes only one variable to measure gay and lesbian policies and laws regarding same sex marriage and civil unions. This single variable is broken down into three which measure: (1) the presence of limited domestic partnerships, (2) the presence of civil unions or the equivalent, which confer mostly the same benefits as marriage, and (3) legality of same-sex marriage. Each variable was coded one if the policy in question was permitted, and zero if not. Overall, very few of these policies were legalized by 2008. Only one state allowed domestic partnerships (Hawaii), while eight permitted civil unions and only two (Massachusetts and Connecticut) had legalized marriage for same sex couples.

There are four measures for a state's permissiveness regarding abortion. These focus on (1) a gestational limit on abortions, (2) permissiveness of partial birth abortions, (3) restriction of abortion coverage by private insurance providers, and (4) requirement of parental notification and or consent by a minor beforehand. The absence of any of these policies is thought to be associated with greater levels of permissiveness or liberalness and therefore received a score of "1". There was a wide amount of variance in the number of states possessing each of these policies. Relatively few states had laws against partial birth abortions (8) or that restricted coverage by private insurance providers (4). Conversely, the vast majority of states did have laws placing gestational limits on abortion (38) and/or requiring parental notification or consent (35).

The data include extensive measurements for gambling. Seven gambling variables were included and measured the presence of (1) social gambling, (2) Internet gambling, (3) racetrack gambling, (4) casino gambling, (5) pari-mutual wagering, (6) slot

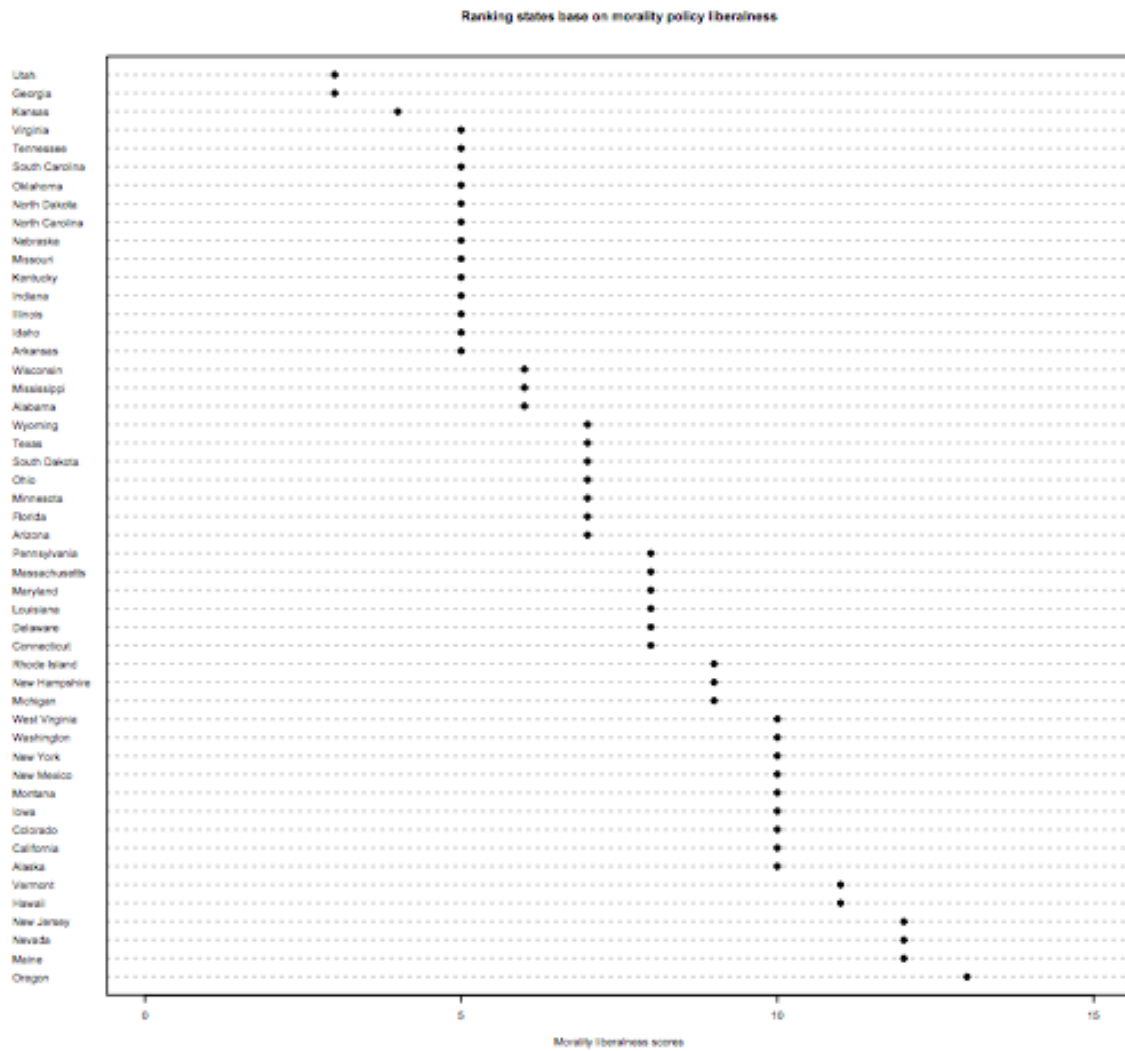
games outside of casinos and racetracks, and (7) legalization of sports betting. All of these variables were coded appropriately for this project, with a “1” value representing the presence of each policy. Sorens and Ruger, however, did originally include a “0.5” value for social gambling, which would indicate a stakes limit. For this analysis all values originally labeled “0.5” have been converted to “1.” The most common type of legalized gambling is via pari-mutuel wagering and the internet (legalized in 43 and 41 states, respectively). Twenty-six states allow social gambling, making it unique as a middling value. The legalization of other forms of gambling is more rare, with some casino gambling legal in fourteen states, and some track gambling legal in eleven states. Only seven states permit slot machines outside of the casino, and only four allow sports betting.

Three variables make up the drugs and alcohol category and measure the legality of medical marijuana, salvia divinorum and Sunday sales of alcohol. States permitting Sunday sales of alcohol were coded as “1,” while those that did not received a “0.” Overall thirty-six states allowed Sunday sales of alcohol. Both the salvia and marijuana variables were changed to dichotomous values. Originally, “0” indicated no ban, “0.5” indicated restrictions on the distribution of the plant, “0.9” signified the plant was only legal when not intended for human consumption, and “1” represented the illegality of the plant. For this study, “0” represents salvia divinorum is illegal within the state, while all other values were coded as “1”. Salvia receives a “1” value in forty-one states. Lastly, medicinal marijuana was recoded so an allowance of medicinal marijuana (partial or otherwise) received a “1” value. Only thirteen states received a “1” in this category.

PAS and the death penalty were simple to operationalize. States received a “1” if physician assisted suicide was legalized and a “1” if capital punishment was illegal. Of all the variables included, it is perhaps capital punishment that is most difficult to code along the liberal-conservative/permisiveness continuum. One could make the argument a more permissive state would permit capital punishment. Generally, however, the abolition of capital punishment is recognized as a liberal action and so it is coded as such. Notably, the capital punishment variable (like all other variables included) picks up only the legality of the policy in question and does not discriminate by how often the policy is (not) utilized. Only two states, Oregon and Washington, permitted PAS, and fourteen still allowed capital punishment as of 2008.

A liberalness or permisiveness score was also constructed using these dichotomous values for each variable in question. A single state’s permisiveness score is calculated by adding all values for the abovementioned variables together. A higher number indicates a more liberal or permissive state, and a lower number indicates a more conservative or less permissive state. These values seem *prima facie* accurate, based on frequent generalizations of states’ liberality. Utah and Georgia, for example, rank as the most conservative states, with permisiveness scores of three, while Oregon ranks as the most permissive state, with a score of thirteen. Close behind are the states of Nevada, Maine and New Jersey, all of which score a twelve on the permisiveness scale. This data can be found below in table 2, where the data points on the left indicate more conservative orientations and data points on the right more liberal. The mean of all permisiveness values is 7.56, the median is 7 and the mode is 5.

Figure 1 - States' Liberalness Based on Morality Policy



3.2 Research Method

Although morality policy has largely been studied piecemeal on an issue-by-issue basis, this study evaluates the entire typology across states and its relation to one another

with the hopes of revealing generalizable characteristics within the typology.

Specifically, a factor analysis model will be applied to demonstrate how well the presence of any single policy within the typology best predicts permissiveness within each state based on the permissiveness score constructed.

Factor analyses are traditionally used for multiple purposes. These include (1) discerning interrelated patterns and relations among variables, (2) detecting how the variables in question cluster together, and (3) reducing a large amount of statistically uncorrelated variables to a much smaller number of factors (Agresti and Flinlay, 1986). Therefore a factor analysis is an appropriate method for investigating the latent determinants of morality policies, and understanding how the policies group around these latent characteristics. Furthermore, a factor analysis will demonstrate what degree of uniqueness each of our variables in question possesses.

3.3 Results

The data demonstrate rather conclusively two major factors are driving the adoption of morality policies on a state-by-state level. A factor analysis including three factors demonstrates the third factor holds very little substantive explanatory power, and a Eigen value of 1.179. Furthermore, the third factor has relatively high loadings on only three variables, Sunday sales of alcohol, capital punishment, and gestational limits on abortion, and is the only factor involved in the adoption of racetrack gambling. Although a three-factor analysis may be referenced from time to time, we may conclude a two-

factor model best explains the morality policies examined, and therefore what follows will draw all data from an analysis using two factors.

It is clear the first factor exerts a significantly higher level of influence upon the variables than the others. Factor 1's Eigen value, in a three-factor model, is 2.858, whereas the values of the other two are 1.795 and 1.179, respectively. As expected, the influence of both factors grows when the third factor is omitted. The Eigen value of factor 1 grows slightly to 2.904 and of factor 2 to 1.911. Furthermore, factor 1 also influences a relatively significant amount of policies (16 of 19) as compared to the other two factors. Factor 1 does not influence policies related to racetrack gambling, gay marriage, or pari-mutual wagering in any way. Factor 2 is nowhere near as important as factor 1, and only affects 11 of 19 factors. Factor 1 is therefore the crucial factor not only because of its high SS loading value, but also because its influence is widely felt across the data set.

Apart from the Eigen values, uniqueness scores are helpful because they tell us how much each policy is shaped by factors and, implicitly, how well these policies do or do not group together. The uniqueness scores demonstrate these morality policies are not solely influenced by common factors. Two thirds of the variance in twelve of the nineteen variables cannot be explained using common factors. Gay marriage policy is the most unique, and stands with 98.8% of its variance unexplained by common factors. This, however, may not be of much import for the morality typology because gay marriage had only been legalized in two states at the time of compilation. By contrast, civil unions, medicinal marijuana, parental notification for abortions, and bans on internet gambling all demonstrate less than 50% uniqueness, and thus attribute the majority of

their adoption to the common factors presented within the model. The range of states adopting these measures runs from 8 to 42, and therefore none of these four policies may be labeled as outliers.

Interestingly enough, policies do not group together according to issue area, as would perhaps be expected. For instance, domestic partnerships and gay marriage have high uniqueness scores (0.891 and 0.988), while the civil union variable possesses a much smaller score (0.481). Likewise the partial birth abortion variable and the private insurer coverage variable possess extremely high uniqueness scores (0.959 and 0.948, respectively), while the parental notification variable demonstrates very low relative uniqueness at 0.307, while laws regarding gestational limits on abortion demonstrate a middling effect (0.773). This inconsistency among subgroups persists across the subjects of drugs, alcohol, and gambling. These disparities among groups may be related to the relatively low frequency some policies occur. Domestic partnerships and gay marriage has only been legalized in one and two different states, respectively, and so it figures these outlying cases may not exhibit the same determinants as civil unions, which have been legalized in eight states and therefore allow for a greater range of influence. These outlier specific concerns are applicable to sports gambling and PAS, as well as domestic partnerships and gay marriage. The influence and importance of outliers, however, will be discussed in further detail below.

Factor 1 demonstrates loading of over 0.35 for half of the sixteen variables. Of these, gestational limits on abortion, social gambling, sports betting, Sunday sales of alcohol, and PAS fall below 0.5, while civil unions, parental notification in cases of

abortion and medicinal marijuana was affected at levels above 0.5. Parental notification in case of abortion demonstrated the largest loading on the first factor, at the 0.830 level.

Six of the nineteen variables exhibit stronger loadings for the second factor than the first. These six variables are: internet gambling, casino gambling, parimutual wagering, slots, sports betting and capital punishment. It is crucial to recognize five of these six variables have to do with gambling, and within the gambling subgroup, only Internet gambling is influenced at all by the first factor. None of these factors can be labeled outliers except for maybe sports gambling, which has only been legalized in four states. Internet gambling is influenced in a different (negative) direction than all other gambling variables. Furthermore, factor 2 also loads negatively upon capital punishment, but capital punishment, unlike other gambling variables, is also affected by the first factor. This second factor, therefore, can be said to exercise a very slight influence, especially when not considering gambling variables.

It appears these factors are somewhat mutually exclusive, and don't operate well together. There is only one variable, PAS, demonstrating remotely significant loadings on both factors (0.414 and 0.378, respectively). The absolute value of the capital punishment loadings are close, (0.268 and 0.321, respectively) but have opposite signs (the second factor loading is negative). This competing pattern of influence also holds for domestic partnerships, casino gambling, and gestational limits on abortion. The influence of the two factors is unified for two gambling variables: slots and sports betting. Social gambling is the only gambling variable not affected by the second factor (except for racetrack gambling, which is affected by no factors). Clearly, this second factor is not a major influence on morality policy.

Not only can the coefficients of each loading be examined to determine the number of factors influencing policy adoption, but factor scores can be utilized on a state by state level to determine how much of each factor is present within a given state. The scores cluster around zero, with factor 1 possessing a range of -1.009 to 2.184, and factor 2 possessing a range of -1.486 to 2.350. Negative scores should not be taken as indication as an inverse affect of the first factor. Rather, -1.009 should be seen as the smallest amount of influence exerted by factor 1 upon any state.

Although the median factor 1 score is -0.434, the mean is, naturally, 0.000, and the factor 1 scores will be compared relatively. Twelve of the fifty states are significantly impacted by factor 1 at levels greater than 1.00. This level, (1.00) indicates the variable moves one standard deviation from the mean of the latent factor in question. Of these twelve with values of greater than 1.00, Oregon possesses the largest value at 2.184, indicating whatever factor 1 may be, its presence is strongest in Oregon. Four of the twelve states, California, Hawaii, Maine and Nevada, have levels greater than 1.5. Meanwhile, the remaining seven states, Alaska, Montana, New Hampshire, New Jersey, New Mexico, Vermont and Washington, all fall between 1.0 and 1.5.

At the opposite end of the spectrum, only one state, Kansas, exhibits a factor score of with a value of less than -1.0. However, ten states (Arkansas, Georgia, Indiana, Maryland, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee and Utah) have scores between -0.7 and -1.0. Although it is not absolute, we can definitely witness a pattern forming around factor 1. Many states traditionally considered to be liberal, such as Oregon, Washington, California, Maine, Hawaii, Vermont and New Hampshire, are clustered at the higher end of the spectrum, while states with lower factor 1 scores, which

are traditionally considered more conservative, such as Arkansas, Georgia, Nebraska, Kansas, Utah, Oklahoma, South Dakota and Tennessee, group together on the low end. Based on this evidence it seems plausible that factor 1 is picking up some amount of partisan identification. The identity of factor 1 will be discussed in more detail below.

The median factor 2 score (-2.88) is somewhat smaller than that of factor 1 and its range slightly greater. Nevertheless, the distribution of factor 2's importance looks somewhat different than the distribution for factor 1. First of all, there are only 8 cases, as opposed to 12, where the factor 2 score takes on values greater than 1.0. Of these, however, four states have values greater than 2.0: Montana, Nevada, Oregon and South Dakota. In terms of liberal and conservative grouping, these four states don't share much in common. Louisiana possesses the only score (1.922) in between 1.5 and 2.0. Illinois, Indiana and Washington are the remaining three states with factor 2 scores greater than 1.0. Overall, high factor 2 scores indicate a traditionally conservative state in six of the eight cases.

Turning to the opposite end of the measurement, we find only five states with scores of less than -0.70. Two of these, Alaska and Hawaii, have scores of less than -1.0, and the other three states, with scores between -1.0 and -0.70, are Maine, New Mexico and Vermont. Although the top half of the scale seems to group more conservative states together, the bottom half of the scores demonstrates no important trend.

These factor scores were also correlated with the permissiveness, or liberalness, scores, and demonstrated some surprising findings. Factor 1 is very highly correlated with liberalness scores (0.848). Factor 2 however, is almost completely orthogonal from

factor 1. Factor 2 demonstrates a 0.098 correlation with liberalness scores. Whatever these factors are, it is clear they do not work very well in tandem.

Finally, a difference of means test can be conducted to determine what a specific policy, when adopted, can tell us about a state's liberalness. This is accomplished by examining the affect of each policy upon the mean score of liberalness. Seven of the nineteen policies in question demonstrate relatively significant affects upon a state's liberalness, as indicated by the presence of the morality policies in question. Two of these seven scores, however, occur infrequently enough across states to question the power of the results generated. The domestic partnership variable changes the mean liberalness score by 3.510, while PAS changes the mean liberalness score by 4.104; however both of these policies are only present within two states. Beyond these two policies, civil unions, parental notification in cases of abortion, sports betting, Sunday sales of alcohol, and medicinal marijuana have substantial effects upon liberalness scores. All of these policies change the mean liberalness score by more than 3.450. Of these five policies, civil unions (4.244) and medicinal marijuana (4.104) have the greatest impact upon mean liberalness.

All of the gambling variables, with the exception of sports betting, exhibit a much smaller influence upon the liberalness score. Slots and social gambling exert the greatest influence (2.505 and 2.198, respectively) on liberalness but no other gambling values surpass the 1.7 level. This stands in contrast to all other subcategories. The drugs and alcohol category, for example, has no values less than 2.44, the category related to abortion has no values less than 2.304, and the gay and lesbian rights category looks

extremely similar, with no values less than 3.51, except for gay marriage, which is a significant outlier at 0.458.

This method of using individual morality policies to explain the liberalness of a state's morality policies in the aggregate provides some useful insight. The first important lesson is gambling policies do not group particularly well with other morality policies, at least according to this difference of means test. Although there certainly may be other factors at play, legalized forms of gambling do not tell us very much about what to expect from a state regarding its other morality policies, all other things being equal. Of those variables whose impact on liberalness is greater than four, two of which are policies prevalent in more than two states. These two policies (medicinal marijuana and civil unions) can be said to typify morality policy adoption across states, and best indicate a state's morality policy liberalness.

Table 2 - Factor and Liberalness Scores (cont. on page 34)

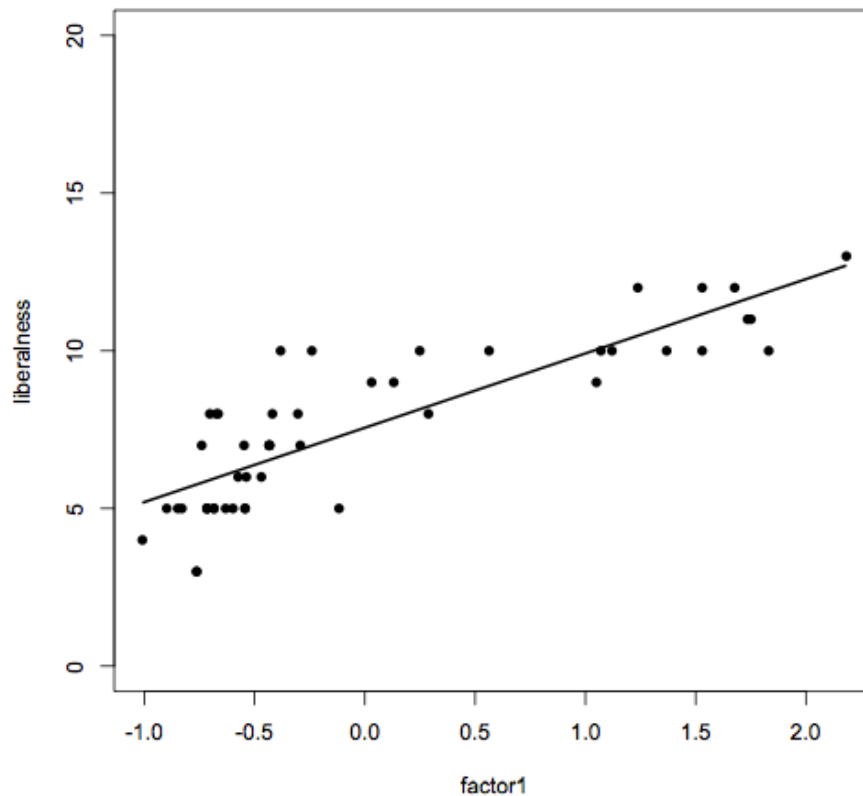
State Name	Factor1 Scores	Factor 2 Scores	Liberalness
Alabama	-0.575	-0.265	5
Alaska	1.368	-1.052	9
Arizona	-0.434	-0.282	6
Arkansas	-0.716	-0.209	4
California	1.53	-0.503	9
Colorado	0.249	-0.348	9
Connecticut	0.288	-0.519	7
Delaware	-0.304	0.116	7
Florida	-0.548	-0.294	6
Georgia	-0.763	-0.373	2
Hawaii	1.735	-1.486	10
Idaho	-0.684	-0.257	5

Illinois	-0.117	1.24	4
Indiana	-0.848	1.356	4
Iowa	-0.382	-0.334	9
Kansas	-1.009	0.007	3
Kentucky	-0.684	-0.295	5
Louisiana	-0.673	1.922	7
Maine	1.677	-0.747	11
Maryland	-0.703	0.641	7
Massachusetts	-0.419	-0.547	7
Michigan	0.03	-0.333	8
Minnesota	-0.433	-0.472	6
Mississippi	-0.538	-0.341	5
Missouri	-0.899	-0.04	5
Montana	1.07	2.058	9
Nebraska	-0.716	-0.209	4
Nevada	1.53	2.26	11
New Hampshire	1.05	-0.525	8
New Jersey	1.238	-0.596	11
New Mexico	1.121	-0.718	9
New York	0.563	-0.667	9
North Carolina	-0.543	-0.39	4
North Dakota	-0.599	-0.495	5
Ohio	-0.293	-0.45	6
Oklahoma	-0.83	-0.221	4
Oregon	2.184	2.35	12
Pennsylvania	-0.665	-0.072	7
Rhode Island	0.131	-0.561	8
South Carolina	-0.543	-0.428	4
South Dakota	-0.74	2.015	6
Tennessee	-0.716	-0.209	4
Texas	-0.434	-0.282	6
Utah	-0.763	-0.373	2
Vermont	1.751	-0.823	10
Virginia	-0.631	-0.258	4
Washington	1.831	1.32	9
West Virginia	-0.241	0.038	9
Wisconsin	-0.469	0.939	5
Wyoming	-0.434	-0.282	6

Table 3 - Factor Loadings and Difference of Means

	Uniqueness	Factor 1	Factor 2	Diff of means	# of cases
Dpart	0.891	0.25	-0.214	3.51	1
Cunion	0.481	0.705	0.151	4.244	8
Marriage	0.998		-0.11	0.458	2
Geslimit	0.773	0.441	-0.181	2.882	12
Pbirth	0.959	0.199		2.304	42
Privins	0.948	0.213		2.783	46
Parenotif	0.307	0.83		3.771	15
Socgam	0.844	0.393		2.198	26
Internet	0.3	-0.198	-0.813	-1.078	41
rcetrk	0.994			1.613	11
Casino	0.865	-0.159	0.332	0.314	14
Parimut	0.933		0.259	1.648	43
Slots	0.548	0.141	0.657	2.505	7
Sports	0.634	0.334	0.505	3.467	4
Sunalcohol	0.854	0.379		3.456	36
Medmj	0.439	0.746		4.024	13
Salvdi	0.917	0.288		2.444	41
PAS	0.686	0.414	0.378	4.104	2
Cappun	0.825	0.268	-0.321	2.397	14

Figure 2 - The Relationship Between Liberalness and Factor 1



3.4 Discussion

It is fairly safe to assume factor 1 represents public opinion. First of all, this assumption is in line with the dominant political science literature regarding morality policy, which states public opinion should have the greatest influence on morality policy adoption. Second of all, there are multiple parts of the analysis pointing to public opinion as the driving factor. Perhaps the most telling is the correlation between the first factor and the liberalness scores. The correlation is almost perfect (0.848), and indicates factor

1 must be very closely related to overall levels of liberalness as indicated by morality policy. Ideology or partisanship may also be valid here, but again, it is public opinion that holds pride of place in the literature, and this analysis moves forward in light of that research.

Not only does factor 1 mirror liberalness scores very closely, but its direction of influence is almost exactly what we would imagine across states. Washington, Vermont, New Mexico, New Jersey, Alaska, New Hampshire, Montana, California, Hawaii, Maine, Nevada and Oregon possessed the highest factor 1 scores. All of these states, except for Alaska and Montana, voted democrat in the last presidential election. Thus, at one end of the spectrum, factor 1 occurs largely within democratic states. However, the other end of the spectrum takes place largely within Republican states. Arkansas, Georgia, Indiana, Maryland, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Kansas and Utah possessed the lowest factor 1 scores. All of these states, with the exception of Maryland, voted republican in the last presidential election.

The validity of this assumption, that factor 1 represents public opinion, can also be tested by utilizing data regarding referenda in the fifty states. Of the eleven states with the highest factor one scores, only six had popular initiative and referenda (and one had only popular referenda), whereas six of the ten states with the lowest factor 1 scores had popular initiative and referenda (with one state possessing popular referenda only) (Initiative and Referenda Institute at the University of Southern California, 2013). However, for those states with referenda voting, the pattern conforms very much to what we would expect. For example, Oklahoma failed to legalize casino gambling and Nebraska explicitly banned same sex marriage by means of referenda. Both of these

states have relatively low factor 1 scores. At this end of the spectrum, where Oklahoma and Nebraska are located, we expect public opinion to lean in a conservative direction. At the other end of the spectrum where we expect public opinion to behave in a more liberal fashion, we find states like Oregon and Washington, both of which passed medical marijuana laws by referenda, and even many states that passed morality policies in a restrictive and permissive direction, such as California, which allowed domestic partnerships and medicinal marijuana, but not same sex marriage, or Nevada, which allowed medicinal marijuana use but not same sex marriage. Lastly, there are those states in the middle, such as Colorado and Michigan, who voted in a liberal manner for some morality policies (such as voting against the prohibition of partial birth abortion or for medicinal marijuana, in the case of Colorado, and for Casino gambling in the case of Michigan) and in a conservative manner for others (voting to require parental notification by a minor in cases of abortion for Colorado, and against PAS in the case of Michigan).

Finally, one can examine issue specific uniqueness values against the policies possessing the greatest number of state level referenda votes to extract a hypothesis about the data. The assumption here is if factor 1 represents public opinion than the uniqueness values for the variables should be inversely related to the number of state-level referenda votes. Intuitively it makes sense to argue the more an issue is subject to referenda votes the more closely its adoption will mirror public opinion. There are seven policies examined that have been subject to referenda votes over the last thirty years. Referenda votes include those which directly relate to the variables of interest and are: medicinal marijuana, same sex marriage, PAS, partial birth abortions, casino gambling, parental consent required for a minor to receive an abortion, and slot machine gambling.

Referenda on issues such as banning state funding for abortion or banning sexual discrimination by private business are not included because they don't exactly mirror the variables within this study.

Although this comparison doesn't yield definite results, it does hint factor 1 may very well be public opinion. Only seven of the twenty-two variables included in my analysis display uniqueness scores lower than 0.7. Of these seven variables, four have been subject to referenda votes. Thus the majority of variables with the lowest uniqueness scores witnessed referenda votes across some states. The legalization of partial birth abortions, same-sex marriage, and casino gambling have undergone referenda but also have relatively high uniqueness scores. Same sex marriage has only been legalized in two states, so this may be labeled as an outlier. The other two policies occur with relative frequency across states, and thus it is harder to disentangle the prospective reasons for why their uniqueness scores are not lower, if factor 1 represents public opinion. By utilizing the relevant literature, analyzing the groupings of the states by factor scores, comparing uniqueness scores to referenda, and correlating factors with liberalness scores we are able to make an informed guess as to what factor 1 may represent. Although we cannot say with 100% certainty, it seems the most probable candidate for factor 1 is public opinion.

Although factor 1 is relatively clear, factor 2 is much more difficult to interpret. It's loading is approximately one point less than factor 1 (2.904 to 1.911, respectively), and its influence is felt on 11 of the 19 variables. Of these eleven variables, five are related to gambling and three to gay rights. Beyond these, factor 2 also influences gestational limits on abortion, PAS, and capital punishment. Furthermore, factor 2 scores

do not neatly group the states into identifiable categories like factor 1. Although the majority of the eight states with scores greater than 1.0 are conservative states, Nevada, Washington and Oregon also find themselves into the mix. The groupings of the states (Alaska and Hawaii) at the other end of the spectrum (with scores less than -1.0) show no patterns whatsoever. States with scores above 1.0 include Louisiana, Montana, Oregon, Illinois and Nevada. Clearly, there is no regional pattern occurring here.

Drawing from the political science literature it may seem reasonable to assert this second variable is either interest group strength or religiosity. Religiosity can be ruled out with almost absolute certainty because almost no state (with the lone exception of Louisiana) considered religious possesses a factor 2 score greater than 1.0. If factor 2 did indeed represent religiosity then we should expect high scores for Utah and those states within the bible belt, but because this is not the case, it seems fair to rule religiosity out. Interest group strength would be more difficult to test, but because this factor most strongly affects gambling, an issue where, relatively, there is not highly mobilized interest groups (compared to say abortion), it seems probable factor 2 does not represent interest group strength. Factor 2 does seem to relate exceptionally well to gambling variables. These policies, therefore, may have a different set of determinants, captured by factor 2, that are not especially applicable to the rest of the typology. A detailed investigation of this second factor is beyond the scope of this study, but is a fruitful avenue for future research.

Even though it appears fairly safe to say factor 1 represents public opinion, this does not substantiate the claim that the biggest determinate of morality policy is public opinion; uniqueness scores paint a different picture. The uniqueness scores indicate what

percentage of the variable is not affected by common factors. The scores for the variables in question are somewhat disheartening for those who claim a definite and concrete morality typology is influenced by the same determinants. Only seven of the nineteen variables included can attribute more than 30% of their adoption to common factors. Two of these seven variables are only present in two states, and therefore may very well be outliers. The remaining five policies do not break down into subgroups and include, civil unions, parental notification for abortion, slot machines, sports gambling, and medicinal marijuana.

Conversely, seven policies exhibit uniqueness scores greater than 85.0. Two of these policies, racetrack gambling, and same sex marriage, are not eligible for inclusion. Racetrack gambling is not effected by either factor whatsoever, and same sex marriage only occurs in one state (Hawaii), so it does not seem fruitful to extrapolate anything from these two variables. The remaining variables do not group together into any distinguishable pattern. Two of the variables are related to abortion, three are related to gambling, and one is related to drugs and alcohol.

The data indicate morality policy is driven by a complex group of determinates, which, for the most part, are not common. However, the largest common factor does certainly appear to be public opinion, based on a number of contextual clues within the analysis. Furthermore, certain policies, specifically medicinal marijuana and civil unions, do predict the liberalness of a state better than others.

It seems as if out of all these variables, medicinal marijuana is the “ideal” morality policy for a number of reasons. To begin with, its uniqueness score is fairly low, and the influence of factor 1, which we assume to be public opinion, is fairly high.

Although this may be largely because it is often adopted through referendum, this does not discount the large role public opinion plays in shaping its adoption. Lastly, as previously mentioned, marijuana policy affects a very large difference in means for the liberalness score, meaning it typifies the liberalness of a state in regards to morality policy better than others. Other policies, such as racetrack gambling, bans on salvia divinorum and gay marriage, currently, based on their adoption, do not fit very well within the morality typology whatsoever.

4. Conclusion

Morality policies, according to the abovementioned analysis, do not share very much in the way of common politics or determinants. Previous literature, by and large, has focused on individual morality policies piece by piece, and often assumes overlap occurs within the morality typology. There is no doubt morality policies do, to some extent, share common politics and policies. These commonalities are, however, extremely small, and not substantively significant in many cases. Most policies within the typology exhibit more differences than similarities. These findings indicate scholars should use discretion when generalizing across the morality typology. This is especially true when comparing gambling variables to others because it appears gambling variables are somewhat unique and affected by different common factors.

A number of research questions are left unanswered regarding the morality typology and its common factors. Perhaps the most vexing is what exactly does factor 2 represent? Although it seems to more closely correlate with gambling than other variables, this research did not uncover enough information to permit a relatively

concrete hypothesis regarding the identity of factor 2. Furthermore, the research could certainly be updated to include the numerous changes to state morality laws since 2008. This research may uncover a change in determinants as the issues develop over time. The legalization of medicinal marijuana, for example, may be more strongly influenced by regional diffusion as the policy becomes more widely accepted. Many states have notably moved in a more liberal direction regarding gay and lesbian marriage and marijuana, but have regressed regarding abortion. Future research should also investigate the causes of the differing uniqueness scores between similar variables, such as those that deal with abortion. Lastly, the permissiveness scores could be utilized to see if could predict the passage of morality policy legislation since 2008.

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