"Rights, Reflection, and Reciprocity: How Rights Talk Affects the Political Process"

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Contentious battles over state-level Religious Freedom Restoration Acts, campaign finance reform, and abortion protests, among others, suggest a fundamental refashioning of the "culture war" clashes in American politics. Conservatives—particularly religious conservatives—have come to champion a politics of rights, using "liberal weapons" (rights) to win battles. The reaction has been something less than liberal, with a considerable degree of antagonism to these rights assertions, that conservative rights claims stand opposed to the new desirable status quo, that they evade responsibility, and that they are cynical and self-interested. From our point of view, this society-wide debate over the constitution of public space raises important questions about the long-run effects of making rights claims. It is entirely possible that rights claims contribute to balkanization – reinforcing the resolve of a group exerting their rights. But it is also possible that the exercise of making rights claims is an education in the democratic process that contributes to an extension of the rights culture.

In this paper, we leverage a survey experiment to answer the following question: if people are primed with rights-based approaches to conservative policies, are they more likely to support the extension of rights to ideological enemies? In other words, does rights claiming promote rights extending?

Theoretical Approach

Individual rights are central to both American culture and American politics, profoundly affecting our politics and our law (Hartz 1955). The American rights culture has long been the domain of liberals, who inaugurated the "rights revolution" and won significant legal, political, and cultural victories on the backs of rights (Epp 1998; Pacelle 1991). The liberal successes in advancing individual rights were largely responsible for activating the "culture wars" in

American politics (Hunter 1991), pitting rights-oriented progressives against communitarian-oriented traditionalists.

After seeking to rebuff liberal gains with a limited government and law-and-order perspective (Teles 2008), of late conservatives too have turned to rights. The conservative tack toward rights politics is particularly noteworthy for the Christian Right, who for generations had been staunch defenders of communitarianism and traditionalism. Some have recently identified this conservative commitment to rights in the realms of religious freedom (Lewis 2014), free speech (Brown 2002), campaign finance (Coats 2015), and abortion politics (Jelen 2005). Recent work has also shown that conservatives are able to appear more moderate when employing rights-based arguments (Djupe et al. 2014). This conservative commitment to rights suggests a fundamental refashioning of the culture war clashes in American politics, as conservatives are using liberal weapons—rights—to fight, if not win, battles.

While rights have become regular weapons for the right, there has been little analysis of the implications for American democracy. What effects does claiming rights to fight political battles have in the long run? Specifically, does conservative rights claiming promote retrenchment or tolerance? Early analyses of the conservative-liberal "rights talk" clashes surmised that an over-emphasis on rights would produce a breakdown in political discourse, a disincentive to compromise, and increased polarization (Glendon 1991). While recent experimental work suggests that rights talk does not promote polarization (Djupe et al. 2014), the implications for tolerance remain untested.

Tolerance

Much of the prior work on tolerance focuses on psychological factors (see Sullivan et al 1981; Sullivan, Piereson, and Marcus 1982). In regard to religion, many suggest that religious

traditionalism, including dogmatism (Gibson 2010; Gibson and Tedin 1988; Jelen and Wilcox 1990; Layman 2000), authoritarianism (Barker and Tinnick 2006; Mockabee 2007; Owen, Wald, and Hill 1991), and insular religious practice (Green et al 1994; Reimer and Park 2001) promotes intolerance. Tolerance is based more on nature (psychology), not nurture (context).

While most analyses of tolerance and religion have focused on the psychological antecedents to tolerance, those analyzing tolerance in the broader population have suggested that information provides an important contribution to tolerance (Marcus et al 1995; Mutz 2002). These studies suggest that tolerance can be nurtured through information and social context. Recent analyses of American religion have supported this theme, showing that exposure to diverse social networks (Putnam and Campbell 2010) and elite communication of religious values (Djupe and Calfano 2013) can promote increased tolerance. The informational approach has called for increased attention to the discussion of political outgroups among the religious, as well as the communication of religious values, over and above psychological factors (Djupe and Calfano 2013; Mockabee, Wald, and Leege 2007).

Framing Rights and Religion

The informational connection between religion and increased tolerance suggests that issue framing – the definition and construction of a political issue – may be important to religious conservatives' commitment to tolerance. Framing provides important connections between issue leaders and the public (Chong and Druckman 2007; Kinder 1998). Prior studies have shown that rights-framing can alter public opinion across a wide range of issues (Chong 1996; Haider-Markel and Joslyn 2001; Nelson, Clawson, and Oxley 1997). Free speech frames, in particular, have improved people's tolerance for an out-group (Nelson, Clawson, and Oxley 1997). Yet, it remains untested whether the frame is also a prime. That is, framing of one

incident may lead to the elevation of the frame in memory to promote its use in future decision making. Essentially, framing of a particular issue in rights-based language may promote the extension of rights-based tolerance to out-groups in future scenarios. As conservatives have taken up the mantle of rights, the analysis of these downstream effects is particularly apropos.

Design and Data

To assess the effects of rights claiming on downstream political tolerance, we designed an experiment with a number of conditions, varying the issue, the frame for the conservative stance on the issue, as well as the advocate for one issue. This amounted to two experiments: a 3 (issue) x 4 (frames) experiment and a 1 (issue) x 4 (frames) x 2 (advocates) experiment. Full wording of treatments is available in the appendix. The issues we included were abortion protesting (following the Supreme Court case *McCullen v. Coakley* 2014), the ACA contraception mandate (following *Burwell v. Hobby Lobby* 2014), teaching creationism, and support for a photography business that denied service for a same-sex wedding on religious grounds (following *Elane Photography v. Willock* 2014). In each a candidate running for Congress is making a statement at a town hall meeting in response to a question from the audience. He responds with support for the conservative position in each dispute with a different justification for that position. In the case of the abortion protest, the candidate statements read this way:

> **Morality**: "We need to protect the moral foundations of our society. It is morally wrong to take the life of the unborn. Therefore, I believe that the pro-life protesters should be permitted to express opposition to the immoral act of abortion."

> **Free Speech**: "We need to protect the right to free speech in this country. In this case, the protesters were merely expressing their constitutional right to free speech. Therefore, I believe that the pro-life protesters should be permitted to exercise their right to free speech by expressing their opposition to abortion."

> **Religious Liberty**: "We need to protect the right to religious freedom in this country. In this case, the protesters were faithful Christians merely expressing their religious opposition to abortion. Therefore, I believe that the pro-life protesters should be permitted to exercise their right to religious freedom by expressing their opposition to abortion."

> **Control**: "I believe that the pro-life protesters should be permitted to express their opposition to abortion."

Within the issue of the photography business denying services for a same-sex wedding, the advocate at the town hall varied evenly between a candidate and "a local pastor" giving a press conference.

Following the statement, participants were asked several questions about their position in the controversy, their support for the advocate, and their perceptions of the politics and religiosity of the advocate. Then they were posed with a set of feeling thermometers, followed by a request for a summary judgment about the group (out of 6) that they either "like the least" or "disagree with the most." The groups from which they could pick included: Immigrants, Tea Party members, Muslims, Homosexuals, Christian fundamentalists, or Atheists. These groups were chosen as unpopular groups that together present balance across the ideological spectrum.

To gather a large sample with dispatch, we turned to Amazon's Mechanical Turk. Mechanical Turk is a crowdsource platform for work tasks, allowing "requesters" (in our case, the researchers) to propose a task (taking a short survey) for workers who fit our qualifications (adults in the US who have completed at least 100 tasks before this one) for a small amount of money (in our case, $.50, which amounted to a rate of about $5 an hour). Across a week's span, 2,211 workers completed this task. While one might suspect that paid survey takers would satisfice at very high rates, previous research has found that MT workers pass screener tests at high rates (Berinsky, Margolis, and Sances 2014).

As previous researchers have found, MT samples do not look like national random samples of American citizens. They are typically too young, too educated, too irreligious, too white, and too male (e.g., Berinsky, Huber, and Lenz 2012). That is the case with this sample as well. The average age is 35 (the General Social Survey pegs the mean at 48). Fifty-two percent have at least a college education (which is about 20 points higher than what the Census notes), 81 percent are white (compared to the Census estimate in 2013 that 63 percent are non-Hispanic whites), and 57 percent are male (compared to just under 50 percent of the adult population). Moreover, the sample is far too irreligious than the population with 48 percent identifying as either "atheist, agnostic" (32 percent) or "none, nothing, secular" (16 percent), when the percentage of "religious nones" amounts to roughly 20 percent of the population by recent figures. The sample is 13 percent evangelical Protestant, which is in line with previous MT samples (Lewis et al. forthcoming), but is just over half of the national population statistic (24 percent in the 2012 GSS). This means that sample statistics are not representative of the population, but that does not mean that relationships are necessarily unrepresentative.

That has been tested in several ways. For instance, Krupnikov and Levine (2014) found that results using MT workers sometime diverges from theoretical expectations. Other work has found that relationships found with MT worker data compare favorably to those found with high quality data like the GSS (Lewis et al. forthcoming). Notably, Lewis et al. found this in the context of the relationship of religion variables and political outcomes so even highly skewed religion variables may not pose a serious problem to finding comparable relationships to what is found using much higher quality data.

In these data, we have a sizable representation of important groups in the sample and they were effectively randomized into the treatments. We tested whether the age, gender, and

education distributions varied across treatments and the amount of variance across them was insignificant (in anova tests). That does not mean they were equal, so we will employ controls in order to help balance the cells.

Results – Least Liked Groups

Figure 1 shows how the selection of least liked groups[1] varies across the argument frames (we pooled the frames across the issues). The figure shows the selections of evangelicals and non-evangelicals (gray bars). Non-evangelicals' selections do not shift much across the frames. The most common group selected was Christian Fundamentalists at a rate slightly higher when they receive the rights conditions (free speech and religious liberty) – near forty percent. The second most common, at about 30 percent, was the Tea Party.

Evangelicals were more likely to choose atheists as their least liked group (27-40 percent), with Muslims in second (17-33 percent). The Tea Party, interesting enough, is the third most disliked group. Their selections vary somewhat more than non-evangelicals' selections. If the largest gap among non-evangelicals is about 5 points, it is 16 points among evangelicals in their selection of Muslims. Notably, their selection of "homosexuals" as their least liked group was the strongest in the control condition and weakest in the free speech condition. [2]

Results – Tolerance Levels

We randomized the use of two different tolerance batteries, both using the "content-controlled" procedure (Sullivan et al. 1982). The first used the standard language asking participants to select their least-liked group. The second shifted that language to select the "which of the following groups you DISAGREE with most" (emphasis in original). The

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[1] In half of the cases, this was the group they disagreed with the most. In future iterations, we will explore the variation across these two treatments, but they are pooled for now.
[2] Controlling for the least liked group in the tolerance models does not radically change the estimates – it does at the hundredth of a point level.

distribution of the tolerance measure built from these seeds differs by .016 points as Figure 2 shows. The distributions are almost identical, though the difference is marginally significant ($p=.096$). Interestingly, the least liked measure has a slightly higher mean score than the most disliked tolerance measure. Though they are marginally different means (because of the very large sample size), we combined them for further analysis here.

[Figure 2 about here]

The full results of our model of tolerance appear in Table 1 for the total sample, non-evangelicals, and evangelicals. We focus attention on the treatments and the interaction with the advocate, but we included a set of controls to help rectify any imbalance in the cells as well as include the most robust model since political tolerance is not native to the experiment (variance is not simply a function of differences in treatment conditions). Most notably, we include education, ideology, political interest, gender, age, and democratic norms, all of which are standard in tolerance models.[3]

A summary of the prominent treatment effects are shown in Figure 3. Since none of the tolerance scores when receiving the morality frames differed from the control, they are not displayed. Moreover, none of the frames had direct effects on the respondents' tolerance levels. Instead, it was the interaction of the clergy as advocate and the rights frames that moved respondents. So those are the results shown in Figure 3.

[Figure 3 about here]

Clearly, the candidate did nothing for tolerance scores across these frames – they are consistently negative and small, insignificant effects. The clergy, on the other hand, had consistently positive effects when they used the rights frames of free speech and religious liberty.

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[3] Though tolerance models often include other variables as well, most prominently psychological security, dogmatism, and threat.

In the total sample, the average boost in tolerance when exposed to the rights frames from a clergyperson advocate is 5-6 points. Non-evangelicals reacted in a positive way, though the effect is slightly smaller than in the total sample. From examination of the last set of estimates – for evangelicals – it is clear why. Most of the effects are located among evangelicals. Evangelicals exposed to a rights frame from the clergyperson shift considerably more tolerant of their least liked group (which by and large is not homosexuals – see Figure 1). The free speech generated shift of 12% is large, but outside of significance (p=.19). The religious liberty shift is almost double that – 23% – and significant (p=.01). It is worth reflecting that this is evangelicals receiving a pro-ingroup cue from an ingroup elite when the issue is politically charged. Instead of triggering a defensive posture, the effect is to broaden democratic inclusion for even ideological enemies.

Though we did not show it in this paper, we also quickly examined the same model for the non-religious. The pattern of effects is the same – positive for the rights frames and insignificant for the morality frame – and look slightly stronger than for the non-evangelicals. Thus, the non-religious are not dragging down the effects. Moreover, the effects among the "atheist/agnostic" category are even just a bit stronger (.08) for the religious liberty frame delivered by the clergyperson. The exercise of rights is clearly a potent symbol in American politics, one that reaches across even deep divides between groups.

Conclusion

Commentators are rightly absorbed with the politics of the current battles in Arkansas, Indiana, and soon to be Louisiana, as religious conservatives look to reinforce religious liberties in the face of dramatic gains for same-sex marriage. This follows on the heels of a number of issue areas in which religious conservatives have deployed rights claims in attempts to stave off

a weakening position on abortion, public education content, and providing contraception, among others. From this vantage point, rights claiming is a particularly potent weapon to have and thus may simply prolong conflict and reinforce claims, undermining the peaceful resolution of disputes.

This might be true except that the exercise of rights is a powerful object lesson. Claiming Constitutional rights is an acknowledgement of minority status and a legal plea for recognition, equal status, and protection from some societal or political force. So while claiming rights could be seen as a strategy to strengthen a weakened position, this is not the only effect rights claiming might have. In the parlance of public opinion research, the frame may become a prime. Use of a frame in a particular battle may serve to make it accessible in the next, leading recipients of the frame to use the prime to evaluate the status of outgroups, even of ideological enemies. Our results indicate that exposure to an ingroup elite making rights claims, especially the one narrowly tailored to the group (religious freedom) has noticeable effects on the political tolerance they extend to others, beyond the current controversy.

As we hash over how to balance competing rights during the firestorm over state religious freedom measures, the potential long run positive implications for American democracy have been overlooked. The long game is focused not on a particular controversy but on the foundations upon which equal rights for all can be granted and sustained. Though this is just one look, it suggests a long-term dynamic that we could all celebrate. As evangelicals become a political minority, they are in the process of learning about the value of rights for themselves and others. Martin Luther was not wrong that "Most human affairs come down to depending upon whose ox is gored." But we might alter the phrase to say that a democratic politics that respects rights advances when everyone's ox has an equal chance of being gored.

Appendix – Treatments and Variable Coding

Treatments

All treatments began with the instruction, "Please read the following passage from a recent news article; there will be questions about it afterwards."

Abortion Conditions

All conditions began with, "During the 2014 campaign for election to the U.S. House of Representatives, a local candidate was asked at a town hall meeting about a recent Supreme Court case that addressed the constitutionality of restricting anti-abortion protests."

Morality – The candidate responded by saying: "We need to protect the moral foundations of our society. It is morally wrong to take the life of the unborn. Therefore, I believe that the pro-life protesters should be permitted to express opposition to the immoral act of abortion."

Free Speech – The candidate responded by saying: "We need to protect the right to free speech in this country. In this case, the protesters were merely expressing their constitutional right to free speech. Therefore, I believe that the pro-life protesters should be permitted to exercise their right to free speech by expressing their opposition to abortion."

Religious Liberty – The candidate responded by saying: "We need to protect the right to religious freedom in this country. In this case, the protesters were faithful Christians merely expressing their religious opposition to abortion. Therefore, I believe that the pro-life protesters should be permitted to exercise their right to religious freedom by expressing their opposition to abortion."

Control – The candidate responded by saying: "I believe that the pro-life protesters should be permitted to express their opposition to abortion."

Contraception Mandate Conditions

All conditions began with, "During the 2014 campaign for election to the U.S. House of Representatives, a local candidate was asked at a town hall meeting about a recent Supreme Court case that addressed the constitutionality of the healthcare law requiring employers to provide free contraceptives to their employees."

Morality – The candidate responded by saying: "We need to protect the moral foundations of our society. It is morally wrong to force employers to provide healthcare drugs that they object to providing. Therefore, I believe that the companies should be permitted to express their moral opposition to mandated contraceptive coverage."

Free Speech – The candidate responded by saying: "We need to protect the right to free speech in this country. In this case, the companies were merely expressing their constitutional right to free speech. Forcing them to violate their views on contraception stifles their speech. Therefore, I believe that the companies should be permitted to exercise their right to free speech to oppose this mandated contraceptive coverage."

Religious Liberty – The candidate responded by saying: "We need to protect the right to religious freedom in this country. In this case, the employers were faithful Christians merely expressing their religious opposition to certain contraceptives that violated their religious consciences. Therefore, I believe that the companies should be permitted to exercise their right to religious freedom to oppose this mandated contraceptive coverage."

Control – The candidate responded by saying: "I support the companies who challenged the contraceptive requirement."

Creationism Conditions
All conditions began with, "During the 2014 campaign for election to the U.S. House of Representatives, a local candidate was asked at a town hall meeting about a Supreme Court case regarding the teaching of creationism alongside evolution in the public school curriculum."

Morality – The candidate responded by saying: "We need to protect the moral foundations of our society. It is morally wrong to only teach our children that evolution is the foundation for our existence. Therefore, I believe that school districts' should be permitted to express their morals and teach creationism in public schools."

Free Speech – The candidate responded by saying: "We need to protect the right to free speech in this country. In this case, the teachers are expressing their constitutional right to free speech when they choose to teach creationism alongside evolution. Therefore, I believe that the teachers should be permitted to exercise their right to free speech to teach creationism in public school."

Religious Liberty – The candidate responded by saying: "We need to protect the right to religious freedom in this country. In this case, the teachers were faithful Christians merely expressing their religious beliefs regarding the origin of life. Therefore, I believe that the teachers should be permitted to exercise their right to religious freedom to teach creationism in public school."

Control – The candidate responded by saying: "I believe that the teachers should be permitted to teach creationism in public school."

Same-Sex Marriage Conditions
All candidate conditions began with, "During the 2014 campaign for election to the U.S. House of Representatives, a local candidate was asked at a town hall meeting about a case being considered by the Supreme Court that addresses whether photographers must provide their services for same-sex weddings."

All clergy conditions began with, "During the 2014 campaign for election to the U.S. House of Representatives, a local pastor held a press conference about a case being considered by the Supreme Court that addresses whether photographers must provide services for same-sex weddings."

Morality, candidate – The candidate responded by saying: "We need to protect the moral foundations of our society. It is morally wrong to force businesses to provide services that go against their beliefs. Therefore, I believe that the businesses should be able to express their moral opposition to gay marriage by refusing service."

Morality, clergy – The pastor opened the event by saying: "We need to protect the moral foundations of our society. It is morally wrong to force businesses to provide services that go against their beliefs. Therefore, I believe that the businesses should be able to express their moral opposition to gay marriage."

Free Speech, candidate – The candidate responded by saying: "We need to protect the right to free speech in this country. In this case, the business was merely expressing its constitutional right to free speech. Forcing the owners to violate their views on same-sex marriage stifles their speech. Therefore, I believe that the businesses should be permitted to exercise their right to free speech to refuse to provide the photography services."

Free Speech, clergy – The pastor opened the event by saying: "We need to protect the right to free speech in this country. In this case, the business was merely expressing its constitutional right to free speech. Forcing the owners to violate their views on same-sex marriage stifles their speech. Therefore, I believe that the businesses should be permitted to exercise their right to free speech to refuse to provide the photography services."

Religious Liberty, candidate – The candidate responded by saying: "We need to protect the right to religious freedom in this country. In this case, the business owners were faithful Christians merely expressing their religious opposition to participating in activities that violated their religious consciences. Therefore, I believe that the companies should be permitted to exercise their right to religious freedom to refuse to provide the photography services."

Religious Liberty, clergy – The pastor opened the event by saying: "We need to protect the right to religious freedom in this country. In this case, the business owners were faithful Christians merely expressing their religious opposition to participating in activities that violated their religious consciences. Therefore, I believe that the companies should be permitted to exercise their right to religious freedom to refuse to provide the photography services."

Control, candidate – The candidate responded by saying: "I support the companies in refusing to provide the photography services."

Control, clergy – The pastor opened the event by saying: "I support the companies in refusing to provide the photography services."

Variable Coding
Female – =1, 0=male.
Age – In years.
Political interest – "How interested are you in politics, campaigns, and elections?" 1=Not interested 2=Somewhat interested, and 3=Very interested.

Ideology – "Where would you place yourself on the following scale ideologically?" 1=Strong Liberal, 2=Liberal, 3=Not so strong Liberal, 4=Moderate, 5=Not so strong Conservative, 6=Conservative, 7=Strong Conservative.

Education – "What is the highest level of education you have received?" 1=Less than a high school/GED, 2=High School graduate/GED, 3=Some college/associates degree, 4=Four year college degree (BA, BS, BFA, etc), 5=More than 4 year college degree (e.g., classes toward a master's), 6=Master's or doctoral degree.

Democratic Norms – Is the average score on 4 variables all coded 1=strongly disagree to 4=strongly agree: It's very important that politicians air their differences of opinion publicly; You can't have democracy without political opposition; You can't be sure an opinion is correct unless people are free to argue against it; Unless many views are presented, there is little chance that the truth can ever be known.

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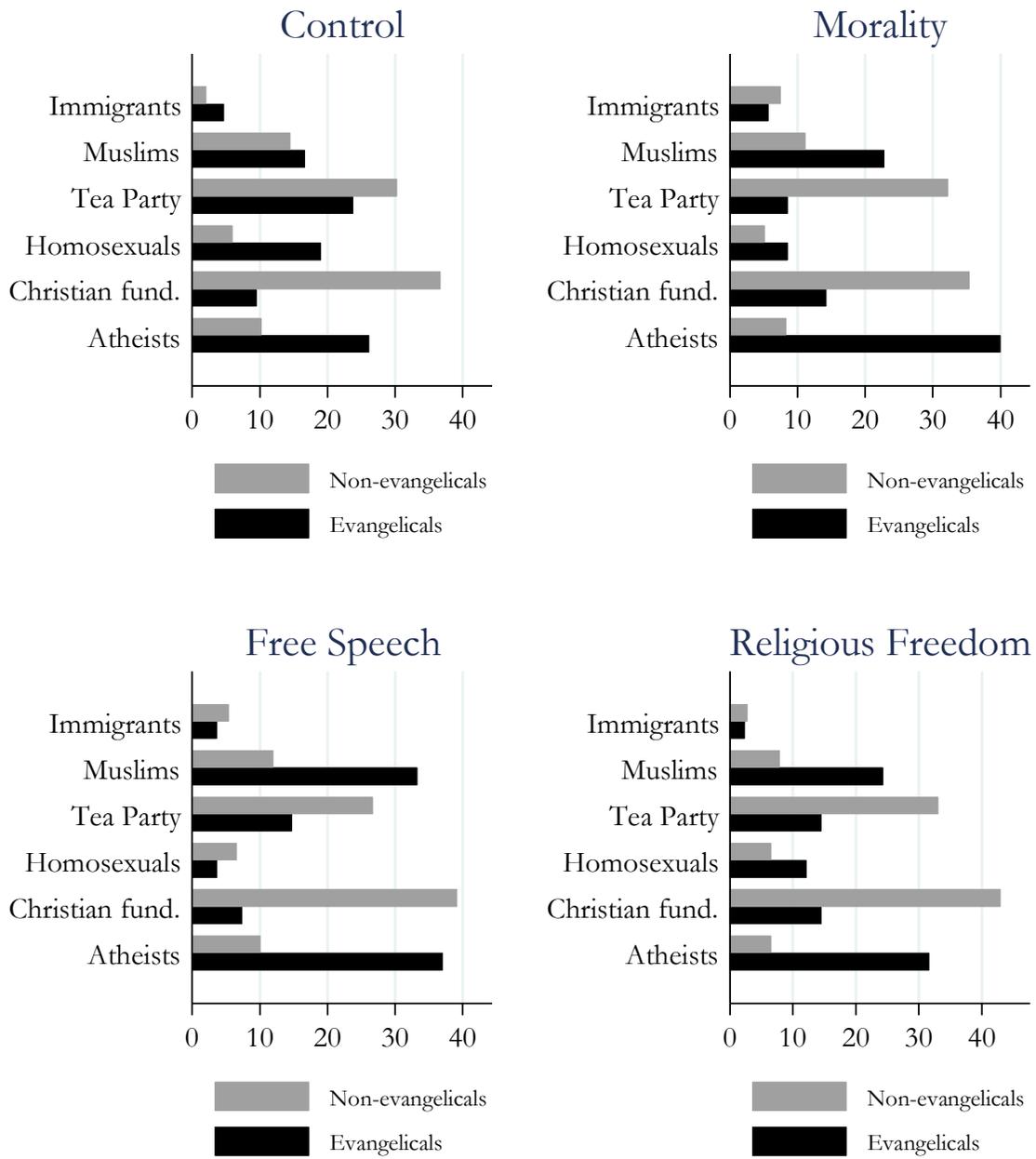Glendon, Mary Ann. 1991. *Rights Talk: The Impoverishment of Political Discourse*. New York: Free Press.

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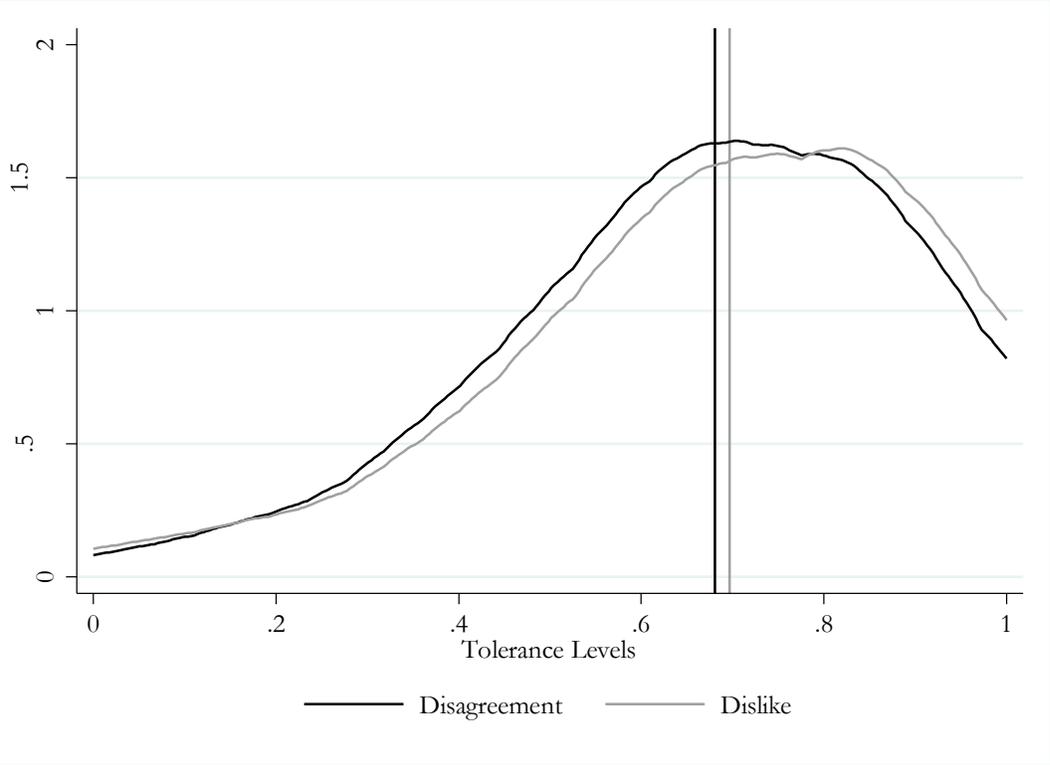
Table 1 – Treatment Effects on Political Tolerance Levels in the Total Sample and by Evangelical Identity

	Total Sample		Non-Evangelicals		Evangelicals	
	B	*p*	B	*P*	B	*p*
Clergy treatment	-.04	.09	-.03	.17	-.07	.30
Treatment frames						
Morality	.00	.80	.00	.83	.01	.86
Free Speech	-.01	.70	.00	.86	-.02	.65
Religious liberty	-.01	.58	-.01	.72	-.02	.70
Treatment interactions						
Clergy * Morality	.02	.53	.01	.79	.07	.44
Clergy * Free Speech	.06	.09	.04	.20	.14	.19
Clergy * Rel. Liberty	.08	.02	.05	.13	.21	.04
Female	-.02	.02	-.02	.02	-.03	.40
Age	.00	.86	.00	.90	.00	1.00
Political interest	.02	.01	.02	.01	.02	.47
Ideology	-.02	.00	-.02	.00	-.02	.06
Education	.02	.00	.02	.00	.05	.00
Democratic norms	-.10	.00	-.10	.00	-.09	.00
Evangelical	-.03	.02	—		—	
Constant	.70	.39	.74	.39	.73	.77
Model statistics	N=2141 Adj. R^2=.12 RMSE=.21		N=1867 Adj. R^2=.10 RMSE=.21		N=274 Adj. R^2=.08 RMSE=.24	

Figure 1 – Selection of Least Liked Groups by Evangelical Identity ad Treatment

Control

Group	
Immigrants	
Muslims	
Tea Party	
Homosexuals	
Christian fund.	
Atheists	

0 10 20 30 40

Non-evangelicals
Evangelicals

Morality

Group	
Immigrants	
Muslims	
Tea Party	
Homosexuals	
Christian fund.	
Atheists	

0 10 20 30 40

Non-evangelicals
Evangelicals

Free Speech

Group	
Immigrants	
Muslims	
Tea Party	
Homosexuals	
Christian fund.	
Atheists	

0 10 20 30 40

Non-evangelicals
Evangelicals

Religious Freedom

Group	
Immigrants	
Muslims	
Tea Party	
Homosexuals	
Christian fund.	
Atheists	

0 10 20 30 40

Non-evangelicals
Evangelicals

Figure 2 – Distributions and Means of the Two Tolerance Measures

Figure 3 – Marginal Effects of the Free Speech and Religious Liberty Treatments on Political Tolerance Given the Advocate (Clergy vs Candidate) for the Total Sample and by Evangelical Status (90% confidence intervals – estimates from Table 1)