

2020

## Catholic and Evangelical Religious-Political Narratives About the Contraceptive Coverage Requirement Policy

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# Walden University

College of Social and Behavioral Sciences

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Leah Marie Silverman

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Walden University  
2020

Abstract

Catholic and Evangelical Religious-Political Narratives About the Contraceptive

Coverage Requirement Policy

by

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MPA, Boise State University, 2006

BS, Brigham Young University, 2003

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

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## Abstract

The intersection of religion and politics results in “wicked” policy problems for which evidence-based solutions are hard to find. An example is the Affordable Care Act’s contraceptive coverage requirement (CCR). Evidence suggests that women and society benefit from increased access to contraceptives, but religious freedom objections have been effective in litigation to limit the CCR’s reach. The purpose of this study was to explore the narrative elements and strategies used by Catholic and Evangelical stakeholders regarding the CCR, contraceptives, and religious freedom. Social constructionism and the narrative policy framework (NPF) provided the foundation for the study. Data collection included legal briefs and press releases authored by Catholic and Evangelical stakeholders. Content analysis included a variety of coding methods (e.g., values, axial) triangulated to highlight the themes in the narrative elements. The themes were analyzed using the NPF. Results showed that narratives relied on socially constructed religious beliefs about religious exercise and freedom and employed narrative strategies designed to focus on the harms the CCR policy caused. Social change implications are found in the additional knowledge and discourse concerning wicked policy problems created at the intersection of religion and politics. Policymakers may use the findings to develop policies that prioritize evidence over belief-based narratives.

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## Dedication

Dedicated to John, Wesley, and Wade. The most important thing I will do with this dissertation is to show you that you can accomplish your most lofty goals through dedication and hard work. Never give up.

## Acknowledgments

Thank you to my husband, William, and my children, John, Wesley, and Wade. Without their support, this would have been impossible.

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## Chapter 1: Introduction

De Tocqueville (2009/1850) noted in the mid-19th century that Americans' religious fervor inspired their political activity and pointed out that although there was a separation of church and state, religion was at the forefront of political thought. That connection between religion and politics has not waned. This phenomenon is part of a long history of the intersection of politics and religion in the United States. Although political discourse tends to focus on the secular and there have been predictions of the decline of religious influence, religion and politics remain intricately intertwined (Wald & Calhoun-Brown, 2018). Wald and Calhoun-Brown (2018) pointed out that, until recently, political scholars have ignored the intersection of religion and politics because of the predictions that it would not be a lasting issue. However, the conversations about and the recent developments of policies that impact women's access to contraceptives are a clear example of the continuing connection between religion and public policy.

As part of the Patient Protection and Affordable Care Act's (ACA, 2010) stipulation that insurance must completely cover preventative care, employers were required to include contraceptives in employees' insurance plans (U.S. Department of Health and Human Services [HHS], 2011). This inclusion is commonly referred to as the contraception mandate. Following the advice of Loewentheil (2014), who opted for a neutral term, I will be referring to this rule as the contraceptive coverage requirement (CCR). In *Burwell v. Hobby Lobby* (2014), several plaintiffs, including the owners of Hobby Lobby (who identify as Evangelical), contested this rule. Plaintiffs' claims were religious, rooted in their belief that certain contraceptives were sinful (*Burwell v. Hobby*

*Lobby*, 2014). This case, and the changes in policy connected with it, demonstrated the relationship between Catholic and Evangelical beliefs and the policy development of the ACA and its provision, which was meant to provide women with better access to contraceptives. The crux of plaintiffs' argument was that paying for insurance that might provide their employees with contraceptives would make them complicit in the sins of others (NeJaime & Siegel, 2015). The case ended up in the Supreme Court, who ruled in favor of the Hobby Lobby owners. Using the Religious Freedom Restoration Act of 1993 (RFRA) as the precedent, the justices decided that closely held corporations with religious objections should be exempt from the CCR (*Burwell v. Hobby Lobby*, 2014).

*Burwell v. Hobby Lobby* (2014) was not the only case that challenged the CCR. A series of cases were filed before and after, and the main objectors were Catholic and Evangelical institutions or individuals, especially religious elites, who self-identified with those traditions. Den Dulk and Oldmixon (2014) pointed out that analysts need to understand the perspectives of the political institutions involved to understand the impact that religion has on public policy. When religion and religious beliefs play a role in policy development, understanding the perspectives of religious organizations may aid in understanding this impact. Religious interest groups approach their advocacy in different ways than secular interest groups because their beliefs motivate them; religious interest groups view the laws through their religious paradigm, and they often form powerful coalitions centered on those beliefs (Bennett, 2014). Because of these differences, it is necessary to pay attention to their perspectives. In the current study, I examined Catholic

and Evangelical narratives in legal briefs and press releases about the CCR to understand the role they might have played in the policy process.

The impact religion may have had on the development of the CCR is significant because of its effect on women's access to contraceptives. Repealing no-cost coverage of contraceptives likely costs U.S. women \$1.4 billion a year, as well as increasing the rate of unintended pregnancies and abortions (Becker & Polsky, 2015; Brindis et al., 2017). Low-income women and teenagers are especially at risk (Brindis et al., 2017) because the costs of contraceptives are prohibitive. Ricketts, Klinger, and Schwalberg (2014) highlighted the importance of these policies for low-income women by showing that there was a significant reduction in birth rates and abortions rates in low-income women as an outcome of policies that increased their access to contraceptives. Likewise, Frost, Frohwirth, & Zolna (2016), writing for Guttmacher Institute, estimated that teen pregnancy rates from 2007 to 2012 would have been 73% higher if access to contraceptives had been restricted. Sonfield and Kost (2015) showed that in 2010, unintended pregnancies cost the United States \$21 billion, and preventing those unintended pregnancies would have saved \$15.5 billion. There are real adverse effects caused by reducing access to contraceptives. The policy developments that have followed the *Burwell v Hobby Lobby* (2014) case have contributed to these effects.

Given the way policy changes impact the lives and health of women, understanding why the policies have developed the way they have is crucial to future policy development. This type of policy analysis is not complete without policy narrative analysis. The way people talk about things and the stories they use to make sense of the



world shapes their perceptions and actions (Durnova, Fischer, & Zittoun, 2016; Jones, McBeth, & Shanahan, 2014). Rooting this study in social constructionism, the narrative policy framework (NPF) was used to analyze the narratives about the CCR to describe the narratives have shaped the policy process (Shanahan, Jones, McBeth, & Radaelli, 2018). A better understanding of how these narratives impacted the policies about women's access to contraceptives can be a tool that policymakers use to achieve a more favorable public health impact going forward.

This chapter includes a description of the background literature for the study, the problem statement, the purpose of the study, and the research questions. I also provide a short review of the theoretical framework and preview the more detailed discussion in Chapter 2. Explanations of the nature of the study, assumptions, scope and delimitations, limitations, and significance are also included in this chapter.

### **Background**

Other disciplines (e.g., sociology, philosophy, medicine) have engaged in rigorous research on how religion intersects with and makes an impact on their fields (Kettell, 2016). Religion has a consistent impact on politics and policy development (Wald & Calhoun-Brown, 2018). This impact plays out in “ongoing debates around faith schools, end-of-life issues, same-sex marriage, religious violence, and social cohesion” (Kettell, 2016, p. 210). Moreover, political scientists and public policy researchers have often left this intersection out of their discourse because they see the impact as minimal (Kettell, 2016; Wald & Calhoun-Brown, 2018). Because most people around the world, and in the

United States, identify with a religion or religious tradition (Kettell, 2016), religion's impact on policy is significant and will not likely decline.

The types of problems the intersection of religion and politics creates are often called wicked policy problems. Daviter (2019) described wicked policy problems as issues that are difficult to categorize and define, but that also have several competing viewpoints and no clear policy solution. In the United States, some of the most wicked policy problems remain unsolved because the conversations center around the unshared religious beliefs of various stakeholders. The debates are heated and seem unsolvable because firmly held beliefs on either side of the issues prevent compromise. Policies about women's access to contraceptives are examples of wicked policy problems caused by the impact of religion on policies. Stakeholders do not agree about whether the issue is about religious freedom or health care, or about the parameters of the debate, and there has yet to be a policy solution that makes everyone happy.

The CCR brought this conversation about religion and public policy about contraceptives to the forefront of the U.S. political debate. Although the ACA's (2010) provisions on preventative coverage do not explicitly mention contraceptives, the CCR comes from the amendment known popularly as the Women's Health Amendment (WHA; 155 Cong. Rec. S11987, 2009). The WHA ensured that the Human Resources and Services Administration would be able to make recommendations on standards of preventive care for women, which included contraceptives (155 Cong. Rec. S11987, 2009; HHS, 2011). The addition of this rule sparked heated debate and several lawsuits from religious organizations and coalitions.

The most notable of these was the case for the owners of Hobby Lobby Stores, Inc. (*Burwell v. Hobby Lobby*, 2014), represented by the Becket Fund, which escalated to the U.S. Supreme Court (Corbin, 2015). The Green family, owners of Hobby Lobby, argued the CCR challenged their religious rights, claiming that their beliefs about conception, contraceptives, and personhood precluded the inclusion of specific contraceptive methods in the insurance they offered to their employees (Green, 2012). The plaintiffs relied on the Free Exercise Clause in the First Amendment (U.S. Const. amend. I) and the RFRA (1993) to make their claim (NeJaime & Siegel, 2015). The Supreme Court decided in the plaintiffs' favor and codified a religious exemption for private, closely held corporations, which are corporations that have a small number of shareholders (*Burwell v. Hobby Lobby*, 2014). The deciding opinion of the court indicated that this was a specific case that should not have broad implications (*Burwell v. Hobby Lobby*, 2014). Nonetheless, this case has had a lasting impact on the religious influence on public policy and public policy that affects women's access to contraceptives.

Conscience-based claims for people with certain religious beliefs, which exempt them from the obligation to violate those beliefs, have been around for a long time, especially for medical professionals and religious organizations (Lederman, 2016; NeJaime & Siegel, 2015). *Burwell v. Hobby Lobby* (2014) changed the landscape of such claims in several ways. NeJaime and Siegel (2015) pointed out the complicity-based nature of the arguments the plaintiffs made in the case. The role of conscience-based claims has allowed individuals to practice their faith freely, but the precedent has not

shifted the burden to third parties (NeJaime & Siegel, 2015). Since *Burwell v. Hobby Lobby*, female employees, or employees' female family members, of corporations who claim a religious exemption bear the burden of acquiescing to the beliefs of their employers, whether they share those beliefs or not.

Furthermore, West-Oram and Buyx (2016) pointed out that giving corporations religious exemptions broadened the scope of conscience-based claims. It gave corporations, not just individuals, religious freedom rights. Additionally, it shifted the burden to third-party individuals, as NeJaime and Siegel (2015) argued, and also impacted large third-party groups and required a restructuring of the policy in question (West-Oram & Buyx, 2016). This nuance allowed corporations not only to practice religious freedom but to shape public policy to fit their beliefs (West-Oram & Buyx, 2016).

Recent policy developments show more of this trend. HHS (2018) announced a new division of the Office for Civil Rights (OCR), Conscience and Religious Freedom (CRF). The CRF division aims to protect individuals and corporations who seek exemptions because of conscience claims (HHS, 2018). The goals of the new division demonstrate a shift in policy agenda that highlights the trend toward allowing religious beliefs to shape policy. Until recently, HHS's (n.d.) mission was centered only on "protecting the health of all Americans and providing essential human services" (para. 2) rather than protecting religious freedom. Before the creation of the CRF, the OCR's mission statement focused on the protection of patients' rights (OCR, 2018). After CRF's

creation, OCR's mission statement was altered to focus more generally on law enforcement, including conscience and religious freedom laws (OCR, n.d.).

Another more specific impact that *Burwell v. Hobby Lobby* (2014) has had centers on women and women's health issues (Sepper, 2015; Velte & Ortega, 2015). Becker and Polsky (2015) estimated that women using contraceptives saved \$1.4 billion in 2013 after the implementation of the CCR. Becker and Polsky also estimated that contraceptives were roughly 30-40% of women's overall out-of-pocket health care expenses before the CCR. Other researchers have estimated that unintended pregnancy rates would rise as would costs nationwide, by billions of dollars (Frost et al., 2016; Sonfield & Kost, 2015).

Beyond the health care costs, women pay other costs both economically and socially when their access to contraceptives is restricted. Justice Ginsberg pointed out that contraceptives have been crucial for the "ability of women to participate equally in the economic and social life of the Nation" (*Planned Parenthood of Southern Pa. v. Casey*, as cited in *Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting). This case has not only opened the door for more employers to deny their female employees full health coverage, but for other forms of gender-based policies that affect women, their health, and participation in society and the workplace (Sepper, 2015; Tutson, 2016). One example is the executive order issued by President Trump in October of 2017, allowing exemptions for any employer who claims their religious belief prohibits them from offering their employees insurance that would cover contraceptives (Exec. Order No. 21851, 2017; Sonfield, 2018). As Sonfield (2018) noted, this includes all private corporations, including large publicly traded companies. This inclusion is an extension of

*Burwell v. Hobby Lobby* (2014), which claimed the exemption only for closely held corporations. President Trump's executive order did not provide the same provisions that *Burwell v. Hobby Lobby* did to help women obtain contraceptives through other means (Exec. Order No. 21851, 2017). This lack of provisions means that when employers do not pay for insurance coverage for contraceptives, women may be responsible for the costs (Sonfield, 2018). The attorneys general in Pennsylvania and California have engaged in lawsuits about these new provisions, and their cases are currently in appeal (Becket Fund for Religious Liberty, n.d.), demonstrating the policy development is ongoing.

The current study addressed two gaps in the existing knowledge relevant to these issues. One gap in the body of research on the intersection of religion and politics was a narrative analysis, specifically the religious narratives present in the policy process. Although the body of work addressing the impact of religion on politics is growing (Allen & Allen, 2016), very little research exists on how religious narratives play a role. Using the NPF in this study allowed for an enhanced understanding of the narrative elements at play and how the stakeholders shape the religious narratives to impact the policy outcomes (see Jones et al., 2014; Shanahan, McBeth, & Jones, 2014). I looked at the implementation of the CCR and cases like *Burwell v. Hobby Lobby* (2014). The second gap addressed by this study was the absence of literature addressing the NPF. The NPF is a suitable framework for examining the intersection of religion and politics because religious beliefs are founded in narratives. However, there is very little application of the NPF available to highlight this connection. Because the NPF is a

relatively new framework and is still developing, there have been calls to extend the research into new areas and methods (Jones & Radaelli, 2015). The NPF needs to be applied to diverse policy issues as it evolves into an established framework (Pierce, Smith-Walter, & Peterson, 2014). This study added to the body of research by highlighting and expanding the NPF's usefulness in public policy analysis.

Additionally, the importance of this study was demonstrated in the significant body of evidence that supports access to contraceptives for women (Brindis et al., 2017). There is also ample evidence that the CCR had a positive impact on women's health and their access to contraceptives (Brindis et al., 2017). Public administrators should be striving to find and implement best practices (Cairney, Oliver, & Wellstead, 2016). Public administrators face conflicts when an evidenced-based policy is rolled back because of religious objections that are not universally shared by stakeholders. This study addressed this conflict to enhance the understanding of its nature.

### **Problem Statement**

Little is known about the role that religious narratives play in the policymaking process related to the wicked policy problems created at the intersection of religion and politics. I examined Catholic and Evangelical narratives that may have played a role in women's access to contraceptives by influencing the ACA (2010) policy that requires health insurance coverage for contraceptives. Cases like *Burwell v. Hobby Lobby* (2014), the executive orders that reinforced religious stakeholders' policy agenda, and the shift in focus at the HHS have altered the policy so that it no longer guarantees that all women have access to cost-free contraceptives.

There is evidence that supports implementing policies that increase women's access to contraceptives, including the decreased costs to women's health care and the impact that a lack of access has on vulnerable populations (Brindis et al., 2017). Furthermore, restricting access will have negative impacts on public health outcomes for women and society in general, stemming from increased rates of unintended pregnancies (Brindis et al., 2017). Policymakers have not yet realized the full impact of *Burwell v. Hobby Lobby* (2014) on women's access to contraceptives and women's health policy. However, Justice Ginsberg (*Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting) predicted that it would be a slippery slope, and this trend has begun to manifest in Trump's executive order (Exec. Order No. 21851, 2017) giving both individuals and corporations more protection in denying contraceptive coverage and the HHS's new direction of enforcing religious exemptions (Sepper 2015; Sonfield, 2018; West-Oram & Buyx, 2016). Additionally, religion's impact on U.S. politics persists and needs to be explored, especially given the wicked policy problems it creates (Kettell, 2016; Wald & Calhoun-Brown, 2018). *Burwell v. Hobby Lobby* (2014) may prove to have a lasting impact on the way policymakers approach the intersection of politics and religion (NeJaime & Siegel, 2015).

### **Purpose of the Study**

Religious opponents of the CCR relied on narratives that established religion as an absolute pass on regulations if regulations and religion should conflict (Lipton-Lubet, 2014). The purpose of this study was to explore and describe those narratives in Catholic and Evangelical communities about the CCR with the intent to discover what narrative



elements and strategies are used. The understanding of these narratives will aid problem-solving for wicked policy problems. The study was qualitative, which was consistent with the NPF because it has roots in both positivism and postpositivism. Jones and Radaelli (2015, 2016) argued that the ontology of the NPF is postpositivist but that the epistemology takes a more positivist approach. This combination of paradigms is noteworthy because the NPF uses social constructionism as its foundation, especially in the understanding that humans use narratives to process and understand the world, which means humans in different contexts will apply different meanings to the same symbols and narratives (Jones et al., 2014). The NPF uses a poststructuralist approach, rejecting the idea that policy can be understood without understanding its context, language, and narratives (Jones & Radaelli, 2016). However, the NPF also relies on a practical approach to analyze those narratives by breaking down the narrative elements outlined in the NPF as variables (Jones et al., 2014). A beneficial aspect of the combination of paradigms is that it allows for flexibility in the application of the framework, making room for both quantitative and qualitative approaches (Jones & Radaelli, 2015; 2016). Critics of the NPF have argued that the positivist epistemology of the NPF is not compatible with an interpretivist approach (Jones & Radaelli, 2016). However, although the approach to methodology needs to be adjusted from a quantitative approach with the NPF, the framework provides a theoretical foundation for interpretivism (Gray & Jones, 2016). In a study of narratives about campaign finance reform, Gray and Jones (2016) showed that with adjustments to methodology the NPF provides a codebook for qualitative

researchers. As I did in the current study, Gray and Jones used the narrative elements to code the data deductively and then looked for themes and patterns with inductive coding.

I used a qualitative approach with a content analysis of documents. Document analysis got to the heart of the shared narratives of the Catholic and Evangelical traditions (Coffey, 2014). The content analysis allowed for building a coding framework (Shreier, 2014) using the variables provided by the NPF and analyzing the documents through that lens.

### **Research Questions**

The research questions were as follows:

RQ1: What narrative elements did/do Catholic and Evangelical communities use to discuss the ACA's (2010) Contraceptive Coverage Requirement, contraceptives, and the First Amendment's Free Exercise Clause?

RQ2: What narrative strategies are employed?

SRQ1: How are belief systems used in the narratives?

SRQ2: Is there a difference in the narratives before and after *Burwell v. Hobby Lobby* (2014)?

### **Theoretical Framework**

Berger and Luckmann (1966/2011) developed the theory of social constructionism, which continues to be an influential theoretical framework in social sciences because of its adaptability (Vera, 2016b). Its application to public policy is an example of this. For instance, the NPF relies on social constructionism to explore political narratives (Shanahan, Jones, McBeth, & Radaelli, 2018). Researchers and

analysts have used social constructionism to analyze policy through language and meanings, reasoning and persuasion tactics of policy actors, and power conflicts in the policy process (Durnova et al., 2016). Social constructionism is also a good fit for studying religion because religion is one way that humans establish social reality and because religion is socially constructed (Dressler, 2019; Zerubavel, 2016).

At the heart of the theory of social constructionism is the question about how knowledge about the world and society is gained and shared. The theory posits that learning, knowing, and teaching are social processes and are subject not just to reality but to what humans think is the reality (Gergen & Gergen, 2015; Slater, 2017). Berger and Luckmann (1966/2011) acknowledged an absolute reality, or a world that exists independent of human thought. Berger and Luckmann also claimed that even though there is a concrete truth, humans will assign to it a variety of meanings based on their shared assumptions. Humans then build societies based on their assumptions, and this allows society to establish the rules. This establishing of rules becomes a cycle of assumptions that feed into the building of a society and a society that feeds those assumptions (Segre, 2016; Vera, 2016b). Berger and Luckmann's ideas were similar to the theories of Searle (1995), who defended a physical reality while acknowledging the existence of social reality based on what people believe. However, Searle's main point was establishing the existence of the two realities. Although Searle included language as a way that social realities are constructed, his focus was on establishing the existence of the construction rather than exploring how social realities develop (Knoblauch & Wilke,

2016). Berger and Luckmann focused on how socially constructed realities are shared and learned.

Humans are social creatures who learn about the meanings of reality through other people (Vera, 2016b). This socialization begins with humans' inner circle (e.g., parents, family) and expands to include institutional interactions (e.g., church, school; Segre, 2016). Because the human understanding of society is rooted in both types of relationships, people rarely reevaluate or analyze their assumptions about the rules (Slater, 2017). Zerubavel (2016) pointed out that it is the assumptions' "taken-for-grantedness that gives them epistemic authority that promotes assumed inevitability" (p. 74). In other words, social realities become true because there is a consensus that they are true (Vera, 2016b; Zerubavel, 2016).

Given the dependency on relationships in establishing social realities, narratives play a critical role in the process (Gergen & Gergen, 2015; Slater, 2017). Social constructionism positions humans as narrators. Humans tell each other stories as a way of processing and making sense of the world (Jones et al., 2014). Both religion and public policy are examples of this type of storytelling in which narratives play an integral role in binding religious and political beliefs (Hovi, 2014; Jones et al., 2014). Social constructionism is a useful approach for examining the intersection of the two. With social constructionism as the backdrop, the NPF was used to examine belief systems and the way they interact with the narratives used by focusing on the use of narrative elements (e.g., characters and moral of the story) as tools to promote a policy agenda (Shanahan, Jones, McBeth, & Radaelli, 2018). The research questions and approach to

this study focused on the narrative elements laid out in the NPF as a foundation, and the research design centered around analyzing the narrative elements as variables.

### **Nature of the Study**

I analyzed the narratives of religious stakeholders in a political context.

Qualitative document analysis was an appropriate design because religious communities have been writing and using documents to clarify their values and beliefs for centuries (Hovi, 2014). Sacred texts like the Quran, Torah, and Bible exist because religious communities have collected documents of their narratives. This tradition is carried on in most religious traditions in the form of printed sermons, speeches, articles, and press releases. Documents contain the narratives of religious communities, and they are helpful for examining the narratives of Catholic and Evangelical denominations at a group level (Weible & Schlager, 2014).

The phenomenon in question was the intersection of religion and public policy development. I investigated the way Catholic and Evangelical traditions used narratives and narrative elements to discuss the CCR. I used legal briefs and press releases to explore the narrative elements as outlined in the NPF to analyze the elements' role in the discourse about the CCR and policies that affect women's access to contraception. Legal briefs and press releases were appropriate sources of data because they represent official statements of the authors.

Bowen (2009) noted that document analysis "requires data selection, instead of data collection" (p. 31). The availability of documents on the Internet can make document collection efficient and cost-effective (Bowen, 2009). I collected documents

authored by churches and other religious nonprofits and private institutions that identify as Catholic or Evangelical. I also investigated organizations whose mission statements include a focus on religion or religious liberty, and those that are well-known as faith-based organizations. Documents from key individuals and leaders in these organizations were also included, meaning religious elites, leaders of churches, heads of nonprofit groups, and litigators in related lawsuits like *Burwell v. Hobby Lobby* (2014). I collected documents via purposive sampling with a reputational approach (Daniel, 2012, 2015). The pool of participants were Catholic and Evangelical organizations known to have taken a stance on the CCR, *Burwell v. Hobby Lobby*, and other contraceptive policies. The goal was to provide equal representation for the two traditions and include a variety of Catholic and Evangelical stakeholders. I analyzed the data using content analysis with a coding framework (see Shreier, 2014). The codebook was constructed around the narrative elements supplied in the NPF.

### **Definitions**

Shanahan, Jones, McBeth, and Radaelli (2018) relied on social constructionism to build their framework, and I included definitions of terms they relied on to analyze policy narratives: *homo narrans*, *bounded relativity*, *policy subsystems*, and *agora narrans*. These terms serve to connect social constructionism to policy processes. Shanahan, Jones, McBeth, and Radaelli categorized the narrative elements into two categories: form and content. Form elements include setting, characters, plot, and moral of the story. Content elements include policy beliefs and strategies.

I also included definitions for terms describing and defining religion and religious groups. Religion consists of many different traditions and denominations, all with their own branches. Catholic and Evangelical are terms that describe a specific type of religious group, and these definitions helped to frame their use in this study.

*Agora narrans*: As humans understand the world through stories, groups, and stakeholders within the policy subsystems, they use narratives to understand and to persuade (Shanahan, Jones, McBeth, & Radaelli, 2018).

*Bounded relativity*: Humans rely on their belief systems and ideologies to assign context and meaning to their narratives. For example, public policies mean different things to people depending on the paradigm they exist in (Shanahan, Jones, McBeth, & Radaelli, 2018).

*Catholicism*: The Catholic church does not formally recognize any subgroups, and so it qualifies as both a tradition and a denomination with a shared history, belief system, and institutional structure (Wald & Calhoun-Brown, 2018).

*Characters*: The characters in the story are the stakeholders and key players whom Shanahan, Jones, McBeth, and Radaelli (2018) identify as villains, heroes, or victims. However, the characters are not limited to persons. Concepts are often personified in the political narratives and prescribed in the role of villain, hero, or victim (Pierce et al., 2014; Shanahan, Jones, McBeth, & Radaelli, 2018; Weible & Schlager, 2014).

*Evangelical*: The Evangelical tradition is rooted in the United State's strong history with Protestantism (Wald & Calhoun-Brown, 2018). The differences between the

Evangelical tradition and mainline Protestantism are that Evangelicals have more literal beliefs about Jesus and the Bible and have more socially and politically conservative views (Wald & Calhoun-Brown, 2018). Denominations within the Evangelical tradition include Southern Baptist, Pentecostal, Adventist, and others. The Evangelical tradition also includes nondenominational congregations that are centered on the same belief systems.

*Homo narrans*: Humans are storytellers. Narratives are integral to how they understand the world around them and their perceptions of reality (Shanahan, Jones, McBeth, & Radaelli, 2018).

*Moral of the story*: In political narratives, the moral of the story is generally connected with the policy solution (Shanahan, Jones, McBeth, & Radaelli, 2018). Weible and Schlager (2014) suggested that the policy solution can play a character role as the hero of the story.

*Policy beliefs*: Examining policy beliefs provides meaning for the narrative because fundamental belief systems drive the way people understand and process policy and then inform policy beliefs (Jones et al., 2014).

*Policy subsystems*: Policy issues are housed in policy subsystems. Subsystems consist of stakeholders, key players, and coalitions that are formed around the policy issues (Shanahan, Jones, McBeth, & Radaelli, 2018).

*Religious congregation*: A localized group that meets at a specific location. Congregations can be a subgroup of a religious denomination or a nondenominational



group, some of which will identify with a religious tradition (Wald & Calhoun-Brown, 2018).

*Religious denomination:* A denomination is a subgroup of a religious tradition. Denominations share not only belief systems but also an organizational and institutional structure (Wald & Calhoun-Brown, 2018).

*Religious tradition:* A tradition is a shared system of belief, with similar stories of origin (Wald & Calhoun-Brown, 2018). Catholic and Evangelical traditions are two examples.

*Setting:* In the NPF, the setting in the policy narrative is defined as the arena for the policy or policy problem (Shanahan, Jones, McBeth, & Radaelli, 2018). The setting provides context and the conditions under which the policy developments are considered (Shanahan, Jones, McBeth, & Radaelli, 2018).

*Strategies:* The use of the narrative elements within the story (e.g., the presence of heroes, villains, and victims) can offer more insight into the narrator's agenda (Jones et al., 2014).

### **Assumptions**

Social scientists who study religion commonly define religion using the three Bs framework, which includes belonging (or affiliation), beliefs, and behavior (or practice) (Keysar, 2014). I used this definition of religion with the assumption that there is a connection between belonging, beliefs, and behavior that shape the Catholic and Evangelical traditions in cohesive ways that impact their political views and how their views play out in narratives about contraceptive policies. If an organization or individuals

claimed affiliation with Catholic and Evangelical communities, I assumed they had shared beliefs and practice. This assumption was necessary because the focus was on community-shared narratives.

Allen and Allen (2016) defined religion as “systems of shared activity organized around transcendental signifiers” (p. 559). This definition highlights two operational components of religion: communities and the symbols that define them (Allen & Allen, 2016). Allen and Allen pointed to the importance of language and rhetoric because of the way it shapes the transcendental signifiers and gives them meaning. I relied on these ideas and assumed that the narratives used by Catholic and Evangelical stakeholders were representative of the shared symbols and meanings used to shape their belief systems.

### **Scope and Delimitations**

The political narratives of Catholic and Evangelical traditions were the focus of the research questions to enhance the understanding of these narratives in the policy process. This focus was important because it addressed a gap in the research about narratives, especially religious narratives, and their relationships with policies that affect women’s access to contraceptives. A focus on the narratives and the narrative elements highlighted the way stakeholders in these religious traditions advocate for their policy agendas.

The study was restricted to Catholic and Evangelical traditions for a few reasons. First, it was necessary to limit the religious traditions for practical reasons so the study would not become too large to manage. There were at least two religious traditions included so that the analysis could offer a more well-rounded study and allow for a

comparison of the different religious traditions. Catholic and Evangelical traditions were chosen because they are the largest traditions with which U.S. citizens identify (Pew Research Center, 2014). The third reason was that a survey of the court cases about the CCR showed that the plaintiffs are most often Catholic and Evangelic organizations or people affiliated with either tradition (Lipton-Lubet, 2014).

The documents gathered for the study also had several parameters. The time frame was restricted from 2011 to the present. The CCR's story began when HHS announced in 2011 that the rules in the ACA (2010) for women's preventive care services would include contraceptives. Analyzing documents in this time frame allowed for a look at the narratives after that announcement, and then how (or if) narratives evolved as a result of *Burwell v. Hobby Lobby* (2014) and the developments and policy changes since *Burwell v. Hobby Lobby*. The documents were limited to those that addressed the CCR, *Burwell v. Hobby Lobby*, religious freedom, the RFRA, and developments to contraceptive-related policies since *Burwell v. Hobby Lobby*.

Jones et al. (2014) acknowledged that analysis of the content of any policy narrative is not going to be transferable to narratives about other policy issues. For example, the content of the Catholic and Evangelical narratives about the CCR is going to be very different from the narratives of policymakers in the United States and the United Kingdom about anti-government movements in the Middle East (O'Bryan, Dunlop, & Radaelli, 2014). The same lack of transferability is an issue when considering the way this study highlighted the impact of religion on politics in the United States.

Using the NPF, narrative elements can be operationalized to foster a better understanding of the way those elements are used in the policy narratives (Jones et al., 2014). This study offered a better understanding of the religious narratives used about the CCR, and it added to the body of work helping researchers better understand the intersection of religion and politics and the religious-policy narratives used in the policy process. The examination of narrative elements present in these narratives and how they are used is transferable to other applications of the NPF and how policy narratives play a role in the intersection of politics and religion.

### **Limitations**

#### **The NPF**

The narrative elements and the way they are framed come with a few limitations because the NPF is a relatively new framework researchers are still developing (Jones et al., 2014). For example, the characters in the narratives can be people, objects, concepts, or places. The NPF does not define this narrative element, and what qualifies as a hero, villain, or victim can vary from researcher to researcher (Weible & Schlager, 2014). Researchers can clarify these ambiguities in the framework with more studies that identify patterns in these elements in narratives. As the NPF continues to develop as a framework, these definitions will become clearer.

The parameters for the narrative elements and the process by which they are set is vulnerable to subjectivity. To address this issue, Weible and Schlager (2014) recommended a careful and precise operationalization of variables. So the coding for the

current study would be understandable and replicable, I used a thorough coding framework and codebook for the document analysis (see Weible & Schlager, 2014).

### **Policy Narratives**

Narratives are one part of the policymaking process, and the current study did not offer a comprehensive explanation of the process and development of policies that affect women's access to contraceptives (see Weible & Schlager, 2014). Although this study added to the understanding of the policy-narrative dimension of the policy process, future studies that combine the results with other theoretical and conceptual frameworks may enhance this understanding.

### **Sampling Approach**

Purposive sampling was an appropriate choice because it allowed the analysis to target the relevant communities. However, because the point of purposive sampling is to look for something specific, it limits generalizability (Daniel, 2012). The focus of this study was narrow. However, because the goal was to highlight the narrative elements and the way they are used in the narratives, findings added to the body of research on the topic when applied to other narratives and content.

Taking a reputational approach with purposive sampling also introduces limits when paired with document analysis because it takes more time to curate a document collection than it does other sampling styles and requires extensive knowledge about the sample's population (Daniel, 2012). It is essential to remember that the collection process can be iterative (Daniel, 2012). In the current study, it became clear which types of

documents were relevant and which were not as helpful, and the document collection plan was adjusted as needed.

There may have also been a limitation with the documents included in the collection. The types of documents (legal briefs and press releases) included in the study were not written for research purposes and may not have included details and information that would otherwise be helpful (see Bowen, 2009). In any document, there may be inconsistent narrative elements that otherwise exist across the sample. However, an essential aspect of the document analysis and content analysis is the intertextuality of the documents and how they relate to each other (Coffey, 2014). The process was an iterative one, and the codebook was adjusted as necessary.

### **Researcher Bias**

I came to this study with beliefs and opinions about contraceptives, the CCR, women's access to contraceptives, and the impact that religious discourse has on public policy development. To carefully check these biases as I conducted the research, I used a reflexive journal. A method called bracketing, which Tufford and Newman (2012) recommended for mitigating biases, helped me engage in self-reflection about the way the data were analyzed and coded. Chapter 3 includes a more detailed explanation of the methods used to overcome biases.

### **Significance of the Study**

This study may aid policy analysts and stakeholders to understand better the use of religious narratives in the development of policies that affect women's access to contraceptives. Incorporating narratives into the analysis of the policy process may lead

to more informed and productive discourse about policy development and outcomes. This understanding may be especially important in light of the impact that *Burwell v. Hobby Lobby* (2014) and subsequent events have had on the ability of religious narratives to impact and shape public policy (West-Oram & Buyx, 2016). This study added to the current research by highlighting and describing the relationships between religion and policy in *Burwell v. Hobby Lobby* through the study of the narratives that were used in Catholic and Evangelical communities to discuss the CCR. There is a gap in the literature on narratives as a part of the intersection of religion and public policy, and this study was conducted to close that gap.

This study enhances scholarship (see Callahan et al., 2012) by adding to the inquiry of political narratives and the critical analysis that the use of narratives has on policy development, as well as the way religion and politics intersect. Policymakers and administrators lose the focus on evidence-based policy and best practices when they prioritize belief-based narratives over evidence (Cairney et al., 2016). Contraceptive methods are an integral part of women's healthcare, which can account for a significant portion of women's overall health care costs (Becker & Polsky, 2015). Reducing insurance coverage of contraceptives results in a financial burden for women, putting the benefits of this type of health care out of reach for many women (Becker & Polsky, 2015; Brindis et al., 2017). Beyond costs and access to adequate reproductive health (Velte & Ortega, 2015), reducing insurance coverage also impacts the ability of women to fully engage in society (*Planned Parenthood of Southeastern Pa. v. Casey*, as cited in *Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting). Recent developments in policies that

affect access to contraceptives may heighten the negative impacts (Sonfield, 2018).

Positive social change is brought about by highlighting how society meets the needs of its citizens and why (Callahan et al., 2012). The goal for this study was to contribute to that discourse.

### **Summary**

The controversy and contention surrounding the CCR is one example of religion's intersection with politics and public policy in the United States. I sought to fill in a gap in the research by exploring the narratives used in religious traditions about the CCR. The social implications of this study are centered on the importance of women's access to birth control and the way religious narratives may prevent an evidenced-based approach to these policies. I examined the way Catholic and Evangelical narratives were used about the policy. The theory of social constructionism provided the theoretical foundation for the study, and the NPF provided a methodological framework. The NPF's narrative elements helped to inform the qualitative document analysis that addressed the narratives in question. Chapter 2 provides an explanation of social constructionism's major components and its application in this study. I also delve more deeply into the background research for this study, including the intersection of religion and politics, the history of the CCR, *Burwell v. Hobby Lobby's* impact on the requirement, and why having access to contraceptives matters for women.



## Chapter 2: Literature Review

In 2009, the WHA (155 Cong. Rec. S11987, 2009) amended the ACA (2010) to include specific coverage for women's preventative services. HHS (2011), relying on the advice of the Human Resources and Services Administration, included contraceptives as a preventive service. Under these rules, employers were required to include cost-free contraceptives in their insurance plans, and this became commonly known as the contraception mandate, which I am referring to here as the contraceptive coverage requirement (CCR). Controversy sprung up around the CCR that stemmed primarily from the religious objections of employers (Batra & Bird, 2015; Gedicks & Van Tassell, 2014). Catholic and Evangelical churches and institutions, as well as businesses and business owners affiliated with Catholic and Evangelical denominations, objected because they believed that providing employees with certain contraceptives made them complicit in sin (NeJaime & Siegel, 2015). Those religious objections affected both public opinion about policies on contraceptives and public policies that affect access to contraceptives.

Influencers in the public policy process use political narratives to either champion or vilify policy agendas (Shanahan, Jones, McBeth, & Radaelli, 2018). The problem addressed in this study concerned religious narratives' relationship with politics in the United States (Wald & Calhoun-Brown, 2018). Specifically, the phenomenon addressed was the Catholic and Evangelical political narratives that impact contraceptive policy. Cases like *Burwell v. Hobby Lobby* (2014), executive orders that reinforce religious stakeholders' policy agendas, and a shift of focus in HHS's mission that favors religious

exemptions have played a role in reducing access to contraceptives by manipulating the CCR. These changes have altered contraceptive policy so much that it no longer guarantees access to cost-free contraceptives.

The purpose of this study was to explore the Catholic and Evangelical political narratives in the CCR's policy development. Using the NPF as a methodological framework (see Jones et al., 2014; Shanahan, Jones, McBeth, & Radaelli, 2018), backed by social constructionism, I analyzed the narrative elements and strategies used by Catholic and Evangelical stakeholders to impact policy outcomes. The study was a qualitative content analysis of documents, which allowed me to focus on shared narratives that are central to the Catholic and Evangelical stakeholders' political narratives (see Coffey, 2014). I used a coding framework to analyze the documents with the NPF's variables, including narrative elements and strategies (see Shreier, 2014; Shanahan, Jones, & McBeth, 2018). Analyzing the narratives in the policy development enabled me to highlight the role religion plays in public policy development, especially the way policy actors use religious-political narratives in the process.

The CCR was a useful case study for this analysis because access to contraceptives is a significant public health issue. Policies about contraceptives have impacts on the overall reproductive health of women and children (Gavin, Frederiksen, Robbins, Pazol, & Moskosky, 2017). When contraceptive policies restrict access to contraceptives, it has adverse health outcomes for women and as well as society in general (Brindis et al., 2017). For example, lack of access to contraceptives costs women \$1.5 billion annually, and the U.S. government could save \$15.5 billion annually by

reducing the rates of unintended pregnancies (Brindis et al., 2017; Sonfield & Kost, 2015).

The evolution of the CCR highlights the importance of exploring the way religion and politics intersect. The *Burwell v. Hobby Lobby* (2014) case not only impacted the CCR but also altered the way religious and political conflicts, especially religious freedom issues, are framed, and potentially set a new precedent for resolving those disputes (NeJaime & Siegel, 2015). For example, the case extended religious freedom rights to corporations, giving corporations the chance to mold policies their stakeholders object to (West-Oram & Buyx, 2016). These implications warrant further research into the role religious-political narratives play in contraceptive policy development.

In this chapter I review the research on these issues, starting with an explanation of the research strategies. Next, I explain the use of social constructionism and the ways it guided and enhanced the NPF study. I also examine the intersection of religion and politics, using *Burwell v. Hobby Lobby* (2014) and the CCR as an example. This discussion includes an explanation of the importance of contraceptive policies and their impact on women's lives and health.

### **Literature Search Strategy**

To identify relevant literature for this study, I searched databases such as Academic Search Complete, Political Science Complete, ProQuest Central, and others (see Table A1 a for complete list). Several databases were used for certain aspects of the literature review. To gather descriptive material on social constructionism and the NPF, I searched SAGE Knowledge, SAGE Research Methods, and SocINDEX. The data were

gathered on contraceptives and contraceptive policies from PubMed and MEDLINE to garner information through a health care lens. Several legal databases were used (e.g., Nexis Uni, Supreme Court Record, Government Publishing Office; see Appendix A for more detail) to locate the text of bills and court opinions and to gather analysis from law review journals. The search terms were broken down into five categories: social constructionism, narrative policy framework, religion and politics, contraceptives and contraceptive policies, and *Burwell v. Hobby Lobby* (see Table A2 for a full list of terms and combination of terms, including the databases where the terms were searched).

I employed a variety of approaches to ensure that the research was exhaustive on these subjects. Works by particular authors were searched when it was clear they had written a great deal on the subject. For example, Berger and Luckmann and also Jones, McBeth, and Shanahan are pioneers of social constructionism and the NPF, respectively. Looking for other works they had written yielded a great deal of useful material. The same search was done with authors who wrote extensively on religion and politics, religious freedom, the CCR, and *Burwell v. Hobby Lobby*. Also, when an article appeared in a special or themed issue of a journal, other pieces were pulled from the same issues that addressed the same topics. Several journals were searched because they target specific issues. For example, the journals *Contraceptives* and *Politics and Religion* were searched to find articles relevant to the study.

Regarding articles that were germane to this study, I searched for works that cited those pieces using Google Scholar (Walden University Library, n.d.). The works cited in each piece were also used to find other relevant articles. Finally, the metadata for each

article and book were checked to find the suggested key terms. This step helped me build an extensive list of search terms. When the search terms, authors, and articles started to reappear regularly, the research was deemed exhaustive.

### **Theoretical Framework**

When Berger and Luckmann (1966/2011) wrote *The Social Construction of Reality*, they did not foresee that it would develop into the theory it has become (Dreher & Vera, 2016; Vera, 2016a). Berger and Luckmann did not have like what became of their initial project (Steets, 2016; Vera, 2016a), because scholars have widely applied it in a variety of ways in the social sciences in a way Berger and Luckmann did not intend for it to be used (Vera, 2016b). These applications include the study of politics and religion (Knoblauch & Wilke, 2016). Knoblauch and Wilke (2016) assigned the blame for the variety of interpretations to Berger and Luckmann themselves, who did not lay a clear path in their work for establishing the theory as a theoretical framework. This left room for others to lay the groundwork in their own applications. The theory of social constructionism is also subject to social constructionism and is open to a variety of interpretations and adaptations.

Nonetheless, Berger and Luckman's (1966/2011) definitions for social constructionism are still vital to any explanation of the theory. Vera (2016b) described the theory by breaking down the words in the title of Berger and Luckman's book: *social*, *construction*, and *reality*. The social aspect speaks to the way humans are taught from birth how to engage with knowledge and understand the world through a social process (Gergen & Gergen, 2015; Slater, 2017). Humans are social creatures who learn realities

through other people (Vera, 2016b), and they create subjective realities through socialization, first with those in their inner circles (e.g., parents, family) and then with those in institutional arenas (e.g., church, school; Segre, 2016). Social realities become real because people share their beliefs and paradigms through which they view the world (Vera, 2016b). Even when assumptions are challenged and sometimes changed, it is the social processes and interactions with other people that act as the catalysts (Slater, 2017).

The process by which realities become real is the construction aspect of the theory. Of the three words explained here, construction best represents some of Berger and Luckmann's (1966/2011) significant complaints with where their ideas ended up. If they had the chance to write the book again, Berger would have chosen interpretation (Vera, 2016a), and Luckmann would have preferred building (Dreher & Vera, 2016). Their notion was that shared social beliefs and paradigms impact the way people interpret reality and the way they rely on those interpretations to build a society (Vera, 2016b). The construction of reality is dependent on the meanings people give it, and the process of understanding and building realities is iterative (Brekhus, 2015; Segre, 2016; Vera, 2016b). Social realities are both perceptions and manifestations.

However, the idea that society is constructed through these paradigms does not necessarily imply that there is not a reality that exists outside of the human interpretation of it. Searle (1995) argued this point in response to the development of more fluid social construction theories that paint reality as subject to human interaction. Searle argued that there are brute facts and institutional facts, the former being the physical reality that exists independent of humans and the latter being the social reality and rules humans live

by. Although there are modern variations of social constructionism that assume a less stable reality than others (Spash, 2014), that implication was not there for Berger and Luckmann (1966/2011). When it comes to the reality aspect of their theory, Berger and Luckmann acknowledged both an absolute reality and a malleable reality. Berger and Luckmann claimed that there is a concrete truth, but also that humans will assign to it a variety of meanings based on their subjective reality.

Vera (2016b) explained that Berger and Luckmann (1966/2011) relied on the works of several other philosophers, especially Alfred Schutz, to develop their theory about multiple realities. There are as many realities as there are different groups of people with different paradigms (Vera, 2016b). Miller (2016) compared this reification to quantum waves: There are possibilities of realities that condense into one reality when it is the socially accepted version. Zerubavel (2016) explained five ways social reality is established: religion, science, reason, universalism, and eternalism. It is through these different lenses that humans build paradigms and belief systems. Especially relevant to the current study is the religious pillar. Zerubavel also explained that religious beliefs are self-evident for those who hold them. Zerubavel discussed the importance of scriptures as part of this establishment, which supports the premise of the current study because scriptures are religious narratives. Religion establishes social realities through influential and unquestioned beliefs about god and scriptures that are so deeply held that believers will not easily consider opposing viewpoints (Zerubavel, 2016).

Zerubavel (2016) theorized that people do not openly discuss these shared beliefs because they are the things humans take for granted. Zerubavel said it is “their taken-for-

grantedness that gives them epistemic authority that promotes assumed inevitability” (p. 74). Slater (2017) had a similar view and pointed out that people rarely evaluate or analyze the assumptions they make. Additionally, Brekhus (2015) explained that people so rarely question those assumptions because they are the default, and they are generally only noted in contrast with a different reality.

Jones et al. (2014) named social constructionism as one of the underlying assumptions in the NPF. Jones et al. explained that when the policy process is analyzed this way, it highlights the different policy realities constructed on shared beliefs and precedents. Because the creators of the NPF and the scholars who have used it have set it against this backdrop, any researcher using the NPF is going to supply an example of how scholars can apply social constructionism to policy narratives.

Several researchers using NPF have more overtly relied on social constructionism to analyze their data. Lybecker, McBeth, Husmann, and Pelikan (2015) combined the NPF and social constructionism to analyze policy narratives about the U.S.-Mexico border. Lybecker et al. relied on a social constructionism framework explained by Schneider, Ingram, and DeLeon (2014) as a method for analyzing how policy outcomes affect socially constructed target groups. Later, Lybecker, et al. did a similar study applied to the U.S.-Canada border. Husmann (2015) took a similar approach to a different topic, relying on social constructionism to look closely at obesity policy narratives. Merry (2018) did the same with gun policy narratives.

Much like these articles, I used social constructionism as the theoretical framework in the current study because it is an appropriate backdrop for narrative



analysis, both religious and political. According to Knoblauch and Wilke (2016), social constructionism is prevalent in both religious and political analysis. Zerubavel (2016) named religion as one of the critical tools used to establish a social reality. This study will look more closely at this dynamic. Policy actors, as much as anyone else, use their socially constructed understanding of the world to define policy problems and solutions (Durnova et al., 2016; Jones et al., 2014). It is through narratives that policies are defined, and it is through narratives that actors seek to influence others to accept preferred policy solutions (Maricut, 2017). In the current study, I explored how religious narratives are used to drive policy agendas.

Bergman and Luckmann (1966/2011) did not like how modern scholars were using social constructionism so broadly, and they were especially irritated with its political applications (Knoblauch & Wilke, 2016; Vera, 2016a). Knoblauch and Wilke (2016) pointed out that *The Social Construction of Reality* (Bergman & Luckman, 1966/2011) was decidedly apolitical, and the authors preferred it that way. They did not intend for their ideas to extend beyond a descriptive tool. However, Barnes (2016) argued that Bergman and Luckmann were wrong about the broader applicability of social constructionism. He argued that it was shortsighted to use social constructionism as a merely descriptive tool instead of using it to explore relationships between different factors (Barnes, 2016).

Furthermore, Sica (2016) argued that Berger and Luckmann's (1966/2011) explanation of the theory was initially missing an essential piece of the puzzle because of the absence of political analysis. Berger and Luckmann should not have been surprised

when others saw that potential there and began to explore it (Sica, 2016). As Knoblauch & Wilke (2016) pointed out, because they left political analysis and the exploration of variable relationships out of their work, it left the door open for social constructionism to take hold in political discourse through the work of others.

I chose social constructionism as the theoretical foundation for the current study because it allowed for a viewpoint that considers an objective reality alongside an analysis of the societal influences on policy development (Spash, 2014). The theory of social constructionism is essentially a theory of knowledge, the ways we learn knowledge socially, and of how that knowledge is subject not just to reality, but reality as people perceive it (Gergen & Gergen, 2015; Slater, 2017). Especially given that this study looked closely at policy narratives and narrative elements, of interest is the way social constructionism explains the power of narratives to make and remake social realities. Though Searle (1995) did not explore narratives specifically, he based a key aspect of his theories on social reality on the idea that it is through language that humans establish social realities. Searle was not as interested as Berger and Luckmann (1966/2011) in the social aspects of how knowledge is shared beyond establishing that it is shared. Although Berger and Luckmann were not interested in exploring any political connection, the goal for this study was to use their ideas about the way humans assign different meanings to symbols and objects to explore a relationship between religious narratives and public policy. As Shanahan, Jones, and McBeth (2018) pointed out, it is not enough to say that realities are diverse because they are also not arbitrary. Realities, including political and policy realities, are rooted in ideology (Shanahan, Jones, & McBeth, 2018).

In the current study, I explored the relationship between belief systems and narrative elements because this leads to better policy and positive social change. Given that social constructionism explains the connection between belief systems and policy realities, there is an implication that policy realities can be deconstructed and even remade (Steets, 2016). Endreß (2016) pointed out that some social constructs have changed over time in response to a society's desire to reframe something they have identified as a faulty assumption. Additionally, Schneider et al. (2014) have also noted that social constructions have changed in the past, making way for related policy changes.

Haslanger (2017) argued that the first step in this process needs to be an examination and evaluation of social meanings because social change is not just policy and law, but also a change in perception. This idea relates to Shanahan, Jones, and McBeth's (2018) assertion that there is a causal element between these social meanings, policy narratives, and policy development. Policy scholars cannot thoroughly analyze policy if they do not also examine the meanings attached to the policies by the actors involved (Jones & Radaelli, 2015). The research questions here were rooted in these ideas and ask what religious, social constructs the policy narratives about contraceptive policies come from and how narrative elements are used to communicate the stakeholders' agendas (see Maricut, 2017).

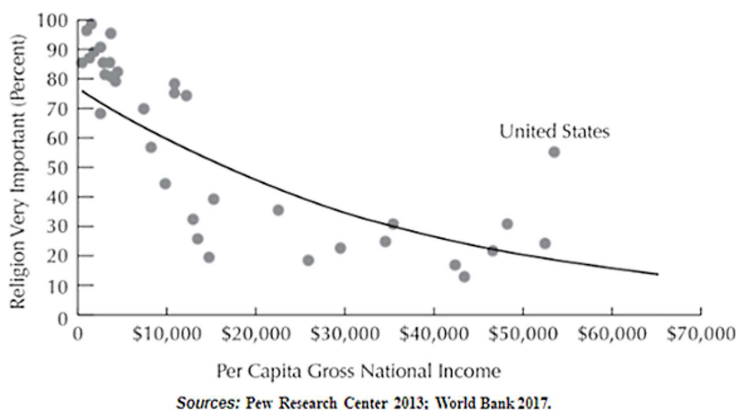
## Literature Review

### Religion and Politics

Because religion is one of the primary ways that social realities are constructed (Dressler, 2019; Zerubavel, 2106), it is essential to analyze what it is and how it impacts policy. Religion is a combination of a shared identity, shared belief, and shared practice (Keysar, 2014; Wald & Calhoun-Brown, 2018). Furthermore, Allen and Allen (2016) pointed out that shared religious ideas are especially binding because they center on “transcendental signifiers” (p. 559). Additionally, Bennett (2014) wrote that religious groups advocate for their preferred policies in different ways than other groups because of their shared beliefs. Grzymala-Busse (2016) also acknowledged that doctrinal signifiers have a unique impact and went on to point out that these symbols and meanings are shared through narratives (see also Brady, 2017).

The United States has a strong history of constructing shared realities around religious ideals and communities. This tradition stems from the nation’s Puritan roots and the Europeans who immigrated to and settled in North American (Wald & Calhoun-Brown, 2018). From those beginnings to the present, the United States’ relationship with religion has always been political, with a variety of intersections where religious ideals have an impact on policy outcomes. (Grzymala-Busse, 2016; Wald & Calhoun-Brown, 2018). These issues include marriage equality, stem-cell research, religious violence, and reproductive rights, especially abortion and contraceptives (Kettell, 2016; Wald & Calhoun-Brown, 2018).

Given the pervasiveness of religion's impact on policy, it is interesting to note that political science scholars have been predicting the decline of religion in society and have primarily neglected to incorporate a consistent study of religion in the political sphere (Allen & Allen, 2016; Kettell, 2016; Wald & Calhoun-Brown, 2018). However, from a global perspective, the United States' demonstrated level of religiosity is an outlier from other nations' religious trends (See Figure 1; Wald & Calhoun-Brown, 2018). Figure 1 shows that nations with higher gross national incomes are less likely to express a strong connection with religion, but this is not true in the United States. United States citizens have a special connection with religion and a strong expression of religious belief (Wald & Calhoun-Brown, 2018).



*Figure 1.* Importance of religion and economic development. From *Religion and Politics in the United States* (8th ed., p. 8), by K. D. Wald and A. Calhoun-Brown, 2018, Lanham, MD: Rowman & Littlefield. Copyright 2018 by Rowman & Littlefield. Reprinted with permission (See Appendix B).

Other disciplines have embraced this connection with religion, and there are interdisciplinary studies from sociologists, philosophers, medical experts, and others (Kettell, 2016). In political science, scholars have continuously taught each other that religion is on the decline and spent many years never questioning that assumption,

ironically a phenomenon that social constructionism might have predicted. Because of the assumption made by political science scholars that religion would eventually decline in a secular society, there is currently much groundwork to cover in studying religion's impact on public policy. Most people in the United States still identify with a religion or as religious or spiritual and so the special relationship that the U.S. has with religion is not likely to wane (Kettell, 2016; Wald & Calhoun-Brown, 2018). Scholars should include religion in political and policy analysis for a more comprehensive understanding of the policy process (Kettell, 2016).

Wald and Calhoun-Brown (2018) pointed out that religion has experienced changes over time, especially the way people view it and its position in society, even though its importance within society has not changed. For example, the term protestant previously described one religious tradition but has shifted into a more complex duo, including mainline protestants and evangelical protestants (Wald & Calhoun-Brown, 2018). This division includes a political divide, with mainline protestants identifying more with leftwing politics and evangelicals with rightwing politics (Calfano, 2014; Wald & Calhoun-Brown, 2018). Both denominations are home to political actors that play a role in policy development.

Wald and Calhoun-Brown (2018) pointed to social identity theory to explain the connection between religion and partisanship. Their explanation relates to social constructionism and the idea that people connect to their ingroups in overlapping ways that create both a sense of belonging and a sense of self (Wald & Calhoun-Brown, 2018). These paradigms help people to make sense of the world. Religious identity provides a

social reality, and it helps a person to understand their relationship to others and to the society they live in (Wald & Calhoun-Brown, 2018). Grzymala-Busse (2016) explained that religious doctrine, disseminated with religious narratives, provides a shared lens through which people view political issues. As an example, she compared the U.S. and U.K. to Scandinavian countries and Germany on approaches to poverty (Grzymala-Busse, 2016). The former is based on Protestant views of individual work ethic, and the latter is based on Catholic views of communal responsibility to care for the poor (Grzymala-Busse, 2016). Grzymala-Busse made the case that these religious narratives are the reason that “the US and the UK hold individuals responsible for their own poverty and the Scandinavian countries and Germany view poverty as a social responsibility” (p. 338).

Wald and Calhoun-Brown (2018) also connected this religious identity to religious narratives. It is the religious elite (either clergy or other social-movement leaders) that doctrinally frame the issues, and the group members either embrace that narrative, or they become a part of the out-group (Wald & Calhoun-Brown, 2018). Additionally, part of what makes religious rhetoric so effective is that it is wrapped in “divine sanction” (Grzymala-Busse, 2016, p. 336). When individuals see the narrative as a message from a deity, with the potential to impact their salvation, it is a powerful persuasion (see also Zerubavel, 2016).

This phenomenon applies to political ideology and policy opinions as much as any other aspect of social reality. Political ideology becomes entangled with one’s relationship to the deity they worship, and this is what makes religious-political

narratives so powerful (Grzymala-Busse, 2016, Wald & Calhoun-Brown, 2018). Wald, Owen, and Hill (1988) even showed that there is more of a connection between an individual's political ideology and the views of a majority of fellow congregants than there is with individual beliefs. More recently, Suhay (2015) showed that, especially with political ideology, people are more inclined to value being a part of the in-group because of the fear of disapproval from the group. Social identity matters more to most people than individual ideology (Suhay, 2015). To reiterate, it is less predictive to look at what individual thinks or believe on their own, and more predictive to look at what the group thinks. Politicians are also aware of this dynamic and will adjust their narratives to garner favor with religious constituents, to appear to be a part of their in-group (Albertson, 2015).

In the United States, these dynamics have led to some of the most wicked policy problems. For as long as religion and politics have intersected through the nation's history, the two have conflicted (Wald & Calhoun-Brown, 2018). A lack of understanding and a lack of interest in studying the religious-political intersection exacerbates these policy problems. Taking a closer look at these intersections can help us solve some of the mysteries of the policy process and how specific outcomes are achieved (Grzymala-Busse, 2016).

An example of this is policy about in-vitro fertilization and stem cell research. Grzymala-Busse (2016) pointed out that both procedures involve the destruction of an embryo, and the religious narratives about stem cell research are related to those for abortion and have often been about the morality of destroying an embryo. However,



because in-vitro fertilization is framed differently in religious communities, even though it also destroys embryos, it is not the wicked policy problem that abortion or stem cell research are (Grzymala-Busse, 2016). In this example, we can see how impactful religious narratives are in the policy process and policy outcomes, and how they can work to create wicked policy problems (e.g., stem cell research).

### **Religious Freedom**

The concept of religious freedom, or religious liberty, is another issue area that has created wicked policy problems. The U.S. Constitution's promise of free exercise of religion is at the heart of these conflicts because its nuances are difficult to define. The most pressing questions concern how far the promise extends. Should free exercise allow someone to break an otherwise generally applicable law? Should the free-exercise promise protect religious belief and practice that infringes upon another's rights?

Laycock (2014) explained that while the constitution protects the free exercise of religion, it does not protect it in all circumstances (see also Lipton-Lubet, 2014). Exactly how that plays out is one of the debates that cause wicked policy problems. In 1993, Congress enacted the RFRA to navigate religious exemptions from otherwise generally applicable laws (Laycock, 2014). This statute was a reaction to *Employment Division v. Smith* (1990), which was a controversial and unpopular Supreme Court opinion that set a precedent for restricting religious exemptions for generally applicable laws (Brady, 2017; Laycock, 2014; Scherer, 2014). The RFRA corrected what many people saw as an attack on the free exercise of religion in *Employment Division v. Smith*. The RFRA went unchallenged for nearly 20 years before it became the center of increasingly divisive

issues (Laycock, 2014; Sanders 2016). This shift happened when religious freedom and free exercise became an issue not just of religious practice, but the complicity of practices that are forbidden by the individual's religion (Scherer, 2015). People on both sides of these issues argue that the RFRA means something different, and it has altered both religious and political dynamics in recent years (Scherer, 2015). Narratives from religious stakeholders about religious liberty have proved to be salient and effective throughout these debates (Lipton-Lubet, 2014). Lipton-Lubet (2014) pointed out that this dynamic is seen in conflicts where unmarried-pregnant women are fired by religious employers, services are withheld from some patrons at religious non-profits, and for-profit business owners, motivated by their religious beliefs, turn away LGBTQ patrons.

### **Contraceptive Coverage Requirement**

An example of the complexity of this dynamic is the CCR, where narratives about religious liberty and a perceived war on religion drove the objections to the CCR (Lipton-Lubet, 2014) The CCR garnered a plethora of lawsuits invoking the RFRA, and these cases are impacting regulation policies, free exercise of religion policies, and policies about women's reproductive health (Loewentheil, 2014). The complexity of this case is compounded because all three of these issues are already wicked policy problems.

*Burwell v. Hobby Lobby* (2014) was a particularly controversial case, and it opened the door for several of the cases and policies that followed, like *Zubik v. Burwell* (2016; Rienzi, 2016). *Zubik v. Burwell* (2016), a case about the process for applying for a religious exemption to the CCR, opened the door for more dispute rather than solve the issue (Tutson, 2016). The government and the religious organizations disputing the CCR

were at an impasse, with the one side steadfast in the goal of providing all women with contraceptive coverage and the other in the goal of having no part of the requirement (Green, 2012; Rienzi, 2016; Tutson, 2016). The private corporations involved, Hobby Lobby and Conestoga Wood, represented by attorneys from the Becket Fund for Religious Liberty, joined their cases together for the Supreme Court hearing because they had received different outcomes in the appellate courts (Corbin, 2015; Rosenbaum, 2014). Going into the Supreme Court, the case brought three major questions forward. Should the RFRA apply to private corporations, does the government have a compelling interest to enforce the CCR, and should the burden be shifted to third parties (Rosenbaum, 2014)?

*Burwell v. Hobby Lobby* (2014) changed the legal landscape when it comes to the intersection of religion and politics. For example, the decision determined that if a belief is sincerely held, it must be honored, and this nuance has been applied as a precedent in other cases (Velte & Ortega, 2015). The justices used the rationale that the law cannot determine if a belief is rational or not, so the belief must be respected (Keim, 2013; Swee, 2014). However, in her dissent to the court's opinion, Justice Ginsberg argued that a sincerely held belief is not automatically a substantial burden (*Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting). Furthermore, it is not generally a cause to shift the burden of belief to a third party.

The legitimizing of the conscience-based approach of the plaintiffs' argument also affects the intersection of religion and politics. Previously conscience or complicity-based claims protected individuals from participating in an act that violated their religious

beliefs (e.g., a doctor would be exempt from performing abortions). These types of complicity-based claims have been around for decades (Lederman, 2016; NeJaime & Siegel, 2015). However, *Burwell v. Hobby Lobby* (2014) introduced a new element to these claims by arguing that employers should not be forced to be complicit in the sins of others by providing contraceptives as an option in their health care (NeJaime & Siegel, 2015). This dynamic expands the precedent for complicity-based claims by shifting the burden of behavior onto a third party (Lederman, 2016; NeJaime & Siegel, 2015; Sepper 2014).

Furthermore, *Burwell v. Hobby Lobby* not only expanded the definition for complicity-based claims but granted the right of religious exemptions to private corporations (West-Oram & Buyx, 2016). This new approach has broader implications beyond employers paying for health coverage for birth control. Sepper (2014) noted that employer-based health insurance benefits are a form of compensation, and it is a dangerous precedent to dictate what employees can and cannot do with their wages.

Some scholars support the change, including Keim (2013), who argued that if the RFRA applies to any organization (like churches), it should apply to all (like large companies). Swee (2014) also argued that neutral laws are still subject to the RFRA based on Supreme Court precedent, downplaying broader implications of this case. Swee (2014) also pointed out that the Supreme Court has set a precedent which requires that the government prove that the religious exemption would impact government interest enough to warrant interference.

On the other hand, West-Oram and Buyx (2016) disagreed by pointing out that including private corporations effectively grants them the ability to dictate policy. Sepper (2014) agreed and warned that creating a doctrine of corporate conscience may be a slippery slope, impacting both women's rights and religious freedom rights. Carlson (2014) argued that the ACA (2010) is a neutral law and that third parties should not carry the burden of another's religious exemptions (see also *Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting). Gedicks and Van Tassell (2014) agreed that it is an overreach to permit the shifting of beliefs—or their impact—from someone who believes them to someone who does not. Furthermore, as Justice Ginsberg (*Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting) pointed out this creates a new burden for the person that does not hold the beliefs, which is something the court has not previously supported because the establishment clause guarantees the right to live unburdened by the beliefs of others (Gedicks & Van Tassell, 2014; NeJaime & Siegle, 2015).

In *Burwell v. Hobby Lobby* (2014), the beliefs of employers become the burden of the female employees and female family members of employees, and those beliefs have the potential to affect their health care choices (Eversley, 2016). Religious exemptions like this are at odds with evidence-based preventative care for women, including using contraceptives for non-contraceptive benefits (Gossett, Kiley, & Hammond, 2013a). Gossett et al. (2013a) even went as far as to point out that other medicines should meet the same religious objections, like erectile dysfunction medicines, but policies concerning those medicines have not become wicked policy problems because of the clear-cut way stakeholders were able to frame the issues. Just as in the example shared by Gryzmala-

Busse (2016) about the difference between stem cell research and in-vitro fertilization, the narratives used about contraceptives and their benefits have framed the policy's development in ways that do not impact similar policies.

The decision in *Burwell v Hobby Lobby* (2014) could also have implications for women in the workplace beyond contraceptives (Eversley, 2016). The owners of Hobby Lobby won the right to deny complete health care coverage to female employees based on their objections to certain contraceptives (NeJaime and Siegel, 2015). Tutson (2016) pointed to the *Zubik v. Burwell* (2016) case to highlight the nature of this. In *Zubik v. Burwell*, the justices of the Supreme Court asked the plaintiffs and defendants to come to a compromise that would allow the plaintiffs a way out of the CCR's exemption systems (they had argued that filing for an exemption was unconstitutional) and still provide women a way to access contraceptives. No such agreement was made, and President Trump's executive order in 2017 (Exec. Order No. 21851, 2017) made it a moot point.

In 2017, President Trump issued an executive order that allowed for a religious exemption for any employer who claimed their religion prohibits adhering to the CCR (Exec. Order No. 21851, 2017). Sonfield (2018) noted that, whereas *Burwell v. Hobby Lobby* (2014) only allowed for closely-held corporations to claim religious exemptions, the new executive order included all private corporations, including large, publicly traded companies. The new policy also omits the assurance that women who need contraceptives can access them another way (Sonfield, 2018).

Since then, policymakers have continued to strip the CCR of its ability to guarantee access to contraceptives. In 2018, the HHS created a new division in the OCR

called Conscience and Religious Freedom (CRF). The goal of this new division is to protect individuals and corporations who are seeking religious exemptions (HHS, 2018). Not only does this initiative demonstrate a shift of priorities for HHS, but the inclusion of corporations shows that those who warned against this shift in policy after *Burwell v. Hobby Lobby* (2014) were correct about its effects on policy. Corporations seeking religious exemptions now have an official audience with the CRF and an open avenue for advocating for their preferred policies.

The way these policies are developing is a women's health issue because it is women these policies impact, and there are ample reasons why access to contraceptives is a prevalent public health issue (Sepper, 2015; Velte & Ortega, 2015). Researchers have conducted studies that have established the use of contraceptives as an essential part of preventative care for women. Even when used for non-contraceptive purposes, there are evidence-based benefits associated with the use of contraceptives (Gossett et al., 2013a). When policies limit access to contraceptives for women, it limits the options she and her provider have to address her medical needs and give her appropriate care (Gossett et al., 2013a; The Editors, 2014). Policies limit access to care by affecting the cost of contraceptives, which can be prohibitive for some patients (Lee & Lipton-Lubet, 2013). When the cost of the medication interferes with care, it should be considered an unacceptable health risk (The Editors, 2014). The effects of the *Burwell v. Hobby Lobby* (2014) decision will potentially have a more significant impact on women in vulnerable populations (Eversley, 2016). For example, Batra and Bird (2015) showed that policies

about long-acting contraceptives (like IUDs) diminished access for women, but especially adolescents, low-income women, and undocumented immigrants.

As a result, lower-income and minority women have higher rates of unplanned pregnancies when they have less access to medical care (Brindis et al., 2017; Gossett et al., 2013a). Among teens, Frost et al. (2016) showed that pregnancy rates are 73% higher when female teenagers do not have access to birth control. Additionally, Pace, Dusetzina, Fendrick, Keating, and Dalton (2013) found that higher cost-sharing and copays led to decreased use of IUDs. When women pay more for contraceptive care, they are less likely to use it. On the other hand, unwanted pregnancy rates and abortion rates both decrease when low-income women's access to contraceptives increases (Ricketts et al., 2015). In the long run, access to contraceptives intersects with a woman's socioeconomic levels, her opportunities, and her place in society (Haslett, 1997).

Becker and Polsky (2015) conducted a study on the out-of-pocket expenses that women paid for contraceptives. They found that before the ACA (2010), 30 to 44% of women's total out-of-pocket expenses for health care were for contraceptives. After the ACA and the CCR, costs for contraceptives fell to nearly 0% of their out-of-pocket expenses (Becker & Polsky, 2015; see also Sonfield, Tapales, Jones, & Finer, 2015). These lowered costs are a financial benefit that helps not just women, but society as a whole, since 99% of sexually active women use contraceptives (Becker & Polsky, 2015). Women who have access to contraceptives are less likely to experience poverty, more likely to be both well-educated and gainfully employed, and more likely to pass those benefits on to their children. (Becker & Polsky, 2015).



Additionally, this issue impacts national costs because when women can plan their pregnancies, it saves the nation billions of dollars a year (Gossett et al.; The Editors, 2014). Sonfield and Kost (2015) found that the U.S. government spent \$21 billion in pregnancy costs in 2010 and could have saved \$15.5 billion with increased access to contraceptives. Furthermore, it saves insurance companies money, since health care for pregnancy and birth costs are far more than costs for contraceptives (Becker & Polsky, 2015).

Manhart (2013) argued that unplanned pregnancies are the result of a variety of factors, and she claimed that access to contraceptives is not going to solve all of those factors and prevent all unplanned pregnancies. Manhart also argued that contraceptives pose risks, like the increased likelihood of breast cancer. She advocated for natural family planning as a safer, more reliable method (Manhart, 2013). However, Gossett, Kiley, and Hammond (2013b) argued that Manhart's claims are not accurate. They pointed out that natural family planning is only useful when done correctly, which people often fail to do either because they do not understand best practices or because of general human error (Gossett et al., 2013b). It fails over 20% of the time, which is a much higher rate than contraceptives (Gossett et al., 2013b).

Furthermore, they argued that there is not an evidence-based connection between contraceptives and illnesses like breast cancer, and there is no connection that shows causality (Gossett et al., 2013b). Gossett et al. (2013b) also pointed out that a public health policy does not need to be successful 100% of the time to have a significant

positive impact. Contraceptives have reduced teen pregnancy by 80% and abortions by at least 20% (Gossett et al., 2013b), which are positive health outcomes.

On another note, Siegel and Siegel (2015) argued that the debate over the CCR was about more than pregnancy outcomes and costs of contraceptives. Siegel and Siegel pointed to a precedent for a Supreme Court that considers comprehensive views of the government's compelling interest that included the sociopolitical aspects of women's lives as a public health interest (see also *Roberts v. United States Jaycees*, 1984). There are social implications behind contraceptive policies. The comprehensive ways this issue impacts the lives of women makes it an issue of women's constitutional rights (*Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting; Tutson, 2016).

Public policy should be based on best practices and evidence (Cairney et al., 2016). The CCR has an impact on women's health—which should be a public health issue (The Editors, 2014). Preventing unintended pregnancies is good for society as a whole, but it especially improves the quality of life for women (The Editors, 2014). As well, women pay more out-of-pocket on health care costs because of reproductive care (Lee & Lipton-Lubet, 2013). When a policy is impacted by a change in the law, as happened after *Burwell v. Hobby Lobby* (2014), thousands of women can be impacted (Velte & Ortega, 2015). The changes in policy also open the door to other kinds of gender-based discrimination (*Burwell v. Hobby Lobby*, 2014, Ginsberg, J. dissenting; Sepper, 2014; Sepper, 2015). When the catalyst for such changes is the religious beliefs of a relatively small number of religious elites, which shifts the burden to a third-party

population (in this case, women; Lipton-Lubet, 2014), it warrants a closer look at how religion impacts the public policy process.

### **Summary**

The theory of social constructionism provides a backdrop for studying the lenses through which individuals interpret policy and takes a step toward better understanding different policy agendas. Religion is a common way for social realities to be constructed, and religion and religious narratives play a role in policy development. For example, the CCR was altered by religious narratives' impact on it. These are key issues to study because contraceptives are a public health issue, and policies concerning contraceptives have long been wicked policy problems, as is religion's expanding impact on politics (Allen & Allen, 2016). Shedding light on the religious narratives that impacted the CCR leads to a better understanding of this phenomenon. Chapter 3 will go into more detail about the methods used for studying the religious narratives about the CCR.

### Chapter 3: Research Methods

The purpose of this study was to explore Catholic and Evangelical political narratives about the contraception coverage requirement (CCR). I found the narratives in documents centered on the CCR, *Burwell v. Hobby Lobby* (2014), and religious freedom. The narratives that stakeholders from Catholic and Evangelical traditions used were religious-freedom narratives (Lipton-Lubet, 2014), and religious freedom is a wicked policy problem that warrants further explanation.

This study was qualitative and relied on social constructionism as a theoretical framework, as well as the NPF to highlight narrative elements and strategies specifically. A coding framework aided a content analysis of documents (see Shreier, 2014) that were used to explore the narratives, meanings, and symbols (see Coffey, 2014) in the Catholic and Evangelical political narratives. This chapter includes a description of the research design and rationale and the role of the researcher. I also explain the document selection, document collection, and data analysis plan. Finally, there is a discussion of the qualitative study's trustworthiness.

#### **Research Design and Rationale**

##### **Research Questions**

RQ1: What narrative elements did/do Catholic and Evangelical communities use to discuss the ACA's (2010) Contraceptive Coverage Requirement, contraceptives, and the First Amendment's Free Exercise Clause?

RQ2: What narrative strategies are employed?

SRQ1: How are belief systems used in the narratives?

SRQ2: Is there a difference in the narratives before and after *Burwell v. Hobby Lobby* (2014)?

This study addressed the intersection of religion and politics, especially the way actors use religious-political narratives about policy issues. This study specifically addressed the CCR and the way it, and contraceptive policies, have been discussed in Catholic and Evangelical traditions. The analysis relied on social constructionism as the theoretical framework, focusing on the way these issues are framed. The NPF, which is rooted in social constructionism, also provided a methodological framework, allowing for a study of the narrative elements. The study was qualitative, which best suited the research questions because they were geared toward a content-based, explanatory study of belief systems (see Yin, 2015). Many researchers using the NPF have used quantitative content-analysis methods (Pierce et al., 2014), and I could have employed those methods as well. However, because the research questions required an exploration of the narrative elements and strategies used and not the numbers or frequency of the variables, the qualitative content-analysis methods were more appropriate to answer the research questions.

### **Narrative Policy Framework**

Public policy scholars began to take an interest in political narratives in the 1990s, but academics were unwilling to explore the topic because of its interpretivist roots (Jones et al., 2014; Shanahan, Jones, McBeth, & Radaelli, 2018). This aversion left a gap in public policy analysis because narratives are a part of the process. The authors of the

NPF argued that narratives could be studied in a methodical way, and developed NPF with that goal in mind (Jones et al., 2014; Shanahan, Jones, McBeth, & Radaelli, 2018).

Jones et al. (2014) explained that the core assumptions of the framework are that humans are storytellers and stories are how humans process and make sense of the world. Jones et al. also pointed out that storytelling applies to politics and policy as much as any other part of life, and so these stories should be a part of policy analysis. NPF has a variety of applications that can be used at multiple levels of analysis. The content analysis in the current study was centered around the use of narrative elements (e.g., characters and moral of the story) as tools to accomplish a policy agenda (see Shanahan, Jones, McBeth, & Radaelli, 2018).

The NPF is a natural fit for discussing religion and its impact on public policy because narratives are an integral and binding part of faith communities (Hovi, 2014). Studying narratives from these communities gets at the heart of their belief systems and their impact on policy development. Weible and Schlager (2014) argued that documentary analysis is appropriate for exploring group narratives with the NPF. The research questions and approach to the current study included the narrative elements laid out in the NPF as a foundation, and the research design centered around analyzing the narrative elements as variables (see Table 1).

Table 1

*Narrative Elements*<sup>a</sup>

Narrative element	Policy analysis application
Setting	Policy problem or context
Characters	Victims, villains, heroes, etc.
Plot	Arc of action
Moral of the story	Policy solution, purpose
Policy beliefs	Shared understandings of the policy issue, viewed through a specific lens
Narrative strategies	The scope of conflict (who benefits and what is the cost?), causal mechanisms (responsibility and blame), Devil-angel shift (emphasizing villains or heroes)

<sup>a</sup> Shanahan, Jones, McBeth, and Radaelli (2018).

This approach was similar to what Gray and Jones (2016) did with their qualitative NPF study. The NPF framework was used to deductively code the documents into nodes representing the narrative elements (setting, characters, etc.). This deductive coding provided a springboard for inductively coding the data with themes and patterns using the elements found in the narratives (Gary & Jones, 2016).

The purpose of the current study was to explore the Catholic and Evangelical narratives about the CCR. The narrative elements in the NPF provided a systematic way to break down the narratives by their elements and discover how the elements are used within those narratives. As with Gray and Jones's (2016) study, the codebook for the current study included these elements with additional inductive codes. The inductive codes were used to piece together a bigger picture, showing how the elements were used throughout the narratives. The codebook is provided in Appendix C.

### **Role of the Researcher**

In qualitative research, the researcher serves as the data collection instrument (Patton, 2015). The qualitative researcher needs to take a reflective and organized approach to address biases (Patton, 2015). As the researcher for this study, I started by

acknowledging my biases (see Creswell, 2013) and worked to set aside my personal thoughts and feelings about the intersection of religion and politics, religious freedom, and the CCR. Two aspects of the research plan helped me mitigate researcher bias. The first was the documentary analysis because it centered on secondary data and eliminated interpersonal interactions (see Creswell & Plano Clark, 2011). The second was the incorporation of the NPF's narrative elements (see Jones et al., 2014) into the analysis and interpretation of the data. Using these variables in the coding framework prevented bias from entering the analysis the way newly conceived variables might.

A reflexive journal is another method that helps qualitative researchers keep their biases in check. Janesick (2011) wrote that journal writing is an asset because it maintains the researcher's focus on the purpose of the study, it provides a backdrop for analysis and interpretation, and it is an opportunity for researchers to give themselves feedback throughout the process. Tufford and Newman (2012) recommended journaling as a method for bracketing, which is another method qualitative researchers can use to navigate bias. Bracketing aids the researcher in examining the data within the context of the phenomenon, without outside influence (Patton, 2015). These methods allow the researcher to explore the data more rigorously without biases, assumptions, or predictions about what they will find (Ashworth, 1999; Creswell, 2013). Using the bracketing method, researchers can explore the reasons they chose their topics, the motivations behind the research questions, and the personal belief systems they bring to the project (Tufford & Newman, 2012). Tufford and Newman argued that this helps researchers keep



biases and assumptions in check and maintain a focus on the research questions throughout the iterative data collection and analysis process.

### **Data Selection Logic**

The research questions focused on narrative elements and strategies used by Catholic and Evangelical communities to discuss the CCR, contraceptives, and the First Amendment's Free Exercise Clause. The study also addressed any changes in strategies before and after *Burwell v. Hobby Lobby* (2014). To answer the research questions, I examined narratives from Catholic and Evangelical traditions about the CCR from 2011 to the present. These two religious traditions were chosen because more U.S. citizens identify with them than any other (Pew Research Center, 2014). These two traditions are also the most active in opposition to the CCR (Lipton-Lubet, 2014). Including two religious traditions allowed for some variety and comparison while still allowing the data set to be manageable. HHS announced the CCR in 2011, so I analyzed data published from that year on. The CCR continues to develop as a policy, and so the data search continued through the present day. *Burwell v. Hobby Lobby* was decided in 2014, and the analysis included a before-and-after comparison of the narratives with this case as the centerpiece.

The sampling strategy was a purposeful, reputational approach. A purposeful sample allows for a criteria-based data collection method, ensuring that the data are aligned with the research questions (Creswell, 2013; Patton, 2015). A reputational approach was used because there was a focus on the affiliation (Catholic/Evangelical) of the organizations who author the briefs and press releases (Daniel, 2012; Daniel, 2015).

Also, the reputational approach was fitting for a study that addressed official statements and narratives from a group or coalitional level (Patton, 2015). This rationale applied to this study because I collected legal briefs and press releases, which are official statements that can be generalized to the group. The criteria used to identify the documents were (a) legal briefs, including amicus briefs, or press releases; (b) authored by an organization or group that is affiliated with Catholic or Evangelical traditions; (c) mention the CCR, contraceptive policy, and/or religious freedom/liberty; and (d) dated between 2011 and the present. The religious affiliation was determined by researching the organizations' and groups' purpose and mission statements, as well as any self-identification in the documents.

The sample size in qualitative research should be based on the purpose of the study and how it develops (Patton, 2015). This approach allows for a thorough analysis of the documents, without confining to or inappropriately stretching toward a specific sample size (Patton, 2015). To avoid these limitations and to allow for an iterative process, I did not determine the sample size at the outset of the study. The selection of documents was a comprehensive data set within the selection parameters. The collection included legal briefs from cases about the CCR that met the selection criteria. Press releases met the selection requirements because they were found using the key search terms. The minimum sample size was set for at least 10 legal briefs and 10 press releases, but the final sample size depended on saturation. The final sample included 28 legal briefs and 12 press releases. Saturation was determined by the results of the coding and

analysis, which indicated that no new themes and codes were revealed in the analysis (see Fusch & Ness, 2015).

### **Instrumentation and Data Collection**

To facilitate document selection, I developed an instrument to identify and organize relevant documents during the collection process (see Appendix D). The instrument was based loosely on a worksheet by the U.S. National Archives and Records Administration (n.d.) for document analysis. The National Archives and Records Administration worksheet outlined ways to identify and describe the document. I adapted those methods to create an instrument that allowed me to determine whether the content of the documents was appropriate for the research questions based on the type of document it was (press release, legal brief, etc.); the religious affiliation of its authors (Catholic or Evangelical); and whether it addressed a combination of the CCR, contraceptive policies, and religious freedom or religious liberty. The instrument also provided an audit trail for each document collected.

The data were collected via the Internet using court websites and library databases such as Lexis Nexis and ProQuest. The collection process was iterative, and the selection of documents and sample size were determined based on continual assessment and analysis throughout the study. The data were organized using the document collection instrument and stored in NVivo qualitative analysis software. I used legal briefs and press releases to explore narratives because they were documents that the authors used to make statements about their or their organization's stance, argument, or agenda regarding the

issue. The document collection instrument helped me establish the relevance and validity of the documents.

### **Data Analysis Plan**

The data analysis stage included several phases. I completed all coding and analysis using NVivo software. Nvivo has been used in other NPF qualitative studies, including Olofsson, Weible, Heikkla, and Martel (2018), who also used the software for document analysis to show how narrative elements were used in policy narratives (see also Peltomaa, Hilden, & Huttunen, 2016). The first phase combined several coding methods to organize the data. I used attribute coding (Saldana, 2016) to create simple descriptions of the documents, including the type of document, author(s), religious affiliation, and whether the document was authored before or after *Burwell v. Hobby Lobby* (2014). The attribute coding was applied in NVivo using case classifications, which allowed comparisons between cases organized by classification, for example, religious affiliation. The narrative elements (e.g., policy problem, victims, policy solutions) were applied using concept coding, which showed the overall outlook of the document. This deductive coding set the stage for exploring themes within the narrative elements. Still using concept coding, an inductive approach added codes to categorize the types of narrative elements. For example, if villains were present, the codes described who the villains were. The data was then categorized using values coding. Values coding is a beneficial method for classifying belief systems (Saldana, 2016). The values were added to narrative elements with codes that will indicate references to “principles, moral codes, or situational norms” (Saldana, 2016, p. 131), which supported the exploration of

the policy beliefs of the narratives in alignment with the research questions. Subcodes identified the specific content of the narrative elements as well as the magnitude (e.g., positive, negative, neutral; Saldana, 2016). The next phase of analysis was an intermediary, using code mapping and code landscaping (Saldana, 2016) to take a second look at the data. An example of this is creating a word cloud, which showed the presence and prevalence of the themes. This stage facilitated any needed adjustment or refinements to the coding (Saldana, 2016). It would also have revealed any discrepancies or outliers in the codes, which may have needed further explanation. (No such discrepancies appeared in the data.)

Next, I used axial coding and longitudinal coding in the third phase of coding to categorize the data further. Axial coding explored relationships between the existing codes and triangulated the data (Saldana, 2016). The axial coding entailed an analysis of the codes developed in the first stages of the coding process. Redundant codes were combined, codes that were related were grouped together and otherwise sorted to triangulate the themes and patterns that were present. This stage highlighted an overall look at the narratives and any narrative strategies used. Longitudinal coding is appropriate when looking at timeframes (Saldana, 2016) and specifically addressed the research questions, providing a comparison of the narratives before and after *Burwell v. Hobby Lobby* (2014). Finally, I used code weaving and category relationships to analyze the triangulated narratives for patterns, themes, and use of the narrative elements and strategies. Code weaving was a good fit because it used the codes to form narratives (Saldana, 2016), which also would have shown if the codes did not align with the original

documents. This step served as a check on the accuracy and applicability of the codes. Looking at category relationships built on the axial coding, highlighting specific relationships in the narratives (e.g., code 1 causes code 2; code 3 is a victim to code 4; Saldana, 2016).

### **Trustworthiness**

In qualitative studies, trustworthiness is necessary to ensure the results are the product of a rigorous study (Morse, Barrett, Mayan, Olson, & Spiers, 2002; Shenton, 2004). The following methods were used in this study to facilitate credibility, transferability, dependability, and confirmability.

### **Journaling and Analytic Memos**

Journaling and analytic memos add to the credibility of the research by providing an auditing process for the researcher (Golafshani, 2003; Saldana, 2016). LeBanca (2011) suggested journaling in an online format, such as a blog, because this allows the researcher to catalog everything in an organized and easy-to-follow manner. Blogs also offer several tools, like tags and sorting features, which the researcher can use to sort through journal entries and analytic memos in various ways (e.g., chronological, by topic) to highlight themes and patterns. This method also adds to the dependability of the study because the blog will be easily accessible, laying out the research process from beginning to end. The journaling and analytic memos contained in the blog detail data collection and analysis, as well as the rationale for decisions made throughout the process. Finally, as mentioned previously, the journaling focused on the bracketing method, which helped to uncover and set aside biases and increase the confirmability.

**Triangulation**

To add to the credibility of this study, I diversified the data analysis (Golafshani, 2003) by using different coding approaches. Triangulation also aids in confirmability and intra-coder reliability because of the variety of coding methods in several stages of analysis fostered frequent evaluations of the alignment of the data. Triangulation allows the researcher to minimize bias and keep the coding consistent (Saldana, 2016).

**Thick Description**

Providing context for the study and acknowledging its limitations helps establish transferability (Shenton, 2004). The literature review in chapter 2 provides context through a description of the intersection of religion and politics, the debates over religious freedom, and the impact of the CCR. More context is provided in the explanation of methodology in this chapter. Similar studies on the intersection of religion and politics may find helpful comparisons in the process and results.

Additionally, the data analysis included descriptions, not of just who said what and when, but of the context of the documents, the affiliations of the authors, and the over-arching message of the documents. Geertz (1973) explained interpretative analysis requires more than a cursory explanation of events and that a real understanding of a social phenomenon requires specific details and cultural context. The NPF's narrative elements aided this thick description by providing a framework to analyze the narratives in a detailed way. Descriptions of the setting, the plot, the characters, the policy beliefs, and so on provided thick descriptions rooted in social constructionism that contributed to a better understanding of the narratives and context surrounding this policy issue.

## **Established Frameworks and Methods**

Rooting the study in established frameworks and methods helped to establish credibility (Yin, 2018). Using the NPF framework also added to the transferability, as it adds to the body of work demonstrating the usefulness and applicability of the NPF. Both the NPF (Shanahan, Jones, McBeth, & Radaelli, 2018) and Saldana's (2016) coding methods are established content-analysis tools used in similar research.

## **Ethical Procedures**

All documents and data are stored on a personal computer, in cloud storage online, and a flash drive. No private or confidential documents were used. All documents are publicly available and did not require permission to access. The IRB approval number for this study is 04-17-19-0127680.

## **Summary**

This qualitative study was a document analysis using the NPF to explore the narrative elements and strategies used by stakeholders affiliated with Catholic and Evangelical traditions about the CCR, contraceptives, and the First Amendment's Free Exercise Clause. The analysis included a comparison before and after *Burwell v. Hobby Lobby* (2014). The data collection used purposive, reputational sampling to gather legal briefs and press releases that met specific criteria applicable to the research questions. The data analysis happened in several phases using a variety of coding methods in NVivo software. The trustworthiness of the study was established through journaling and analytic memos, triangulation, thick description, and through employing established frameworks and methods.



## Chapter 4: Results

The purpose of this study was to use the narrative elements as described in the NPF to explore the Catholic and Evangelical narratives about the CCR. The NPF was an appropriate framework for this qualitative study because the narratives Catholic and Evangelical stakeholders used to frame their objections to the CCR were rooted in religious freedom narratives (see Lipton-Lubet, 2014). The data analysis included an exploration of the narrative elements and strategies used in these narratives, and I relied on social constructionism to examine the meanings and symbols in the narratives.

### Research Questions

The research questions were as follows:

RQ1: What narrative elements did/do Catholic and Evangelical communities use to discuss the ACA's (2010) Contraceptive Coverage Requirement, contraceptives, and the First Amendment's Free Exercise Clause?

RQ2: What narrative strategies are employed?

SRQ1: How are belief systems used in the narratives?

SRQ2: Is there a difference in the narratives before and after *Burwell v. Hobby Lobby* (2014)?

This chapter includes a description of the setting for the document analysis, including the collection criteria and the data collection process. After disclosing the data analysis process, along with evidence of trustworthiness, I describe the results of the study.

## **Data Collection**

The documents were collected via Internet searches using databases, court websites, and relevant organizations' websites. Because the documents were static and no interpersonal interaction was required, there were no undue influences on the content on the documents.

### **Data Collection Criteria**

The documents were limited to legal briefs, including amicus briefs and press releases that could be considered official statements representing individual and organizational Catholic and Evangelical stakeholders. The publication date range set for the documents was 2011 to the present, based on the initial announcement and implication of the CCR policy and the developments in the policy since. Each document references the CCR, the ACA (2010), contraceptive policy and religious freedom, religious liberty, or the RFRA (1993).

### **Document Collection**

I collected 40 documents for the analysis. The goal was to collect an equal number of Catholic and Evangelical narratives to ensure equal representation. Included in the study were 20 documents from the two religious traditions. I collected 28 legal briefs, 14 attributed to Catholic authors and 14 to Evangelical authors. Most of the legal briefs were amicus briefs, with 8 case briefs. The data set also included 12 press releases, six each for the two religious traditions. See Figure 2 for a breakdown of the documents.

	Catholic		Evangelical	
Legal Briefs		Burwell v. Hobby Lobby 5		Burwell v. Hobby Lobby 5
	After Burwell v. Hobby Lobby 6	Before Burwell v. Hobby Lobby 3	After Burwell v. Hobby Lobby 6	Before Burwell v. Hobby Lobby 3
Press Releases	Before Burwell v. Hobby Lobby 3	After Burwell v. Hobby Lobby 3	Before Burwell v. Hobby Lobby 3	After Burwell v. Hobby Lobby 3

*Figure 2.* Breakdown of document collection.

To conduct the longitudinal part of my study, I focused on the time frames of the documents collected as well. Six of the legal briefs collected were filed before *Burwell v. Hobby Lobby* (2014) was decided. Ten legal briefs collected were filed for the *Burwell v. Hobby Lobby* case. Twelve legal briefs collected were filed after the *Burwell v. Hobby Lobby* case was decided in June 2014. For the press releases, I collected six documents that were released before June 2014 and six that were released after.

All documents were collected over 1 month using the Internet resources described in Chapter 3. I used the data collection instrument I developed (see Appendix D) to evaluate the inclusion of each document based on the selection criteria. The documents, along with the data collection instrument filled out for each document, were uploaded to NVivo and stored separately in cloud storage. The only variation in the data collection methods I had initially planned was the incorporation of a snowball sampling approach. Although my sampling was still purposive, I was able to employ the snowball approach to apply more direction to my document searches. When briefs referenced other relevant

cases and stakeholders, I did searches using those cases and stakeholders to find briefs related to those cases that also met my selection criteria. I was able to narrow my search for press releases by looking for documents that were authored by the referenced stakeholders. This approach allowed me to include more documents in my sample while decreasing the time spent searching for them (see Daniel, 2015). For a complete list of documents included in the collection, see Appendix E.

### **Data Analysis**

The first stage of my analysis involved coding the documents using the NPF narrative elements. This deductive process allowed me to organize the narratives into different components before I began the inductive approach. The inductive coding involved looking at the separate codes for narrative elements and looking for themes within those codes. Using NVivo, I explored those themes and created subcodes for the narrative elements where appropriate. After doing this for each narrative element, I used the coding methods explained in Chapter 3 (e.g., code weaving) to bring the codes together in a cohesive way, creating a big picture narrative for the document collection. The themes for each narrative element are shown in Table 2.

Table 2

*Themes Found in the Narrative Elements*

Narrative elements	Themes
Plot and setting	The implementation of the CCR, legal challenges to the CCR
Characters:	
Heroes	Amici curiae, Congress, courts and decisions, Constitution, RFRA, religious freedom, religious objectors, American ideal, founders
Victims	Businesses, employers, faith-based non-profits, religious objectors, religious liberty/freedom, third parties
Types of harm	Forced complicity, religious belief, religious conviction/exercise, subject to fines/penalties, accommodation, religious employer distinction
Villains	Courts and decisions, government, HHS, mandate, accommodation
Moral of the story	The CCR is an unconstitutional violation of religious freedom rights.
Policy solution	Extend religious exemptions to for-profit and/or faith-based non-profits
Narrative strategies	Intentional causal mechanism, devil shift/angel shift, focus on costs (scope of conflict)
Policy beliefs	Abortifacients, contraceptives, life begins at conception, complicity, religion and public life, religious freedom and protection, sincerely held beliefs

For a complete list and description of the codes present in the narratives, see the codebook in Appendix C. For the analysis, I included only those themes that were present in 20% of the documents. Any code needed to appear in at least eight of the documents to be included in the overall analysis of the narrative elements.

### **Themes in the Narrative Elements**

#### **Plot and Setting**

The narrative elements, which lay the groundwork for the rest, were universal in theme across all documents. The setting centered on the policy development of the CCR, including its guidelines. The plot develops with the announcement and implementation of the policy, which leads to the legal challenges from religiously motivated employers and organizations, as shown in Table 3.

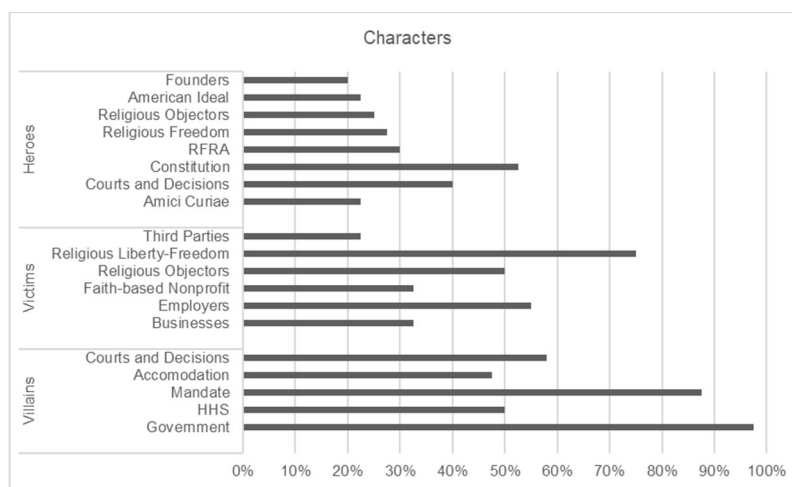
Table 3

*Plot and Setting*

Themes	Examples
The implementation of the CCR	A federal regulation ("the Mandate") requires employer-provided health coverage to include free access to all FDA-approved contraceptives and sterilization treatments. (Brief of Appellants, <i>Little Sisters of the Poor v. Sebelius</i> , 2015, p. 2)
Legal challenges to the CCR	The question presented is whether the regulation violates RFRA by requiring Respondents to provide insurance coverage for contraceptives in violation of their religious beliefs, or else pay severe fines. (Brief for Respondents, <i>Burwell v. Hobby Lobby</i> , 2014, page i)

**Characters**

See Figure 3 for a breakdown of the character themes and how often they appeared in the documents. Villains, victims, and heroes were all present in the narratives, and multiple relationships existed between the characters.

*Figure 3.* Characters.

**Villains.** The villains in the narratives included both institutions and the opposition policies. The government, HHS, and the CCR were depicted as the main villains in the narratives. The CCR was generally referred to as the mandate, and was coded as such in the analysis. Additionally, the CCR's proposed accommodation for

faith-based nonprofits appeared as a villain and was coded as Accommodation. Previous court cases that had not been decided in favor of the preferred policy agenda were also vilified in the narratives, and these were coded as Courts and Decisions, as shown in

Table 4.

Table 4

### *Villains*

Themes	Examples
Government	Here, the consequences of an Executive Branch mandate that faith-based organizations, as a condition for financial survival, take steps to ensure that their employees can obtain drugs and procedures to which the organizations have a religious objection... would be a grave blow to the public interest. (Brief Amicus Curiae of United States Conference of Catholic Bishops, <i>Zubik v. Burwell</i> , 2016).
HHS	When implementing the "preventative care" provision of the ACA, HHS decided that only some religious believers were entitled to the full protections that RFRA provides. (Brief Amici Curiae, <i>E. Tex. Baptist Univ v. Burwell</i> , 2016, p 3).
Mandate	This injury is unquestionably traceable to the mandate and likely to be redressed by the declaratory and injunctive relief requested. (Appellees/Cross-appellant's Brief, <i>Weingartz. v. Sebelius</i> , 2017, p. 60).
Accommodation	The so-called accommodation itself compels Petitioners to take actions that violate their religious principles. (Brief of Amicus Curiae Ethics and Public Policy Center, <i>Zubik v. Burwell</i> , 2016, p. 7)
Courts and decisions	The circuit courts improperly inquired into the validity of Petitioners' belief under the guise of a substantial burden analysis. (Brief of Amici Curiae Christian Legal Society, <i>Zubik v. Burwell</i> , 2016, p.6)

**Victims.** The characters who appeared in the narratives were primarily stakeholders harmed by the policy. These included employers, businesses, faith-based nonprofits, religious objectors, and third parties. The principle of religious liberty or freedom was also portrayed as a victim, even more often than the other victims. This victimization was generally framed as a violation or assault on the principle or the legal protections associated with it, as shown in Table 5.

Table 5

*Victims*

Themes	Examples
Religious liberty/freedom	The mandate's so-called "accommodation," therefore, has the perverse effect of curbing religious liberty. (Brief of Amici Curiae Christian Legal Society, <i>Zubik v. Burwell</i> , 2016, p. 30)
Employers	The Mandate leaves employers such as Plaintiffs with no option but to offer health insurance plans that cover abortion-inducing drugs, sterilization, and other "contraceptive" items and services to which they have religious or conscientious objections (or face heavy penalties). (Amicus Curiae Brief, <i>Korte v. Sebelius</i> , 2013, p. 20)
Religious objectors	The substantial burden on religious objectors' free exercise rights is presumed based on the substantial and crippling fines such businesses and individuals face should they not violate their religious principles and provide the required coverage. (Brief of Reproductive Research Audit, <i>Burwell v. Hobby Lobby</i> , 2014, p. 3)
For-profit businesses	The Conference has steadily voiced its opposition to any rule that would require faithful Catholics and other religiously motivated business owners to choose between providing coverage for products and speech that violate their religious beliefs, and exposing their businesses to devastating penalties." (Brief of the United States Conference of Catholic Bishops, <i>Burwell v. Hobby Lobby</i> , 2014, p. 1)
Faith-based nonprofit	Absent this Court's review, thousands of religious organizations will be forced to decide between violating their religious beliefs and paying ruinous fines. (Reply Brief for Petitioners, <i>Zubik v. Burwell</i> , 2016, p. 11).
Third parties	The poor and those who serve them will be hurt the most. Forcing our ministries to divert funds from serving their neighbors to paying government fines will have real consequences for real people. (Kurtz, 2014, para. 5.)

**Heroes.** The heroes in the narratives were the principle of religious freedom, the legal protections and rights related to religious freedom (e.g., U.S. Constitution and RFRA), and stakeholders who fought for those rights. Although the principle of religious freedom made an appearance as a victim, it was often portrayed as the principle that would mitigate the harms afflicting the victims. The legal protections were the U.S. Constitution, including the First Amendment, and the RFRA. The stakeholders included religious objectors and the amici curiae, who filed briefs in support of the policy agenda. Courts and Decisions also appeared as heroes in contrast to when they appeared as villains. Courts and Decisions were heroes when they favored the policy agenda. Finally,



appeals to authority were made both for the historical tradition in the United States for upholding religious freedom and for the founders who established religious freedom rights. Of the characters present in the narratives, heroes showed up in the least number of documents. However, when heroes were present, they played a pivotal role in battling the villains over religious freedom rights, as shown in Table 6.

Table 6

*Heroes*

Themes	Examples
Religious freedom	It is against this backdrop, and resting upon this body of jurisprudence built upon deference to the inalienable freedom of religion, that the constitutionality of the H.H.S. Mandate must be decided. (Appellees/Cross-appellant's Brief, <i>Weingartz v. Sebelius</i> , 2017, p. 2)
U.S. Constitution	We live, knowing that the First Amendment guarantees us not only the right to worship, but also to practice our faith as Lutheran citizens of this great nation, serving our neighbor where the Lord has placed us. (Harrison, 2014, para. 8)
RFRA	Ultimately, there can be little doubt that RFRA was intended precisely to protect individuals and entities from being forced to facilitate the use of religiously-objectionable products and services by others" (Brief of the United States Conference of Catholic Bishops, <i>Burwell v. Hobby Lobby</i> , 2014, p. 32).
Religious objectors	We refuse to comply with this mandate, and we stand with all those whose consciences will not allow them to comply as well. (Bristow, 2012, para. 8)
Amici curiae	In pursuit of these constitutional principles, JEP has filed amicus curiae briefs in numerous cases before the federal courts of appeals and the Supreme Court, including <i>Burwell v. Hobby Lobby Stores, Inc.</i> , 134 8S. Ct. 2751 (2014). (Brief for Amici Curiae, <i>Little Sisters of the Poor v. Burwell</i> , 2016, p. 2)
Courts and decisions	On the merits, the court of appeals correctly concluded that the contraceptive-coverage requirement substantially burdens Respondents' religious exercise. (Brief for Respondents, <i>Burwell v. Hobby Lobby</i> , 2014, p. 30).
American ideal	Respect for religious conscience is not an afterthought or luxury, but the very essence of our political and social compact. America's tradition of protecting religious conscience predates the United States itself. (Brief Amicus Curiae, <i>Gilardi v. United States HHS</i> , 2013, p. 14)
Founders	Freedom of Conscience is a fundamental right affirmed by our Founders. (Amicus Curiae Brief of Drury Development Corporation, <i>Burwell v. Hobby Lobby</i> , 2014, p. 23)

### **Moral of the Story**

The narratives all placed religious freedom at the center of the narrative, with a focus on the beliefs of the victims. The moral is that the beliefs of the victims are paramount, and the government cannot infringe upon them. The moral of the story provided the framework for the relationships between the characters, both with each other and with the policy beliefs. The next section of this chapter discusses those relationships and beliefs in more depth. The groundwork for that exploration is how the moral of the story was framed in the narratives. For example,

This case squarely presents issues regarding the intersection of vast and intrusive government mandates with profound issues of religious freedom and government coercion that warrants the prompt intervention of the highest court in the land.

The stakes could hardly be higher; the issues are ripe for decision. (Brief for Amici Curiae, *Little Sisters of the Poor v. Burwell*, 2016, p. 3)

### **Policy Solutions**

The narratives presented the policy solutions in two main themes. The first theme applied to the CCR in general and centered on religious exemptions, including those for for-profit businesses. The second theme centered on the accommodation for faith-based non-profits and the distinction between those and religious institutions that qualified for a full religious exemption. The proposal was to extend the exemption to faith-based non-profits that are affiliated with the religious traditions and beliefs of the exempted religious institutions, as shown in Table 7..

Table 7

*Policy Solutions*

Themes	Examples
General religious exemption (including for-profit businesses)	These protections cannot be reconciled with the government's now-stated view that religious exercise cannot occur in the world of commerce. If facilities and health plans have conscience protections under federal law, so too should the Plaintiff family business. Appellees/Cross-appellant's Brief, <i>Weingartz v. Sebelius</i> , 2017, p. 28)
Religious exemption for faith-based nonprofits	Had HHS chosen to group the Little Sisters of the Poor with churches and integrated auxiliaries that have similar religious objections, the Sisters would have received a full exemption from the HHS Mandate and would not now be faced with choosing between violating a fundamental tenet of their religious faith or facing crushing fines. (Brief for Amici Curiae, <i>Little Sisters of the Poor v. Burwell</i> , 2016, p. 6)

**Evidence of Trustworthiness****Credibility**

I recorded my reflexive journal and analytic memos throughout the data collection and analysis with an online blog, which highlights the approach I took to coding and analyzing the data. I also used the triangulation of multiple coding methods to enhance credibility. An important step was the code weaving (see Appendix G). Bringing the codes back together to recreate the narrative was key to making sure the concept map matched the narratives in the original documents. Finally, using an established framework in the NPF and relying on Saldana's (2016) established coding methods also ensured credibility.

**Transferability**

To foster transferability, I relied on thick description of the data. Beyond the context outlined in chapter 2, the analysis of the documents using the NPF documents was detailed and thorough. The overall analysis includes a description of each narrative

element separately, as well as the relationships between them, and how they fit back together in the overall narrative. The narratives were rooted in policy beliefs, and the analysis provided context and a robust description of these roots.

### **Dependability**

In addition to aiding credibility, the reflexive journal and analytic memos aid the dependability of the study by providing an audit of the steps I took to collect and analyze the documents. The documents, the document collection instrument, and all analyses are stored in the NVivo project file, a flash drive, and on cloud storage.

### **Confirmability**

The reflexive journal and bracketing approach fostered an awareness of my biases and the way I approached the data, which enhanced confirmability. As I reflected on and wrote my thoughts and feelings about the themes present in the narratives, I was able to draw a line between those reflections and the analysis that otherwise stayed within the scope of the study. Writing my biases down made me more aware of them and allowed me to separate them from the analysis. In addition to this, the triangulation of coding methods allowed me to break the narratives down into parts and then put the pieces back together to make sure the coding I used was cohesive and accurate for the documents I collected. The concept map in Appendix G highlights the different elements and the way they are connected in the overall narrative.

Another helpful coding approach was category coding, which allowed me to check the relationships between the narrative elements and the way they worked together

in the narratives. The next section of this chapter describes these relationships, and a full list can be found in Appendix F.

## **Study Results**

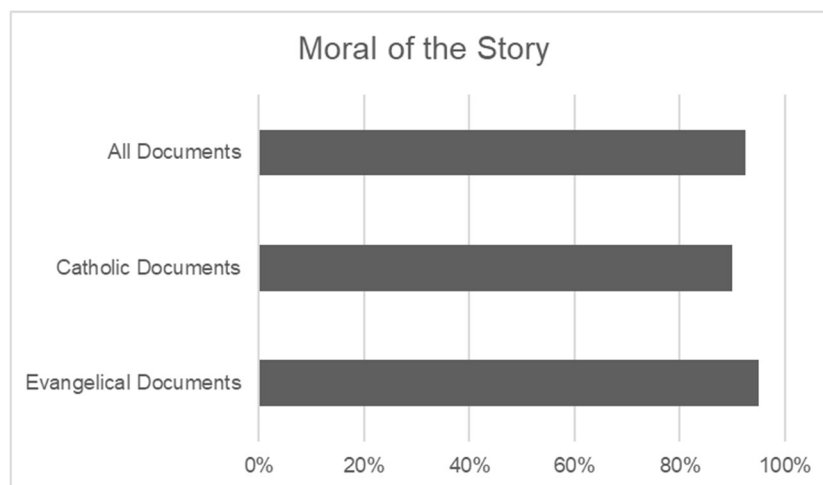
### **Research Question 1**

The first research question asks what narrative elements did/do Catholic and Evangelical communities use to discuss the CCR, contraceptives, and the First Amendment's Free Exercise Clause. Some of the narrative elements present were the plot and setting, characters, moral of the story, and policy solutions. The impact of the narrative elements on the narratives is rooted in the relationships these elements had with each other. For example, the narratives were framed by the harm the villains (government et al.) caused to the victims (employers et al.), which fostered the preferred policy agenda (more robust religious exemptions for the CCR). The victims were also frequently defined by the type of harm they experienced (e.g. fines, forced complicity, etc.), and these were included in the coding and analysis.

I was able to explore these connections between the narrative elements by coding for relationships. The explanations below include the elements and relationships that occurred in at least 20% of the documents (see Appendix G for a full concept map). These are the main elements that build the overall narratives.

### **Moral of the story.**

Figure 4 shows a breakdown of the documents that focused on the moral of the story.



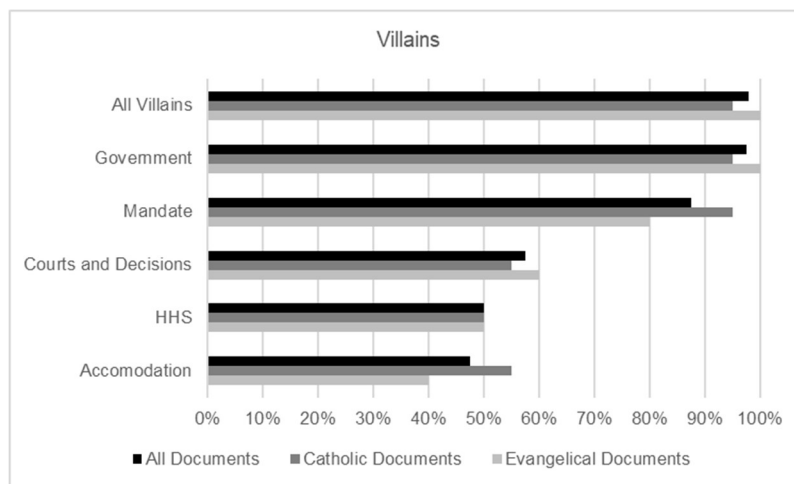
*Figure 4.* Moral of the story.

The moral of the story is an appropriate place to begin exploring the foundation of the narratives because it highlights some of the main themes found throughout. The coding and relationships for the moral of the story are associated with all three characters and lay the groundwork for the way those characters interact with each other. With the victims, the focus is on their policy beliefs. There was a particular focus on the religious freedom and protection policy belief (explained in more detail below), as the narratives primarily centered around this issue. The connection between the moral of the story and the victims appears through a relationship with the devil-shift narrative strategy, which was most strongly associated with the government villain. This relationship highlights the vilification of the role the government played in causing harm to the victims and their

policy beliefs. The heroes step in to defend the victims and their policy beliefs and are associated with the angel shift.

### **Villains.**

Figure 5 shows a breakdown of the villains used in the narratives.

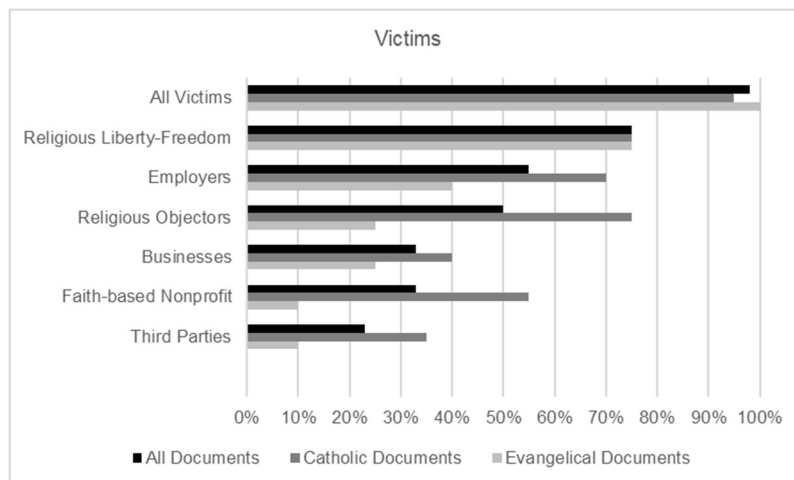


*Figure 5. Villains.*

The villains were seen as the cause of harm to both the victims and their policy beliefs. They were also associated with the types of harm the victims experienced, and most notably with the costs associated with those harms (e.g., loss of religious freedom, subject to fines). At times, the villains were portrayed as intentionally causing those harms. This portrayal was especially true for the government villain, who was most often vilified in the devil shift strategy. Additionally, the mandate villain was especially connected with intentionally imposing harms to religious exercise and the fines and penalties associated with noncompliance with the CCR. In a comparison of the two religious traditions, Catholics focused more on the mandate itself and the accommodation offered to faith-based nonprofits instead of a religious exemption.

## Victims.

Figure 6 shows a breakdown of the victims used in the narratives.



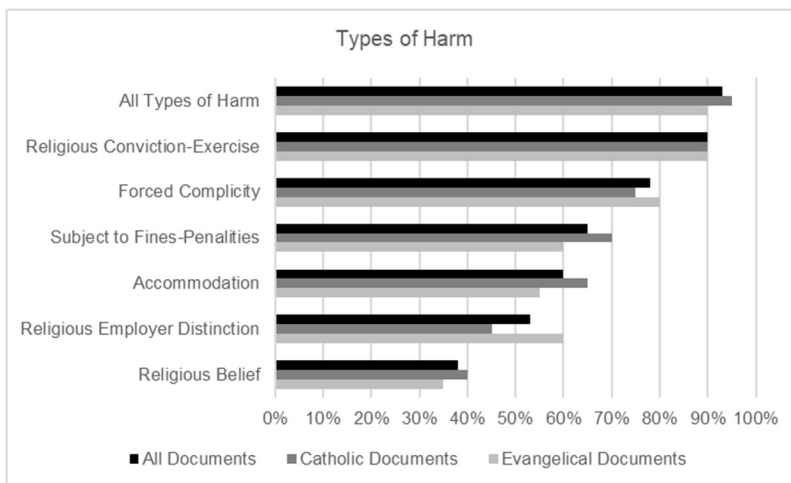
*Figure 6.* Victims.

The victims were the characters at the center of the story, with the villains harming them and the heroes defending them. The harms caused by the villains were associated with the victim's policy beliefs (which will be discussed in more detail later in this chapter). As highlighted previously, the victims' relationships also showed that Catholics focused more on faith-based nonprofits, business, third parties, and religious objectors. These victims in the narratives are connected to the villains the Catholics focused on (the mandate and the accommodation), especially in that the faith-based nonprofits were the primary victims of the accommodation villain. The focus was on how faith-based nonprofits and religiously motivated business owners live their beliefs and serve their communities, and how the current policy harmed all parties.

## Types of harm.

Figure 7 shows a breakdown of the types of harm associated with the victims.





*Figure 7.* Types of harm.

The types of harm associated with the victims were an important part of the narratives. Because they were so prominently displayed within the narratives, I coded them separately in conjunction with coding for the victims. The types of harm provided context for the relationship between the villains and victims. See Table 8 for examples of how the types of harm appeared in the narratives.

Table 8

*Types of Harm*

Themes	Examples
Accommodation	Amici write in support of Petitioners' position because the HHS contraceptive mandate's so-called "accommodation" fails to respect basic principles of religious liberty. (Brief of Amici Curiae Christian Legal Society, <i>Zubik v. Burwell</i> , 2016, p. 2)
Forced complicity	In sum, for adherents to Church teaching, contraceptive services are not properly understood to constitute medicine, healthcare, or a means of providing for the well-being of persons. Rather, these procedures involve gravely immoral practices, and compelling people of faith to promote or facilitate their use imposes a substantial burden on the exercise of religion, properly understood. (Brief of American Freedom Law Center, <i>Burwell v. Hobby Lobby</i> , 2014, p. 9).
Religious belief	But that argument is nothing more than the government deciding for Petitioners what does and what does not conflict with their religious obligations. (Reply Brief for Petitioners, <i>Priests for Life v. HHS</i> , 2015, p. 5).
Religious conviction/exercise	Accordingly, a statute or regulation requiring a Southern Baptist individual or ministry to be complicit in conduct the Christian faith teaches is morally wrong forces that person or ministry into an impossible choice—to either violate conscience or violate the law—and imposes a substantial burden on the exercise of religion. (Brief of the Southern Baptist Theological Seminary, <i>Little Sisters of the Poor v. Burwell</i> , 2016, p. 4)
Religious-employer distinction	Worse yet, the government's discrimination between types of religious organizations is at odds with the First Amendment, which forbids arbitrary distinctions in the treatment of religious groups. (Brief of Amicus Curiae the Council for Christian Colleges & Universities, <i>S. Nazarene Univ. V. Burwell</i> , 2015, p. 5).
Subject to fines/penalties	Petitioners' refusal to cooperate with the government's "accommodation" scheme subjects Priests for Life to crippling fines. (Reply Brief for Petitioners, <i>Priests for Life v. HHS</i> , 2015, p. 5)

**Accommodation.** This type of harm is associated with the accommodation that the HHS offered to faith-based nonprofits that did not qualify for the religious exemption from the CCR. These references included explanations about why the accommodation was no less a violation of religious freedom than the CCR because it still required involvement from the employers.

**Forced complicity.** These references focused on the idea that the victims were forced by the villains to be complicit with sin.

**Religious belief.** The religious belief type of harm included references to the diminishing and mischaracterization of religious belief, or the villains' attempts to force a change of religious belief in the victims. There was a distinction between this type of harm and the religious conviction/exercise harm explained below. With this harm, which was the less common of the two, the focus was not on the practice of the belief, but the belief itself.

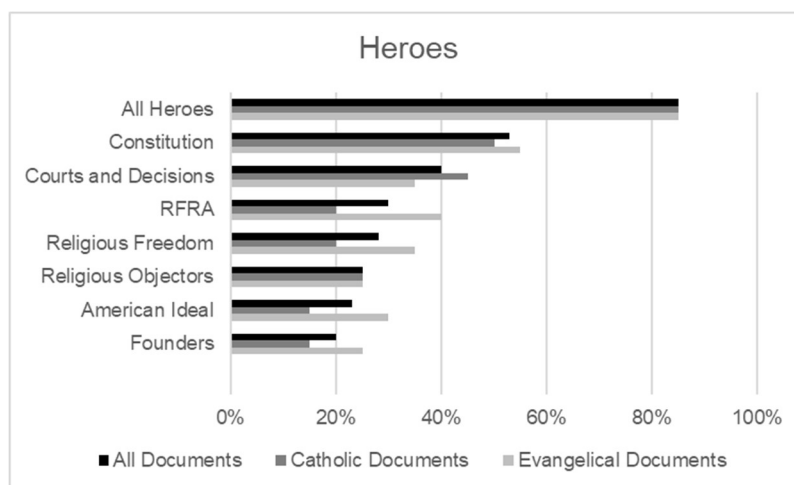
**Religious conviction/exercise.** In contrast to the religious belief harm, the religious conviction/exercise harm included references there were not about the beliefs themselves, but about the freedom to exercise those beliefs. These references talked about the violation of the victim's religious conscience and conviction rights in association with the principle of religious liberty.

**Religious-employer distinction.** The religious employer distinction includes references to the HHS's employer classifications that determined whether an organization qualified for the religious exemption or would otherwise be required to comply with the mandate or accommodation. This harm was generally framed as religious discrimination.

**Subject to fines/penalties.** This type of harm included references to the fines and penalties imposed on the victims if they and their organizations do not comply with the CCR. These fines and penalties were often presented in an or else scenario, where the victim had to choose between violating their religious freedom rights or suffer the consequences.

### **Heroes.**

Figure 8 shows a breakdown of the heroes used in the narratives.

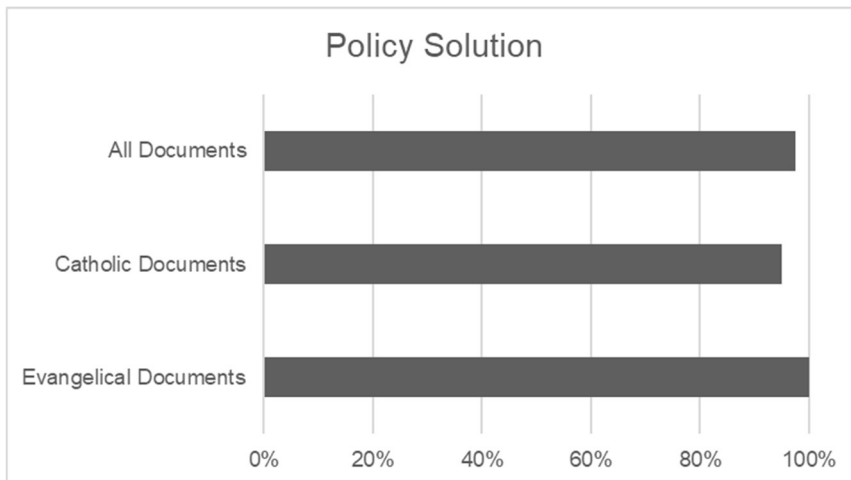


*Figure 8.* Heroes.

Although the heroes were not present as a significant part of the narrative in all of the documents, when they were present, they were employed to defend the victims and their beliefs by curbing the harm caused to them, working in opposition to villains, and championing the policy solutions. The Catholic documents focused on the Constitution and the precedent for religious freedom protections in previous cases and court decisions. Evangelical documents were more inclined to focus on the principle of religious freedom, using tradition and the U.S. founders' intent as appeals to authority.

**Policy solution.**

Figure 9 shows a breakdown of the documents that focused on policy solutions.



*Figure 9.* Policy solution.

The characters interacted with the policy solution in the narratives, as well. The heroes defend the policy solution, and the policy solution has the power to defeat the villains and curb the harms they caused. The strongest associations were with the victims, who at times needed the policy solution to address the harms the policy problem was causing them. At other times the relationships between the policy solution and victims were framed as something they deserved because it is part of their claim to religious freedom rights, as shown in the examples in Table 9..

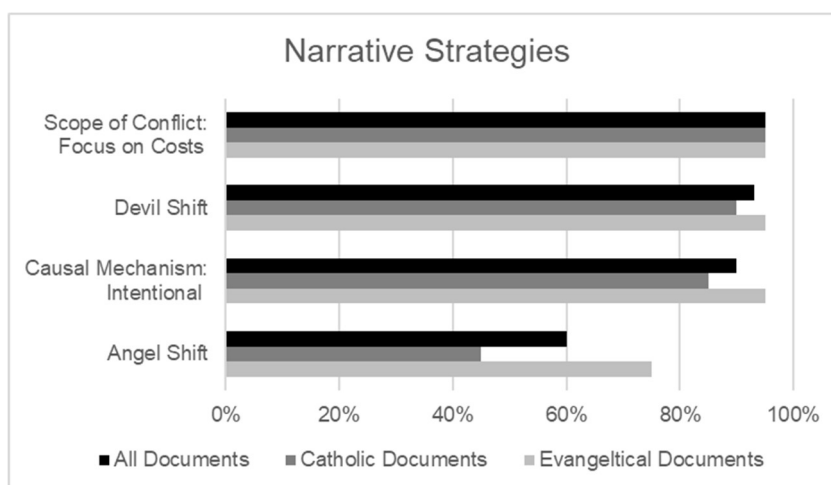
Table 9

*Victims' Relationships With Policy Solutions*

Themes	Examples
Victims need policy solution	Plaintiffs face a substantial threat of irreparable injury if the injunction is not issued. ... Here, coercing Plaintiffs to facilitate access to abortion-causing drugs in direct violation of their faith is the epitome of irreparable injury. Once they have been forced to violate their conscience by providing access to objectionable drugs and services, future remedies cannot change that violation. (Plaintiff's Memorandum, <i>E. Tex. Baptist Univ. v. Sebelius</i> , 2013, p. 50).
Victims deserve policy solution	In the final analysis, religious beliefs and rights of conscience that flow from those beliefs are not subject to popular vote, majoritarian preferences, "societal expectations," "legal regimes," the predilections of the Executive Branch, or the predilections of this Court. The Bill of Rights ensures us of that outcome. (Brief of American Freedom Law Center, <i>Burwell v. Hobby Lobby</i> , 2014, p. 6)

**Research Question 2**

The second research question asks what narrative strategies are employed. The strategies present were the intentional causal mechanism, the devil/angel shift, and a focus on costs in the scope of conflict (See Figure 10; see Table 1 in chapter 3 and the codebook in Appendix C for a reminder of the potential narrative strategies).



*Figure 10.* Narrative strategies.

**Causal mechanisms.** Although the inadvertent causal mechanism made an occasional appearance, usually with the implication that the villains were too inept at avoiding the harms they were causing, it only appeared in a handful of narratives (8% of the documents). Otherwise, the only causal mechanism that appeared consistently in the narrative was intentional, which was used as a narrative strategy in 90% of the documents. The strongest associations with the intentional mechanism were with the relationships between the villains and two of the harms that inflicted the victims: an infringement on their right to religious exercise and the fines and penalties to which the victims were subject. See Table 10 for examples

Table 10

*Intentional Causal Mechanism*

Themes	Examples
Intentional harm to religious conviction/exercise	In short, it is hard to think of a clearer violation of the Constitution's Religion Clauses than a regulation that is specifically designed to protect houses of worship but leave out equally religious organizations like petitioners, even though they assert the exact same religious objection with the exact same religious conviction, to the exact same religiously sensitive requirement. (Reply Brief of Petitioners, <i>Little Sisters of the Poor v. Burwell</i> , 2016, p. 11)
Intentional harm via fines/penalties	Had the district court conducted that straightforward inquiry, the answer would have been obvious: the Mandate's massive penalties, and the 35 government's vigorous and rigid insistence that the Little Sisters and other non- exempt members of the Trust sign and send EBSA Form 700, obviously impose (and are obviously designed to impose) substantial pressure on them to give up their religious exercise. (Brief of Appellants, <i>Little Sisters of the Poor v. Burwell</i> , 2015, p. 47)

**Devil/angel shift.** Both the devil and angel shifts were employed in that the villains were ascribed especially nefarious intentions and grievous impacts, and the heroes were especially lauded. Overall, the narratives focused more on the villains and their misdeeds than heroes, who were discussed in fewer documents and referenced less frequently in general.

**Devil shift.** This narrative strategy appeared in 93% of the documents and was most frequently associated with the government villain. This connection was especially apparent with the types of harm the government inflicted on the victims, especially the infringement on religious exercise and forced complicity. See Table 11 for examples.



Table 11

*Devil Shift*

Examples	
Example 1	The Defendants offer numerous secular and even religious exemptions to the H.H.S. Mandate, but fail to offer the same respect to the Catholic beliefs of the Plaintiffs—showing that Defendants either care so little about those professing religious beliefs that they will not be bothered to address their concerns or that Defendants are blatantly discriminating and disrespecting those holding such religious beliefs. (Appellees/Cross-appellant's Brief, <i>Weingartz v. Sebelius</i> , 2017, p. 3)
Example 2	For no apparent reason, the government denies religious liberty to religious organizations that have an intentional interdenominational or ecumenical affiliation. (Brief Amicus Curiae, <i>Gilardi v. United States HHS</i> , 2013, p. 27)
Example 3	For the sake of the church, and for every person of faith, we must stop this soul-crushing power-grab now. If government can require this today, they can, and likely will, require more tomorrow. We will not bow to government or any other power that seeks to insert itself between us and our God. ... We call on everyone... to join us in stopping the administration from pillaging the soul with this God-defying, unconstitutional assault on religious freedom. (Bristow, 2012, para. 7)
Example 4	If the government can force even private religious organizations to help their own private workforce obtain drugs and procedures that violate the organizations' religious convictions, there is little government cannot do. The next incremental step, a step already taken in California, is mandatory coverage of abortion. (Brief Amicus Curiae of United States Conference of Catholic Bishops, <i>Zubik v. Burwell</i> , 2016, p.26)

**Angel shift.** The angel shift narrative strategy was applied to the heroes and exaggerated their defense of the victims and their beliefs. Interestingly, the Evangelical narrators were much more inclined to paint themselves as the heroes/angels. See Table 12 for examples.

Table 12

*Angel Shift*

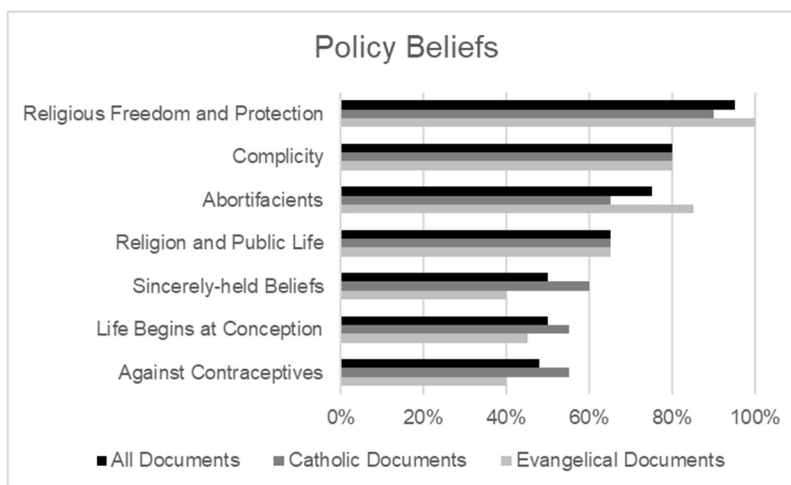
Examples	
Example 1	In light of that spiritual duty, it is not surprising that Petitioners refuse to quail before the government's demand to violate conscience or suffer government sanction. (Brief of the Southern Baptist Theological Seminary, <i>Zubik v. Burwell</i> , 2016, p. 9)
Example 2	Exemptions for religious objectors run deep in American tradition. Religious liberty is embedded in our Nation's DNA. Respect for religious conscience is not an afterthought or luxury, but the very essence of our political and social compact. (Brief Amicus Curiae, <i>Gilardi v. United States HHS</i> , 2013, p. 14).
Example 3	When it comes to the free exercise of religion, "no liberty is more essential to the continued vitality of the free society which our Constitution guarantees than is the religious liberty protected by the Free Exercise Clause explicit in the First Amendment and imbedded in the Fourteenth." (Brief of Reproductive Research Audit, <i>Burwell v. Hobby Lobby</i> , 2014, p. 8)
Example 4	NRB today lauded the Supreme Court's ruling upholding religious freedom for Hobby Lobby and Conestoga Wood Specialties in their "David-and-Goliath" struggle for freedom against the Executive Branch. (National Religious Broadcasters, 2014, para. 1)

**Scope of conflict.** None of the documents in this analysis employed a focus on benefits to expand the scope of their policy agenda. However, 95% of the documents focused on the costs of the policy problem. The costs were mainly associated with two types of harm to the victims. The association with fines and penalties was generally a reference to literal costs to the victims as a result of the policy. A figurative cost was associated with religious conviction and exercise and was framed as a cost to religious freedom or liberty. These costs were often presented at the same time, in an or else situation, as referenced above. For example, "...the challengers must choose between violating their religious beliefs or being subject to substantial penalties that will financially ruin them and their family-run business that they spent a lifetime building" (Brief of American Freedom Law Center, *Burwell v. Hobby Lobby*, 2014, p. 13).

### Sub-Research Question 1

The first sub-research question asks how belief systems are used in the narratives.

Figure 11 shows a breakdown of the policy beliefs used in the narratives.



*Figure 11.* Policy beliefs.

The belief systems are rooted in the religious beliefs of the victims. The beliefs are associated with the heroes as well, but the way they are framed in the narratives lays the foundation for the victims' complaints about the ways the villains are causing harm. The policy beliefs are explained below (see Table 13 for examples).

Table 13

*Policy Beliefs*

Policy Belief	Example
Religious freedom and protection	The Constitution's guarantee of freedom from governmental interference in matters of faith is a crucial protection upon which SBC members and adherents of other faith traditions depend as they follow the dictates of their conscience. (Brief of the Association of Gospel Rescue Missions, <i>Wheaton College v. Sebelius</i> , 2013, pp. 5-6)
Complicity	The Catholic theological tradition, in common with related Christian traditions, has well-developed concepts used to assess whether a believer may "cooperate in... the religiously objectionable action of another person. (Brief of 67 Catholic Theologians and Ethicists, <i>Burwell v. Hobby Lobby</i> , 2014, p. 2)
Abortifacients	The Greens believe that human beings deserve protection from the moment of conception, and that providing insurance coverage for items that risk killing an embryo makes them complicit in the practice of abortion. (Reply Brief for respondents, <i>Burwell v. Hobby Lobby</i> , 2014, p. 3).
Religion and public life	And one's religious beliefs are not simply personal beliefs that are checked in and out at the cathedral door. ... Their faith is their guide for how they conduct their lives, both private and public. (Brief of American Freedom Law Center, <i>Burwell v. Hobby Lobby</i> , 2014, p. 3)
Sincerely held bBeliefs	Even prior to RFRA, this Court held that evaluating the reasonableness of a religious belief was simply not a task courts could or should undertake. (Brief of Amici Curiae Christian and Missionary, <i>E. Tex. Baptist Univ. v. Burwell</i> , 2016, p. 16)
Life begins at conception	Scripture and Southern Baptist doctrine teach that life begins at conception and therefore abortion is the taking of innocent human life and is a grave moral wrong. (Brief of the Southern Baptist Theological Seminary, <i>Zubik v. Burwell</i> , 2016, p. 10)
Against contraceptives	Plaintiffs do not believe that contraception or abortion properly constitute health care and involve immoral practices and the destruction of innocent human life. (Appellees/Cross-appellant's Brief, <i>Weingartz v. Sebelius</i> , 2017, p. 7)

**Religious freedom and protection.** This code includes references to the fundamental belief that the principle of religious freedom is a guaranteed right and that it protects religious exercise. It was the most common belief system present in the narratives, appearing in 95% of the documents.

**Complicity.** References to complicity included the religious belief that cooperating in the sins of others is its own sin.

**Abortifacients.** This code includes references to contraceptives that end the pregnancy after fertilization. These references are framed with the religious belief that this equates to abortion, which is coupled with a religious and moral objection to abortion.

**Religion and public life.** This belief is rooted in both religious belief and relies on the principle of religious freedom. The claim is that a religious believer is morally obligated to exercise their religion in all areas of their lives and that they have a protected right to do so.

**Sincerely held beliefs.** This belief is coupled with the belief in religious protection. The belief is that the government and courts are barred from questioning the veracity or intensity of a belief. If the religious objector maintains that their belief is sincerely held, then that belief is protected.

**Life begins at conception.** This belief is used to frame opposition to both abortifacients and contraceptives. It is framed as a doctrinal belief that life begins at fertilization, so any interference with the pregnancy after that point is immoral.

**Against contraceptives.** This belief, similar to the belief associated with abortifacients, is rooted in the religious belief that life begins at conception but extends this beyond just abortifacients to a belief that all contraceptives are immoral.

## Sub-Research Question 2

The second sub-research question asked if there is a difference in the narratives before and after *Burwell v. Hobby Lobby* (2014). Figure 11 shows a breakdown of the policy beliefs used in the narratives over time.

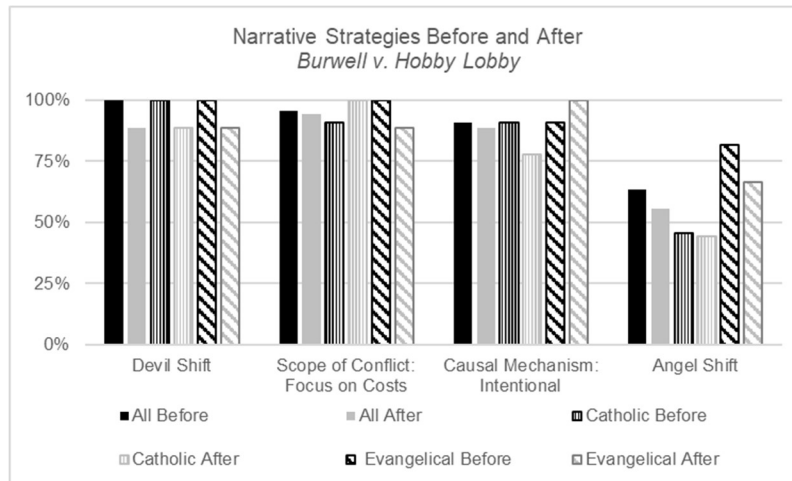


Figure 12. Narrative strategies before and after *Burwell v. Hobby Lobby*.

For this analysis, I compared differences in the narrative strategies, policy beliefs, and types of harm because these elements worked together to frame the overall narratives. Figure 17 shows that the narrative strategies in the documents were consistent before and after *Burwell v. Hobby Lobby*. The changes were in the use of the devil/angel shift. There was an 11% decrease overall with the devil shift, with both Catholic and Evangelical narratives decreasing about the same amount. The use of the angel shift

decreased 8% overall, primarily because there was a 15% decrease among Evangelical narratives (with almost no change in Catholic narratives).

Figure 13 shows a breakdown of the policy beliefs used in the narratives over time.

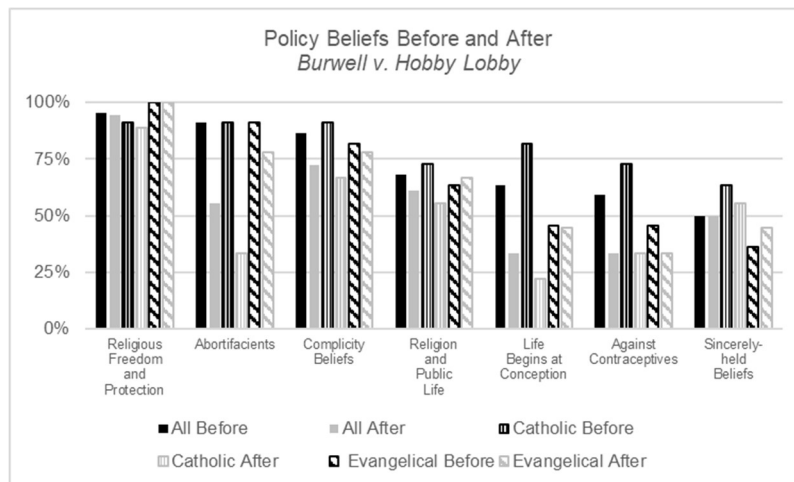


Figure 13. Policy beliefs before and after *Burwell v. Hobby Lobby*.

Several of the belief systems remained just as prominent after the *Burwell v. Hobby Lobby* (2014) decision. For example, religious freedom and protection and sincerely held beliefs were both equally present in the narratives. Sincerely held beliefs dropped in Catholic narratives by 8% while they increased in Evangelical narratives by 8%. Religion and public life only showed an 8% decrease, but it is worth noting that this reflects a 17% decrease in Catholic narratives and a 3% increase in Evangelical narratives. There was yet a bigger difference in the other policy beliefs, with a shift in focus away from contraceptives (26% decrease), abortifacients (35% decrease), the complicity beliefs (14% decrease), and beliefs about life beginning at conception (30%). This shift was much more prominent in the Catholic narratives after *Burwell v. Hobby*

*Lobby*, especially with a 60% decrease in beliefs about life beginning at conception, 58% decrease in mentions of abortifacients, and 38% decrease in beliefs about contraceptives. The Evangelical narratives did not show significant changes in any of these categories.

To better understand this change in the narratives, it is helpful to look at changes in the types of harm (See Figure 14). There is an increased focus on the CCR's accommodation for faith-based nonprofits (by 32%) and the religious employer distinction (by 16%). The Catholic narratives especially shifted their focus to these types of harm (43% and 19% respectively), which helps to explain the decrease in their focus on the abortifacient and contraceptive beliefs. The battle over the accommodation and religious employer distinction did not center on the specifics of the CCR but instead on the exemptions allowed for religious organizations. This shift in focus makes sense, given the outcome of the *Burwell v. Hobby Lobby* (2014). The mandate's impact on for-profit businesses was no longer an issue, so the focus turned to faith-based nonprofits and the accommodation.



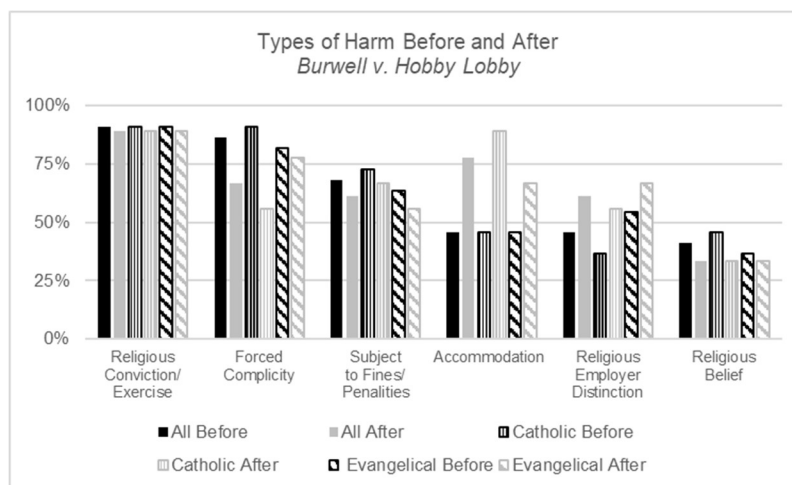


Figure 14. Types of harm before and after *Burwell v. Hobby Lobby*.

### Summary

Characters, including villains, victims, and heroes, were all present in the narratives. The villains harmed the victims, and the heroes defended the victims. The victims experienced multiple types of harms that were associated with their policy beliefs. The narrative strategies present were the intentional causal mechanism, both the devil and angel shift, and a focus on costs as a strategy to contain the scope of the conflict or the harms caused by the offending policy. The moral of the story is that the government was intentionally causing harm to religious objectors by forcing employers to pay for contraceptives, in violation of their religious exercise rights.

The policy beliefs centered on religious freedom and exercise, as well as religious beliefs about contraceptives, conception, and the idea that religious objectors should not be forced to violate their sincerely held beliefs by being complicit in the use of the various types of contraceptives. After *Burwell v. Hobby Lobby* (2014), there was a shift of focus, especially for the Catholic narratives, away contraceptives to the mandate, and

the accommodation offered to faith-based nonprofits. Chapter 5 will provide further interpretation of these results, along with implications and recommendations for future study.

## Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this qualitative document analysis was to explore the intersection of religion and public policy development, specifically the development of the CCR. The NPF's narrative elements and strategies were used to explore how Catholic and Evangelical organizations and stakeholders discussed the CCR in legal briefs and press releases. The research questions addressed the narrative elements present in the documents and how the elements and narrative strategies were used within the narratives.

The key findings were that all major narrative elements were present, and several narrative strategies were employed. The villains were depicted as the government, the HHS, the CCR, and the accommodation. The victims were primarily employers who were impacted by the policy, but the narratives also focused on concepts like religious exercise and highlighted how they were harmed. The types of harm were related to religious freedom and the costs associated with the policy. The heroes, who were less present in the narratives than the villains and victims, were the actors and objectors fighting for the policy agenda. The heroes also included the concept of religious freedom and its legal guarantees (e.g., U.S. Constitution). The moral of the story was rooted in the rights of religious freedom and the infringement of those rights by the government. The policy solutions centered on alleviating the harms caused by the CCR through expanding the religious exemptions offered to employers. The narrative strategies focused on the villains who were portrayed as intentionally causing harm, inflicting harm via the costs they caused, and functioning in association with the devil shift.

## **Interpretation of Results**

In alignment with the purpose of this study, the results indicated key aspects of the intersection between religion and politics that are rooted in social constructionism. Religion is a key aspect of social constructionism, especially the establishment and reification of shared beliefs (Zerubavel, 2016). The belief systems present in these narratives were rooted in shared religious beliefs, along with the assumptions inherent in those beliefs. Through the policy beliefs, religion was used as the socially constructed framework to present these narratives. Several ways in which this played out in the narratives are explained in the following sections concerning the impact and effectiveness of religious narratives.

Another example of this is the inclusion of the U.S. founders and history as appeals to authority to validate the right to religious freedom. The founders' commitment to religious liberty was taken for granted and fostered the reification of the beliefs about religious freedom and protection. This example demonstrates one of the reasons why social constructionism served as the backbone to this study because of the way it emphasizes the construction of policy beliefs through shared narratives (see Jones et al., 2014).

### **Religion and Politics**

Religious narratives are compelling for believers because they provide a shared context for understanding the world (Brady, 2017; Grzymala-Busse, 2016). Researchers noted that religious rhetoric is effective because, in its appeals to authority, the authority

is a deity who is the arbiter of salvation (Allen & Allen, 2016; Grzymala-Busse, 2016; Wald & Calhoun-Brown, 2018).

These elements were present in the narratives analyzed in the current study. For example, narrative passages such as “Religious objectors like the petitioners adamantly believed that any facilitation of or complicity in the provision of abortifacients will have eternal ramifications” (Brief of Amici Curiae Christian and Missionary, *E. Tex. Baptist Univ. v. Burwell*, 2016, p. 14) and “For people of faith, matters of morality and conscience are not insubstantial — they are serious concerns that directly and materially affect a person’s soul and thus eternal salvation” (Brief of American Freedom Law Center, *Burwell v. Hobby Lobby*, 2014, p. 3) appealed to the deity authority and provided context for the beliefs related to religious exercise, religion in public life, and complicity. According to the narratives, individuals who believe their eternal salvation is on the line will not feel as though they can violate a sincerely held belief under any circumstance, including a violation of complicity in another’s sin. Therefore, they are required to live their beliefs in all aspects of their lives. Including this dynamic as a part of the narrative removes any notion of compromise or negotiation with policy (e.g., the accommodation offered to faith-based nonprofits). This phenomenon sheds light on why policy issues at the intersection of religion and politics have become wicked policy problems.

### **Religious Freedom**

The intensity of the religious beliefs that motivate these policy beliefs also connects with what Lipton-Lubet (2014) pointed out. Many of the objections to the CCR were rooted in religious freedom narratives, highlighting a conflict between policy and

religious freedom rights is a nonstarter for religiously motivated stakeholders. Religious freedom was the primary focus of the narratives in this study, even more so than the CCR. Though the policy addressed contraceptives, and beliefs about conception and contraceptives were present in the narratives, the belief in religious freedom and protection was the reigning rhetoric, appearing in 95% of the documents.

The second most commonly referenced belief was the idea of being complicit in another's sin, which appeared in 80% of the documents where the focus was on the victims being forced to be complicit in something against their will. The developments of the CCR represented a shift with how religious freedom has become not just about practice, but also complicity (NeJaime & Siegel, 2015; Scherer, 2015). This shift was present in the narratives as well, where it was the complicit act that was a violation of religious freedom.

This dynamic contributes to the wicked policy problems created at the intersection of religion and politics. The constitution and the RFRA protect the free exercise of religion, but these protections are not applicable in every circumstance (Laycock, 2014; Lipton-Lubet, 2014). However, this nuance was not present in the narratives examined in this study. As indicated in the policy beliefs that centered on the idea of sincerely held beliefs, the narratives presented religious belief as universally protected. Though the policy was about something else, the real narrative was about religious freedom. One of the press releases included in the study explicitly stated as much: "No one should misunderstand what this issue is really about. While the offense to

us is abortion, and to others it is contraception, the real issue is governmental trampling of faith” (Bristow, 2012, para. 4).

***Burwell v. Hobby Lobby and the Development of the CCR***

Several of the nuances following *Burwell v. Hobby Lobby* (2014) that impacted the development of the CCR were present in the narratives. In Chapter 2 I outlined three major questions posed by the CCR cases brought to the Supreme Court: whether the RFRA should apply to private corporations, whether the government had a compelling interest in enforcing the CCR, and whether the burden should be shifted to third parties (see Rosenbaum, 2014). The narratives answered yes to the first question and no to the second. However, on the third question, the narratives sidestepped the issue. Sometimes the response included a denial that there was a shift in burden at all. Other times the narrative turned this question around to focus on the forced complicity inherent in the policy. One example of this was the Brief of American Freedom Law Center, *Burwell v. Hobby Lobby* (2014):

For people of faith, matters of morality and conscience are not insubstantial—they are serious concerns that directly and materially affect a person’s soul and thus eternal salvation, which is far more important than a person’s physical health and thus exponentially more important than increasing the use of contraceptive services—services the government promotes under the guise of healthcare. (p. 3)

Where the narratives might have acknowledged a shift of the burden to third parties, they only did so inasmuch as they posited that their religious beliefs are paramount and the shift of burden is justified.

Another idea from Chapter 2 centered on sincerely held beliefs and the role they played in the developments of the CCR. One of the outcomes of the *Burwell v. Hobby Lobby* (2014) decision was the idea that a sincerely held belief must be respected (Velte & Ortega, 2015) and that the court should not seek to determine the rationality or veracity of the belief (Keim, 2013; Swee, 2014). This notion was reflected in the documents published before and after *Burwell v. Hobby Lobby*.

### **NPF's Narrative Strategies**

One of the goals of this study was to add to the body of work addressing the NPF, and several of the findings highlighted aspects of the NPF and its usefulness in analyzing policy narratives. Shanahan, Jones, McBeth, and Radaelli (2018) explained that the intentional causal mechanism is generally associated with the villains and is used to assign blame. That was the case in the narratives examined in the current study. The government villain was portrayed as intentionally causing harm to religious exercise rights, as well as intentionally causing harm via fees and penalties.

Related to this was the use of the scope-of-conflict narrative strategy, which focused on costs. The NPF's creators hypothesized that this strategy would be used more frequently by those who believe they are on the losing side of a policy issue. This hypothesis is consistent with the findings in the current study, where the narratives focused on the victims and the goal was to change the current policy. One aspect that Shanahan, Jones, McBeth, and Radaelli (2018) highlighted regarding this strategy was the presence of the villains and victims. Along with the focus on costs, villains mainly fell into three categories: courts and decisions, the government (of which HHS is a part),



and the mandate (of which the accommodation is a part). On the other hand, the victims were more plentiful and included a wider variety of individuals and organizations, including a variety of ways in which they would be harmed. The narratives fostered the idea that the offending policy would harm lots of people in lots of ways. Additionally, the narratives were presented by those who portrayed themselves as victims in distress.

I had initially included the longitudinal aspect of the second sub-research question because the body of research for the NPF indicated that there may be some changes to narrative strategies based on a variety of factors (e.g., whether the narratives come from the winning or losing side; Shanahan, Jones, McBeth, & Radaelli, 2018). However, the strategies were consistent, with the focus on victims and costs. The narratives did change the focus on content. The narratives after *Burwell v. Hobby Lobby* (2014) no longer depicted for-profit businesses and their owners as victims, and instead focused on the accommodation that the HHS offered for faith-based nonprofits. The narratives maintained the scope of the conflict but reframed what the conflict was and redirected the focus on the relevant victims.

The other narrative strategy employed was the devil/angel shift. I expected to find narratives that portrayed the narrators as the heroes and the opposing side as the villains (see Shanahan, Jones, McBeth, & Radaelli, 2018). This dynamic was present in the narratives in this study, and there was an overall focus on the victims. Villains were present in 98% of the documents, and their motivations and influences were exaggerated (via the devil shift) in 93% of the documents. In contrast, heroes were present in 85% of the documents, and exaggerations of their influence or their ability to solve the policy

problem (via the angel shift) were present in 60% of the documents. Overall, the narratives focused on the devil shift. This focus is consistent with theories about the devil shift and the prevalence of its use in policy narratives about wicked policy problems (Sabatier, Hunter, & McLaughlin, 1987; Shanahan, Jones, McBeth, & Radaelli, 2018).

Another focus of the NPF is not just the presence of policy beliefs, but whom they are used by and what impact that has on the policy narratives. For example, Shanahan, Jones, McBeth, and Radaelli (2018) discussed the idea of intracoalition cohesion in policy beliefs. The policy beliefs found in the narratives demonstrated unity across the documents. My intent behind including two religious traditions in the study was to conduct a comparison of the two to determine whether there were any significant differences in the narratives. There were not. Although there was sometimes a shift in focus (e.g., some documents addressed complicity more than sincerely held beliefs), there were no outliers or major disagreements in the beliefs presented. The NPF hypothesis related to intracoalition cohesion is that more cohesion in beliefs equates to a higher likelihood that their policy agenda will be realized (Shanahan, Jones, McBeth, & Radaelli, 2018). Although establishing that causal connection was beyond the scope of the current study, both the intracoalition cohesion and the realization of the preferred policy agenda were correct in this case.

### **Limitations**

Because of the nature of the study, the scope is naturally limited. The narratives analyzed were from a subset of stakeholders and focused on a specific policy. The data collection included only those documents that fit the criteria relevant to this analysis.

Although this study will add to the body of research done on both religion's impact on policy and the NPF, the findings here will not necessarily be transferable to other studies. Ideally, the way the narrative elements are used in these narratives will be transferrable to similar approaches with the NPF. Using this study as an example, future research on religious-political narratives can use deductive coding with the NPF's core narrative elements as a starting point, followed by an inductive coding phase that explores the way religious-political narratives are rooted in policy beliefs.

The scope of this study is also limited in the context of the analysis of policy development. Narratives are an important part of the policy-making process, but they are not the only explanation for the way a policy develops. The results from any policy narrative analysis, including this one, help policy analysts understand the policy-narrative dimension of the policy process. Ultimately, more research will need to be done to connect the dots between policy narratives and other aspects of the policy process.

Additionally, the findings and implications of the study are limited by my role as the sole researcher. I managed my biases by using a reflexive journal and documenting the decision I made throughout the analysis process, along with the other methods outlined in chapter 4. Although I used several methods to reduce bias and subjectivity in the coding process, the analysis and interpretation of findings were subject to my perspective. This limitation is compounded by a degree of subjectivity inherent in the NPF. Using an established framework increases transferability on the one hand, but the way inductive coding is applied to the narrative elements is not clearly defined within the framework. When looking for themes within the narratives, the NPF offers little to no

guidance. The NPF is still a relatively new framework, and these nuances may be clarified with time. Nevertheless, for this study, the inductive approach was potentially limited by subjectivity. I navigated this limitation by triangulating the themes that emerged from the data with several different coding methods.

## **Recommendations**

### **Practical Recommendations**

Part of the policy problem this study addresses is the importance of the CCR and its public health implications. Limiting access to contraceptives impacts women's medical care and health care choices, which may impose health risks (Gossett et al., 2013a; The Editors, 2014). Increased costs can be prohibitive, especially for vulnerable populations (Batra & Bird, 2015, Eversly, 2016; Lee & Lipton-Lubet, 2013), whereas increased access alleviates a host of socioeconomic problems for women, benefits which are passed on to their children (Becker & Polsky, 2015; Haslett, 1997; Ricketts et al., 2015). As Gossett et al. (2013a) pointed out, religious exemptions hinder the evidence-based benefits of policies like the CCR.

However, this study also highlights how rooted religious exemptions are in socially constructed and reified beliefs about religious freedom. Because the narratives in opposition to the CCR are more about religious freedom than they are about contraceptives, evidence of the public health benefits of the policy will not resolve the objectors' concerns. Including contraceptives in employer-based insurance plans is a non-starter for religiously motivated employers. Alternatively, there are methods for achieving the goal of increasing access to contraceptives and reproductive health care. As

several of the documents in the collection even intimated, the government has a myriad of ways to provide its citizens with contraceptives outside of employer-based insurance.

Using the CCR and this analysis as an example, my recommendation is for policymakers to use a better understanding of policy narratives to develop approaches and policies that side-step wicked policy problems. In addition, on a broader scope, policymakers and policy analysts can use this type of narrative analysis to aid efforts to shape positive policy outcomes.

### **Recommendations for Future Study**

This study provided insight into the narratives of the religious objectors to the CCR. Future studies can enhance this analysis by expanding the research to narratives used by other stakeholders. For example, the CCR also had secular opposition, as well as both religious and secular proponents. An analysis of the narratives these groups used would be useful in an NPF application. This type of analysis would highlight what strategies were employed and ultimately how effective they were and could enhance predictability. Furthermore, the way I have used the NPF in this study to analyze the religious narratives can be carried over to other explorations policies with relevant religious-political narratives during the policy development.

### **Positive Social Change Implications**

Callahan et al. (2012) emphasized scholarship enhancement as a method of affecting positive social change. The results of this study add to the body of knowledge about political narratives, especially concerning wicked policy problems created at the intersection of religion and politics. The findings address a gap in the research that

analyzes these narratives. Policy analysts and stakeholders can use the findings of this study to understand better the religious narratives used in conjunction with the CCR. The more knowledge policymakers have about the policy development process, the more positively they can shape policy outcomes. As intimated in the previous section, policymakers can use this type of analysis to develop policies that prioritize evidence over belief-based narratives (Cairney et al., 2016).

### **Conclusion**

This study focused on the CCR as an example of the wicked policy problems created by the intersection of religion and politics in the United States. The analysis of Catholic and Evangelical narratives about the CCR and religious freedom was rooted in social constructionism and relied on the NPF. Social constructionism provided the groundwork for looking at the way policy beliefs and narrative strategies were used in the narratives included in the sample. The results displayed the usefulness of the NPF in breaking down and analyzing religious-political narratives. The findings lead to a better understanding of these policy narratives and why these issues became wicked policy problems. This knowledge can be used to avoid the same dynamic in the future.

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*Zubik v. Burwell*, 136 S. Ct. 1557, LEXIS 3047 (2016)

## Appendix A: Literature Search Databases and Keywords

Table A1

*Keyword Categories by Database*

Database Name	Keyword Categories
Academic Search Complete	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
Federal Register	Contraceptives and contraceptive policies
FindLaw	Burwell v. Hobby Lobby
Google Scholar	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
Government Publishing Office and Federal Digital System	Burwell v. Hobby Lobby Contraceptives and contraceptive policies
Guttmacher Institute	Contraceptives and contraceptive policies
Kaiser Family Foundation	Contraceptives and contraceptive policies
Library of Congress	Contraceptives and contraceptive policies
MEDLINE	Contraceptives and contraceptive policies
Nexis Uni	Burwell v. Hobby Lobby Religion and politics
Political Science Complete	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
ProQuest Central	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
PubMed	Contraceptives and contraceptive policies

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SAGE Journals	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
Sage Knowledge	Narrative policy framework Social constructionism
SAGE Research Methods	Narrative policy framework Social constructionism
SocINDEX	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
Supreme Court Reports	Burwell v. Hobby Lobby
Taylor & Francis Online	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism
United States Code	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Religion and politics
Wiley Online Library	Burwell v. Hobby Lobby Contraceptives and contraceptive policies Narrative policy framework Religion and politics Social constructionism

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Table A2

*Search Terms by Keyword Category*

Categories	Keywords and Combinations
Burwell v. Hobby Lobby	Becket Religious Liberty Fund (legal representatives for the Green family) Burwell v Hobby Lobby and religious freedom Burwell v Hobby Lobby and Religious Freedom Restoration Act Burwell v. Hobby Lobby and Contraceptive Mandate Burwell v. Hobby Lobby and Contraceptives* Burwell v. Hobby Lobby, Inc., et al. Conestoga Wood Specialties Conestoga Wood Specialties Corporation et al. v. Sebelius David Green/Green family (owners of Hobby Lobby) Hobby Lobby Little Sisters for the Poor Home for the Aged, Denver, Colorado v. Sebelius Little Sisters of the Poor Wheaton College v. Burwell Zubik v. Burwell
Contraceptives and contraceptive policies	Contraceptives Contraception Birth control Catholics and contraceptive mandate Catholics and contraceptive* policy Contraceptive mandate Contraceptive* policy Evangelicals and contraceptive mandate Evangelicals and contraceptive* policy Patient Protection Affordable Health Care Act and contraceptives* Reproductive health Reproductive rights Women's Health Amendment Women's health issues and contraceptives* Women's issues and contraceptives* Women's reproductive health Women's reproductive rights
Narrative policy framework	Narrative analysis Narrative policy framework Narrative policy framework and qualitative Policy analysis and narratives Policy analysis and rhetoric Policy narratives Policy rhetoric

	<ul style="list-style-type: none"> <li>Political narratives</li> <li>Political rhetoric</li> <li>Social constructionism** and narrative policy framework</li> <li>Elizabeth A. Shanahan</li> <li>Mark K. McBeth</li> <li>Michael D. Jones</li> </ul>
Religion and Politics	<ul style="list-style-type: none"> <li>Catholicism</li> <li>Catholicism and politics</li> <li>Catholicism and public policy</li> <li>Evangelical</li> <li>Evangelical and politics</li> <li>Evangelical and public policy</li> <li>Religion and government</li> <li>Religion and policy</li> <li>Religion and policy analysis</li> <li>Religion and politics</li> <li>Religion and public policy</li> <li>Religion and US government</li> <li>Religion and US politics</li> <li>Religious freedom</li> <li>Religious freedom and policy</li> <li>Religious freedom and public policy</li> <li>Religious freedom and US</li> <li>Religious Freedom Restoration Act</li> <li>Religious impact on government</li> <li>Religious impact on policy</li> <li>Religious impact on politics</li> <li>Religious impact on public policy</li> <li>Religious impact on US government</li> <li>Religious impact on US politics</li> <li>Religious narratives</li> </ul>
Social Constructionism	<ul style="list-style-type: none"> <li>Peter Berger</li> <li>social construction</li> <li>social construction theory</li> <li>social constructionism</li> <li>social constructionism** and narrative policy framework</li> <li>social constructionism** and narratives</li> <li>social constructionism** and policy</li> <li>social constructionism** and politics</li> <li>social constructionism** and religion</li> <li>social constructionism** and rhetoric</li> <li>Thomas Luckmann</li> </ul>

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\*Including the derivate contraception

\*\*Including the derivates construction, constructive, and constructivism



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The figure appears on page 8.

If permission is granted, the figure will appear in the literature review section of my dissertation, which will be submitted in partial fulfillment of the requirements for my degree of Doctor of Philosophy in public policy and administration at Walden University. My study is an examination of religious narratives and the development of public policy.

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## Appendix C: Codebook

Narrative element	Description
Characters	Characters can be heroes, villains, victims, etc. Characters are not necessarily people, but can also be ideals, policy outcomes, etc. (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).
Heroes	Heroes advance the policy agenda, provide relief from harm, problem solve, etc. (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).
Actors	Actors are specific People or Organizations that were characterized as Heroes.
Amici curiae	Amici curiae are authors of amicus briefs.
Congress	Congress includes references to the US Congress
Legal defence	Legal defence includes references to the lawyers/firms that represented the victims in trial.
Religious elite	Religious Elite includes references to Catholic or Evangelical leaders.
Courts and decisions	Courts and Decisions as heroes are references to courts and cases that had previously issued decisions that favored the victims or that defended the principle of religious freedom.
Legal protection	Legal protection includes references to laws that protect religious freedom.
Constitution	Constitution includes references to the US Constitution and First Amendment.
Other	Other legal protections include references to any other law that protects some aspect of religious freedom.
RFRA	RFRA includes references to the Religious Freedom Restoration Act.
Religiousfreedom	Religious freedom as a hero includes references to Religious freedom as a principle, right, or tradition.
Religious objectors	Religious objectors as a hero includes all general references to those who refuse to comply with the CRR or those who challenge it in court when framed as advancing the policy agenda.
Tradition	Tradition codes include references to US history that were used to establish the credibility of religious freedom.
American ideal	American ideal includes references to religious freedom as an American ideal and tradition.
Founders	Founders includes references to the founders of the United States and their commitment to religious freedom.
Victims	Victims are those people or ideals harmed, either by the opposition or the policy in question (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).
Organizations	Organizational codes include references to organizations impacted by the CCR.
Businesses	Businesses includes all general references to for-profit businesses.
Closely held	Closely held includes all references to this type of business

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Family businesses	Family businesses include references to this description of business
Employers	Employers includes references to the impact on employers, whether for-profit or non-profit.
Faith-based nonprofit	Faith-based nonprofit includes references to nonprofit organizations with religious affiliations.
Religious Objectors	Religious Objectors as victims include general references to those who are negatively impacted by the CCR because they object for religious reasons.
Religious liberty/freedom	Religious liberty/freedom includes references to the harm caused to religious freedom as a right and/or principle.
Third parties	Third parties includes references to people outside of the primary victims who will/may be harmed by the impact of the CCR
Type of harm	Type of Harm codes were used to categorize how the victims were harmed.
Forced complicity	Forced complicity includes references to the idea that the victims were forced to be complicit in sin.
Religious belief	Religious beliefs include references to the diminishing and mischaracterization of religious beliefs or to attempts to force a change of religious belief.
Religious conviction/exercise	Religious conviction/exercise includes references to the violation of the victims' right to practice their beliefs
Subject to fines/penalties	Subject to fines/penalties includes references to the fines and penalties imposed on the victims if they do not comply with the CCR
Accommodation	Accommodation as a type of harm includes references to the accommodation developed for faith-based organizations, specifically references that it was no less a violation of their religious freedom rights than the CCR itself
Religious employer distinction	Religious employer distinction includes references to the classifications the HHS used to determine which organizations could claim exemption or would be bound by the accommodation when this distinction was framed as discrimination.
Villains	Villains are people or ideals that cause harm about the policy issue (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).
Courts and decisions	Courts and cases wherein the decisions did not favor the victims were portrayed as villains.
Government	Government includes references to the government's role in causing the policy problem and harm to the victims.
HHS	HHS includes references to Health and Human Service's role in causing the policy problem and harm to the victims.
Mandate	Mandate includes references to the CCR (coded as such because it was most commonly referred to as the Mandate) and its role in causing the policy problem and harm to the victims.
Accommodation	Accommodation includes references to the CCR's plan to accommodate faith-based nonprofits and its role in causing the policy problem and harm to the victims.

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Moral of the story	The moral of the story is the policy solution or policy agenda that gives the characters purpose (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).
Policy solution	Policy solutions are ideas advanced to solve a policy problem.
Narrative strategies	Narrative strategies are methods used to influence the policy process (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 177).
Causal mechanisms	Casual mechanisms use narrative elements to assign responsibility and blame for policy problems. A casual mechanism will try to explain how one factor leads to/led to another factor (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 178).
Accidental	An accidental causal mechanism is defined by unguided action and intended consequences. Examples: Intervening agent, machines, trained animals, brainwashed people (Stone, 1989, p. 284).
Inadvertent	An inadvertent causal mechanism is defined by purposeful action and unintended consequences. Examples: intervening conditions, unforeseen side effects, neglect, carelessness, omission (Stone, 1989, p. 284).
Intentional	An intentional causal mechanism is defined by purposeful action and intended consequences. Examples: assault, oppression, conspiracies that work, programs that work (Stone, 1989, p. 284)
Mechanical	A mechanical causal mechanism is defined by unguided action and unintended consequences. Examples: nature, weather, earthquakes, machines that run amok (Stone, 1989, p. 284)
Devil/angel shift	
Angel shift	When groups or policy actors emphasize their ability to solve a problem (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 178).
Devil shift	The devil shift occurs when actors exaggerate the malicious motives, behaviors, and influence of opponents (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 178).
Scope of conflict	Strategic construction of narratives to either expand or contain policy issues (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 177).
Focus on costs	Within the scope of conflict, choosing to expand the issue by focusing on costs of expansion instead of benefits (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 177)
Focus on benefits	Within the scope of conflict, concentrating on benefits of the policy/status quo instead of costs (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 177).
Plot	The plot is the arch of the story and an explanation of how the characters, actions, and events interact (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).
Policy Beliefs	Grounded in social constructionism, the policy beliefs will be identified by how shared understandings are demonstrated (Example: symbolism, context, etc.; Shanahan, Jones, McBeth, & Radaelli, 2018, p. 178).

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Abortifacient	Abortifacient includes references to contraceptives that end the pregnancy after fertilization that are rooted in the religious belief that this is abortion (coupled with a religious opposition to abortion.)
Against contraceptives	Against contraceptives includes references to the religious belief that contraceptives are sinful.
Complicity	Complicity includes references to the religious belief that being complicit in sin is also a sin.
Life begins at conception	Life begins at conception includes references to the idea that life begins at fertilization/the root of the beliefs in opposition to abortifacients and contraceptives
Religion and public life	Religion and public life includes references to the religious belief that a believer should exercise their religion in all areas of their life. This was also framed as an issue related to religious freedom, that believers have a protected right to do so.
Religious freedom and protection	Religious freedom and protection includes references to the fundamental belief that the principle of religious freedom is a guaranteed right that protects religious exercise.
Sincerely held beliefs	Sincerely held beliefs includes references to the belief that the government/judicial system cannot question the veracity of a religious belief. If it is sincerely held, it is protected.
Setting	The setting of a policy narrative is the context in which the policy issue is being discussed and the policy problem (Shanahan, Jones, McBeth, & Radaelli, 2018, p. 176).

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## Appendix D: Document Collection Instrument

Type of Document: Choose one

Description: title, etc.

Author(s) individuals, groups, organizations, etc.

Religious Affiliation: Choose one

Audience: court, press, etc.

Date 12/2/2018

Before or After Burwell: Choose one

Content:

Context: where was it found, what is the purpose of the document, etc.

Summary: briefly summarize the arguments/evidence

Main themes present:

- CCR: if mentioned, what was the context?
- Contraceptive Policy: if mentioned, what was the context?
- Religious Freedom/Liberty: if mentioned, what was the

context?

## Appendix E: Document Collection List

Alliance Defending Freedom. (2014, January 10). ADF to Supreme Court: Gov't

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Society of Orange County in Support of Hobby Lobby and Conestoga, et al.,

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Amicus Curiae Brief of Drury Development Corporation, Drury Southwest, Inc., and

Drury Hotels Company, LLC, and the Association of American Physicians &

Surgeons and six other National Medical Organizations, in Support of Plaintiffs-

Appellants and Reversal of the Lower Court, *Korte v. Sebelius*, 735 F.3d 654,

LEXIS 22748 (7th Cir. 2013)

Amicus Curiae Brief of Drury Development Corporation, Drury Southwest, Inc., and

Drury Hotels Company, LLC, with The American Association of Pro-Life

Obstetricians & Gynecologists, Christian Medical Association, Physicians for

Life, National Association Of Pro Life Nurses, The National Catholic Bioethics

Center, And National Association Of Catholic Nurses in Support of Hobby

Lobby, et al. and Conestoga Wood Specialties, et al., *Burwell v. Hobby Lobby*

*Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

Appellees/Cross-appellants' Brief, *Weingartz Supply Co. v. Sebelius (Weingartz v.*

*Sebelius)*, Nos. 14-1183/1310, LEXIS 22557 (6th Cir. 2017)

Brief Amicus Curiae of the Association of Gospel Rescue Missions, Prison Fellowship Ministries, Association of Christian Schools International, National Association of Evangelicals, Ethics & Religious Liberty Commission of the Southern Baptist Convention, Institutional Religious Freedom Alliance, the C12 Group and Christian Legal Society in Support of Granting the Petitions, *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

Brief Amicus Curiae of the Association of Gospel Rescue Missions, Prison Fellowship Ministries, Association of Christian Schools International, National Association of Evangelicals, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Institutional Religious Freedom Alliance, the C12 Group, and Christian Legal Society in Support of Plaintiffs-Appellants and Urging Reversal, *Gilardi v. United States HHS*, 733 F.3d 1208, LEXIS 22256 (2013)

Brief Amicus Curiae of United States Conference of Catholic Bishops; Institutional Religious Freedom Alliance; World Vision, Inc.; Catholic Relief Services; Family Research Council; Association of Catholic Colleges and Universities; Thomas More Society; and the Cardinal Newman Society in Support of Petitioners and Supporting Reversal, *Zubik v. Burwell*, 136 S. Ct. 1557, LEXIS 3047 (2016)

Brief for Amici Curiae Dominican Sisters of Mary, Mother of the Eucharist; Sisters of Life; and the Judicial Education Project in Support of the Petition for Certiorari, *Little Sisters of the Poor Home for the Aged v. Burwell (Little Sisters of the Poor v. Burwell)*, 194 L. Ed. 2d 599, LEXIS 2268 (2016)

Brief for National Religious Broadcasters as Amicus Curiae in Support of the



Respondents, *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

Brief for Respondents, *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014).

Brief of American Freedom Law Center as Amicus Curiae in Support of Hobby Lobby and Conestoga, et al., *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

Brief of Amici Curiae Christian and Missionary Alliance Foundation, Inc., et al., in Support of Petitioners, *E. Tex. Baptist Univ. v. Burwell*, 194 L. Ed. 2d 599, LEXIS 2270 (2016)

Brief of Amici Curiae Christian Legal Society, Association of Christian Schools International, and American Association of Christian Schools Supporting Petitioners, *Zubik v. Burwell*, 136 S. Ct. 1557, LEXIS 3047 (2016)

Brief of Amicus Curiae the Council for Christian Colleges & Universities, in support of petitioners Southern Nazarene University et al., *S. Nazarene Univ. v. Burwell*, 136 S. Ct. 531, LEXIS 7351 (2015)

Brief of Amicus Curiae Ethics and Public Policy Center in Support of Petitioners, *Zubik v. Burwell*, 136 S. Ct. 1557, LEXIS 3047 (2016)

Brief of Appellants, *Little Sisters of the Poor Home for the Aged v. Burwell (Little Sisters of the Poor v. Burwell)*, 799 F.3d 1315, LEXIS 15969 (10th Cir. 2015)

Brief of the Association Of Gospel Rescue Missions, Prison Fellowship Ministries, Council for Christian Colleges & Universities, Christian Medical Association,

Association of Christian Schools International, National Association of Evangelicals, Queens Federation of Churches, Diocese of the Mid-Atlantic of the Anglican Church in North America, Ethics & Religious Liberty Commission of the Southern Baptist Convention, Patrick Henry College, Institutional Religious Freedom Alliance, and Christian Legal Society as Amici Curiae in Support of Appellants and Reversal, *Wheaton College v. Sebelius*, No. 12-1169, U.S. Dist. LEXIS 162164, (Aug 19, 2013).

Brief of National Association of Evangelicals as Amicus Curiae Supporting Hobby Lobby and Conestoga, et al., *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

Brief of Reproductive Research Audit as Amicus Curiae in Support of Hobby Lobby, et al. and Conestoga, et al., *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

Brief of 67 Catholic Theologians and Ethicists as Amici Curiae in Support of Hobby Lobby Stores, Inc., and Conestoga Wood Specialties Corp., *Burwell v. Hobby Lobby Stores (Burwell v. Hobby Lobby)*, 573 U.S. 682, LEXIS 4505 (2014)

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Appendix F: Category Relationships

