

# The Frontline of Church-State Relations: Local Officials and the Regulation of Religion in a New Era<sup>1</sup>

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## Abstract

Interactions between religion and government, between church and state, have occurred with regularity throughout U.S. history. Over the past several decades, a new church-state regime of accommodationism has encouraged broader and more extensive church-state interaction. Nearly all such interaction is local in nature, but little scholarship systematically focuses on a key actor: *frontline officials*. We introduce the concept of frontline officials to research on government and religion, explaining why frontline officials have been previously missing. Frontline officials, appointed and elected, regulate church-state interaction, making decisions about whether and how to promote or limit closer engagement between religion and government. This regulation is often informal and discretionary, leading to diverse church-state patterns at the local level. We theorize the cultural and contextual factors that shape frontline officials' ways of interacting with religion, then report basic results from a first-ever survey of frontline officials. Our results show that, among frontline officials, there are a wide range of attitudes towards church-state relations, as well as practices that bring religion into relationship with the state. We suggest that scholars focus on the patterns of *how* church-state interaction happens at the frontline and the individual, contextual, and cultural factors for *why* church-interactions differ across communities.

**Keywords:** church-state relations, religion, government, street-level bureaucracy, culture, United States

## Introduction

Observers since Tocqueville (Hall 2006, Tocqueville 2003 (1838)) have noted that the United States' unique constitutional structure and religious roots have promoted the interaction of church and state in local communities. This presence of religion in local American life has historically been credited with facilitating local democracy and social welfare (Bellah et al. 1985, Fulton and Wood 2018, Gill 2008, Gorski 2017, Lichterman and Potts 2009). At the same time, American history contains numerous examples of how religion in local communities has instigated civic exclusion and conflict (Deckman 2004, Gordon 2003, Hamburger 2002, Wenger 2017). A shared theme in these examples is that government interacts with religious entities, whether groups, persons, or symbols, in tangible ways that influence how they contribute, or not,

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to public life.

We argue that to understand how religion and government—church and state—interact requires a renewed focus on government.<sup>2</sup> “Government” is neither an abstract nor ideologically seamless institution. Government is inhabited and enacted by individual persons who, for various legal, cultural and contextual reasons, envision and implement authority in a wide variety of ways (Hallett and Ventresca 2006, Lipsky 2010 (1980), Morgan and Orloff 2017). In the familiar phrase of “church-state” relations, the “state” has an actual face: the governmental officials with whom religious entities interact. What has generally been missed by scholarship on religion, government, and secularism is a systematic account of these agents of local government, whom we call *frontline officials*. How do they understand religion? In what ways do they engage with religion as agents of the state? Why do they engage with religion in these varied ways?

Frontline officials have the power to *regulate* religion, either by promoting or limiting the extent and ways that religion is present in local governmental and public life. While striking examples of the power of local officials to mold church-state relations exist—for example, county clerk Kim Davis’ religious objection to her exercise of public duties that set off court cases regarding same-sex marriage—we argue that the full range of ways that frontline officials interact with religion needs to be moved to the center of analysis. The construction of the state vis-à-vis religion *can* occur in moments of overt church-state conflict (Zubrzycki 2013). But such conflict also serves to illuminate the fact that interactions between government and religion occur regularly, and often invisibly, in the background. Regulation might occur as religious groups interact with local governments for an array of reasons—charitable (requesting funds for social service projects), operational (obtaining permits for construction), civic (participating in public celebrations), and political (organizing and lobbying for public services).

The analysis of frontline officials in church-state interaction is sometimes encompassed by legal debates, but not always. Law about religious establishment in the United States is notoriously fragmented and weakly institutionalized (Dolbeare and Hammond 1971, Herbstrith et al. 2020, McGuire 2009, Sullivan 2020). At the local level, the relation of religion to government is due as much, if not more, to how frontline officials perceive religion’s civic value (Lichterman and Potts 2009); how they engage with religious organizations, religious coalitions, and civic religious rituals (Demerath III and Williams 2014 (1992), Fulton and Wood 2018, Gorski 2017, Lichterman 2012); and how they enact the limited powers of their particular role (Zacka 2017).

With so many factors shaping frontline officials across so many contexts, the regulation of religion can have widely differential effects in how religion connects to government. There is not just one church-state regime to understand (Berkman and Plutzer 2005). A focus on frontline officials provides a more empirically accurate account of how church-state interaction happens in American communities. Examining frontline officials also moves church-state scholarship away

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<sup>2</sup> Winnifred Fallers Sullivan (2020) has recently argued for the continued usage of the phrase “church-state” to analyze religion and government in the United States. Despite the phrase’s exclusionary terminology, it accurately portrays the hegemonic presence of Christian institutional forms and legal ideas in the United States.

from a judicial account, which emphasizes law on the books, towards a bureaucratic one, which emphasizes how law and culture work in action (Mayrl and Quinn 2016, Mayrl 2018, Sullivan 2015).

Our argument proceeds in five steps. First, we introduce the concept of frontline officials. Second, we present two reasons why frontline officials have been missing in church-state scholarship. Third, we suggest why the re-introduction of frontline officials to church-state scholarship is especially important now. Fourth, we briefly theorize the cultural and contextual factors that shape how frontline officials interact with religion. Finally, we share selected results from a first-ever survey of frontline officials, showing differences in how frontline officials are religious, how they bridge to religious groups, and how they bring religion into the state.

### **Bringing the Frontline In**

Frontline officials, both elected and appointed, number more than half a million, leading municipal governments, delivering public services, and making local laws (Lawless 2012). The activity of frontline officials occurs across all forms of 40,000 local governments in the United States, including townships, counties, cities, and school districts. Frontline officials are not the caricatured state that anti-state politicians and social movements generally imagine in their libertarian critique (Braunstein 2017). Instead, they comprise the state that citizens are likely to encounter as a tangible entity, rather than as an anonymous, unaccountable force (cf. Sheingate 2009).

The regulatory power of these frontline officials is both overt and implicit, involving duties to administer public services, manage public space, and lead governmental forums (Dubler and Weiner 2019, Gunn 2010, Miller 2019, Owens 2008, Sager 2010). When engaging with religion, frontline officials are similar to “street-level bureaucrats,” public employees who provide services directly to the public (Lipsky 2010 (1980), Watkins-Hayes 2009).

The classic conceptualization of street-level bureaucrats was based on studies of social workers, beat cops, and other low-level service providers who have regular interaction with citizens, but with constrained resources and weak oversight. In our use of street-level bureaucracy theory, we make three key translations to capture the particular complexities of the church-state interface. First, as we indicate with the phrase “frontline officials,” many types of local officials—not just those on “the street” at the bottom of an organizational hierarchy—deal with church-state interactions. Second, church-state interactions involve not only distributing fiscal resources, but also convening the public and granting the symbolic legitimacy of the state to religion. Third, frontline officials themselves may have a personal interest in using government in ways that advance their own religious beliefs.

Once adjusted to the church-state interface, the lens of street-level bureaucracy draws attention to three characteristics of church-state interaction at the frontline of local government. First, numerous aspects of local governmental authority may induce interaction between frontline officials and religion. Frontline officials have the power to decide whether religious groups

receive public funds (Owens 2008), whether religious symbols appear on public property (Blakeman 2017, Gunn 2010, Weiner 2014), where religious congregations build (Gill 2010, Miller 2020, Miller 2019), and whether their own religious preferences are expressed in public meetings (Blakeman 2006, Horwitz 2015).

Second, frontline officials operate with relatively little legal guidance or managerial oversight regarding church-state relations. Most frontline officials lack training about how the constitutional principles of “free exercise” and “no establishment” apply to their unique governance problems. While major church-state legal decisions by the Supreme Court are an annual event, an agreed-upon set of guidelines for the myriad issues that frontline officials face does not exist (Gordon 2010, Sullivan 2020). Even through the legal architecture for church-state law has been set at the state or federal level, local actors have consistently been the builders of church-state regime across U.S. history (Gordon 2013, Green 2010, Mayrl 2016, Holscher 2012). As we detail below, recent jurisprudence suggests that local governments are increasingly likely to engage *more* with religion as the sphere of what counts as religion continues to *expand*. Frontline officials are confronted by issues that demand pragmatic response, such as when congregations violate health or building codes, or when officials are asked to place a Menorah on city hall grounds for the first time, or when officials must decide whether to allow a congregation to build on a parcel that would undercut the tax base. Many church-state interactions are tied to local context and implicate the public legitimacy of local government, preventing a one-size-fits-all solution across different contexts.

Hence, a third characteristic of church-state interaction made visible through the lens of street-level bureaucracy theory is that decision-making by frontline officials is complex. There is a “wild west” quality to the diversity of local church-state governance patterns across the United States, but underneath the aggregate diversity are cultural mechanisms that produce patterns of actions by frontline officials on the ground.<sup>3</sup> In lieu of clear policy mandates, frontline officials govern by exercising discretion. Discretion is a structural feature of frontline work, as it allows flexibility for officials who often balance multiple interests while seeking to act in the “public interest” (Zacka 2017). But what shapes discretion? Frontline officials draw on a number of inputs to create discretion, including schemas of church and state, professional standards, rules of thumb, community context, and their own values about the meaning of the public interest (Berkman and Plutzer 2010, Lipsky 2010 (1980), Zacka 2017). Just like the American public more generally, frontline officials have varied patterns of practice and belief towards religion and the role of religion in social life. These personal and communal patterns of practice, when crossed with meanings carried by personal and public culture (Lizardo 2017), produce numerous possible understandings of and actions toward religion.

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<sup>3</sup> We thank Mark Storslee for helping illuminate the contrast between the seemingly random pattern of local church-state relationships across the nation and the recurring local logics that produce local patterns.

## Two Reasons Frontline Officials Have Gone Missing in Church-State Scholarship

For more than 30 years, frontline officials have populated research literature on the state, but not research on church and state. We see two reasons for this lacuna. First, researchers' understanding of church-state law has not kept up with the Supreme Court's rapidly changing jurisprudence. The dominant "separationist" paradigm that governed church-state law throughout the late twentieth century has been gutted—but most sociologists have yet to investigate the implications of this shift. Second, religion scholars have been slow to engage with newer theoretical work on the state in political sociology and political science. Whereas this scholarship increasingly emphasizes the state's multiple and decentralized character, most scholars of religion and politics remain focused on national political, legal, and policy controversies.

### *Cultural Lag about the Reality of Separationism*

One reason for the absence of local, frontline officials from recent social scientific scholarship is the symbolic power of the policy regime of separationism. The metaphor of separation has a long cultural history, carried along by theological traditions and fitting with a Rawlsian version of liberalism that excludes particularistic commitments in public life (Green 2010). Yet, as is well documented, the "wall of separation" does not exist as a textual part of the Constitution. And, as Sullivan has recently written, "separation of church and state is not a social fact anywhere" (Sullivan 2020: 163). At most, separationism is a principle of constitutional interpretation, with long evidence of historical support, that articulates one possible strategy of regulation between government and religion (Green 2010, Witte 2006). Being clear about the historical pattern of separationism helps to expose frontline actors as key pivots in church-state relations.

As numerous scholars have detailed, the actual structure of church-state relations has varied widely across the centuries in ways that surprise both supporters and opponents of strict separation (Bentele et al. 2013, Green 2010). In colonial times, religious groups, politicians, and intellectuals debated the appropriate relationship between religious organizations and the state, with most assuming that religiously-fostered virtue was crucial to public life. Prior to and after the ratification of the U.S. Constitution, whose First Amendment clauses about "free exercise" and "no establishment" originally only applied to the federal government, states had a wide range of legal and financial relationships with religious groups (Sager 2010). It is a mistake to think that the disestablishment of state-supported churches, which was completed when Massachusetts ended its financial support of Congregationalism in 1833, is a clear indicator of historical movement towards separationism. A key theme in the historiography of this period is that, despite (or possibly because of) disestablishment at the state level, other types of church-state interaction continued to occur with regularity. As Green (2010) recounts, after 19<sup>th</sup> Century disestablishment, numerous states continued to provide funds to religious colleges, declare days of sabbath, and promote religion in other ways.

The cultural power of church-state separationism widened during the mid-19<sup>th</sup> Century,

but as it did its meaning fragmented (Green 2010). Struggles among religious groups over the religious curriculum of public schools led, on the one hand, to a dominant understanding of “separation” as requiring the exclusion of “sectarian” content (typically understood to include Catholic but not Protestant versions of the Bible); and on the other to an understanding of “separation” that required the exclusion of all religious ideas and texts from public schools in the name of neutrality or interfaith comity—a minority position, but one increasingly adopted by educational elites (Mayrl 2016). At the same time, “separation” was generally not understood to preclude Protestant religious symbols and practices in other public institutions, even as it was generally understood to preclude financial support for religious and religiously-affiliated organizations—again, especially Catholic charitable and educational organizations (Hamburger 2002). Because “separation of church and state” was not yet incorporated into constitutional law, however, “separation” tended to be implemented at the state and local level, rather than the national.

It was only in the mid-twentieth century that “separation of church and state” became enshrined as a constitutional principle. A legal action challenging a local New Jersey township’s policy permitting Catholic schoolchildren to ride on public school buses convinced the U.S. Supreme Court, in 1947, to declare that the Constitution demanded a “wall of separation” between church and state. In the years to come, a coalition of Protestant, Jewish, and civil libertarian groups filed a series of challenges to similar local church-state establishments in ways that built up a formidable jurisprudence of “strict separation of church and state” (Gordon 2010, Holscher 2012, Mayrl 2016). Unlike 19<sup>th</sup> century separationism, this new jurisprudence abjured not only the funding of religious bodies, but also any Christian symbols and practices in public life. Prayers and Bible reading were disallowed in public schools, most schemes to subsidize struggling Catholic schools were voided, and local Christmas tableaux were challenged as unconstitutional.

It is helpful to recall a couple of characteristics of the high-water mark of legal separationism so as not to be misled about its extent and reach, especially at the local level. First, separationism was never culturally complete. There was resistance to separationism in many local communities, where school districts purposefully encouraged religious practice or turned a blind eye to violations by teachers (Dolbeare and Hammond 1971). Second, court-enforced separation addressed the presence of religion in only a few public forums, most notably schools, which had historically been the central flashpoint of church-state controversy and where concern for coercion of youth was highest. Of course, numerous other public forums existed then, as now. The limited reach of the legal regime of separationism was repeatedly exemplified as Supreme Court cases addressed new arenas of conflict, from tax funding for religious groups to religious symbols in public places.

As separationist jurisprudence expanded into these arenas, the strict “wall of separation” began to show cracks. By the late 1990s, separationism as a legal doctrine was on the decline, and although substantial cultural and professional support for the cultural model of separationism continues to exist, the legal regime of strict separationism is no longer operative (Mayrl 2016).

New legislation and executive action increased legal protections for religious groups and encouraged governmental partnerships for religious groups (Brown 2002, Sager 2010). Today, strict legal separation is off the table given the current composition of the Supreme Court and the rise of politically powerful proponents of a religious America (Delehanty, Edgell and Stewart 2019, Whitehead, Perry and Baker 2018).

As the Supreme Court has adopted a looser approach to church and state at the national level, it has created new freedom for state and local actors to engage with religious bodies in a wide array of public fora. Today, even if strict *state* separationism to prevent establishment were widespread and legally enforced at the local level, religious groups, activities, and symbols would still be a prominent feature of *public* community life (Gunn 2010). The public presence of numerous religious actors prepared to engage the state, either through friendly outreach or legal challenge, means that frontline officials will regularly be invited into interaction. When church-state separation is not assumed to exist, these interactions by frontline officials become more visible.

Most active sociologists of religion, however, grew up learning that “strict separation” was the law of the land, understood to bind not only the federal government but also local officials. The changing status of that doctrine has yet to sink in for many, in part because the focus of national and scholarly interest in church-state matters has been monopolized by battles in the national courts. Scholarly attention has yet to fully reorient its gaze to the locales where policy and law have increasingly dictated that rules governing church-state interaction should be decided: the local level.

### *The Emerging Structure of the State*

A second reason for the relative absence of frontline officials in social scientific work on church-state relations is the relative lack of engagement by scholars of religion with emerging conceptualizations of the state. The state is not a monolith defined by one place, one set of regulatory agencies, or a coherent view about how to achieve policy ends. Instead, “the state” is entangled with other social actors along its edges in ways that make defining its boundaries difficult, highly consequential, and contested (Mayrl and Quinn 2016, Mitchell 1991). The American state has long relied on a welter of jostling, uncoordinated, and competing jurisdictions to provide government services (Clemens 2006, Clemens 2020, Lara-Millán 2017, Novak 2008). This administrative complexity generates innumerable points of contact for religious groups and state officials (Mayrl 2018).

Current scholarship on the state reveals two important lessons for scholars of church-state relations. First, the complexity of the state produces numerous “gaps between rules and their implementation” in the actual provision of public services (Morgan and Orloff 2017: 3). There is no expectation that the motives, goals, or actions of state actors will be the same across levels of the state or across geographic jurisdictions of the state. The sheer number of frontline officials provides numerous points of contact between religion and the state and multiplies the ways that rules are translated into policy on the ground.

Second, jurisdictional complexity has been exacerbated in recent years by the rise of “associational policies” such as contracting, partnerships, and hybrid governance structures that deliver public goods through private intermediaries (Freeman and Minow 2009, Hawley 1974, Mayrl and Quinn 2016, Quinn 2019, Radford 2013). As a result, government is often hidden in a web of complicated relationships—sometimes by design (Howard 1997, Mettler 2011). This lack of visibility has contributed to legal contestation over whether governmental action and outcomes should be attributed to government officials (Mayrl and Quinn 2017). One example of this is the way that American courts have refused to apply constitutional restrictions to some governmental policy vehicles, thereby enabling increased state engagement with religion (Mayrl 2016; see, e.g., *Arizona Christian School Tuition Organization v. Winn*, 2011). It has also often made frontline officials an important part of the associational state. When navigating the associational state, frontline officials face an array of pressures from constituents and partners. They may choose some partners, and reject others, implicitly furthering their own preferences of church-state relations while simultaneously influencing how religion engages with the state. The complexity of these conditions for frontline officials is made clearer by accounting for the structure of the state within which they act.

### **A New Era of Church-state Relations and the Increasing Importance of Frontline Officials**

Zeroing in on frontline officials is especially critical now as we are more than a decade into a new regime of church-state relations (Gordon 2010). While the state’s willingness to separate religion from government affairs is on the decline, the sites of possible regulatory engagement have increased as frontline officials bear the brunt of the responsibility for navigating the new church-state regime. In this new regime, the bureaucratic regulation of religion is on the rise, ironically because of the expanded rights provided to religious groups by legislation and judicial rulings.

Over the past several decades, legislatures, courts, and social movements have refashioned the law to encourage the increased accommodation of religion in governmental affairs (Bennett 2017, Bentele et al. 2013, Lewis 2017, Mayrl 2016, Rogers 2019, Tebbe 2017, Teles 2012). Thus, the legal and political settings for local church-state interactions have changed drastically in the past quarter century. On the legal side, whereas late-twentieth century courts adopted a “strict separationist” approach to church-state relations—predicated on strong barriers to interaction between government and religion, and seen by most religious groups as a way to encourage pluralism while decreasing conflict—the past twenty years have seen an “accommodationist” jurisprudence gain ascendancy on the court (Bentele et al. 2013, Mayrl 2016).

Current church-state jurisprudence is increasingly characterized by an expansive logic of religious liberty that facilitates numerous legal crossings of the church-state boundary (Coley 2020, Curtis 2016, Gvosdev 2010, Kazyak, Burke and Stange 2018, Sullivan 2020, Wenger 2017). This is not to say that this new jurisprudence is yet coherent, but recent changes on the Supreme Court suggest that future decisions will continue to strengthen accommodationism and



the protection of religious free exercise over concerns about establishment.

Particularly on matters of public finance, decisions such as *Zelman vs. Simmons-Harris* (2002) and *Trinity Lutheran Church v. Missouri* (2017) have provided a judicial blessing for many forms of government support for religious activity. These legal decisions have permitted and encouraged the rise of “faith-based initiatives” (Sager 2010), state-funded vouchers and scholarship tax credits for students to attend religious schools (Mayrl 2016), and a variety of other state subsidies for religious activities. The courts have also shown a willingness to countenance certain symbolic encroachments on government property, such as religious displays (*Van Orden v. Perry*, 2005) and Christian monuments (*Salazar v. Buono*, 2010), as well as sectarian religious practices in public meetings (*Town of Greece v. Galloway*, 2014).

Alongside these legal changes, a series of legislative and administrative changes have legitimated new forms of interaction between the state and religious actors, blurring the meaning of “no establishment” in the pursuit of “free exercise” claims. Beginning in the Clinton administration, “charitable choice” and faith-based initiatives made federal funds available for a wider range of religious organizations, including congregations (Sager 2010). The Trump administration has increased the federal commitment to religious partnerships, framing such actions as the defense of religious liberty while showing preference for certain types of religion and religious activity. These changes to federal and state laws and policies have been highly visible and are very important. However, the actual decision-making authority for how these laws and policies are enacted falls to the hundreds of thousands of frontline officials who lead municipal governments, deliver public services, and shape school curricula.

### **The Factors that Influence how Frontline Officials Produce Religious Regulation**

Increasing federalism in church-state relations suggests that frontline officials’ interactions with religion are likely to increase and broaden. Across different forms of local government, we expect that specific frontline roles will be most salient to church-state regimes due to the nature of their duties and the remit of their authority. As suggested by research literature, Table One lists the local government domains and frontline officials we expect to be especially important for exposing the different types of interactions. The table includes examples of the types of issues that officials within each domain are likely to deal with.

**Table 1: Key Frontline Government Roles and Domains for Church-state Interaction**

<i>Role</i>	<i>Domain Issues and Interactions</i>
<i>Mayor</i>	religious displays (Gunn 2010), public prayers (Blakeman 2006, Horwitz 2015), employee conscience claims (Tebbe 2017, Weiner 2017), contracts (Freeman and Minow 2009, Owens 2008), constituents (Demerath and Williams 2014 (1992)), lawsuits (Finke and Martin 2014)
<i>Council</i>	<i>see entry for Mayor</i> , plus poll locations (Berger et al. 2008) and zoning

<i>Policing</i>	gun safety and protection from hate crimes (Bowe and Makki 2016, Yamane 2020), neighborhood coalitions (Brunson et al. 2015, Fulton and Wood 2018), policing reform (Wasserman 2015), chaplains (Sullivan 2014)
<i>Manager</i>	<i>see entry for Council</i>
<i>Public Health</i>	kitchen inspections (Ammerman 2005), health outreach (Frenk and Trinitapoli 2013), hospital relations (Wall 2011), occupancy limits (Villa 2020)
<i>Zoning</i>	tax base (Laycock and Goodrich 2012), built environment and noise (Weiner 2014), minority religious group arrival (Corbett 2016, Miller 2020)
<i>Superintendent</i>	implementation of laws (Deckman 2004, McGuire 2009), partnerships with religious groups (Ammerman 2005), student and teacher religious rights (Justice and MacLeod 2016, Olson et al. 2020, Pfaff et al. 2020), curriculum and holidays (Berkman and Plutzer 2010), prayers (Brown and Bowling 2003)

*How* these frontline officials interact with religion when they do so is a central question for future church-state research. Though systematic studies are limited, research suggests that most local public officials are conflict averse and flexible, using various strategies to negotiate with religious groups. Most will likely aim at a “managed pluralism” of religious presence, which allows equitable presence of religion in public life and governmental affairs (Gvosdev 2010, Richardson 2015). Officials may informally re-interpret the categories of “state” and “religion,” or even soften state rules (Barak-Corren 2017). Most officials will likely view religious organizations as welcome resources to which they can delegate responsibilities (Lara-Millán 2017) and through which they can engage with constituents (Owens 2008, Williams and Demerath 2014 (1992)). Where church-state conflict does emerge, officials are likely to seek to avoid public scrutiny and use deliberative approaches that de-escalate conflict (Lee, McQuarrie and Walker 2015, Zacka 2017).

*Why* frontline officials deal with religion in these ways is a second key goal of future church-state research. The example of Kim Davis, a local government official with a conscience claim, and the court case *Masterpiece Cakeshop*, involving government officials skeptical of religious exemption, each suggest that frontline officials can perceive religion in different ways and support different types of church-state interaction (Pfaff et al. 2020, Wilcox and Jelen 2016). In our view, the differences between frontline officials are due to a combination of three factors, which inform the discretionary strategies they use. We briefly outline each factor below.

1. *Religiosity: Religious beliefs* about god(s), scriptures, religious tolerance, and Christian Nationalism can influence preferences towards religion in public life and lead to favoritism towards Christianity over other religious traditions (Castle 2016, Delehanty, Edgell and Stewart 2019, Edgell, Gerteis and Hartmann 2006, Whitehead, Perry and Baker 2018, Wilcox and Goldberg 2002). *Religious affiliations* carry different models of

church-state interaction and public engagement, which may influence officials' preferences for types of interaction. For example, Catholic and Black Protestant groups embrace state support of social services (Owens 2008, Pegram, Brunson and Braga 2016, Wilcox and Jelen 2016).

2. *Culture*: Schemas about religion, government, and church-state relations will influence officials. Both separationist and religious liberty schemas are widely disseminated in the United States (Bennett 2017, Edgell and Hull 2017). Yet, many people have inconsistent opinions about church-state interaction (Wilcox and Goldberg 2002, Wilcox and Jelen 2016), which vary around free exercise, establishment, and legitimacy of exemptions (Edgell and Hull 2017). *Legal consciousness* about church-state law among frontline officials is likely partial and inaccurate (cf. Diefendorf 2019), but influences officials' assumptions about church-state interaction (Ewick and Silbey 1998). *Norms* from professional socialization shape patterns of conduct (Berkman and Plutzer 2010).
3. *Context*: Community context, in terms of region, degree of community religious diversity, racial diversity, and size, may each influence officials' behavior (Ben-Nun Bloom and Arikan 2012, McGuire 2009, Olson 2019). Regional differences in the legitimacy of church-state separation, the prominence of public religion, and the history of compliance with court decisions are well documented (Dierenfield 1992, Dolbeare and Hammond 1971). Survey research repeatedly shows that community dynamics, including the religiosity of neighbors and the types of local religion, influence a range of behaviors (Marshall and Olson 2018, Olson 2019).

We present this array of factors not to suggest that all are equally important, but to point out the many shaping forces of the church-state interface that occur through the persons of frontline officials.

### **Selected Results from a Survey of Frontline Officials**

In order to understand basic elements of church-state relations as they occur through frontline officials, we fielded a representative survey of frontline officials in Pennsylvania in Spring 2020, just prior to the pandemic. This survey was the second step in a project that began with interviews of religious leaders in six different communities across the United States.<sup>4</sup> Those interviews revealed numerous ways that church-state interaction happens at the local level. From those insights, we designed the survey to assess frontline officials' religiosity, as well as document their understandings of church-state interactions and patterns of church-state

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<sup>4</sup> We have conducted 110 interviews at six research sites with local religious leaders. Our interviews were supported with grant funding from the Society for the Scientific Study of Religion (SSSR), the Louisville Institute, and our own universities.

interaction in their communities.

It is extremely difficult to construct a sampling frame of local government officials. Pennsylvania is one of few states that provides an up-to-date, comprehensive, publicly available dataset of local officials. From that list, we narrowed our focus to elected officials in general leadership offices (mayors, council members) and unelected officials in general leadership offices (managers and municipal secretaries). We included all municipalities, except Philadelphia, which is in a municipality size class of its own. From the resulting list of 15,416 officials, we sampled 5,000. Since not all officials have unique email addresses, we recruited by mail and email for participation in a web-based, Qualtrics survey. Our final sample size was 1,036, reflecting a 21.8 response rate.<sup>5</sup>

In the following three sections, we describe some basic patterns around three key themes: municipal officials being religious, municipal officials bringing religion into government, and municipal officials bridging to religious groups.<sup>6</sup>

### *Being Religious*

Like Pennsylvanians generally, frontline officials are quite religious. Officials mention participation in religious congregations at a rate higher than the general public: 35% report being heavily involved in a religious congregation while another 31% report being somewhat involved in a congregation. Officials also report higher attendance rates than the general public: nearly half (49%) reported attending religious services numerous times a month or more. But officials are also religious in different ways. While the largest group of officials is Mainline Protestant (37%), notably 7% have “no affiliation” and 6% are atheist. Nearly a fifth (18%) practiced yoga in the previous year. And, while 22% felt that the Bible was the literal word of god, 21% had no opinion about such matters.

Beyond religious beliefs and behaviors, officials have wide variety in their attitudes towards church-state issue. Table Two shows univariate distributions for questions about church-state attitudes, divided into two categories: abstract and domain-specific. Overall, frontline officials lean towards abstract support for separationism over accomodationism. Nearly half of officials (43%) agree or strongly agree that a *high* wall of separation should exist between church and state. Some of this may be related to a pragmatic concern that officials have, with nearly half (48%) reporting they agree that religion is divisive in the country. A notable pattern across both measures of abstract opinion is the tendency towards middle-ground opinions, away from either strong agreement or disagreement.

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<sup>5</sup> Of 5,000 sampled, 253 lacked useful address data.

<sup>6</sup> All reported statistics are at the level of official, not municipality.

**Table 2: Public Officials's Attitudes Towards Domain-Specific and Abstract Church-State Issues.**

	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neither</i>	<i>Agree</i>	<i>Strongly Agree</i>
<i>Domain-Specific</i>					
Prayer should not begin public meetings	8%	18%	45%	16%	14%
Public buildings should be not closed at least one day on a weekend.	22%	32%	25%	12%	9%
No public funds for religious organizations' social services.	9%	22%	33%	27%	9%
Public budgets are hurt by lack of property tax from religious organizations	12%	18%	32%	21%	7%
<i>Abstract</i>					
We should maintain a high wall of separation between church and state.	5%	22%	27%	24%	19%
Religion divides people in America today	6%	18%	28%	37%	11%

*All items are coded to indicate increasing supporting for separationism.*

At the same time, domain-specific questions show less support for separationism and more support for accomodationism. This is a familiar pattern in surveys of the general public, suggesting a gap between an idealized norm and a localized norm (Wilcox and Jelen 2016). The large middle categories for each question suggest a sizeable minority of officials are in a moderating (muddling?) position between poles. The questions do suggest that certain domains of church-state interaction are less supported than others. For example, only a minority (26%) of officials clearly support prayer in public meetings, an active type of potentially establishing religion, but more than half (54%) support sabbath day closings, which are an historical pattern of established religion. Meanwhile, nearly equal amounts of officials support and oppose providing funds to the social service budgets of religious organizations, with nearly equal amounts of officials agreeing and disagreeing that religious organizations hurt the funds of municipalities to begin with. Additional analyses, which we have just begun, indicate domain-specific attitudes vary by municipal size, religious context, officials' religiosity, and tenure in office.

### *Bringing Religion into the State*

One dimension of accomodationism that officials can initiate, which moves church-state relations most towards religious establishment, is the promotion of religious symbols and practices in public space and forums. Our survey asked about two areas related to this dimension of accomodationism: holiday decorations in municipality-owned areas and prayers in public meetings.

For holiday decorations, respondents were asked to choose those decorations that had been in their municipality the previous year. The selection list included secularized decorations (lights, wreaths), iconic decorations with Christian religious origins (Santa, Christmas trees), and decorations with particularistic religious symbolism (nativity scene, menorah, star and crescent, and Kwanzaa themes). The large majority of officials (71%) reported that a Christmas tree was present and nearly half (44%) reported that a Santa decoration was present. One third of officials (33%) reported that their municipality's decorations included at least one decoration with a particularistic religious symbol. Of these religious symbols, Christian nativity scenes were most likely to be mentioned (26%). The religious symbols reported by officials in their municipality did not tend to include multiple religious traditions. For example, of officials mentioning a nativity scene in their municipality, only 15% also reported a menorah and only 33% also reported a star and crescent. Municipalities used a variety of funds, including public funds, donations from private citizens, and sponsorships from religious organizations to manage these displays.

Regarding prayer, a quarter of officials (28%) attended a public meeting that had a prayer in the last year, and 13% reported that most or all public meetings that they attended had prayers. Only 3% of officials reported being at a meeting with a non-Christian prayer, but 5% of officials did report that they led in a public meeting in the previous year.

Our results suggest that overtly religious holiday displays in public spaces and public prayers are not uncommon. This is not surprising, given that these patterns of interaction have often ended up in the courts, not to mention the press releases of advocacy groups. Supreme Court rulings have suggested that the legal legitimacy of these practices can be found in the details; for example, whether the practices are religiously exclusive and whether they use public funds. These process features are what future research will have to probe. Notably, iconic decorations, like a Christmas tree, are not addressed by the Supreme Court. However, for social scientists tracking all aspects of accommodationism—or establishment—the apparent wide embrace of an iconic decoration orients attention to the implicit presence of cultural religious establishment.

### *Bridging the State to Religion*

We know from research literature and our field interviews that religious groups engage with the state for a broad range of services that non-religious groups also engage: applying for park usage permits, completing safety inspections, and requesting zoning of a new building. These processes, which might appear as occasions of neutral interaction, are places where officials' discretion can easily appear. For example, our interviews revealed stories of pastors who worked with an official—who also happened to be a congregational member—to easily procure a permit. Or, for example, our interviews suggested that some religious leaders had experienced discriminatory behavior in the zoning process, leading to legal proceedings.

These types of interactions are crucial to investigate, but also hard to measure using a survey. For our survey, we tried to gauge practices that induced interaction between officials and religious leaders beyond generally “neutral” state interactions, like processing a building application. Table Three shares these results. Nearly a quarter (22%) of officials reported that they had been approached in the previous two years by a religious organization for assistance regarding municipal business, like laws or codes. Officials from cities were more likely to report these requests. A small minority of officials (13%) reported that a religious group had invited them to a meeting, while an even smaller minority (3%) reported that a religious group sought assistance with promoting a religious message in municipal space.

**Table 3: Public Officials and Religious Engagement**

	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
<i>In the past two years, has a leader of a religious group contacted you,</i>			
To request help regarding any municipal laws, codes, offices, or processes	22%	73%	5%
To request that you attend a meeting hosted by the religious group	13%	84%	3%
To request placing a religious symbol or message on municipal property.	3%	93%	5%

These results indicate two patterns of how the state is brought closer to religion through community engagement of frontline officials. First, the expertise of municipal officials is sought after by religious groups. We do not know whether the reported interactions involved preferential requests by religious groups. Nonetheless, the interactions frontline officials have with religious groups remind them of the presence and needs of religious actors in their communities. Second, the power of municipal officials is sought after by religious groups. Through the control of municipal space, municipal authorities can decide whether and how religious symbols appear on public property. While frontline officials might place religious symbols of their own accord, requests from religious groups make such placement more likely and more legitimate. Whichever way that officials act in response to these requests—as neutral arbiters, as discretionary rule interpreters, as preferential supporters, or as something else—individual officials are conduits that religious groups can use to relate to the state and, potentially, engage the state for the promotion of religious purposes.

## Conclusion

We have provided a first step towards a renewed scholarship of church-state relations, one which builds from informative starting points in law, history, and religious studies. Our initial findings suggest that there is quite a bit to probe, particularly in an historical moment when regulatory authority is being devolved to the local level and more types of religious

presence in government are being legally accommodated. We suggest it is time for social scientists to do more than opinion surveys of church-state relations among the general public in order to observe the interface where, arguably, most church-state interaction happens. On the frontline of American communities, where state officials have many responsibilities, weak oversight, and their own preferences, the regulation of church-state occurs regularly and in divergent ways. By focusing on the frontline, scholars can understand *how* church-state interaction happens and the individual, contextual, and cultural factors for *why* church-interactions differ across communities. With a more accurate empirical picture, we will be able to understand more about how religious boundaries work, how state authority is enacted, and how the signpost ideals of “free exercise” and “no establishment” are realized in American communities.



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