What are Morality Policies? 
The Politics of Values in a 
Post-Secular World

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Abstract
This article critically reviews the literature on morality policies and the politics of values, focusing in particular on the question of what defines morality policies as a specific policy field. Drawing from both US American and European literature, it surveys to which extent morality policies can be understood as a particular form of contention over primary values, a way of framing, a cultural conflict, a specific type of politics, or a class of substantive policy issues. The article then develops a new approach that draws on political theory and pays particular attention to the role of religion, arguing that morality policies reflect deep divisions within modern societies over key principles of political liberalism.

Keywords
morality policies, politics of values, religion, post-secularism, political liberalism

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Introduction
Value-based issues are experiencing a revival in Western politics and attracting ever more attention in academia. In that context, “morality policies” are often dealt with as a specific class of public policies, exhibiting common characteristics and generating similar political responses and patterns of policy-making. But what are, in effect, morality policies? And why have morality policies and the politics of values become so prominent in recent times?

In this article, I conduct a critical state-of-the-art review of works that have addressed these foundational questions. The review draws on works from different strands of the morality literature, from the first definitions that appeared in the context of US research, to its re-evaluation by researchers of bioethical issues and of framing, to recent European cross-national comparisons. As a result of this review, I argue that the existing literature does not pay sufficient attention to the role of religion in delimiting the morality policy
field. Furthermore, whereas the existing literature indicates a relationship between moral-
ity policies and conflicts over liberal principles such as individual autonomy, it does not
dig deeper into this relationship, leaving undertheorized a potentially rich source of
insights into the nature of morality policy controversies.

With this aim in mind, I approach the policy field from the viewpoint of political the-
ory in order to propose a new reading of morality policies that addresses more explicitly
the intricacies of their relationship to religion. This new approach emphasizes the power
of religion to blur the boundaries between private and public values, to generate conflicts
over liberal principles, and to expose inner tensions within political liberalism itself.

Morality Policies as Value Conflicts

The by far most cited definition of morality policies goes back to the work of Christoher
Mooney (1999, 2001) and Mooney and Schuldt (2008) and focuses on public disagree-
ement over privately held beliefs. For Mooney (1999: 675), “[t]he important distinction
between morality and nonmorality policy is that at least a significant minority of citizens
has a fundamental, first-principled conflict with the values embodied in some aspect of a
morality policy.” The emphasis here is on conflict and on values. As Mooney points out,
although criminal law and many other policies also define what is right and wrong and thus
are based on specific moral standards, these are usually the object of large societal consen-
sus, whereas the regulation of morality issues is controversial. Another early author of the
morality policy literature, Kenneth Meier (1999) articulates the same thought somewhat
differently. He argues that morality policies are about redistributing values. Through
morality policies the government seeks to “put [its] stamp of approval on one set of values
and to abase another” (Meier, 1999: 681). In other words, morality policies imply a zero-
sum game where the values of a specific group get legitimated at the expense of others.

The idea of a zero-sum game emerges because the values involved in regulating moral-
ity policies are deemed to be unamenable to compromise. They are often considered to be
intractable policy controversies that cannot be resolved by a reference to new facts (Engeli
and Varone, 2011). As one author put it, the politics of morality policy is characterized by
“deontological reasoning” (Mucciaroni, 2011), that is, judging what is right and wrong,
and by the conviction that preferences on those issues are based on non-negotiable values
and deeply help moral first principles. Morality policies thus do not pursue rational-
instrumental goals. Rather, “principles strictly determine policy choices, and upholding
principles is a valuable end of policy in itself” (Mucciaroni, 2011: 191).

Recently, two key aspects of this definition of morality policy have come under assault.
The first critique relates to the idea that morality policies differentiate themselves from
other policies by being about values and deeply held beliefs. It is, in fact, quite unclear
why Mooney (2001) defines morality issues as “the public clash of private values.” After
all, what is private about these values? As has been pointed out, other public policies also
involve a negotiation over the correct interpretation and implementation of deeply held
values. Moreover, it could be argued that public policy is always about public, not private
values, and citizens are able to differentiate between the two, even in the case of primary
values such as human life. A woman may choose never to undergo an abortion because it
goes against her principles, and still be in favor of a public policy that allows others to do
so under certain circumstances.

Second, the notion that morality policies are not amenable to compromises has also
been criticized. Whereas moral principles may be non-negotiable, their implementation in
public policy leaves open a number of practical policy questions that are amenable to compromises. This is particularly true of biomedical issues, which are of high technical complexity. Even in old morality issues such as abortion, the concrete implementation of abstract principles is complex and requires difficult choices, as in the case where carrying through a dangerous pregnancy puts the mother’s life at risk. In all morality areas, opposite sides have often been forced into building strategic alliances and negotiating concessions (Engeli, 2009).

One explanation for why morality policies have been deemed to involve uncompromisable positions can be found in Theodore Lowi’s proposition that what we consider morality policies are not in fact a policy type, but rather a specific form of radicalized politics. According to Lowi (2011: xiii), moralization is a strategic choice on behalf of political actors who refuse to engage in mainstream political processes, trying instead to “convert political issues into moral polarities.” In other words, morality policies are about private non-negotiable values because political actors make them so. Nevertheless, as Mildred Schwartz and Raymond Tatalovich (2018: 8) point out, although in theory any issue can be perceived in moralistic terms by some people, in empirical terms there are certain types of issues which are much more likely to be moralized than others, and these tend to be distinctively non-economic.

I believe an alternative explanation for the twin assumptions that morality policy involves private and non-negotiable values can be found in the complex relationship between morality policies and religion. Most morality issues deal with public policies that clash with religious values. In contrast to the values of fairness and justice, where different interpretations are possible both at a societal and at an individual level, policies that tackle sexuality, gender relations, and human life involve principles that are dogmatic within many religions. Diverging interpretations are not only taboo, they are offensive to those who believe that in the very fixity of interpretation of that principle lies the core of their religious belief. Moreover, many believers see it as their duty as religious persons to fight for a particular societal implementation of those principles that they consider sacred, such as the sanctity of life (see Maxwell, 2002: 167–199).

For the state, this is a trying situation. In a secular state, the religious beliefs of each citizen pertain to the private sphere. Freedom of religion requires the secular state to respect and not seek to interfere with those beliefs. Here, we have the underlying rationale for morality policies to be defined as involving non-negotiable and private values. As the critics have pointed out, the values at stake are as much public as they are private. Nothing intrinsic to them makes them non-negotiable. But as religious values they are both private and non-negotiable, and, paradoxically, must be acknowledged by the secular state as such even in the process of negotiating public policy.

For this reason, the clash of values involved in morality policies possesses high symbolic significance and is strongly related to national identity politics. The case of abortion in Ireland is a good example. There, the deep connection between abortion prohibition and Irish national identity helped keep in place until very recently an extremely restrictive anti-abortion policy with constitutional status (Smyth, 2016). For a contrasting example, take Canada. The connection between laïcité and national identity in Quebec since the Quiet Revolution is essential to understand why this Canadian province is a forerunner of permissiveness in morality policies. A case in point is the recent end-of-life policy. Usually, a highly controversial issue, medical assistance in dying was legalized in Quebec almost in the absence of any opposition after a debate that featured procedural arguments as prominently as moralizing ones (Burlone and Richmond, 2018).
Because morality policies involve the official endorsement of a particular set of values that verge on the division between the private and the public, these policies “can be extremely potent symbols of what a policy believes and stands for” (Mooney, 1999: 675). In that sense, morality policies are not only about the public clash over diverging principles of private morality. They are also a negotiation over the public values that define the identity of the polity.

**Morality Policies as Framing**

Besides involving a public conflict over values, morality policies are also defined by reference to framing. Again, the standard definition comes from Mooney (1999: 676), who states that morality policies generate debates in which at least one advocacy coalition portrays the issue as one of morality or sin. In a later text, Mooney and Schuldt (2008: 201) put it even more explicitly, writing that the distinguishing features of morality policy exist only “in the perceptions of those involved” and that “how an issue is framed, rather than its intrinsic content, leads to its classification as a morality policy.”

For some authors, framing is the only reliable definitional trait of morality policies. According to Gary Mucciaroni, for example, the values at stake in morality policy are not more important or less amenable to compromise than those negotiated in other policy areas. He argues instead that “morality policies concern threats to ‘core values’ not because the values are ‘core’ but, at a more fundamental level, because those who frame the issue place adherence to moral principles above alternative considerations” (Mucciaroni, 2011: 191). Whereas the issues would lend themselves to compromises, it is the approach that political actors take—framing them in deontological terms and seeing them as a matter of principles rather than of expected results—that accounts for the difficulties in finding conciliatory solutions. Morality policies should therefore be understood primarily as a way of framing policy issues rather than a class of policies in and of itself.

The reduction of morality policy to a mere framing strategy is not without its pitfalls, however. Mucciaroni’s contribution is to show that even the most staunch morality issues are multidimensional and can be framed in different ways. His mistake is to argue that morality policies are only defined by framing. For example, in his empirical work on legislative debates, Mucciaroni concludes that opponents of gay rights do not rely heavily upon private morality frames. Instead, they use rational instrumental and procedural frames, because these are more likely to convince the median voter. Other authors following Mucciaroni’s approach have reached similar conclusions. For example, Kathleen Ferraiolo (2013) found that private morality frames were not dominant in legislative debates over gambling in the United States. Eva-Maria Euchner et al. (2013: 386) also found that gambling and drug consumption were no longer framed as morality issues in German and Dutch policy documents, if they ever were. In the case of gay rights, Mucciaroni (2011: 209) argues that there is a difference between the deep-seated beliefs of political actors and the frames they use. But this raises the question: what’s more important, actors’ understanding of a policy or the frames they use? What is more, if one considers frames to be meaning-giving “schemata of interpretation” (Snow et al., 1986: 464), does this distinction even make sense?

One of the reasons for Mucciaroni’s unexpected conclusion that gay rights are not framed morally is that he adopts a too narrow definition of morality frame. Many arguments coded by the author as “instrumental” only make sense on the basis of an underlying
moral judgment about homosexuality. They use proxies such as the “traditional family” that make the moral position of the speaker understandable to all parties involved without having to use religious or judgmental language. But independently from coding issues, Mucciaroni’s influential article suffers from a weird inner contradiction. In the first part of the article, Mucciaroni argues that morality policy should be understood exclusively as a way of framing. In the second part of the article, he concludes from his empirical research that the issue of gay rights is not primarily framed as a morality issue. The combination of these two propositions is puzzling. Are we to conclude that the issue of gay rights is actually not a morality policy issue? This would go against all common-sense perceptions of the issue, be it in politics, public opinion, or academia.

Morality Policies as Cultural Conflicts

All this indicates that an excessive stress on framing in the definition of morality policy risks throwing the baby out with the bathwater. There is something deeper to be considered about how an issue is perceived that goes beyond the framing strategies of political actors. At the end of the day, morality issues are those that speak to deep-seated unresolved conflicts over the role of religion, tradition, morality, and values in the identity of the polity. Here again, the importance of the polity’s identity comes to the fore. Morality controversies hinge upon issues of symbolic importance in the public image of the nation, in its self-definition as a community of values, united not only by chance and territory but by the fact that its citizens share certain core principles. It is this perception that an issue goes to the essence of “who we are” that has given many morality issues a prominent position in today’s value conflicts.

In his highly influential book “Culture Wars,” David Hunter (1991) stresses precisely this point about the importance of national identity. It is not by chance that the subtitle of the book reads: “The Struggle to Define America.” For Hunter, secularization in the form of the privatization of religion was idealized during the enlightenment as an innovative solution to avoid conflicts between religious denominations holding conflicting normative visions. However, the normative tension between conflicting visions of the good that exists today takes a different form. For Hunter (1997: 30), America is currently “at war with itself,” but the new American cultural war is not fought between different confessions, but rather between liberals and conservatives within and across religious denominations.

At first sight, this cultural war manifests itself as a conflict over specific policy issues (abortion, death penalty, etc.), but in reality, Hunter argues, the conflict is essentially about two “conflicting moral visions.” One vision is based on the notion of tradition and continuity, the other based on the notion of progress and emancipation. And behind these moral visions are competing understandings of what is real, true and good, and the means by which we can know these things (Hunter, 2016). In other words, the root of the problem lies in conflicting moral ontologies and epistemologies. Each side of the cultural divide holds a sense of ultimate reality that is rooted in different sources of authority: in one case transcendent authority, in the other case human experience (Hunter, 2016). In that sense, cultural wars really amount to a fundamental struggle over first principles.

In their comprehensive study of morality policies and politics, Smith and Tatalovich (2003) defend a similar thesis. Although critical of Hunter, Smith and Tatalovich also define morality policies as involving one major division between two conflicting worldviews. Drawing on cultural theory and on sociological theories of status politics, they
argue that “cultural wars are a struggle between the forces of status differentiation and status equalization” (Smith and Tatalovich, 2003: 58). For them, the genesis of this conflict lies in the social and historical processes of social mobility, individualization, status equalization, proliferation of life-styles, and fragmentation of identities that are characteristic of postmodern and postmaterial societies. All this means that one’s place in society is no longer fixed, generating struggles over status.

The main struggle is between competing attitudes to power and authority. On the one hand, there are those whose relationship to power is hierarchical. They value deference to authority, cherish moral codes of conduct and traditional social roles, and endorse a “sacrificial ethic” by which the individual is deemed less important than the collective (Smith and Tatalovich, 2003: 52). On the other hand, there are individualists and egalitarians, who challenge established rules and transgress social boundaries. This dismantling of traditional morality and social divisions proceeds “in the name of the unique value of the individual,” which is the central moral point of reference for those who challenge established hierarchies and traditions (Smith and Tatalovich, 2003: 58).

Because these authors define morality policies as circumstantial expressions of a deeper conflict over the proper sources of moral judgments, they see the category of morality policies as encompassing a very broad range of issues. Thus, Hunter (1991) mentions besides the classic morality issues also “political correctness” and “funding for the arts” as arenas where the cultural wars take place. T. Alexander Smith and Tatalovich (2003) discuss English-language laws, mandatory prayer in schools, changes to the Canadian national flag, and hate speech laws as examples of morality policies. In their classic collection of case studies, Tatalovich and Daynes (2011) also include cases on hate crimes, global warming, religion in public life, and animal rights alongside the most commonly treated morality issues. Following this paradigm, recent studies of “the politics of values” tend to enlarge the original morality agenda by including issues related to migration, religious freedom, and identity politics (e.g. Foret and Littoz-Monnet, 2014). Even fox hunting has been considered as a morality policy issue (Smith and Tatalovich, 2003: 120), in so far as it reflects a deeper cultural conflict that posits defenders of tradition versus advocates of individual (in this case “nonhuman”) rights.

Morality Policies as Engendering a Specific Type of Politics

Several authors have tried to characterize morality policies by reference to its “secondary characteristics.” The idea is that the primary defining features of morality policies (values and framing) unleash a particular type of politics that in turn becomes characteristic for the policy field. What these secondary characteristics are is a matter of debate. Mooney’s original definition assumed that morality policies were highly salient and had high levels of citizen participation, but recent comparative studies have shown that this is not always the case (Euchner and Preidel, 2018). Mooney and Schuldt (2008) argue that morality issues tend to be technically simple and thus expert-free, with politicians answering directly to public opinion. This definition has come under attack with the rise of biotechnology, because the policy-making process for these issues is often characterized by the involvement of experts (Littoz-Monnet, 2015). Even non-biomedical issues, such as prostitution, sometimes feature co-governance by non-state actors (Euchner and Preidel, 2018).

Nevertheless, one should not forget Lowi’s insight that any type of policy can be radicalized, which means that even highly complex morality policy issues can be framed as
involving a binary choice between right and wrong. Take the example of stem-cell research. Undoubtedly a complex issue, it can nevertheless be framed as a choice between destroying an embryo or not. This is the main thrust of Meier’s (1994, 1999) argument in his study of drug and alcohol policy in the United States. Meier does not see technical simplicity or the absence of expertise as inherent characteristics of morality policies. Rather, he identifies two possible scenarios for morality policy-making, each with its own modus operandi, which in turn has consequences for policy output. One of these scenarios he terms, “the politics of sin.” In this scenario, proponents of restrictive morality policies frame the issues at stake as questions of virtue versus vice, and call upon the state to enact policies that will combat what they see as sinful behavior. Framing the morality issue as one of sin delegitimizes the preferences of those who desire a liberal policy output. Nobody is willing to “stand up for sin,” and so there is a big mismatch between the pronounced and the actual demand for regulation, leading to inefficient policy solutions (Meier, 1999: 684).

A different scenario would involve the reframing of policy issues in a way that avoids the pitfalls of the politics of sin. For Meier (1999: 685), this means to expose the underlying value conflict and acknowledge the redistributive nature of the policy. In this case, one-sided morality policies become two-sided, societal interests are better accounted for, and the potential for effective policy solutions increases. As Isabelle Engeli and Frédéric Varone (2011) point out, another strategy to move an issue away from the politics of sin scenario is to “de-moralize” it, focusing the debate on non-moral aspects of the policy and promoting procedural responses that help escape heated controversies. A poignant example of such a reframing has been documented by Felix Baumgartner et al. (2008) in the case of capital punishment with the rise of the “innocence” frame. Instead of focusing on whether capital punishment is right or wrong per se, advocates successfully argued that it was an inefficient and costly policy that should be abolished because it was prone to errors.

Similar to Meier’s two scenarios, Engeli et al. (2012) also identify two modus operandi for policies that deal with morality issues, two “worlds of morality politics”: “the religious world,” where morality issues are politicized and where morality policies stand for a bigger public conflict over the role of religion in society, and “the secular world,” where this is not the case. Note that in Engeli et al.’s analysis of the two worlds, the important element is not framing. Rather, the important element is a deeper disagreement over the place of religion in society, or, more precisely, the degree to which this disagreement is the object of public and open political contestation.

Although Engeli et al. see themselves as adopting a substantive definition of morality policies (see below), a key element in their analysis is the degree of connection between the issue at hand and the core cleavages that structure a particular polity as reflected in the party system, specifically, the religious versus secular conflict (Engeli et al., 2012: 24). In this case, the politics of morality policies is no longer only about the issues at hand. It becomes about a bigger, identity giving conflict, namely the conflict between religion and secularity. This is the actual cultural war, while the individual morality issues are mere “battlegrounds for the role of religion in an increasingly secularized society” (Engeli et al., 2012: 339).

A related discussion on the politics of morality policy has developed under the label of “policy typology theory.” Following Lowi’s (1964) idea that “policies determine politics,” a number of authors use the policy typology model to explain the specificity of morality policies. In this context, morality policies have been interpreted alternatively as a matter of redistribution or as a matter of regulation. Tatelovich and Daynes (2011: xxxi)
propose the creation of a new policy type, “social regulatory policies,” to reflect the fact that morality policies approximate the regulatory category in terms of the type of rule (regulation of individual behavior), but not in terms of the politics that they generate, which is more ideological, more polarized, and less prone to compromise (Lowi, 2011:xii). The alternative view has been most prominently defended by Meier (1999), who argues that morality policies are about redistribution, only that instead of redistributing income, morality policies redistribute values.

Regardless of whether it is seen as regulatory or redistributive, many authors argue that morality policies exhibit their own type of politics. This politics is characterized by large-scale public and interest group involvement, divisive party and legislative politics, the involvement of multiple institutions, lack of executive leadership, and a strong impact of federalism on outcomes (Studlar and Burns, 2015; Studlar and Cagossi, 2018). Attempts to test these hypotheses have yielded mixed results. Whereas Studlar et al. (2013) found evidence for the policy typology theory, Studlar and Cagossi (2018) found considerable variation between countries and policy issues with regard to the procedural elements of morality policies.

**Morality Policies as a Substantive Type of Issues**

In order to avoid such variations, some authors seek to define morality policy substantially, determining a priori what types of issues will generate the kind of value-based conflicts that characterize morality politics. Avoiding context-specific variables is particularly important for comparative studies that trace morality policies across countries and across time.

There are narrow and broad substantive definitions. Engeli et al. (2012) adopt a narrow version, limiting their inquiry to three types of issues: death, reproduction, and marriage. These issues, they argue, relate to “ultimate questions about societal organization,” such as “who has the right to make decisions about the beginning and end of life” (Engeli et al., 2012:23). Their focus on reproduction rather than sexuality limits the scope of morality policies significantly. They thus consider that prostitution, for example, is not a morality issue. Stephan Heichel et al. (2013), by contrast, adopt a broader definition that is more in line with the plurality of issues addressed in the existing empirical literature. They argue that there are four major subfields of morality policy: “life and death,” “sexual behavior,” “addictive behavior or substances,” and “self-determination.” The first three fields encompass the most common morality policies including abortion, death penalty, euthanasia, homosexual marriage, prostitution, pornography, drug consumption, gambling, and so on. The last field is defined more fluidly. According to the authors it “encloses all policies dealing with public limitations on individual self-determination,” for example, gun control (Heichel et al., 2013:320).

All authors that adopt a substantive definition explicitly acknowledge the importance of the religious factor in imbuing certain issues with the type of value-laden meaning that is characteristic of morality policies. Donley Studlar et al. (2013:354), for example, argue that all morality policy issues involve judgments about what is right and wrong “which can trace their origins back to religious precepts.” Also, Engeli et al. (2012:24) concede that morality issues “are intimately linked to religion and religious arguments or values.” At the same time, they also stress that “morality politics is not determined or defined by religion” (Engeli et al., 2012:25) because fundamental moral values may have other (non-religious) sources and because it is not the substance of morality policies but rather
their interaction with existing political cleavages that determines what type of political conflicts will develop.

Also, several authors engaged in cross-national comparisons of morality policy-making acknowledge that denominational belonging, religiosity, and patterns of state-church relations may in some cases have explanatory power with regards to the timing and degree of permissiveness of morality policies in specific countries (Budde et al., 2018; Knill et al., 2014; Knill and Preidel, 2015; Minkenberg, 2003). In particular, according to recent studies, the degree of religiosity and denominational belonging of the population matter. High religiosity and belonging to a conservative denomination slow down the process of liberalization of morality issues (Budde et al., 2018). Nevertheless, the capacity of specific religious institutions such as the Catholic Church to influence policy outcomes has been shown to depend on the existence of other conjunctural political variables (Knill et al., 2014).

While these studies concentrate on specific religious variables (religiosity, belonging, and religious actors), their combined findings nevertheless testify to the importance of religion as a whole as a factor that impacts morality policy within the broader socio-political context of increasing secularization and permissiveness. What these studies do not do, however, is to theorize the relationship between morality controversies and religion at a more constitutive level. Furthermore, while the existing studies indicate a relationship between morality policies and conflicts over liberal principles, they do not dig deeper into this relationship, theorizing it as an essential aspect of the policy field. It is to this task that the article will turn next. But before that, there are two issues that emerge out of the discussion above which are worth highlighting as particularly important for the discussion of the role of religion and liberal principles in the definition of morality policies.

First, Engeli et al. (2012) indicate that morality policies raise the question of the ultimate source of authority over moral decisions. They restrict their argument to questions of life and death, but it is unclear why the question of the ultimate authority should apply only to this sub-set of morality issues. After all, when faced with any difficult moral decision, we all must make recourse to a certain moral framework in order to decide what is permissible. Should we, as a society, base our decisions on religion, tradition, human rights, or some other principle? Far from being restricted to issues of life and death, this question arguably applies to all morality issues.

Second, as Heichel et al. (2013) point out, morality policies raise controversies over the limits of individual self-determination. However, whereas they formulate it as a separate subfield of morality policy, this question pervades many other subfields. Take abortion as an example, it is a classic issue of life/death, but it is also about women’s right to determine what happens to their bodies. The same is true of assisted suicide, which is about the individual autonomy to decide whether to continue living. Controversies surrounding homosexual marriage concern limits to individuals’ freedom to choose whom to marry, whereas anti-pornography regulations and drug control policies restrict individual autonomy to choose what to consume. At a deeper level, all policies related to life/death, sexuality, and addiction are arguably also about the appropriate limits to individual autonomy, mostly involving a controversy over moral principles or the idea of “societal harm”/common good on the one hand, and the right to individual self-determination on the other.

In order to explore these issues further, it is worth reviewing works that deal with value-based controversies from the perspective of sociological and normative political theory. Particularly interesting are those authors that engage with the notion of (post-)secularism
and analyze value-based conflicts as challenges to established conceptions of political liberalism. Some of these authors do not focus on morality policy per se, but rather address their analysis to broader phenomena that could be subsumed under the label of “the politics of values.” Value-based controversies go beyond classic morality policies by including such issues as removing crucifixes from schools or forbidding the Islamic veil. These issues, while also relating to societal values, do not go to the core of one’s system of beliefs, and therefore, do not necessarily imply a choice between right and wrong or between moral and immoral in the same way as some classic morality policies do. Nevertheless, as the following discussion hopes to show, their investigation of value-based political conflicts can add important insights to the study of morality policies by helping to discern with more precision, the role that religion plays within moral conflicts.

**Morality Policies as Conflicts over Liberal Principles**

The critical state-of-the-art of the previous sections has highlighted two related weaknesses in the existing literature on how to define morality policies. First, it has become clear that the relationship between morality policies and religion needs more explicit theorization. Second, the existing literature provides some indication that morality policies are closely related to conflicts over liberal principles, but does not develop this point further. In the following, I will engage with the political theory literature on value-based conflicts and post-secularism in order to build the argument that morality policies can also be seen as reflecting conflicts over liberal principles which are triggered, in large part, by tensions surrounding the place of religion within secular liberal societies and within political liberalism itself.

One example of authors working on value-based controversies from the perspective of political theory is Kristina Stoeckl (2016a, 2017). She draws on the work of Jürgen Habermas on post-secularism to argue that current value-based conflicts in the areas of gender and family, life/death issues, and freedom of religion are the product of a post-secular age characterized by the revival of religion in the public sphere and by the permissibility of religious arguments in democratic deliberation and decision-making. In such a context, religiously motivated actors pursuing a traditionalist agenda gain strength in the political arena in a way that defies political liberalism’s credo that the liberal democratic constitutional order must be based on an “overlapping consensus” between groups with different worldviews and substantive conceptions of the good (Stoeckl, 2017).

Based on her investigation of the Russian Orthodox Church and its role as a “norm entrepreneur” in domestic and international political forums, Stoeckl (2014, 2016b) argues that current value-based conflicts are waged by religiously motivated actors who not only advocate for conservative positions in specific policy issues, but also call into question the very principles upon which the liberal democratic order is based, in particular the idea of human rights. Moreover, even when religiously motivated actors adopt a secular vocabulary, there is no guarantee of real mutual learning. “Translation” is often nothing more than a strategic reframing of one’s arguments to appeal to a wider audience—a “discursive strategy” for public communication (Hennig, 2015)—but there is no porousness for the arguments of the contending side. Instead, cleavages get deeper as both sides engage in a cultural war and the overlapping consensus gets smaller and smaller.
Thus, religiously motivated traditionalist actors enter into public debates using arguments that are adapted to secular legalistic terminology, often using the language of rights, even though they are highly critical of the egalitarian individualism and universalism of modern law (Stoeckl, 2017). For example, Islamic States propagating blasphemy laws at the UN justify restrictions of free speech by reference to the right of religions not to be offended (Marshall, 2011). Another example is the argumentation pursued by the Italian government (with the support of the Vatican, the Russian Orthodox Church, and groups of American Evangelicals) in the Lautsi case before the European convention on human rights (ECHR) that removing the crucifix from classrooms in Italy would violate the cultural rights of the majority (Annicchino, 2011). In many of these cases, although political actors use the language of rights and engage with liberal democratic institutions, their positions challenge the very principles that define liberal democracies—chief among them the primacy of individual human rights over cultural and religious traditions.

From this perspective, current value-based controversies are related to the wider phenomenon of (post-)secularism in the following two senses. First, because current value-based controversies emerge in societies marked by a new type of self-reflexivity that treats belief in God as one possibility among many (Taylor, 2007) while also opening up for challenge the very idea of secularization, at least in some of its more normative and deterministic variants (Habermas, 2008). Second, in such a context, conflicts arise in which political actors motivated by religious convictions challenge the very principles that define secular liberal democracies (such as the primacy of individual human rights over cultural and religious traditions and the idea that the state should be neutral toward different religions and conceptions of the good) by acting from within liberal secular institutions and engaging with liberal secular conceptions of rights. In that sense, current value-based controversies escape the binary construction of a religious-secular opposition, reflecting instead a novel constellation of interaction between the secular and the religious that is characteristic of post-secularism (Molendijk, 2015).

Another author who discusses contemporary value-based controversies from the perspective of political liberalism is Christian Joppke (2014, 2015). He focuses his investigation on those conflicts that emerge in connection with the increased presence of Islam in Europe. In particular, Joppke (2014) discusses the criminalization of the Islamic full-face veil as an instance of legal moralism equivalent to the once widespread criminalization of homosexuality. Following other liberal theorists, Joppke argues that criminalizing homosexuality is illiberal because it violates the “no harm” principle first formulated by John Stuart Mills. According to this principle, liberal law should only limit individual freedom if it produces harm to others. “Immoral behavior” such as homosexuality does not harm others, but it was nevertheless prohibited because it was deemed to harm society as whole. Similarly, the prohibition of the veil also tackles individual behavior that does not cause harm to anyone else. It is therefore either based on legal paternalism (if the assumption is that the state should prevent women from harming themselves), or on the idea that the wearing of the veil, because it undermines certain collectively held values, harms society as a whole. But for Joppke the notion of societal harm is indefensible from a liberal position, since it amounts to a defense of a particular “way of life” over and above individual rights. Thus, the prohibition of the veil, whereas often formulated as a defense of the liberal principle of equality between men and women, actually violates liberal principles.
A similar conflict also lies at the heart of many classic morality policies, particularly those relating to sexual behavior.\(^1\) Very insightful in this respect is the work of David John Frank and his colleagues (Frank et al., 2010; Frank and Mceneaney, 1999; Frank and Meyer, 2002). Their analysis of changes in the criminal regulation of sex provides support for the idea that morality policies reflect a deep conflict between traditional morality—with its emphasis on the defense of corporate entities such as families, nations, races and religions—and the primacy of the individual in liberal societies. Frank and his colleagues demonstrate that, since World War II, the world has experienced a revolution in criminal-sex laws. This revolution was rooted, they argue, in “the intensified global celebration of free-standing personhood” (Frank et al., 2010: 867). Throughout the world, laws aimed at preserving corporate entities such as the criminalization of adultery and homosexuality have rescinded, giving way to laws aimed at preserving individual entities such as the criminalization of marital rape and of child sexual abuse. The logic of individualization has generated a wholesale redefinition of sex, with consent emerging as the cardinal rule that determines the legitimacy of specific forms of sexual relations. These changes are a consequence of the rise of a new model of society centered on the individual, which in modern globalized societies has acquired “ontological standing” (Frank and Meyer, 2002: 93) and is “conceived to embody ultimate authority over their own lives” (Frank and Mceneaney, 1999: 911). Whereas old regulations saw society as a whole being victimized by offenses to public morals, new laws organized around the rule of consent assume that victims are necessarily individuals (Frank et al., 2010: 871).

So far, the discussion in this section has highlighted the way in which current value-based controversies and at least some morality policies reflect conflicts over the primacy of the individual (its “ontological standing”) in liberal democratic societies. This echoes Hunter’s (2016) argument about the cultural wars as being rooted in conflicting moral visions derived from differing moral ontologies. On the one hand, there is the non-liberal moral impulse of defending culture, religion and tradition, on the other hand the liberal drive to free the individual from unwanted constraints. In other words, value-laden controversies and comparable morality issues expose a conflict between liberal and non-liberal demands.

Adding to this conflict between liberal and non-liberal demands, there is also another way in which morality issues are related to liberal principles. In some cases, morality policies reflect tensions within political liberalism. As Cecile Laborde (2018) poignantly argues, one such internal tensions refers to the scope of “personhood.” The liberal ideals that all persons are entitled to freedom and equality presume an uncontroversial definition of what a person is. But many morality policy controversies hinge on precisely this question. Paradigmatic here is the case of abortion. At the end of the day, the abortion controversy boils down to a fundamental conflict over the ontological and moral status of the fetus that cannot be resolved within the liberal paradigm. Whether one considers fetuses to be full-fledged persons or not requires a substantive discussion; it cannot be resolved by reference to abstract political values. A very similar question animates the struggle over animal rights.

Another internal tension emerges when morality policies expose the latent contradiction between the principle of individual autonomy and the principle of freedom of religion. Within a secular liberal conception, the principle of freedom of religion is itself derived from the notion of individual autonomy, namely the moral autonomy of every person to choose their own conception of the good and live their lives accordingly.
(Maclure and Taylor, 2011: 21). Nevertheless, the principle of freedom of conscience can sometimes come into conflict with the principle of individual autonomy.

Take as an example the controversies surrounding claims by medical personnel to conscientious objection not to perform abortions and euthanasia. One of the questions at stake here is whether private values based on religious beliefs ought to be treated any different from other private values. Should the principle of freedom of conscience be interpreted as giving religious reasons primacy over non-religious beliefs? And should the right to live according to one’s own conscience be given primacy over another individual’s right to self-determination over their own bodies? These are matters of controversy that are debated ardently in many countries and international institutions, as well as in academia (Laborde, 2015; Maclure and Taylor, 2011; Savulescu and Schuklenk, 2017).

Similar cases involving conscientious objection for religious reasons include the demands by civic officials not to perform same-sex unions (MacDougall et al., 2012) and even by businesses not to deliver services (cakes and flowers) to same-sex weddings (Laycock, 2017). Another type of controversy that also involves a demand for exceptions on religious grounds is the so-called “ministerial exception,” that is, the demand by religious institutions to be exempted from anti-discrimination regulations (in particular gender equality provisions) when hiring ministers, religious teachers, and other employees (Laborde, 2018). Lying behind all these moral controversies is the question of whether and to what extent the principle of freedom of conscience can be deployed to justify exceptions to other liberal principles. In other words, besides the issue-specific details, what is at stake here is the special status of religion itself within political liberalism (Laborde, 2017).

In sum, building upon the theoretical literature on secularism and on political liberalism, it is possible to construct an alternative approach to morality policies that highlights the way in which controversial morality issues reflect moral controversies over liberal principles and moral dilemmas within political liberalism itself.

**Conclusion**

This article started with a survey of classic and recent works on morality policy from the United States and Europe, focusing on the question of what differentiates morality conflicts from other policy issues. In this survey, I critically assessed existing definitions of morality policies as involving conflicts over values, a specific type of framing, a cultural conflict, a particular mode of politics, and a substantive type of issues. I argued that these definitions do not pay enough attention to the role of religion as a definitional trait of morality policies and do not fully explore the relationship between morality policies and liberal principles. Finally, drawing on political theory literature on value-based conflicts, I developed an alternative approach that interprets morality policies as expressing moral controversies over liberal principles and moral dilemmas within political liberalism itself.

Throughout the article, I have highlighted three ways in which the entanglement with religion is constitutive of morality policies. These ways are as follows: (1) by blurring the boundaries between what are private and public values and what are negotiable and non-negotiable positions, (2) by generating conflicts over the primacy of the individual in the liberal conception of rights, and (3) by exposing tensions within political liberalism, particularly between the principle of religious freedom and the principles of individual autonomy and non-discrimination.
I have made this argument from within a liberal paradigm that considers secularism—particularly the principle of freedom of conscience—as crucial to the maintenance of pluralist societies, but at the same time recognizes the tensions and contradictions within political liberalism itself and acknowledges its limitations to provide solutions for many of the morality controversies we face today. In doing so, I hope to have shown the value of incorporating political theory into the study of morality policies and to have helped move the morality policy agenda forward by pointing to new directions of research.

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Note
1. I believe the same argument can be made for policies regulating the consumption of addictive substances (alcohol, tobacco, and drugs) and gambling, which are generally accepted as classic morality policy issues. Issues of life/death, on the other hand, are not so much about societal harm as they are about a morally unacceptable violation of deeply held beliefs.

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