

PART II

Studies in
the Practice and
Cultivation of
Rhetorical
Citizenship



Rhetorical Citizenship in Public Meetings: The Character of Religious Expression in American Discourse

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Speaking out is the patriotic duty of democratic citizenship.

– Robert Ivie (2002), p. 281

If we are concerned about the shape of our democracy, we would do well to start by exploring exactly those practices, by investigating the norms we already live by.

– Gary Shiffman (2004), p. 112

Christian Kock and Lisa Villadsen (2012) begin their discussion of rhetorical citizenship by asserting that talk is not a precursor to real action but itself is “constitutive of citizen engagement” (p. 1). I strongly agree; this chapter evidences the essence of their claim even as a twist and a challenge are made. The twist I add is that rhetorical citizenship needs to recognize the degree to which it is a culturally-inflected practice. Citizenship for Americans involves distinctly different discourse activities than are typical for Europeans. In particular, American citizenship valorizes ordinary people speaking out at public meetings, and it legitimates the relevance of talk about God and religion in state policy-making debates. The challenge I make is of an assumed close relationship between deliberative democracy and rhetorical citizenship. I develop these claims by analyzing citizen testimony at three U.S. state legislative hearings considering bills about same-sex marriage.

The chapter begins by evidencing the linkages for Americans among citizenship, public hearing participation, and religious talk. Then, after providing background on the legislative hearings, I describe six different ways citizens drew upon or oriented to religion in their testimony. In the chapter’s conclusion I identify how deliberative democracy and rhetorical citizenship have been tied and suggest why the tie needs to be loosened.

Citizenship for Americans

How do citizens shape policy? In representative democracies, the main way ordinary folks influence what becomes policy is by voting for the representatives who will make the decisions. But there is another avenue for influence. Citizens can speak at public meetings in which a governance group is considering a particular policy issue (Laidman 2010). As a populist democracy the United States gives to its citizens a bigger role for speaking out in meetings than is the case in European countries that have an elite democracy philosophy. In elite democracies, deliberation is largely restricted to elected and appointed government officials. In the federalist system of governance, American citizens are extended an opportunity to testify at local and state levels that is rare in European countries. In a large survey that Conover, Searing, and Crewe (2002) carried out with American and British citizens they found that more than twice as many U.S. citizens reported speaking in public meetings than did British citizens (29 % vs. 13 %).

The American belief that there should be a place for ordinary citizens to speak in democratic institutions is accomplished through the design of local and state meetings in which speaking slots for members of the public are routinely included. Such is the typical structure in both regularly recurring governance bodies such as city council meetings (Leigher & Black 2010), school board meetings (Tracy 2007, 2010), and university trustee boards (West & Fenstermaker 2002), and in meetings that are specially set to decide about an action or policy that is controversial, such as building of a Wal-Mart (Buttny 2009, 2010) or introduction of a Disney Park (Olson & Goodnight 2004) in a community.

A second difference between American and (most) European notions of citizenship is the role religion plays in the American notion of democracy. The vast majority of Americans define themselves as religious. A recent survey by the Pew foundation ("Nones on the rise" 2012), in fact, treated it as news that the number of Americans defining themselves as not religious (agnostic, atheist, or nothing in particular) had increased from 15 % five years ago to slightly less than 20 % in 2012. In addition, 65 % of Americans report religion to be an important part of their daily life (Newport 2009). Wald and Glover (2007, 115) described the United States as a "nation with the soul of a church" that is also a secular society.

In the 1960s before the rise of the religious right, Robert Bellah (1967) popularized the idea that the United States had a "civil religion,"

a valuing of God in political life that permitted many different versions of belief. In his influential essay, “Civil Religion in America” he proclaimed that the relationship between politics and religion had been “singularly smooth.” Writing a decade later Hart (1977, 1) described civil religion as the “ritualistic homage being paid by expedient politicians to a religious-conscious electorate.” By the 1980s, though, the smooth relationship had disappeared (Hulstether 2007), and by the 21st century, legal scholar Noah Feldman (2005) described the relationship between government and religion as the issue that most divides Americans from each other.

Not only is the United States one of the most religious Western societies, but it has built into its constitution two principles of how government and religion are to be connected. The First Amendment to the U.S. Constitution asserts that the federal government will not establish any religion for the country and proclaims the rights of citizens to practice the religion of their choice. Exactly how these two clauses are to be weighed and put together tends to generate considerable controversy (Haiman 2003; Meacham 2005). In its initial form the First Amendment was designed to insure that decisions about religion stayed with the states. Well into the 1800s different states required their citizens to pay taxes or have affiliation with specific Christian religions. It was not until after the civil war and, practically speaking, following a series of court cases in the 1940s that contemporary notions about the separation of church and state began to be applied to individual states (Levy 1994).

Both Germany and the United States have clauses in their constitutions prohibiting the establishment of religion, but, as Haupt (2012) shows, the US allows religion to flourish in state matters much more than Germany. Although Thomas Jefferson wanted to build a wall between the church and the state, this never happened. Warren Burger, Chief Justice of the US Supreme Court during the 1970s, said of the constitutional battles over politics and religion: “the line of separation, far from being a ‘wall,’ is a blurred, indistinct, and variable barrier depending on the circumstances of a particular issue” (Meacham 2006, 240). This blurred boundary between religion and the state extends from interpreting law in the courts to the making of law in legislative hearings. When an American state considers changing its law with regard to a matter that ties to some people’s religious beliefs and other people’s rights, public discussions about what policy the state should adopt becomes a battlefield.

The public hearings

I obtained video/audio tapes of three judicial committee hearings by requesting them from the appropriate legislative office and then creating verbatim transcripts (Tracy 2005). Table 1 provides an overview of each hearing in terms of its date and length, the bill being debated, and the number of citizens speaking for and against the bill. In Colorado and Hawaii the proposed bill was about extending the rights of marriage but proposed labeling gays' committed relationships civil unions rather than marriage. In Rhode Island, there were two bills under consideration. The first bill proposed extending the rights of marriage and the name "marriage"; the second bill proposed that the issue be put to a popular vote rather than leaving it to the elected officials.

TABLE 1 OVERVIEW OF THE HEARINGS

State	Hawaii	Rhode Island	Colorado
Date	2/24/2009	2/8/2011	3/31/2011
Bill No.	HB444	HB5012 HB5260	SB 11-172
Hearing Length	18 hrs	8.5 hrs	7.5 hrs
Data	Video	Video	Audio
Total Speakers	176	108	79
Pro SS unions	76	67	61
Con SS unions	100	41	18

How "religion" entered citizen discourse

In this site of ordinary American democracy, religion entered citizen testimony in six distinct ways. The first way it entered citizen testimony was by a speaker referring to a religious text to argue for or against a proposal. When scholars (Audi & Wolterstoffs, 1996) debate about the reasonableness of religious argument being part of public discourse, this is perhaps the key activity that is being contested.

1. Naming/quoting of religious text

In these hearings citizens referred to various books in the bible, with Leviticus being mentioned most often, in fact 47 times across the hearings. Citizens varied how specifically they referred to the bible, sometimes quoting chapter and verse and using the language of the King James bible (e.g., sodomites,

fornicators) and at other times merely pointing toward “the scriptures.” Excerpt 1 illustrates a detailed reference; excerpt 2 a general one.

Excerpt 1 (Colorado, Con)

Uh with all due respect, those people are not adhering to the teachings of the scripture. Leviticus 18:22 says if a man lies with another man, it is an abomination. Leviticus 22:18 says that if a man lies with a man as with a woman, they shall both be put to death for an abom- abominable deed, for they have forfeited their life ... In the words of St. Paul the apostle, you do not know- that the unjust will not inherit the kingdom of God. Do not be deceived, neither fornicators, nor adulterers, nor boy prostitutes, nor sodomites, nor thieves, nor the greedy, nor drunkards, nor slanderers, will inherit the kingdom of God. First Corinthians 9:10. Ladies and gentlemen of the committee, we're living in a world where the awareness of sins is ticking away. Let me show you that Jesus Christ is real, and he will judge us all at the moment of our death. If you're not a believer, at least consider the lessons of history.

Excerpt 2 (Hawaii, Con)

Um, let's start with God first ok? I'm a Christian, as most of us are, ok? And uh I'm not- I'm not gonna go through all the scriptures or whatever. But just to tell you that when God says something is not good, you better abide by what he says. Otherwise there's gonna be some serious consequences.

Religious texts were typically used by speakers as if they settled the dispute about what to do. In fact this was the only way that religious texts were used by speakers arguing against the same-sex marriage bills. Citizens passed on God's instructions to elected officials about how to vote.

Using texts as a vehicle to straightforwardly instruct officials, however, was not the only way these texts were used. Citizens favoring the bills highlighted the many different messages one could find in the bible, often quoting passages that emphasized God's loving character, or they cited a text to problematize its implications, as was seen when a citizen cited Leviticus to show its datedness by noting how it condoned slavery and prohibited the eating of shrimp.

2. Praying for officials

A second way religious talk entered testimony was for a citizen to begin praying in the midst of testifying. Praying changed the footing (Goffman 1981)

of the elected officials from the key addressed parties to that of overhearing third parties: officials were put in the position of listening in on a conversation between a testifier and God. Excerpt 3 illustrates an example, which occurred at the end of a lengthy speech.

Excerpt 3 (Hawaii Con)

Thank you Heavenly Father I apologize if I haven't always acted out of love. There are times when I would like to kick some peoples' butts. But I know it is out of love, Lord God that you called me and you loved me. And thank you for loving all of us and respecting the fact that you've given us the free choice to make our own choice. So it is with that love that I pray for our leaders and their families. Please guide them with your truth and your wisdom Heavenly Father. I pray also Lord God, for our nations and for the people of the nations, for every tender tongue and people. We are special, you made us, and you created us in your image and not to be degraded. I pray for our churches and our wonderful pastors and their wives and families and especially for those who have had the courage, thank you Jesus, to stand up for what God says is his word and to fear God rather than man. They took a risk and I thank you Jesus.

3. Labeling religious affiliation

A third way religion entered citizen talk was as a credentialing device, an implicit justification for why the judicial committee should listen closely. In citizen speeches in public meetings, a key move in openings is for the citizen to identify the features of self that warrant his or her views being taken seriously. What exactly a citizen will mention in this opening slot will vary with the issue and the context. In education governance meetings, for instance, speakers often mention their longevity residing in a geographic area, the number of children they had in the school district, their role as tax-payers, or an occupation that gave them expertise related to the focal topic (Tracy 2010). Because a speaker can describe self in a large variety of ways – by age, political party, ethnicity, occupation, place of residence – the category terms speakers select give us insight into what identities citizens regard as giving them credibility in that particular interactional site. Harvey Sacks (1992) would describe this practice as the use of membership terms. To describe persons using some membership terms rather than others is powerful because the selected term sets in motion inferences about activities, attitudes, and other people. In these hearings citizens used many different identity

labels to self-describe, but what was striking was the frequency of religious identification. Both religious leaders and ordinary believers used category affiliation in their openings. In another study of three hearings, Tracy and Parks (2013) found 16 percent of the testifiers to be religious leaders. Excerpt 4 exemplifies two religious leader openings.

Excerpt 4

(a) Hello, my name is Dennis Dutton, I'm assistant pastor of the Family Chapel Estuwahu. ... Today I'd like to provide three points of uh discussion concerning House Bill 444 (Hawaii, Con).

(b) After being identified as "Rabbi Mack" by the chair, she said, "Thank you so much. Um I'm here this evening, I think it's important um that you hear from me as- as the only formal representative of any Jewish community here in Rhode Island. Um just because I am the only representative, um does not mean that uh the Jewish community is not widely supportive of marriage equality. I'm the Associate Rabbi at Temple Bethel in Providence. Um we have 950 families" (Rhode Island, Pro)

In all the hearings, although particularly Hawaii's, ordinary believers also identified their religious categories with explicit identity terms. One example is seen in the opening of excerpt 2 where the speaker identified himself as a Christian; others included testifiers saying, "I'm a born-again Christian" or "We're Catholic," said by a husband/wife pair. These self-labeling moves underscore that the policy decision *is* a religion matter and function as an implicit reason that the legislative committee should give careful attention to the speaker. Many speakers who began by self-labeling brought religion into their message in others ways, but some did not. For those who did not, the self-labeling functioned to cue and reinforce the existence of important other unsaid argument grounds for being for or more often against the proposed bill.

4. Referring to the First Amendment of the U.S. Constitution

A fourth way religion entered testimony was by referring to one or the other of the religious clauses of the First Amendment. Which First Amendment clause a speaker gave attention to, however, depended on his/her position on the bill (Tracy & Hughes 2014). Speakers arguing in favor of their state's bill to extend marriage rights argued how it was a clear case requiring separation of church and state. An especially nuanced argument was made by

one Christen minister. After describing differences in beliefs among various Christian groups with regard to several issues, he said:

Excerpt 5 (Rhode Island, Pro)

But here's the thing, there's a disagreement between religions, now it's a civil matter. And from a civil point of view, when two religions disagree, and you base your decision on Catholic teaching, or shall I say Orthodox Catholic teaching, there are many Catholic brothers and sisters who would agree with us, then aren't you recognizing an establishment of religion, one over the other?

In contrast, speakers arguing against proposed bills drew attention to the free exercise clause of the First Amendment. In the Colorado hearing the Senior Legal Counsel for the Alliance Defense Fund, an organization that describes its purpose as “build[ing] alliances between Christian attorneys and like-minded organizations to accomplish what none of us can do alone: protect and defend YOUR religious freedom” spoke extensively. After making a complex claim about a different issue, he launched an argument about how the proposed bill would violate religious freedom guarantees.

Excerpt 6 (Colorado, Con)

This bill is insufficient to protect the religious liberties in this state. People of- of faith an- and people of conscience. The only protection that this bill accords is by saying that clergy do not have to engage in the ceremonies of- of moralizing these civil unions. But it says nothing about uh Catholic Charities, who want to be involved in- in uh- in families. Or it doesn't say anything about businesses and what the impact would be on businesses and their policies internally. It doesn't say anything about the photographer who doesn't want to participate in filming civil ceremonies. Like we have a client in New Mexico that was sued because she chose not to do it. And now she has been faced with civil rights charges.

Religion entered testimony in two other ways, each of which requires inferential work to identify “religion” as being invoked.

5. Denying that a proposal is a matter of civil rights

In these hearings the central argument for extending the right of marriage or civil unions to same-sex couples was the need for equality: Marriage, proponents argued, is a basic civil right to which all citizens are entitled. This argu-

ment was repeatedly made with subtle kinds of variation by citizens favoring same-sex unions. As Michael Billig has shown (1987, Billig et al. 1988) everyday thought is fundamentally argumentative. Asserting one claim conveys an implicit assertion about the opposing claim. Often, too, the discourse reveals traces of the understood opposing claim. Many speakers denied that extending civil unions to gays and lesbians was an issue of civil rights. That an issue is *not* a civil rights issue does not necessarily make it a religious one, but in this context, it did. In Excerpt 7, an African American speaker uses his body and experience to assert the issue before them is not a civil matter, cuing that its alternative is religious with his preface about not getting into the religious aspect. In Excerpt 8 the fact that “religious issue” is the competing view to “civil rights matter” is formulated explicitly through the speaker’s religious identity credentialing, claiming to represent Jesus Christ, and by describing the issue as a “moral” matter, a term that most would see as a cousin of religion.

Excerpt 7 (Colorado, Con)

I’m not gonna get into the religion expect- aspect of it. But I have a super problem with the civil rights thing about this. Now when the gay lesbian groups compare this issue to the issue of Americans who are black, and to civil rights, I find it very disingenuous. Let me just give you a story.

Excerpt 8 (Colorado, Con)

My name is uh Pastor Roger Angis, and I represent uh myself and I also r- represent Jesus Christ. I’ve been listening to the testimonies from both sides of the fence, I hear economic policies, I hear so-called civil rights. This is not a civil right. ... This bill has to be put up first. Is this a moral bill? And this is not a moral bill in any way shape or form.

We might say that the dominant counter-position in these hearings to same-sex marriage being a civil rights issue was to regard it is a religious, moral matter. Thus one way speakers brought religion into the debate was to deny that the issue before them concerned civil rights.

6. Claiming or disavowing (expected) neighbors of God and gays

Political attitudes and beliefs usually go together in clusters. When a speaker expresses a view on one issue, people will assume that the speaker has particular views on other issues and will make assumptions about what kind

of person the speaker is (Conover, Searing, & Crewe 2002). To state it in a more discourse analytic way, stances toward an issue implicate identities and identities implicate stances (Tracy 2011). For instance, van De Mierop (2011) shows how debt defaulters being interviewed by Belgian debt mediation services discursively work to disavow that they are irresponsible money managers and reframe themselves as caring parents caught in tough circumstances. Claims and disavowals, then, work in two ways. Such verbal acts seek to redefine what should be seen as going together – as part of a bundle – and they underscore what the taken-for-granted bundle is.

Citizen testifiers advanced claims about the goodness/badness of the proposed bills, but as they did they were also doing discursive work to show that they as persons possessed attributes not assumed to go with the stance they were advocating (pro or con same-sex marriage). That is, they did discursive work to draw attention to the fact that either (a) they did not possess undesirable attributes associated with the stance or (b) they did possess desirable socially valued attributes not typically associated with that stance. The American bundle of attitudes-identities, I would suggest, sees being religious as aligned with patriotism, which in turn goes with being hostile to gays. On the flip side, being gay is seen as not being religious and questionably patriotic. Evidence that this is the understood bundle is seen when gay speakers assert their patriotism and love of country/state or elaborate their positive connection to God as they argue for marriage rights. Excerpts 9 and 10 illustrate two gay speakers asserting their love of state and country. These comments could seem off-topic if the bundle of positions, which I articulated above, were not in operation.

Excerpt 9 (RI, Pro)

I really appreciate the opportunity to speak here uh this evening on behalf of marriage equality, uh and I will be brief ... I'm a proud Rhode Island native. I grew up here. I went to school here. I've enjoyed a terrific professional career here spanning 25 years.

Excerpt 10 (Colorado, Pro)

A lot has happened in the past 15 years. The good news is that our country has never been more just. Our country's founders would look at our country now and see the change that has taken place and look at us in admiration. I'm proud to be an American. In fact I work for our citizens everyday as a law enforcement officer.

Excerpt 11 from a pro-same sex marriage law professor illustrates a lesbian seeking to show herself, and the gay students for whom she speaks, to be “deeply religious.” Although her utterance construction is not straightforward, the discursive proximity of her identification of the existence of inaccurate stereotypes and her claim that she and many of her gay students are religious function both to rebut and solidify the expected association.

Excerpt 11 (Hawaii, Pro)

Let me tell you a little about the students for whom I speak today. Most are local, born and raised in the islands, Hawaiian, Japanese, Chinese, Filipino, South Pacific Islander, European, Hapa. They give lie to the stereotype that gay rights are a mainland Haole issue. Many, myself included, are deeply religious people whose faith plays a central role in their and our lives.

A different strategy to seek to overturn the assumption that being gay is at odds with being religious is seen in excerpt 12 in which a lesbian comments about the character of the love she has for her partner.

Excerpt 12 (Colorado, Pro)

Living with Wendy in Loveland and being with Wendy for over 17 years has been the most stable, God-centered place I’ve ever been in my whole life.

Citizens testifying against the bill oriented to the opposite problem in the assumed bundle. As they argued against same-sex marriage, they proclaimed their love of gays or disclaimed that they were prejudiced. Excerpt 13 illustrates a typical proclamation of positive sentiment; excerpt 14 shows a speaker tackling the assumed bundle directly:

Excerpt 13 (Hawaii, Con)

I wanna state unequivocally that I love the gays, lesbians. Our church has some of them, the gays. Our company has employed them, my kids have gay friends. I will also say that I love drug addicts, alcoholics. I’ve been ministering the homeless. I’ve been ministering to them for the last fourteen years.

Excerpt 14 (Rhode Island, Con)

To say that this traditional understanding of marriage as many people do believe, and they honestly believe it, is in fact based on uh, uh bigotry and discrimination,

um I would say that we also have a new problem. And I do recognize that in society. Which is how do we demonstrate respect for our gay friends and family members and neighbors? And it is uh- It is a good question. It's a serious and important question. ... Um, I would say this in conclusion, that uh whatever else our marriage tradition is, it is not based on animus or hatred or bigotry or a desire to do harm.

In sum, because of the assumed bundling of religion, patriotism, and anti-gay sentiment (and the converse), speakers could indirectly bring religion into the exchange by referring to one or the other of the threads that comprised the attitudinal fabric.

Implications for rhetorical citizenship

In a response to Schudson's (1997) essay, "Why conversation is not the soul of democracy," Schroll (1999) remarks, "Some new way of talking about talking is needed that reflects the complexity of modern democratic life" (103). Two aspects of modern (American) democracies' complexities are the dominance of representative formats and the focal role that public meetings serve in giving elected officials knowledge of their citizen desires, principles, and preferences. Citizen testimony in public meetings is the bread and butter, or at least a main entrée, of American democracy. Any useful notion of rhetorical citizenship needs to take account of the frequency of citizens' speeches of advocacy in public meetings.

The dominant view of good citizenship draws a tight connection to deliberative democracy, highlighting communicative scenes in which there is back-and-forth talk, reason-giving, openness to others' views, and equality among participants (e.g., Gastil & Levine 2005; Habermas 1989; Hicks 2002). Such an ideal does not well match what citizens do in public hearings. As seen in the hearings on same-sex marriage, speakers evidenced little openness to the opposing position, and with only a few exceptions hearing talk involved no back-and-forth exchange. Delli-Carpini, Cook, and Jacobs (2004), in fact, rule out the public meeting as an activity that warrants the label "deliberative." Certainly if reason-giving and open-minded discussion among equals are needed for deliberation, then public hearings are not instances. But public meetings, I would argue, should not be conceived as flawed sites of democratic deliberation. Rather, they are a distinctive, valuable, and necessary site for citizenship that requires ways

of speaking that differ from how discussion unfolds in small groups, the implied format for deliberation. Public meetings are places for advocacy and passionate expression, a type of expression that should be part of any notion of rhetorical citizenship.

Rhetorical citizenship and its companion concept, rhetorical democracy (Kock & Villadsen 2012), carry the promise of more useful norms of conduct for citizens' public participation than democratic deliberation. Public meetings, with their thin connection between citizens and elected officials, make possible expression of strong disagreement that enables clarity about issues and a deeper understanding of difference. In relationship-attentive, deliberative settings, the disagreements that do occur can be muted and not explored in depth (Karpowitz & Mansbridge 2005).

Given rhetoric's strong connection to strategic talk and persuasion, rhetorical citizenship would seem a useful counterweight to deliberative democracy. For rhetorical citizenship to be an effective ideal, however, it needs to keep a productive tension between deliberation and advocacy. Deliberation and advocacy are essential to a well-functioning democracy, but they are the antithesis of each other (Heindriks 2011; Mutz 2006). Rhetorical citizenship needs to keep its tie to democratic deliberation loose so that it can equally moor its meaning in the traditions of advocacy.

Given religion's importance in American life, including the understandings of what democracy entails, it seems essential to legitimate religious talk in the public sphere. For many Americans there would be no need to make this argument – religion is prominent in public debate as it well should be. But for others, especially academics and other intellectuals, the legitimization of religious talk in public debate may seem problematic. For those of us who are not religious there are two reasons why legitimating religious expression is important. First, in a pluralistic society with many different flavors of religion, legitimating religious expression in public meetings keeps visible that there is a diversity of opinions on just about any issue that connects to religion. There is rarely *a* religious point of view, although sometimes traditional factions of a religion, whether they be Protestant, Catholic, or Jewish, will claim to speak "the religious perspective." Lived religion – what ordinary religious people believe and do – often differs in a significant way from church religion, i.e., official doctrine (Wald and Glover 2007). Within most religious groups, progressive as well as traditional factions are to be found.

Second, legitimating religious expression in public meetings is likely

to keep discussion of controversial issues as matters of public reason-giving and accountability. In the same sex marriage debates, one strategy used in a number of states by persons opposing particular bills was to argue that the issue should be settled by a popular vote. Direct democracy initiatives on socially sensitive issues, such as abortion or gay rights, move political discussion from accountable sites of public talk to private, informal discussions in which people speak mostly with like-minded others (Wojcieszak & Mutz 2009). Under such conditions law-making is likely to become more restrictive of people's civil rights (Carter 2011). Legitimizing religious talk in the American public square is a reasonable way to encourage careful reflection among the many observing citizens and listening representatives as citizens strongly concerned about an issue advocate passionately for what they believe.

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