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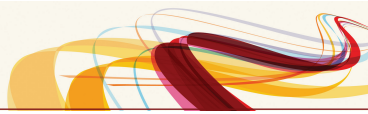


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Kazyak, Emily; Burke, Kelsy; and Stange, Mathew, "Logics of Freedom: Debating Religious Freedom Laws and Gay and Lesbian Rights" (2018). *Sociology Department, Faculty Publications*. 553.

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Logics of Freedom: Debating Religious Freedom Laws and Gay and Lesbian Rights

Socius: Sociological Research for a Dynamic World
 Volume 4: 1–18
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sagepub.com/journalsPermissions.nav
 DOI: 10.1177/2378023118760413
srd.sagepub.com

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Abstract

In the wake of marriage equality for same-sex couples, many states have introduced and passed laws that provide religious exemptions for certain services and benefits for LGBTQ (lesbian, gay, bisexual, transgender, and queer) persons. The authors use data from a general population survey of Nebraskans as a mixed-methods case study to examine public opinion of religious freedom laws. Drawing on data from both closed-ended ($n = 1,117$) and open-ended ($n = 838$) questions, the authors show that opposition to religious freedom laws is quite high, as 64 percent of respondents report that they oppose laws that would allow business owners to deny services to gay men and lesbians. The authors outline how both sides rely on frameworks that are foundational to the American experience: the protection of rights and the capitalist economy. The authors argue that these appeals to broad American values underscore why these bills will continue to be introduced and seen as controversial despite low levels of support.

Keywords

public opinion, sexuality, LGBT rights, religious freedom

In December 2017, the US Supreme Court heard arguments in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, a case that centers on a wedding cake baker who refused to make a cake for a same-sex couple. The case is one example of debates occurring across the country over tensions between religious freedom and LGBTQ (lesbian, gay, bisexual, transgender, and queer) rights. In the wake of marriage equality for same-sex couples, many states have introduced and passed laws that provide “religious exemptions” for certain services and benefits for LGBTQ¹ persons. These laws allow individuals to make decisions in their work environments that may violate civil rights laws but that uphold their religious conviction that fundamentally opposes nonheterosexual relationships and transgender identities. Although wedding-related services (such as wedding cakes) have garnered the most media attention, the bills provide protection for religious exceptions in a wide range of services. For instance, in Mississippi, mental health care

providers can refuse to treat LGBTQ people. In South Dakota, North Dakota, and Michigan, employees in adoption and foster care services can legally refuse to place children with LGBTQ parents. In the first half of 2017, 93 anti-LGBT bills were debated, 42 of which were religious exemption laws, and 60 pro-LGBT bills were debated (American Civil Liberties Union 2017).² The prevalence of both religious freedom bills and laws protecting LGBTQ people following marriage equality underscores that these laws expose

²The American Civil Liberties Union defines pro-LGBT bills as legislation that offers comprehensive or incomplete protection from discrimination for sexual orientation and/or gender identity. It identifies anti-LGBT bills as antitransgender (regulating single-sex facility restrooms, identification documents, health care, and other); First Amendment defense acts; religious freedom restoration acts; religious exemptions related to health care access, adoption and foster care, marriage-related exemptions, and other; and preventive measures against nondiscrimination protection for LGBTQ people.

¹We use the term *LGBTQ* when discussing religious freedom legislation to reflect the fact that these bills affect a range of nonheterosexual or nonbinary individuals. Given that the question from the survey data we analyze refers to “gay men or lesbians,” we use the phrase “gay men and lesbians” when discussing our findings.

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contemporary debates over freedom, as gay rights and religious rights are pitted against each other.

Public opinion polling about religious freedom laws, however, is limited. National surveys have found that the public is more closely divided on religious freedom laws than current public opinion about same-sex marriage, which is largely affirming (McCarthy 2014, 2016, 2017; Silver 2013). According to the Pew Research Center (2016a, 2016d), Americans are less likely to oppose a same-sex couple's right to marry (37 percent) than to support laws that allow businesses to refuse to provide wedding-related services to same-sex couples (48 percent) or that require transgender people to use the public restroom that aligns with the gender they were assigned at birth (46 percent). Data from a national survey experiment further underscore the division, with 53 percent supporting denial of services to a hypothetical gay couple seeking wedding photography (Powell, Schnabel, and Apgar 2017). Missing from these data is an explanation of *why* individuals support or oppose religious freedom legislation.

In this study, we use data from a general population survey of Nebraskans as a mixed-methods case study to examine public opinion of religious freedom laws that directly reference sexual minorities. We first analyze the percentages of respondents who favored and opposed religious freedom laws and how support for religious freedom laws differs across demographic, political, and religious groups. We then analyze respondents' written explanations of why they favor or oppose the rights of business owners to refuse service to gay men and lesbians. Analysis of the open-ended survey responses reveals that individual attitudes about religious freedom issues do not neatly map onto past findings about people's attitudes toward same-sex sexuality or same-sex marriage. Instead, individuals on both sides of the religious freedom issue draw on similar logics to support their clashing views. On the basis of analysis of more than 800 open-ended responses, we find that respondents rely on similar logics to justify their opinions: individual rights and the free market. These frameworks are overlapping and represent shared representations of American identity (Blair-Loy 2001; Bonikowski 2017; Brubaker 2004). Yet they reveal how respondents connect opposite viewpoints to widely shared values and how religious freedom debates gain so much traction and tension in contemporary American politics.

Cultural Schemas: Rights and Free Market

To analyze how people make sense of religious freedom laws related to LGBTQ individuals, we draw on insights from cultural sociology that underscores the importance of shared meaning and frameworks in social life (Hays 2000; Sewell 1999; Swidler 1986). In particular, we are interested in the "cultural schemas" that guide how people respond to the hypothetical scenario of a business owner serving (or not serving) a gay or lesbian customer (Di Maggio 1997; Sewell

2001). Cultural schemas refer to the "socially constructed frameworks," "shared, publicly available understandings" (Blair-Loy 2001:689), or "overarching shared representations of particular domains of social life" (Bonikowski 2017:9). These schemas help organize information coherently and guide interpretations and action. In this way, analyzing how people explain their support for or opposition to religious freedom legislation sheds lights on the cultural schemas surrounding some of the most salient values in contemporary America: freedom, rights, capitalism, and diversity.

As we will describe, public support for the protection of Christian business owners who refuse service to gays and lesbians implicitly or explicitly rejects the notion that inequalities related to sexual orientation (heterosexuality privileged over nonheterosexuality) or religion (Christianity privileged over secularism or other religions) are embedded within American democracy. Yet importantly, scholars argue that issues of power and inequality penetrate social ideologies, or "common sense," that reflect only a dominant group's perspective (Bonilla Silva 2006; Duggan 2004; Levitsky 2014). For instance, scholars argue that the shared framework of the American dream and meritocracy masks how class, race, and gender inequalities shape people's opportunities (McNamee and Miller 2009). When making sense of diversity, another cultural schema, Americans frame an individual's unique identity as a positive aspect of a diverse society but downplay or disparage group-level differences, such as those that harm communities of color and privilege majority-white communities (Bell and Hartmann 2007). A related example is how many Americans, including some people of color, share a "color-blind" understanding about race that is based on white supremacy (Bonilla-Silva 2006). Identity markers including race (white), religion (Christian), and sexuality (heterosexual) are salient in representations of who is and is not American (Canaday 2009; Parker and Barreto 2013; Theiss-Morse 2009). Debates over religious freedom laws directed toward gays and lesbians highlight current tensions related to *whose* freedom and rights should be protected, *who* is and is not in danger of being harmed, and how best to remedy potential harms people may experience.

Our findings suggest that values related to "rights" and the free market are the most salient shared frameworks or schemas on both sides of this religious freedom debate. The framework of rights is widespread in American public discourse, and the belief in the importance of rights is universally shared (Djupe et al., 2015). As people draw on rights language, they make claims about how they and others deserve to be treated in the public sphere (Harrington and Yngvesson 1990; Jenness 1999; Minow 1987). Americans assert the importance of both individual and group rights that emerge from the Constitution yet can see these rights in tension with one another (Bumiller 1992; Scheingold 2004). The shared framework or cultural schema of "rights" is so salient in America that an appeal to "rights" is envisioned as an appeal to a better society (Scheingold 2004). For instance,

the civil rights movement advocated that all Americans, including people of color, have the right to be free from discrimination, a framework that activists have worked to extend to other groups, including gay and lesbians (Bernstein 2003; Skrentny 2002). Yet the use of “rights” is undertaken by both political liberals and conservatives to bolster positions on a range of issues, including school choice, gun control, and abortion (Garnett and Garnett 2000; Jelen 2005; Luker 1985). Indeed, conservatives opposed to the expansion of LGBTQ rights have argued that these are “special rights” gays and lesbians do not deserve (Goldberg-Hiller and Milner 2003; Stein 2001; Stone 2016).

Additionally, scholars note that neoliberal understandings increasingly infuse how Americans make sense of social life, including the views that the “free market” is paramount, and government intervention should be limited (Amable 2011; Brown 2006; Harvey 2005). Neoliberalism is, in the words of Lisa Duggan (2004:10), “a kind of ‘nonpolitics’”: an ideology that promotes what are assumed to be universal values related to the spread of capitalism and the increase of wealth across the globe. When applied to cultural issues, neoliberal values minimize public demand for protective government policies and instead privatize the role of social welfare, placing the burden on individuals and families (see also Levitsky 2014). Before turning to our analyses of how the cultural schemas of “rights” and “free market” emerge as people make sense of business owners’ serving gay and lesbian customers, we briefly outline the history of religious freedom legislation and the current context of religious freedom legislation related to LGBTQ rights.

Legislating Religious Freedom

Since Congress passed the Religious Freedom Restoration Act (RFRA) in 1993, 25 states have enacted similar religious freedom laws. Debates over many of the earliest religious freedom laws included no mention of same-sex wedding cakes. The RFRA was initially passed to overturn a Supreme Court ruling (*Employment Division v. Smith* 1990) that determined that Native American employees did not have the constitutional right to smoke peyote as part of a religious ceremony. The organizations originally supporting the passage of the RFRA included the American Civil Liberties Union and moderate religious groups such as the American Jewish Committee and the United Methodist Church (Hamilton 2015). Many of the initial supporters of the RFRA likely did not anticipate its effects. These include, according to legal scholar Margaret Hamilton (2015:140), that religious persons have “a significantly higher likelihood of success” when claiming religious grounds for actions that may violate the law.

The conflict over religious freedom and civil rights in the workplace is not unique to LGBT politics. The federal Civil Rights Act requires that employers accommodate religious exemption requests as long as these requests do not cause

“undue hardship” on employers. Definitions of “religious freedom,” however, remain murky because “undue hardship” is a subjective measure. Recent court cases have included a Muslim flight attendant who wishes to be exempt from serving alcohol; postal workers who refused to process draft registration forms on the grounds of religious pacifism; and Christian nurses who refuse to wash instruments to prepare for abortion procedures (Volokh 2015). Historically, religious groups attempted and failed to be exempt from laws that prohibit racial discrimination (Minow 2007; Turley 2008). Bob Jones University, for example, lost its tax-exempt status when it continued to prohibit interracial marriages after *Loving v. Virginia* rejected this prohibition in 1967. Religious groups have received some exemptions when it comes to laws protecting gender discrimination. For example, if an unmarried female employee signs a declaration of faith with a religious employer, she can be legally terminated from employment if she becomes pregnant (Minow 2007).

Religious freedom laws offer a strategy in the current moment for religious conservative political actors concerned that the advancement of LGBTQ rights infringes on the rights of religious conservatives (Corvino, Anderson, and Girgis 2017). Even though the U.S. Constitution explicitly protects the freedom of religious expression, and most states do not offer protection for LGBTQ rights (such as from housing or employment discrimination), the RFRA and related state bills provide a practical route by which individuals can use the courts to make free exercise violation claims against the state (Bridge 2014; Richardson 2015).³ One such law is Mississippi House Bill 1523 (passed in April 2016 and implemented in October 2017 after a series of court appeals), which protects persons who have “the sincerely held religious belief” that marriage “should be recognized as the union of one man and one woman” to decide whether to provide services, including housing and employment, to LGBTQ people. The law does not protect religious freedom generally but specifically draws from conservative Protestant beliefs to put forth specific regulations surrounding gender and sexuality. It defines, for example, “a man” and “a woman,” according to law: “an individual’s immutable biological sex as objectively determined by anatomy and genetics at the time of birth.” Although the RFRA as it was first enacted garnered a wide range of support from liberal and conservative organizations alike, recent religious freedom legislation is explicitly a compendium to an anti-LGBTQ and antiabortion political agenda connected to the religious right (Hamilton 2015).

It has yet to be determined whether these refusals of services would be upheld in court, even if they may be protected by state law. State legislatures along with courts must determine whether LGBT nondiscrimination laws must

³As of June 2017, there are 28 states with no employment or housing nondiscrimination laws covering sexual orientation or gender identity (Movement Advancement Project 2017).

offer religious exemptions and what those exemptions might be. Legal scholars on both sides agree that any outcome signals the state's moral position about gay and lesbian citizenship (Dent 2006; Feldblum 2008; Minow 2007). Nondiscrimination laws signal that to not protect gays and lesbians is morally wrong. Religious exemptions to these laws, however, signal that the exclusion of gays and lesbians is morally permissible. As Feldblum (2008) describes, "an inevitable choice between liberties must come into play" (p. 153). Although legal scholars have proposed various solutions to this dilemma (see Dent 2006; Feldblum 2008; Turley 2008; Wilson 2017) popular debates highlight only this either/or position: protection of gays and lesbians at the expense of religious conservatives or the protection of religious conservatives at the expense of gays and lesbians.

LGBTQ Rights in a Postmarriage Context

Analyzing public opinion about legal protection for business owners who refuse service to gay men and lesbians is also instructive of how Americans make sense of LGBTQ rights. Polling agencies and researchers have tracked Americans' attitudes of laws and policies affecting LGBTQ individuals and have shown large shifts in public opinion during the previous decades. Across public opinion polls today, more Americans support same-sex marriage than oppose it (McCarthy 2014, 2016, 2017; Pew Research Center 2014; Silver 2013). Researchers have also found high levels of support for laws protecting LGBTQ people from housing and job discrimination (Lax and Phillips 2009; Lewis and Rogers 1999; Powell et al. 2010). Consistently, research shows that women, higher educated people, nonreligious individuals, younger generations, and political liberals are more likely to support these pro-LGBTQ policies than men, lower educated people, religious individuals, older generations, and political conservatives (Brumbaugh et al. 2008; Haider-Markel and Joslyn 2005; Lewis 2011; Lewis and Gossett 2008; Olson, Cadge, and Harrison 2006; Pearl and Galupo 2007; Rowatt et al. 2009; Sherkat, de Vries, and Creek 2010; Swank, Woodford, and Lim 2013; Whitehead 2010; Woodford et al. 2012).

Recent polls have found that Americans are divided over the issues legislated by recent religious freedom bills depending on how the question is asked (Pew Research Center 2016d; Powell et al. 2017; Rasmussen 2015). Data from the Pew Research Center (2016d) show that 52.32 percent of respondents think that businesses providing wedding related services, such as catering or flowers, should be allowed to refuse services to same-sex couples. A similar number of people (53 percent) surveyed in a national experimental survey reported that a photographer should have the right to deny a same-sex couple's request for wedding photography (Powell et al. 2017). Yet a 2017 survey conducted by the Public Religion Research Institute (PRRI; Cox and Jones 2017) found that only 32 percent of Americans believe that

small businesses should be able to refuse to provide services to gay and lesbian people on religious grounds. Another national survey found that 65.5 percent of respondents supported "some religious freedom laws to protect individuals with legitimate religious beliefs" but that 63 percent of those respondents also agreed that "sometimes states do pass laws designed to discriminate" (Jackson State University 2016). Our work adds to the limited public opinion data on religious freedom laws that reference sexual minorities and enriches our understanding about how people justify their support or opposition to these laws.

Nebraska: A Case Study

Although we do not claim our data are nationally generalizable, characteristics of Nebraska make our data instructive for how Americans make sense of debates over religious freedom legislation. First, although Nebraska is more politically conservative than the national average, the state is comparable with the rest of the nation when it comes to attitudes about LGBTQ rights. Nebraska voters overwhelmingly supported a ban on same-sex marriage in a 2000 referendum (Adam 2003; Rasmussen 2006), and the Republican Party, which largely controls the state government, continues to advocate for defining marriage as the union between one man and one woman. Yet in the decade that followed the ban on same-sex marriage, the flagship state university and some school districts, hospitals, business, and city and county governments extended benefits to same-sex couples (Dejka 2013; Funk 2013; Glissmann 2013; Reed 2012). Moreover, recent analyses indicate that the majority of Nebraskans support same-sex marriage and other LGBTQ rights and that Nebraskans' opinions mirror national public opinion on these issues (Stange and Kazyak 2016).

Additionally, Nebraska is fairly average when it comes to measures of religiosity. A Pew Research Center (2014) study ranks it the 22nd most religious state, on the basis of the percentage of residents who say that religion is very important in their lives (54 percent), that they attend worship services weekly (39 percent), that they pray daily (52 percent), and that they believe in God with certainty (69 percent). It is neither highly religious like states in the South (Mississippi and Alabama are tied for the most religious) nor highly secular like states in the Northeast (New Hampshire and Massachusetts are tied for least religious). Moreover, religious affiliations in the state are comparable with those in the rest of the nation. Seventy-five percent of Nebraska residents identify as Christian, compared with 71 percent of Americans overall. White evangelical Protestants, who often lead efforts to pass religious liberty legislation and who are more likely to support it than other religious groups, make up about 25 percent of the population in Nebraska and the country.

Finally, Nebraska lawmakers have not introduced religious freedom legislation. This means that survey respondents answered questions about a hypothetical scenario or

one they may have observed on the news from other states rather than events affecting their neighbors or fellow citizens. This allows us to understand how narratives about religious freedom that draw from ideas about freedom and democracy operate ideologically (Bonikowski and DiMaggio 2016; Thomas and Whitehead 2015). As Laurel Westbrook and Kristen Schilt (2014) argued, especially when it comes to cotemporary debates over LGBTQ rights, definitions of sex, gender, and sexuality operate at an imaginary level, whereby individuals draw from suppositional ideas and hypothetical scenes, rather than specific evidence or experience. The data we analyze include open-ended survey data, which allow us to examine the underlying logic people have regarding their views on religious freedom laws.

Methods

Data

Our data come from the 2015 Nebraska Annual Social Indicators Survey (NASIS). NASIS is an annual, cross-sectional, omnibus survey of Nebraska adults ages 19 and older, which is conducted by the Bureau of Sociological Research at the University of Nebraska–Lincoln. The 2015 NASIS was a mail survey sent to randomly selected address-based sample of 3,500 Nebraska households that was provided by Survey Sampling International. Respondents were selected within sampled households using the next-birthday technique. Data collection consisted of three mailings (initial survey packet with a \$1 cash incentive, postcard reminder, and a replacement survey packet) sent between August 12, 2015, and October 20, 2015 (NASIS 2014–2015 Methodology Report). A total of 1,143 respondents completed NASIS 2015, for a response rate of 32.7 percent (American Association for Public Opinion Research Response Rate 1; American Association for Public Opinion Research 2009).

NASIS data have the advantage of not only quantitatively measuring people's views on religious freedom laws but also including data on *how* people justify their views. Because our aim is to examine how people justify their view through open-ended responses, we do not weight the NASIS data to generalize to Nebraska's adult population. Rather, we generalize findings to the sample of NASIS respondents. Table 1 displays the demographic, political, and religious makeup of the completed NASIS 2015 sample and displays the unweighted respondent characteristics from Pew's national sample, which we use as a national comparison (Pew Research Center 2016d). The distributions show that NASIS respondents were more likely to be female, religious, and Republican but also less racially and ethnically diverse.

Measures

We focus our analyses on the NASIS 2015 questions asking about respondents' views of religious freedom laws (see

Table 1. NASIS and Pew Research Center Respondent Demographic, Political, and Religious Characteristics.

Variable	NASIS (%)	Pew Research Center (%)
Gender		
Male	40.22	52.35
Female	59.78	47.65
Sexual orientation		
Heterosexual/straight	97.25	—
Gay or lesbian	1.01	—
Bisexual	0.92	—
Something else	0.18	—
Unsure	0.64	—
Know LGB person		
Yes	49.32	—
No	50.68	—
Race		
White	86.26	77.04
Nonwhite/multirace	13.74	22.96
Hispanic		
Yes	2.94	10.86
No	97.06	89.14
Age (mean)	60	53
Education		
Less than high school	2.43	6.98
High school	17.27	25.25
Some college	22.5	26
BA or higher	57.8	41.77
Political party		
Democratic	28.52	32.34
Republican	43.88	27.41
Independent	24.01	37.21
Other	3.59	3.05
Political ideology		
Very liberal	3.67	7.3
Liberal	15.5	15.89
Middle of the road	39.27	35.89
Conservative	29.82	32.13
Very conservative	9.08	9.2
Other	2.66	—
Religion		
Protestant	55.65	52.59
Catholic	28.7	20.3
Jewish	0.37	1.68
Muslim	0.19	0.96
None	13.24	6.9
Other	1.85	17.56
Born-again Christian		
Yes	28.48	43.54
No	71.52	56.46
Religious attendance		
Several times a week	6.25	14.96
Once a week	27.41	24.69
Nearly every week	11.52	13
About once a month	8.84	—

(continued)

Table 1. (continued)

Variable	NASIS (%)	Pew Research Center (%)
Several time a year	16.16	17.83
About once a year	8.3	16.73
Less than once a year	8.93	
Never	12.59	12.8
Religious influence		
Very much	33.81	—
Quite a bit	29.89	—
Some	18.51	—
A little	8.19	—
None	4.98	—
Not religious	4.63	—

Note: NASIS = Nebraska Annual Social Indicators Survey.

Table 2). The first question asked respondents whether they favor or oppose laws that allow business owners to deny services to gay men or lesbians on the basis of the owners' religious beliefs. The second is an open-ended question, which immediately followed the first question, asking respondents why they favored or opposed such laws. A total of 1,117 respondents (97.73 percent) answered the closed-ended, favor/oppose question, and 838 respondents (73.32 percent of all respondents and 75.02 percent of those who answered the closed-ended question) elaborated on their opinion by writing responses to the open-ended question. Responses were typically brief (one to two sentences) but capture the shared frameworks or cultural schemas that are available to people as they make sense of religious freedom debates (Blair-Loy 2001).

Analysis

We used an explanatory mixed-methods approach (Creswell and Plano Clark 2011) to examine and explore respondents' views of religious freedom laws. First, we analyzed the percentages of NASIS respondents who favored and opposed religious freedom laws. Using χ^2 tests, we examined how NASIS respondents' views differ by demographic, political, and religious characteristics, and we compared these findings with how opinion of religious freedom laws varies by these characteristics among national data from the Pew Research Center (2014).

Our next set of analyses centered on the qualitative data. Qualitative analysis allows us to move beyond the quantitative outcomes of "favor versus oppose" to hear from respondents about how they contextualize their views on a complex issue implicated by religious freedom laws. Qualitative coding of the open-ended responses was iterative. First, all three authors read the open-ended responses, and each author generated an initial list of codes that emerged from the data (Crabtree and Miller 1992). Second, we cross-checked provisional codes

Table 2. Nebraska Annual Social Indicators Survey Question Wording.

Question	Response Option
Do you favor or oppose laws that allow business owners to deny services to gay men or lesbians based on the owner's religious beliefs?	Favor, oppose
Why do you favor or oppose laws that allow business owners to deny services to gay men or lesbians based on the owner's religious beliefs?	Open-ended text box

and discussed common themes. These provisional codes became the basis for axial coding, which tested the relationships among emerging categories and confirmed whether these themes continued to emerge from the data (Corbin and Strauss 1990). Initially, using the coding structure, two research assistants coded an initial set of 50 responses. The authors and research assistants then met to resolve all inconsistent codes between the two coders. The research assistants coded the remaining qualitative responses, while meeting with the first author to discuss coding decisions and maintain consistency.

The coding structure was an iterative hierarchy of themes (Figure 1), with parent, child, and grandchild codes. The parent codes included: "rights" (references to a person's or group's "right," either explicitly or implicitly), universal truth (declarations that draw from broad ideas about the nature of the world or humankind), "free market" (references to capitalism or the economic system), and sexuality irrelevant (claims that sexuality or sexual orientation does not or should not matter in business contexts). The parent codes represented higher level ideas respondents drew on in contextualizing their views of religious freedom laws. The child codes further characterize the ideas within each parent code. The child and grandchild codes offer more nuance in how respondents used the logic (i.e., parent code) in their responses. For instance, for the "rights" parent code, the child codes identify whether the respondent used the logic of "rights" related to business owners or customers. We then noted whether the respondents who used business owner's rights focused their responses specifically on a business owner's religious beliefs or rights nonspecific to religion. Similarly, we noted whether respondents who used customer's rights made explicit reference to gay or lesbian persons or to customers generally.

In the following section, we first report the frequency of each parent code in the data.⁴ "Quantitizing" the qualitative

⁴Some quotations did not fit into the coding scheme reported in this article. The themes in these quotations either occurred at such low frequencies that they did not warrant their own codes or showed that the respondents did not understand the topic of the question. For example, some respondents appeared to interpret the question as asking about the ability to hire or fire an employee on the basis

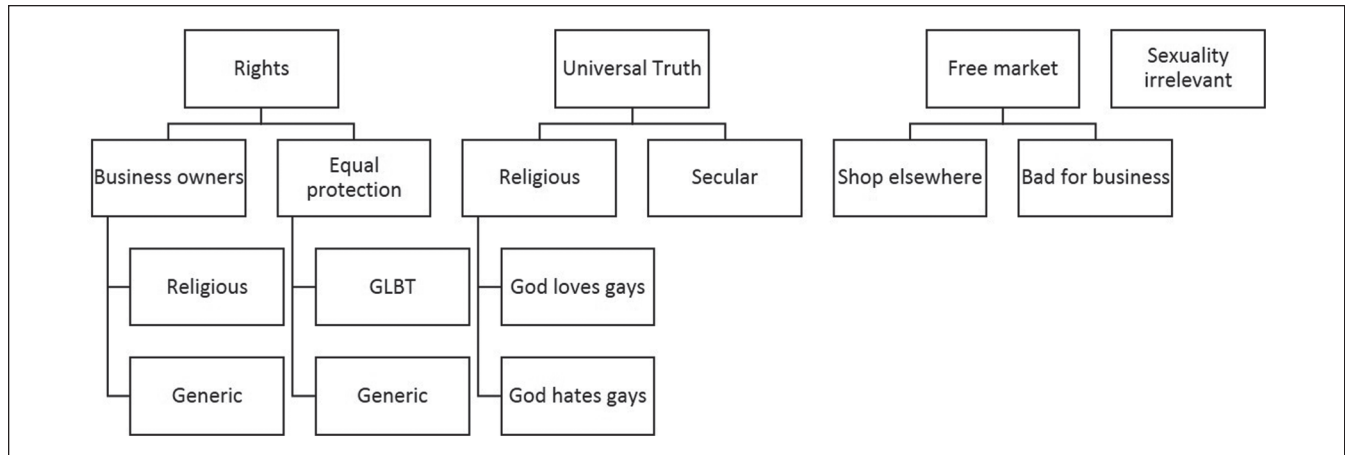


Figure 1. Coding structure for open-ended responses.

data shows how often each code appeared in the data (Driscoll et al. 2007; Tashakkori and Teddlie 1998). We used χ^2 tests to examine which types of respondents (demographic, political, and religious characteristics) used which logic to contextualize their views on religious freedom laws. Finally, we explored how respondents used logics to justify both favoring and opposing religious freedom laws. Because we are most interested in how the same cultural schemas can be used to reach different conclusion, in this analysis we focus on the only two parent codes that were used nearly evenly by respondents on both sides of the issue: rights and free market. We used direct quotes from respondents to illustrate how respondents articulated their views.

Limitations

NASIS data are not generalizable to the U.S. population; we cannot assume that our data resemble national opinion, though some evidence suggests that our results may be comparable. For example, 32 percent of respondents in a 2017 PRRI national survey reported that “small businesses should be able to refuse to provide services to gay and lesbian people on religious grounds,” compared with 36 percent of NASIS respondents, and 56 percent of white evangelicals held this view in the PRRI survey compared with 52 percent of white evangelical NASIS respondents (Cox and Jones 2017).⁵ Another limitation of our data is that the survey asks only a single question related to religious freedom legislation. There are additional topics legislated in religious freedom bills that

of sexual orientation. Other respondents wrote explanations of their views on same-sex marriage. We excluded these exceptions from the analyses.

⁵Question wording from the PRRI survey was the most comparable with our survey, but a data embargo until 2018 prohibits us from running analyses to draw further comparisons with our data. For this reason, we use national data from the Pew Research Center (2016d) for comparisons.

our data do not address, including transgender people using public restrooms, employers being required to provide birth control, same-sex couples accessing fertility treatments, or religious leaders being required to recognize same-sex marriage (all topics legislated in religious freedom bills). Given that bills proposed in states do not share common language, it is difficult for a single survey to capture public opinion on the issue of “religious freedom” as a whole. Yet because religious freedom legislation has implications beyond wedding-related services, surveys should attempt to capture the public’s opinion on a range of issues. In a related vein, our survey was conducted very shortly after the *Obergefell v. Hodges* decision. Future work should track whether the public’s attitudes change as more legislation is introduced or passed and as more cases are publicized.

Findings

Views on Religious Freedom Laws

Among the NASIS respondents, 36.31 percent favored religious freedom laws, and 63.69 percent opposed them.⁶

⁶Our initial results indicated that 35.35 percent favored religious freedom laws and that 64.55 percent opposed religious freedom laws. Coding the open-ended responses, however, revealed 18 respondents who we believe mismarked their responses to the closed-ended item (e.g., respondents marking that they oppose religious freedom laws but writing that they support laws that allow business owners to deny services to gay men and lesbians). Thus, we created a measure that corrected these inconsistent responses. Because there was a less than 1 percentage point difference between the original and corrected measure, we use the corrected measure for the remaining analyses. The distributions were also similar to weighted analyses, which showed 63.67 percent opposing and 36.33 percent favoring religious freedom laws among the original variable and 62.97 percent opposing and 37.03 percent favoring religious freedom laws among the corrected variable.

In comparison, national data from the Pew Research Center (2016d) show that 52.32 percent of the Pew survey respondents think that businesses providing wedding-related services, such as catering or flowers, should be allowed to refuse services to same-sex couples, whereas 47.68 percent reported that businesses should be required to provide wedding-related services. Similarly, analyses from a national experimental survey reveal that 53 percent of Americans believe that a photographer should be able to refuse services to a same-sex couple (Powell et al. 2017). We anticipated that results from surveys that asked specifically about “wedding-related services” would be more closely divided than NASIS data because those questions emphasize the contested topic of marriage. The NASIS data show that when asking about businesses generally, the result is fewer people favoring religious freedom laws (see also Cox and Jones 2017).

Chi-square analyses, nonetheless, show similar significant differences in views of religious freedom laws by demographic, political, and religious characteristics for both NASIS and Pew data (Table 3). Both data sets show significant differences in views of religious freedom laws by gender, political party, political ideology, religious affiliation, born-again Christian identity, and religious attendance. These characteristics are all associated with views of religious freedom laws in similar ways as other LGB policies (Brumbaugh et al. 2008; Haider-Markel and Joslyn 2005; Lewis 2011; Lewis and Gossett 2008; Olson et al. 2006; Pearl and Galupo 2007; Rowatt et al. 2009; Sherkat et al. 2010; Swank et al. 2013; Whitehead 2010; Woodford et al. 2012). For example, 46.35 percent men favor religious freedom laws compared with 29.76 percent of women in NASIS, $\chi^2(1) = 30.9474, p < .001$, and 57.04 percent of men and 47.26 percent of women favor religious freedom laws in the Pew data, $\chi^2(1) = 17.9394, p < .001$. Furthermore, Democrats, liberals, and nonreligious respondents are more likely to oppose religious freedom laws. Interestingly, unlike in analyses of views of other LGB issues, such as same-sex marriage, views of religious freedom laws did not significantly differ by respondent education level in the NASIS data, $\chi^2(5) = 4.2979, p = .507$, or Pew data, $\chi^2(7) = 7.0072, p = .428$.

In addition, NASIS included respondent characteristics not measured in the Pew survey, including respondent sexual orientation and whether the respondent knows an LGB person. Unsurprisingly, LGB respondents almost unanimously opposed religious freedom laws, $\chi^2(4) = 13.5394, p = .009$, and respondents who know an LGB person were significantly more likely to oppose religious freedom laws than those who do not know an LGB person, $\chi^2(1) = 21.2502, p < .001$.

Logics Used for Views

Table 4 displays the frequency and percentage that each qualitative code characterized the logic used in responses to the question asking respondents why they hold their views

on religious freedom laws and the breakdown in support for religious freedom laws by each type of logic. (See Figure 1 for an illustration of the full coding hierarchy.) Note that the codes are not mutually exclusive; some responses were characterized by more than one type of logic, such as making both a rights and a sexuality-irrelevant argument. A little over half of responses (59 percent) included a rights-based argument, with the next most frequent logic used being universal truth, at 26 percent of the responses. Free market and sexuality irrelevant responses were the least frequent, at 9 percent and 11 percent, respectively.

As seen in Table 4, support for religious freedom laws was highest among respondents who used “free market” logic in their responses, with 57 percent of those respondents favoring the laws. This is followed closely by the “rights” logic code, with 54 percent of those respondents favoring the laws. Support for religious freedom laws was lowest among those respondents using “sexuality irrelevant” logic (7 percent) and for those using “universal truth” logic (16 percent). Below we present qualitative analysis on the “free market” and “rights” codes because these were the logics shared by respondents with opposing views.

As reported in Table 5, χ^2 analyses showed few consistent demographic, political, and religious trends in what types of respondents used the various logics. The respondents who justified their views on religious freedom laws by drawing on rights-based logic were more likely to know an LGB person, have higher education levels, and more likely to identify as a Republican and as politically conservative. Whether the response drew on rights logic versus another type of logic did not significantly differ by other respondent demographic and religious characteristics. The only demographic characteristic that significantly differed for the free market code was that the respondents employing that logic were significantly more likely to report knowing an LGB person.

Different Sides, Same Logic: Rights and the Free Market

Both sides rely on two logics that are foundational to the American experience: the protection of rights and the capitalist economy. People who favor the rights of business owners to deny services to gay men and lesbians relied almost exclusively on these two logics. Although responses from those who oppose the rights of business owners to deny services to gay men and lesbians were more varied, these responses also relied heavily on “rights” and the “free market” to justify their position. That both sides used the cultural schemas of rights and free market, but reached different conclusions, points to disagreements not over the value of freedom or equality per se but rather over the questions of whose rights are most worthy of protection and whose freedom is potentially jeopardized in the current moment.

Table 3. Views of Religious Freedom Laws by Respondent Characteristics, NASIS and Pew.

	NASIS			Pew Research Center		
	Favor (%)	Oppose (%)	χ^2 (p Value)	Favor (%)	Oppose (%)	χ^2 (p Value)
Gender						
Male	46.35	53.65	30.95	56.94	43.06	17.94
Female	29.77	70.23	(<.001)	47.26	52.74	(<.001)
Sexual orientation						
Heterosexual/straight	37.48	62.52	13.54	—	—	—
Gay or lesbian	0	100	(.009)	—	—	—
Bisexual	0	100	—	—	—	—
Something else	50	50	—	—	—	—
Unsure	14.29	85.71	—	—	—	—
Know LGB person						
Yes	29.72	70.28	21.25	—	—	—
No	43.22	56.78	(<.001)	—	—	—
Race						
White	37.37	62.63	4.84	55.84	44.16	40.42
Nonwhite/multirace	29.17	70.83	(.304)	40.42	59.58	(<.001)
Hispanic						
Yes	22.58	77.42	2.75	40.2	59.8	13.12
No	37.14	62.86	(.097)	53.76	46.24	(<.001)
Age (mean)						
Education						
Less than high school	28	72	4.3	46.09	53.91	7.07
High school	35.91	64.09	(.507)	51.58	48.42	−0.428
Some college	39.74	60.26	—	51.1	48.9	—
BA or higher	34.2	65.8	—	54.31	45.69	—
Political party						
Democratic	15.36	84.64	125.83	34.53	65.47	174.03
Republican	53.93	46.07	(<.001)	73.75	26.25	(<.001)
Independent	31.52	68.48	—	51.29	48.71	—
Other	24.32	75.68	—	57.41	42.59	—
Political ideology						
Very liberal	7.5	92.5	201.15	28.26	71.74	197.6
Liberal	13.1	86.9	(<.001)	31.88	68.12	(<.001)
Middle of the road	24.94	75.06	—	45.86	54.14	—
Conservative	55.94	44.06	—	68.48	31.52	—
Very conservative	77.32	22.68	—	76.57	23.43	—
Other	28.57	71.43	—	—	—	—
Religion						
Protestant	44.07	55.93	51.19	61.65	38.35	81.21
Catholic	35.29	64.71	(<.001)	44.68	55.32	(<.001)
Jewish	0	100	—	31.25	68.75	—
Muslim	0	100	—	27.78	72.22	—
None	13.99	86.01	—	35.88	64.12	—
Other	21.05	78.95	—	42.25	57.75	—
Born-again Christian						
Yes	52.53	47.47	43.46	65.28	34.72	26.79
No	30.7	69.3	(<.001)	51.41	48.59	(<.001)
Religious attendance						
Several times a week	66.18	33.82	81.39	71.89	28.11	99.96
Once a week	45.67	54.33	(<.001)	60.93	39.07	(<.001)

(continued)

Table 3. (continued)

	NASIS			Pew Research Center		
	Favor (%)	Oppose (%)	χ^2 (p Value)	Favor (%)	Oppose (%)	χ^2 (p Value)
Nearly every week	48.8	51.2		48.22	51.78	
About once a month	32.65	67.35				
Several time a year	30.39	69.61		40.3	59.7	
About once a year	20.88	79.12		48.6	51.4	
Less than once a year	26.8	73.2				
Never	18.57	81.43		37.92	62.08	
Religious influence						
Very much	48.65	51.35	72.75	—	—	—
Quite a bit	41.52	58.48	(<.001)	—	—	—
Some	24.76	75.24		—	—	—
A little	24.18	75.82		—	—	—
None	12.73	87.27		—	—	—
Not religious	11.54	88.46		—	—	—

Note: NASIS = Nebraska Annual Social Indicators Survey.

Table 4. Logic Used in Response to Open-ended Question and Views of Religious Freedom Laws by Logic.

Code	Frequency	Percentage	Religious Freedom Laws (%)	
			Favor	Oppose
Rights	491	59	54	46
Universal truth	217	26	16	84
Free market	75	9	57	43
Sexuality irrelevant	95	11	7	93

Note: N = 1,143 total respondents and n = 838 respondents who answered the open-ended question. We coded 58 responses that drew on other themes, but at low frequencies, as “other.”

Rights. Respondents who used a “rights” logic shared the idea that Americans have a fundamental right to live their lives freely. For those who opposed religious freedom laws, this meant a focus on an individual’s right to be free from discrimination. For those who support religious freedom laws, this meant a focus on an individual’s right to be free from government control and freedom to act in ways that uphold their religious convictions.

Some respondents who used a “rights” logic interpreted a law that would allow a business owner to deny services to gay men or lesbians on the basis of their religious belief to be codifying discrimination against people on the basis of sexual orientation. Their responses foregrounded issues of fairness and equality. As one person commented, “It is a civil right for all Americans to be treated fairly.” Another noted, “Government supported discrimination on any basis is wrong.” This sentiment echoed what others said, including: “I am against all forms of discrimination”; “Business owners cannot refuse service to a specific group”; “I oppose laws because it can be used as an excuse to discriminate”; and

“Everyone should have same access to services despite the service provider’s personal beliefs. Otherwise, it would be blatant discrimination.” Religious freedom bills are discriminatory against gay men and lesbians, according to these respondents, and antithetical to their belief that gays and lesbians have the right to be treated equally and to not face discrimination.

Many people drew a parallel to discrimination on the basis of sexual orientation with forms of discrimination that Americans widely oppose (Pew Research Center 2016b). The following comment is exemplary of respondents who made reference to racial discrimination: “It is discriminatory! We may as well allow people to refuse service to people of other races.” Similarly, another person explained that they opposed laws that would allow business owners to deny services “because businesses discriminating against LGBT people is no different than half a century ago when businesses discriminated against blacks. Supporting civil rights means everyone gets to sit at the lunch counter.” Some also made the comparison with discrimination on the basis of religion.

Table 5. Percentage of Respondents Using Rights Logic to Explain Their Views of Religious Freedom Laws by Respondent Characteristics.

	Rights Logic			Free Market		
	Yes (%)	No (%)	χ^2 (p Value)	Yes (%)	No (%)	χ^2 (p Value)
Gender						
Male	43.44	56.56	0.0323	7.01	92.99	0.0924
Female	43.99	56.01	(.857)	6.54	93.46	(.761)
Know LGB person						
Yes	47.13	52.87	4.9528	9.06	90.94	9.9209
No	40.47	59.53	(.026)	4.32	95.68	(.002)
Education						
High school or less	27.96	72.04	44.2334	3.79	96.21	3.9716
Some college	39.39	60.61	<.001	7.67	92.33	.137
BA or higher	53.94	46.06		7.68	92.32	
Political party						
Democratic	40.97	59.03	4.3667	5.16	94.84	3.8507
Republican	47.17	52.83	(.224)	6.71	93.29	(.278)
Independent	42.53	57.47		9.20	90.80	
Other	35.90	64.10		5.13	94.87	
Political ideology						
Very liberal	37.50	62.50	22.0622	7.5	92.5	8.2824
Liberal	44.38	55.62	(<.001)	4.73	95.27	(.141)
Middle of the road	36.45	63.55		4.91	95.09	
Conservative	51.69	48.31		8.62	91.38	
Very conservative	53.54	46.46		11.11	88.89	
Other	44.83	55.17		6.9	93.1	
Religion						
Protestant	48.09	51.91	10.0652	6.82	93.18	0.5789
Catholic	39.03	60.97	(.073)	6.77	93.23	(.989)
Jewish	25.00	75.00		0	100	
Muslim	50.00	50.00		0	100	
None	40.56	59.44		6.29	93.71	
Other	30.00	70.00		5.00	95.00	
Born-again Christian						
Yes	42.86	57.14	0.2994	7.31	92.69	0.1061
No	44.71	55.29	(.584)	6.75	93.25	(.745)
Religious attendance						
Several times a week	54.29	45.71	11.1354	7.14	92.86	4.4086
Once a week	40.07	59.93	(.133)	6.19	93.81	(.732)
Nearly every week	51.16	48.84		6.2	93.8	
About once a month	40.40	59.60		3.03	96.97	
Several time a year	40.33	59.67		8.29	91.71	
About once a year	40.86	59.14		7.53	92.47	
Less than once a year	50.00	50.00		5.00	95.00	
Never	41.84	58.16		8.51	91.49	
Religious influence						
Very much	46.58	53.42	4.3497	5.26	94.74	7.7659
Quite a bit	39.58	60.42	(.500)	6.55	93.45	(.170)
Some	41.83	58.17		7.21	92.79	
A little	46.74	53.26		9.78	90.22	
None	42.86	57.14		12.5	87.5	
Not religious	46.15	53.85		1.92	98.08	

For instance, people made comments such as “I don’t believe services should be denied based on sexual preference or religious beliefs.” Another comment underscores the logic that a diverse America necessitates the need to protect individual freedom: “every one has the right to any service gay, straight, jewish [*sic*], yellow, green.” According to this logic, Americans should expect to be free from discrimination: sexual orientation, like race, religion, or other aspects of individual identity, should not be grounds to treat people unequally.

On the other side, supporters of religious freedom laws focused on the rights of business owners to be free to make their own decisions on whom to serve. Here respondents emphasized a general freedom belonging to business owners (as opposed to a specific right belonging to business owners as we outline below). This freedom to make decisions about whom to serve was not necessarily tied to the business owner’s religious beliefs, but connected to the general rights of owning and operating a business. According to one comment: “Whether you agree or disagree with a business owner’s policies, if they own it, they can do what they want. Doesn’t mean its right/wrong.” Another respondent responded more aggressively: “I’m tired of this being shoved down our throat. A business should have the right to serve or not [serve] anyone they want to.” Several respondents referenced a sign common to storefronts, “No shoes, no shirt- no service!” One respondent added, “Business owners have been doing this for years.” As these comments illustrate, people using this logic interpreted the potential for business owners to refuse service to a gay or lesbian person as an extension of other forms of decisions that business owners could make in terms of providing service, such as denying service to someone not wearing a shirt or shoes. Respondents privileged business owners’ ability to make decisions independent from what they viewed as governmental interference; as one person remarked, “I think government should stay out of it.” This logic was akin to the discrimination justification outlined earlier in that it was a blanket sort of logic: people should be free from all forms of discrimination in the same way that business owners should be free from regulation of any kind.

Many respondents emphasized not only that business owners should have the right to refuse service for *any* reason but also specifically that business owners should have the right to make decisions that support their religious beliefs. Here respondents emphasized the First Amendment and the protection of religious freedom for all Americans. Some illustrative comments include “1st Amendment of US Constitution: Right to free exercise of religion (not just thought)” and “protection of the First Amendment” and “Owners should not be forced to go against their religious beliefs that should be guaranteed under the Constitution.” As these quotations illustrate, some respondents characterized religious freedom laws as necessary reiterations of the existing constitutional right of business owners. For instance, one

respondent commented, “the constitution states that we, as US citizens have freedom of religion. If we must provide services to gays or face legal penalties, this is denying us the freedom to practice our faith.” According to respondents such as this one, religious freedom laws are necessary in the wake of marriage equality and expanding LGBT rights because some business owners have religious objections to homosexuality and same-sex marriage.

Other respondents did not invoke the Constitution or First Amendment explicitly but nonetheless pointed to business owners’ right to practice their religious beliefs. For instance, respondents wrote comments such as “no private business owner should be compelled to do things against their religion”; “Because of the persons [*sic*] religious beliefs should take precedent [*sic*]”; “As a business owner you should not have to do something against your religious beliefs!!!”; “I believe this country was founded because our fore fathers believed in the right to practice our religion without persecution by the government”; and “owner of business should be able to conduct business in accordance with his religious convictions—to be true to himself. He owns the business!” These comments further underscore that support of religious freedom laws centers on their belief that without such laws, business owners’ rights to practice their religion are infringed upon.

Both sides create parallels between social identity categories (e.g., being gay and being black, being Christian and being gay) to justify their positions on the basis of the overarching theme of individual freedom. As one respondent who opposes religious freedom laws wrote, “I oppose because I don’t want someone’s religious beliefs to determine how I or my family live our lives. Why are their beliefs more important than mine?” This statement is remarkably similar to one written by a respondent who supports religious freedom laws: “No one (either side) should be forced to do something they don’t believe in, that makes them very uncomfortable.” This call to the rights of “either side” emphasizes the shared cultural schema among those with different perspectives on religious freedom laws. Despite using similar schema, respondents nonetheless reach different conclusions about these laws, an implication that we return to in the discussion.

The Free Market. Our data find a “free market” logic to be less common than the “rights” logic to support or oppose religious freedom laws. For those who use a “free market” logic, 56 percent favored a business owner’s right to refuse service to gay men and lesbians (see Table 4). A significant portion of “free market” responses, however, used this logic to oppose religious freedom laws. The “free market” code captures any reference to the capitalist economy, particularly the motivation and risk of generating profit that accompanies running a business. For those who support religious freedom laws, this generally meant respondents who justified their position by arguing that gay and lesbian customers in the free market economy can choose an alternative business if one business owner refuses to serve them. For those who oppose

religious freedom laws using this logic, they emphasized that business owners should not let morals or values get in the way of the primary purpose of business: generating a profit.

Respondents who favored religious freedom laws using a “free market” logic painted a picture of an economy full of choices for customers. Their responses suggested that there are many businesses willing to serve gay men and lesbians and that gay men and lesbians should frequent *those* businesses. One illustrative example comes from a respondent who writes, “the issue is not denial of service, it is exercise of conscience. The ‘services’ are readily available elsewhere.” This respondent makes explicit what was implicit in most other responses using a similar logic: that the abundance of American businesses means that gay men and lesbians are not harmed if they are not able to receive services from one or a few that refuse to serve them. As other responses indicate, “They [gay men and lesbians] have plenty of other option[s]”; “There are plenty of gay-friendly businesses”; and “Business owners should be able to run their businesses as they want and not be controlled by the government. If gays don’t like it they can buy their things other place[s].” Sentiments like these are somewhat surprising coming from our sample, as Nebraska has a significant rural population where choice in businesses tends to be limited. Yet these responses mirror a neoliberal logic, imagining the economy as diverse, vast, and accessible to all Americans (Amable 2011). In tandem with a “rights” logic supporting business owners who deny services to gay men and lesbians, respondents using a “free market” logic implied that religious freedom laws do not actually harm gay men and lesbians. Instead, the “harm” at stake in religious freedom debates is over the protection of religious people who operate their businesses in a free market.

Respondents who oppose religious freedom laws using a “free market” logic suggest that the American economy is, by its nature, objective and nondiscriminatory, and to get in the way of this “free market” process (understood here as not doing business with gay men and lesbians) is to get in the way of capitalist American values. One respondent calls it a “bad business decision” for a business owner to refuse service and potential profit from certain “law abiding citizens” and goes on to state, “I think the government should stay out of it. It’s called natural consequences.” Although many respondents emphasized negative outcomes for actual businesses (as we describe below), other comments focused more broadly on the ideology of the free market. These respondents wrote comments such as “Commerce is a privilege to serve the public. All the public” and “there should be a distinct separation between religion and commerce. If there is demand, it would kill a capitalist society.” For respondents who oppose religious freedom laws, the “free market” underscores the democracy and equality that is foundational to America, including its economy.

Many respondents using this logic emphasized that customer identity is less important than the money they spend

and that business owners should be concerned only with the latter. As one respondent put it, “money all spends the same.” Other comments echo this belief that business owners should not refuse service of to anyone: “the idea of business is to make money. To refuse a money making transaction is stupid” and “as a business owner, you don’t turn away business.” Some respondents pointed to the negative consequences of withholding services to a certain population, like one respondent who believed it would have a negative effect on the businesses themselves: “I think those biz [businesses] owner’s will fail with that way of thinking and doing biz [business].” Responses like these combined a logic of “rights” (freedom from discrimination) and the “free market” to oppose the protection of business owners who choose to refuse services to gay men and lesbians.

In sum, the logic of “free market” was used by both respondents who supported and opposed religious freedom law. However, their comments underscore diverging viewpoints with regard to whose actions and decisions within the capitalist economy are salient. For respondents who favor the laws, the focus is on the decision of gay and lesbian customers (i.e., they can go elsewhere). In contrast, those who oppose the laws focus on the decision of the business owner (i.e., they are making a bad business decision). What these positions have in common, though, is a clear product of neoliberal ideology: that social conflicts and divisions can (and should) be adjudicated by the free market. On both sides of the debate, this logic uses the guise of economic forces to obscure other solutions to persistent inequalities (Duggan 2004).

Discussion and Conclusion

Religious freedom laws may be the current “battleground” over LGBTQ rights, and some argue that their passage in 25 states (as of June 2017) represents a backlash to increased acceptance of LGBTQ people (Corvino et al. 2017). Yet our findings suggest that the introduction and passage of these laws may not reflect broad support. Using Nebraska as a case study, we find that a clear majority (64 percent) opposes laws that allow business owners to deny services to gay men or lesbians on the basis of the owners’ religious beliefs. The fact that support for religious freedom laws is at only 36 percent in Nebraska is particularly interesting given that Nebraska is seen as a red state, and more of its citizens identify as Republicans compared to national averages (Saad 2013). Despite its leaning more conservative in terms of political ideology, Nebraska is comparable with the national average in terms of both public opinion on LGBTQ rights and religiosity (Pew Research Center 2014; Stange and Kazyak 2016). Thus, treating Nebraskans’ public opinion as a case study is instructive in terms of public opinion about religious freedom laws.

Our work highlights the overlap in the logics used and the saliency of the cultural schemas of rights, discrimination, freedom, and capitalism as people make sense of religious

freedom laws that directly reference sexual minorities. Despite using similar frameworks of rights, respondents who used this language reached very different conclusions about whose rights (and which rights) should be protected and who faces potential harm. Specifically, respondents who oppose religious freedom laws view gay men and lesbians as a group facing potential mistreatment and therefore as a group in need of protection. According to their logic, gay and lesbian individuals are like other marginalized groups, including African Americans, whose civil rights either have been or have the potential to be infringed upon because of social prejudices. Respondents view religious freedom legislation as threatening the freedom of gay men and lesbians to fully participate in public life. In contrast, people who favor religious freedom laws view business owners as potentially harmed if they are unable to exercise their religion in making business decisions. These respondents view the right to practice one's religion as paramount and, for conservative Christians, under threat in light of the advancement of LGBTQ rights, particularly same-sex marriage. Thus, they see religious freedom bills as necessary to protect the rights of Christian business owners.

When both sides rely on American values related to freedom while describing different groups whose rights or interests are in jeopardy, it may appear as if the two opposing sides share equal footing within American life and law. This is bolstered by cultural schemas emphasizing equality and the belief that no one should be discriminated against, in addition to the impersonal and objective capitalist free market. Such schemas, however, obscure historic and persistent inequalities across groups (Brown 2006). Specifically, gays and lesbians have faced obstacles to being fully visible and accepted within American society in ways that Christians have not (Canady 2009; Parker and Barreto 2013). Gays and lesbians, as well as non-Christians, face discrimination that does not affect their heterosexual or Christian counterparts (Mishel 2016; Schilt 2008). Researchers examining employment discrimination on religious grounds, for example, find that Muslims, pagans, and atheists are more likely to face discrimination compared with other religious groups and nonreligious people (Wallace, Wright, and Hyde 2014; Wright et al. 2013). Additionally, federal and state laws protect people from discrimination on the basis of religion in all 50 states, and in contrast, there is no federal protection for people on the basis of sexual orientation, and only 20 states offer such protection (Equal Employment Opportunity Commission 2018). Taken together these pieces of evidence illustrate the ways in which religion and sexuality are key boundary makers (Burke 2016; Edgell et al. 2016; Edgell and Tranby 2010; Emerson, Smith, and Sikkink 1999).

Nonetheless, some evangelical Christians perceive themselves to be under threat in the current moment. According to data from the Pew Research Center (2016c), 41 percent of this group reported that it is difficult to be an evangelical Christian in America. Likewise, a majority of white evangelicals (61

percent) believe that religious liberty is threatened in America (Cox and Jones 2012). Thus, the emphasis on rights and equality may be an intentional strategy of conservative religious activists to emphasize perceived oppression and persecution of the conservative Christians within America in an era of increasing visibility and acceptance of LGBTQ people. Whereas these activists had once used the framework of "special rights" to protest advancement of LGBTQ rights (i.e., that gays and lesbians were a minority group advocating for rights that went above and beyond what the rest of Americans had), it may be that the new conceptualization of Christians as a religious group under threat will hold more sway with some Americans.

Interestingly, respondents on both sides of this debate who use a "free market" logic to justify their position focus on the opposite group from their counterparts exclusively using a "rights" logic. For proponents of religious freedom laws, a free market rationale emphasizes that gay men and lesbians are *not* harmed as a result of religious freedom bills. According to them, even though gay men and lesbians may encounter a business owner who will not serve them, gays and lesbians are not harmed because the free market provides ample business options for them to pursue. Yet on the other side, respondents draw on understandings about capitalism to posit that business owners *would be* harmed by religious freedom bills because denying service to a group of potential customers would in fact be detrimental to business profits and contrary to the philosophy of the free market.

Furthermore, that both those who support and oppose religious freedom legislation draw on the cultural schema of "free market" indicates the degree to which neoliberalism has infused how Americans make sense of social issues and may be a side effect of an increasingly corporate-sponsored gay rights movements (Duggan 2004; Ghaziani 2008; Ward 2008). The free market and capitalism are seen as arbiters of justice, ensuring both that business owners who would discriminate against gays and lesbians would suffer appropriate consequences (according to those who oppose legislation) and that gays and lesbians would have ample outlets to secure whatever provisions they were seeking (according to those who support legislation). Supporters of religious freedom laws who focus on business owners' rights showcases the value they place on business and capitalism. This may explain why researchers recently found that 53 percent of Americans support a business owner denying services to a gay couple, regardless of whether the reason for denying service was because of the business owner's religious beliefs (Powell et al. 2017). Indeed, we also found that not all people who support religious freedom legislation specifically mentioned the need to protect *religious* freedom in their justification. Moreover, that those who oppose religious freedom legislation likewise upheld neoliberalism and championed the framework of the free market mirrors the strategy used by some LGBTQ rights organizations. For instance, groups such as the Human Rights Campaign put out an equality index that

ranks businesses and corporations on how LGBTQ friendly they are using a range of measures. Our findings support the observation that Americans may increasingly look to nongovernmental interventions, such as the free market, to adjudicate matters of discrimination and equality with regard to religious freedom (see Duggan 2004; Levitsky 2014).

Ultimately, the fact that people on both sides of the debates over religious freedom laws appeal to frameworks that resonate with nearly all Americans to justify their position underscores why these bills will likely continue to be introduced, debated, and seen as controversial, despite the fact that polling data suggests that a majority of Americans may actually be opposed to some of what such bills codify into law.

Acknowledgments

We would like to thank Emma Finken Ruby Hoffman and Rosalind Kichler for their research assistance.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported by the University of Nebraska–Lincoln College of Arts and Sciences and Department of Sociology.

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