

CHAPTER 19

FAITH-BASED INITIATIVES: AN ESSAY ON THE POLITICS OF SOCIAL SERVICE CHANGE

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The current debate about faith-based delivery of social services is complex. It has a self-identified jargon that touches upon a unique mix of questions about constitutional law, government program evaluation, and political calculation. In this essay I will attempt to provide some clarity and order to these and other issues in the unfolding debate on faith-based initiatives by focusing on the development of the initiatives in the first eighteen months of the George W. Bush Administration.

Introduction

President George W. Bush's faith-based initiative is not one single idea with a narrow objective. It is, in fact, a lengthy list of ideas with one far-reaching goal: to expand the variety of religiously affiliated social services that receive financial help from the federal government (Bush, 2001). There are two major barriers to doing so. First, traditional constitutional interpretations of the First Amendment religion clauses severely restrict permissible financial interactions between government and religious entities (Brownstein, 1999). While traditional interpretations are being loosened by the latest Supreme Court decisions, there is no new agreed-upon principle (Stern, 2001).

The legal uncertainty contributes to the second difficulty in expanding the relationship between government and faith-based groups, that is, current administrative practices of most federal agencies. The federal government's contracting process is largely closed to intensely religious service providers, especially those not in the traditional form of a non-profit organization with tax-exempt status. Sometimes intensely religious groups are directly and intentionally prohibited, and sometimes indirectly and unintentionally (White House, 2001). One major goal of the Bush Administration, through its White House Office of Faith-Based and Community Initiatives (WHOFBCI) and satellite offices in key agencies, was to identify and loosen these barriers (Tenpas, 2002). In the first year and one-half, however, the Administration was constrained in these efforts by administrative inertia and public controversy.

Elements of the President's faith-based initiative address each of these two difficulties. One group of ideas within the initiative aims to bring religion more fully into the public square, with a legislative proposal called "Charitable Choice" as its main feature. As described by its proponents, this first set of faith-based initiatives is dedicated to ending government discrimination against certain types of faith-based social service providers while simultaneously protecting the religious integrity of these institutions. Passing a comprehensive Charitable Choice provision would, in this view, restore the proper but long abandoned constitutional reading of the First Amendment's free exercise and establishment clauses (Esbeck, 1999; 2001).

The second portion of the faith-based initiative seeks, in the eyes of its supporters, to elevate all types of faith-based social service providers to competitive equality with established providers in securing government funding for social services. This second set of faith-based initiatives would provide government money for technical advice to faith-based providers, and offer tax incentives, liability reform, and administrative relief to smaller, newer, and volunteer-intensive groups—provider categories full of faith-based entities. Its advocates claim that this set of initiatives would level the playing field between current federal contractors, and those who are not, but ought to be, "players" in the government's social services network (White House, 2001).

President Bush has described these two combined sets of proposals as his faith-based initiative, offering them as a package in the very first days of his Administration. Yet he and his congressional supporters experienced great difficulty controlling the legislative process, and moving these proposals through it.

Faith-based initiative supporters have been frustrated by two assumptions opponents have made about their efforts, and the power of these assumptions in today's policy making environment. The first assumption is that robust religion is dangerous in the public square. According to this view, to the extent that the President's faith-based initiative gives greater government respect to and support for religion, it ought to be opposed. From this perspective, religion is by nature, or at least nearly always in practice, intolerant, coercive, and imperialistic. Religion, from this view, operates as an exclusivist ideology that has no place in America's secular and tolerant public arena. Whether such charges are true or not, thinking about faith-based initiatives as a question of government's official relationship to religiously motivated expression helps clarify a number of issues relevant to the present social welfare policy debate.

The second assumption that supporters have discovered they must counter is the view that social services mixed with strong doses of reli-

gion are inferior to secular social services. According to this portion of the faith-based opposition, intensely faith-based social services are likely to be unscientific, ineffective, and unprofessional. To preserve the quality of social services generally and especially those funded by government, this argument also urges against the President's initiative. Again, whether such charges are true or not, examining the effectiveness question illuminates another set of important issues in the faith-based debate.

Each of the two separate controversies is about legitimacy—religion's legitimacy in the public square and faith-based social services' legitimacy in meeting human needs. Each brings its own jargon, lines of argument, and political questions. The two controversies together provide a reasonably full picture of what is at issue in the debate about faith-based initiatives.

The legislative path of the faith-based initiative in 2001 and early 2002 was influenced by these two questions. Interestingly, the January to August 2001 debate in the U.S. House of Representatives on its faith-based bill was dominated by "public square concerns" (Nather, 2001; Nitschke, 2001; Cummings & VandeHei, 2001). For partisan and institutional reasons, the House's consideration of the faith-based bill left that question largely unresolved. Senate actions, formally commencing only after the House finished its work, centered on the second issue of efficacy. In general terms, the Senate made slow but steady progress on faith-based matters, but in quite a different direction than the House (Bumiller, 2002).

This chapter on the social policy aspects of the faith-based initiative has four parts. Part one presents a brief summary of how the federal government's social welfare policy has developed in recent decades, with faith-based initiatives as the most recent part of an ongoing story of continuous change. Part two analyzes the faith-based initiative debate from the perspective of increasing the role of religion in the public square. Part three analyzes the issue from the questions of efficacy and efficiency in social service provision. The final portion of this chapter comments on the faith-based initiative in a broader political context.

How We Got Here: The Politics of Recent Social Service Delivery Reform

The federal government provides funds and many other incentives for social service delivery. Many of the services it supports are targeted toward people with low incomes—means tested programs in which eligibility is determined on an economic basis. The federal government also encourages additional social services such as mental health, drug treatment, crime prevention, and education, for wider populations be-

yond the poor. Many of these social services in practice are provided to predominately poor populations, where socially corrosive behaviors occur with greater incidence. Acknowledging the risk of oversimplified labeling, this paper uses the terms “human services,” “social services,” and “social service programs,” to refer to programs that are either means-tested or predominately serve lower income populations.

A Brief Historical Sketch¹

Religious organizations have operated human service programs throughout U.S. history. Caring for one’s neighbor has been seen as a religious act and obligation, and churches or religiously inspired voluntary organizations responded. As problems of industrialization, mass immigration, and racial tension became more complex in the late nineteenth century and throughout the twentieth century, religious groups responded with more complex and durable organizations to address these needs. But fighting alone, or nearly alone, was a losing battle. In the early and mid-twentieth century industrialization and economic depression increased the frequency and intensity of requests from religious organizations that government assist them in human service tasks deemed too large and complex to be addressed solely by private efforts.

Some local and state governments moved earlier, but the federal government did not formally get involved in welfare programs until the Great Depression. The 1935 Social Security Act established the federal Aid to Dependent Children program, which gave states matching federal funds to “assist, broaden and supervise existing mothers’ aid programs.” The middle decades of this century saw a marked expansion of government-funded social welfare programs, with thousands of workers and billions of dollars devoted to the cause. As government assistance grew, religious efforts were by no means reduced. Old problems were never solved, and new issues were always emerging.

The late 1950s brought the civil rights movement and growing national awareness of poverty in the South, Appalachia, and industrial cities across the United States. Pressure built to bring government social services to a broader and higher level. In response, President Johnson in his 1964 State of the Union address declared an “unconditional war on poverty.” New federal social service programs such as Job Corps, Head Start, and Medicaid followed. A constantly improving economic climate and growing spending by these and other federal programs reduced the poverty rate significantly throughout the remainder of the 1960s, and kept it fairly level through the mid-1970s. Much was accomplished beyond reducing the incidence of poverty; social problems among some target popu-

lations, especially the elderly, declined. Religious groups and government were often partners, formally and informally, in these Great Society efforts. But because the focus was on the new and growing federal role, the longstanding role of churches and other religious organizations was largely overlooked in the literature and in public debates.

The religious element of social service delivery was still large, and differences among religious groups were becoming more apparent. Those religious organizations that did partner with government were of a particular stripe; those that did not were of another. The politics of most of the religious partners tended to be liberal and their theology ecumenical and humanitarian. The political perspective had the effect of making such groups more willing to be junior partners to the government in providing services supported by government dollars. The theological perspective made these private partners more willing to downplay the religious content of their programs to meet concerns of government administrators about sectarianism and coercion. They established non-sectarian and even non-religious governing boards, applied for and received 501c3 tax exempt status, partnered with secular non-profits and all levels of government, and became more sophisticated organizationally and more directly involved politically. Many such groups are long established and have years of experience dealing with government programs.

More theologically conservative and evangelical groups continued to provide services that mixed social services with religious messages. Many of them became joint church efforts or parachurch organizations, but generally did not seek government funds nor arrange their management and staff to meet the expectations of such funders. These groups tended to be smaller, more recently established, more independent from each other, and often existed only informally, rather than formally, separate from a sponsoring church. In some cases intensely and overtly religious groups may have received direct support from government, which may have ignored religious content or affiliations of programs as long as social services were provided to targeted groups.

Just as Great Society programs became established in the early 1970s, large changes in the political environment came to threaten them. The energy crisis and the dual wars on poverty and in Vietnam stalled the post-WWII economic boom, sharply limiting the natural rise in federal revenues that were partially spent on anti-poverty programs. Good manufacturing jobs became scarce as competition from the rebuilt economies of Japan and Western Europe increased. As the peak events of the civil rights movement faded into history, there was a growing indifference to the rights and social situation of minorities. Stories of waste in government social service programs accumulated, eroding public support. The

progress against poverty and other negative social indicators had stalled, if not reversed, by the late 1970s.

In this new environment, there arose three distinct but related criticisms of federally supported social services. First, critics charged that the federally directed War on Poverty was excessively detailed and restrictive. National control, they said, stifled the creativity, knowledge, adaptability, and participation that locally run programs provided. They argued that the federal government should pull back to release the energies of others. Second, some claimed that federal spending on social services was simply too high, given tight federal revenues and the unique obligations of the central government for national defense and international affairs. They argued that the federal government could simply not afford to fund social services; state and local governments and the nongovernmental sector would have to carry a larger burden. Third, it became common to argue that the stalled improvement of social indicators implied that the root cause of poverty was more moral than economic. Spending more money, at least in the same places with the same programs, simply would not do any good; permanent and self-directed behavioral change on the part of the poor and needy was required.

Waves of Change

These criticisms have had their effects on federal social service policy in the intervening twenty-five years. Social service spending as a share of the federal budget has declined and federal policy has called for increased responsibility by other actors—state and local governments, non-profit organizations, and program recipients themselves—to do more to address social needs.

Changes have come in three successive waves, each with a slightly different emphasis. The major impact of the Reagan Administration in the early 1980s, the first wave of policy change, was to simply reduce the federal share of social service spending. A few policy makers generated some public discussion about increasing state and local flexibility in managing federally supported programs as an alternative or supplement to cuts, but at least in the first few years little flexibility was provided. And no additional aid to specifically religious service providers was urged. However, faith-based social service organizations were often touted as effective service providers that could take up any slack in services due to government cuts.

The next wave of federal social service reform emphasized increased state and local flexibility in social services. In the mid-1980s and beyond the federal government began to solicit from states and grant to them

waivers of administrative rules and client eligibility guidelines so that they and their subdivisions could experiment with innovative economic and behavioral incentives. This federal deregulation of social services greatly increased the incidence of state and local governments contracting with and/or purchasing services from private, mostly non-profit, agencies. This devolution has meant that state and local governments have taken increased management responsibility for social welfare, and private organizations have increasingly delivered social services under government contracts and other arrangements, as a sort of government-by-proxy.

The Republican-led debate over faith-based social services is one clear indicator that we are now in a third wave of reform, which began rather inauspiciously with the passage of the 1996 welfare reform law. Since 1996, the federal government has stopped trying to cut federal welfare funds, a modest but real change in the dynamics of social welfare policy. This is the first important characteristic of this third wave of change. In addition, a little noticed "Charitable Choice" provision was attached to the 1996 law, prohibiting discrimination against religious providers in making contracting arrangements for the welfare programs reauthorized under this particular law (Segal, 1999). Generally, Charitable Choice language clarified that it is constitutional to provide direct government support to at least the non-religious elements of social service programs provided by even quite intensely and vocally religious providers, including individual churches with service programs. This openly declared policy to be more welcoming to a diversity of religious groups that represent a wide range organizationally and confessionally, is the other key characteristic of today's reform wave.

Bush's faith-based initiative exemplifies both key elements of the third wave of reform. His major push is to expand the marketplace of providers that bid for government-funded social service contracts, and to eventually expand the pool of covered programs to nearly every federally funded social program. The Bush Administration, partly after the example and partly at the urging of innovative states, wants this market to be less dominated by large government-directed, secular, and nominally religious providers, and more open to smaller, community-based, and more intensely and overtly religious providers. Supporters claim that what is needed is a level playing field on which all providers compete. Opponents attack the potential disruption and dangerous competition these changes would bring. While the Bush Administration has promised no additional program funds in a more competitive market, one of its central arguments is that a better provider marketplace will lead to more effective and efficient social services, thus serving more people in need at any given spending level (Bush, 2001).

There are many complex political dynamics surrounding these waves of change. In its efforts on behalf of the faith-based initiative, the Bush Administration was frustrated by many of these complexities, which slowed its progress in seeking reforms. For interested observers, seeing clearly the importance of the faith-based initiative requires one to independently think through its implications about religion in the public square and the religious dimensions of social service delivery.

Religion in the Public Square: Unconstitutional and Dangerous?

The public square debate about the faith-based initiative involves two related but separate questions. The first question is whether the additional government support to religion that has been proposed by the faith-based initiative is constitutional, conforming to First Amendment establishment clause interpretation.² A second question, related but distinct, is whether religion is too dangerous to be more openly expressed in political debates.

No Establishment of Religion³

The First Amendment's establishment clause is essential to the understanding of religious freedom in the United States. Many people came to the New World to escape religious persecution because they practiced a minority religion at odds with the officially supported religion of their native land. The Framers placed the establishment clause in the Constitution to protect similar religious minorities that might develop in the United States. At the very least, the establishment clause intends to prevent the federal government from supporting a particular religion through its laws and subsidies. The establishment clause later was interpreted to prohibit state and local governments from advancing particular religions.

Over the past fifty years the establishment clause has taken on new and even more expansive meaning. In the 1947 *Everson v. Walls* decision, the Supreme Court decided that the establishment clause had built a high "wall of separation" between church and state, borrowing a phrase from a letter by Thomas Jefferson expressing his personal opinion about the proper relationship. "No establishment" after *Everson* meant more than not supporting a particular religion; it now barred any action that established, or even touched upon, religion generically. In the past few years the Supreme Court has lowered somewhat *Everson's* high wall,

but that extra-constitutional and increasingly anachronistic phrase still guides many legal and political discussions.

After *Everson*, the Supreme Court gradually created two different meanings of the term separation, each of which it applies in different contexts and sometimes in ways that appear inconsistent. One meaning is *strict separation*—that law and government should not touch religion in any way. This definition is prevalent in cases that prohibited organized prayer in public schools, prayer led by public school teachers or other public officials, and on-campus released-time or after-school programs for religious activities. At other times, the Court has advanced another definition of separation, which it terms *neutrality*. Neutrality means that it might be possible under some situations for religion generally to benefit from a law or government action. Some examples of neutrality rulings include allowing property tax exemptions for churches, or allowing the Bible to be read in public schools as long as it is taught as literature.

The neutrality definition has been employed more frequently and over a broader range of programs, especially in recent years. However, this does not mean the Court has made it easier to predict its rulings. The so-called *Lemon* test, derived from the 1971 *Lemon v. Kurtzman* decision, provides a means to look at the Court's decisions. In *Lemon*, a majority of the Court held that government involvement in religion might be acceptable provided the program in question met three tests. First, the government must have a *secular purpose*, not a religious one, in whatever program or policy is challenged. Second, the program must *neither advance nor inhibit religion*, either a specific religion or religion in general. Third, the operation of the program must not create an *excessive entanglement* between government and religion. If the challenged government program or policy met all three criteria, it was constitutional. If it failed even one prong of the test, the Court would strike it down as unconstitutionally establishing religion.

The *Lemon* test is relatively clear on paper, yet devising rules from later applications of the test is not. Courts rule on particular cases that have unique sets of facts and circumstances. While courts articulate broader principles into which these unique cases supposedly fit, it is sometimes difficult to discern a consistent logic to court decisions in complex areas. Church-state cases are one such area. The Supreme Court has said that Congress can hire chaplains who open with prayer each day it is in session, yet public school teachers cannot begin their classes with prayers or with even a moment of silence if prayer is listed as one of the options for students to spend that quiet time. Public school professionals can come to church-related schools to administer diagnostic hearing and eyesight tests to such students, but if they find a problem

they must provide therapy off private school grounds. Children in church-related schools can ride a public school bus to and from their school, but not the same bus on a field trip. A public school district can lend a religious school its textbooks on U.S. history with a picture of Abraham Lincoln on its cover. It cannot, however, lend the same picture, by itself, to the same school.

It is not too misleading to give some order to the Court's post-*Lemon* decisions by dividing the rulings into three categories: one, those that are about government support to individuals who then use the funds on their own; two, those that are about direct government support for religious institutions; and, three, those that are about supporting clearly religious activities.

In the first category, the court has been willing to allow many things that support religion, if such support flows first to individuals who then choose to use those funds for services offered by religious providers. For example, federally supported childcare in the form of vouchers to parents can be used at intensely religious day care centers in churches run by church employees. The Court believes that these vouchers are grants to parents and children, not to churches. Similar logic allows tuition tax credits and federal educational grants and loans for parents who send their children to religious colleges.

The second category, direct support for programs operated by religious institutions, is less clear. Sometimes the Court allows government to directly support religious institutions such as hospitals and religious liberal arts colleges. Other times it does not; for example it rarely permits the direct support of religious elementary schools. In general, the younger the beneficiary of a questioned program and the more educational (as opposed to material) the assistance, the less likely the court is to allow it. For example, direct support to a Christian elementary school is at this time clearly unconstitutional, but direct support for church-sponsored housing for the elderly may well be considered constitutional. There is, apparently, two "sliding scales," which are used to examine programs based on beneficiary age and program content. Younger recipients are more likely to be influenced by religious messages that older persons can filter out, so programs for the young are treated more skeptically. Intangible benefits such as education or counseling are more likely to carry religious content than more tangible benefits such as housing, health care, and clothing, so schools are treated more skeptically than food banks.

The third prong of the *Lemon* test, the "excessive entanglement" clause has until recently been an automatic disqualifier for direct aid to what the Court has called "pervasively sectarian" institutions. Until re-

cently, a Court majority would automatically disqualify these pervasively sectarian institutions—a term the justices often used but never clearly defined—because, even if such intensely and vocally religious organizations *could* run a government-funded program in a sufficiently secular manner, the administering government agency would have to monitor the program and organization so closely that such oversight would amount to excessive entanglement.

In the third category of directly supporting religious expression, the Court is almost never willing to permit government support for clearly and directly religious activities such as posting the Ten Commandments in government buildings, allowing devotional Bible reading in public schools, or printing prayers at government expense. The rare exceptions are when the Court determines that the religious content of the activity in question has been so diluted that it is merely a cultural habit or public convenience.

Faith-based social services are thrust in the thick of establishment controversies because the faith element of these services comes in such great variety. First, “faith-based” can refer to the location of the social service, such as a church, a religious school, or an office building owned by a religious organization. A religious location in itself has no effect on program content, but such services are sometimes prohibited by federal regulation from receiving government funds (White House, 2001).

Second, the faith element can be tied to employees or managers of a social agency. Services may be provided by members of a religious order, for example, or by the hired clergy or staff of a local church. The management or governing board of a service agency may include members of a particular faith tradition, while the professional staff with direct contact with clients may be chosen entirely independent of religious affiliation. Such providers may also be categorically prohibited by regulation from receiving government funds, without regard to the content of the program.

Third, volunteers assisting a government-funded agency may come chiefly or exclusively from religious groups. Nuns may volunteer at a government-funded hospice; church members may tutor in an after-school program for public school students. No government funds may go to these volunteers, avoiding one major criterion the court usually looks at in determining the constitutionality of such arrangements, but the program may be deemed ineligible for government support.

Finally, religion may become an integral part of a treatment program. Clients may be encouraged to make religious commitments as part of their recovery from drug or alcohol addiction. Prayer before meals may be required to receive food at a soup kitchen. Memorization of Bible passages

about the use of money may be part of a financial management seminar. Only this set of situations, the direct mixing of religious messages with programs, is of doubtful constitutionality to today's Supreme Court. And for some of the Court's members, even many of these programs might be eligible for direct government funds under certain circumstances.

A universally applied "Charitable Choice" provision would allow all types of faith-based organizations to operate all types of programs with federal funds. Some organizations might find compliance with a particular program very easy; other organizations and programs might be more problematic. In all contracts, however, the government would tend to assume funding guidelines were followed, rather than assuming they cannot be, as is often the case today.

Additional Complications

There are at least three more complicating judicial factors related to faith-based initiatives. First, in the Court rulings there are many apparent inconsistencies. While a general rule for what is and is not constitutional can be devised, there are exceptions. For example, Head Start, a federally supported educational program for pre-school age children, may be housed in churches.

Second, actual practice does not always follow constitutional guidelines. There appear to be many longstanding practices at variance with explicit court decisions and operating rules. Some government administrators unnecessarily prohibit certain organizational arrangements, while others probably knowingly allow religious practices in funded programs (White House, 2001; Monsma, 1996). Complex partnerships among all types of providers also exist, and the line between government and private funds may not be clear, even to the staff and managers of the groups involved.

Third, the Supreme Court changes its views on these issues, as current members revise their thinking and, especially, as replacements to the Court are named. While the Charitable Choice portion of President Bush's faith-based initiative would probably be supported by a majority of the Supreme Court as of this writing, in a different place and time it could face a less favorable fate.

Religion as Dangerous

The constitutional questions about advancing religion are only one part of the public square controversy. Proponents of faith-based initiatives still have to deal with politically powerful impressions about how

religion tends to operate in politics.

An effective democracy requires that participants in political debates abide by certain rules of engagement. Civility toward opponents is essential. Disagreement in democracy is appropriate and inevitable, but one should fairly describe the positions of opponents, and debate issues in thoughtful engagement rather than attacking personalities in *ad hominem* rhetoric. Another requirement for democratic deliberation is that all contestants in the public square be fundamentally committed to pluralistic viewpoints. That is, one should argue for many voices in the debate not only while one is in the minority and without power, but also when one is in the majority, alone or in a coalition, and able to stifle opposition.

Some religious elements in the United States have been accused of lacking civility, pluralistic commitment, or both, and thus unfit to enter public debates. Favorite whipping posts, rightly or wrongly, have been politically conservative evangelical Protestant leaders such as Pat Robertson and Jerry Falwell, and other politically active evangelical Protestant Christian leaders generally. Because members of such groups have been increasingly loyal to the Republican Party, it has become common to equate the motives, positions, and policies of Republican politicians with politically conservative evangelical Protestants.

Because President George W. Bush is Republican and a highly religious Protestant, many commentators assumed that his faith-based initiative was targeted to help, and was fully supported by, such religious leaders. This assumption continued despite these leaders' early ambivalence about the proposal. Falwell, Robertson, and other politically conservative evangelical leaders such as commentator Marvin Olasky and Richard Land of the Southern Baptist Convention expressed strong reservations over elements of the President's plan (Goodstein, 2001; Edsall, 2001; BeliefNet, 2001). And research suggests that the strongest interest in the faith-based initiative is not coming from white conservative churches in the suburbs. Rather, African-American and theologically liberal churches express the most interest, and they are far more closely tied to the Democratic Party and liberal politics (Chaves, 1999; Pew Research Center, 2001).

These nuances between the faith-based initiative and politically relevant religious constituencies were largely lost in public debates. Comments by the traditionally Republican-linked religious leaders that seemed uncivil and intolerant impeded the faith-based initiative. Such comments also advanced the opponents' more fundamental proposition that religious leaders and religiously based arguments do not belong in the public square. These public square issues dominated discussion of the president's faith-based initiative during its development and eventual passage in the House of Representatives. But, while these is-

sues were central in those critical early months of the Bush Administration, their airing did not lead to their resolution. The tactical mistakes of politically conservative evangelical leaders, both supporters and opponents of President's initiative, tarnished their image and hurt the proposal. But the short-term goal to move the bill through the House still was achieved. The Republican majority there could push through the legislation without compromising or waiting for broader support. It controlled the procedures and the content of the bill, and President Bush could call on party and personal loyalty to convince Republican doubters to at least move the bill along.

Are Faith-based Social Services Second Rate?

The unresolved public square argument became a secondary issue almost as soon as the bill passed the House. The Senate is usually less partisan than the House, and party loyalty is much harder to enforce among Senators. A close party division in the Senate demanded a bipartisan approach for any significant bill to become law. The two Senate faith-based initiative leaders, Republican Rick Santorum of Pennsylvania and Democrat Joseph Lieberman of Connecticut, were suitable choices to push legislation through such a Senate. While a proponent of strong and broad Charitable Choice language, Senator Santorum was flexible on the content of a faith-based bill as long as one would become law. While a strong Democrat, Senator Lieberman appreciated the constructive role that religion usually plays in individual lives and public debates. These two senators were willing to work together and with others inside and outside the Senate to produce legislation that had broad support, more favorably treated intensely and vocally religious social service providers compared to previous law, and addressed some systemic problems in how the federal government managed and delivered social services.

The issue of effectiveness also appealed to both proponents and opponents of the faith-based initiative. Proponents were assured that faith-based programs were more effective; although they resisted the delays implied by gathering more research results, they were confident of the final outcome of the effectiveness debate. Opponents hoped to fight the widespread but incompletely documented impression that faith-based services were more effective. They hoped that existing research already showed, or new research would show, clear advantages of secular services. For all these reasons, the Senate focused on the effectiveness and "level playing field" questions.

Grant-Making Realities

On first impression the effectiveness debate leads to more objective questions and less contestable answers than the public square debate. How effective are federally funded social service programs? Would effectiveness improve with increased competition among providers? Would more people be served? Are the new providers that would be allowed to bid for service provision if a faith-based bill becomes law as good as the current providers? If so, let them in; if not, keep them out.

But the reality of federally funded social services is not that simple. In an ideal world, federal government agencies would fund the most effective social service providers in each program, in a simple and straightforward process. The government would identify an area of need or inadequacy on which it desires to spend money, and then specify the desired outcome to be purchased for the government funds that are spent. In a logical and consistent manner, government agencies would solicit bids from all eligible organizations, and then distribute funds for a few years to those that promised to most efficiently achieve desired outcomes. Under initial contracts the government would evaluate performance, would gather sufficient information to make sound judgments, and then would grant or deny additional contracts in a new competitive round.

This ideal process is not, of course, how government works. Although the federal government has mechanisms to ensure that awarded funds are used for the designated purposes and without fraudulent diversion, it has accumulated little evidence that the grants it provides make a significant positive difference in outcomes. In fact, the federal government has little idea of the actual effect of the billions of social service dollars it spends directly or sends to state and local governments (White House, 2001). A small number of organizations perennially win large federal grants, with the same few providers in each program listed year after year as major grant recipients. Many of these grants are routinely re-granted to the same organization time and again.

Rules are modified by Congress and administrators, often with the help of interest groups involved in operating the programs. As they help Congress to rewrite laws and help administrators revise procedures, these interest groups naturally are working to ensure that their organizations will continue receiving funds. So they typically ask for revisions that qualify their agencies but exclude others. One would naturally expect legislative and administrative revisions to become increasingly non-competitive and based on experience, not effectiveness.

Measuring Effectiveness

Some critics of opening federal contracting to faith-based organizations complain that there is little proof that these organizations are effective or have the capacity to manage large-scale social service programs. There is some truth to that charge, but it is also true that the federal government routinely awards contracts to organizations whose own efficacy and cost-effectiveness have not been validated. In fact, effectiveness measurement, or “outcomes measurement” as it is more frequently labeled, is relatively new even in the most current social service fields. Private foundations, umbrella service networks, and some usually larger free-standing social service providers have worked to make reliable outcomes measurement a part of program delivery and evaluation (Independent Sector, 2001; United Way of America, 1998). Many of these same groups have undertaken significant outreach initiatives to expand the development and use of outcomes measurement by providers, and to help private foundations and other funders and evaluators use these more reliable and relevant measures in program evaluations.

But the growth of outcomes measurement in the non-governmental sector has almost entirely failed to influence the federal government. Government oversight, evaluation, or funding decisions rarely use measurements of effectiveness, despite laws like the 1993 Government Performance and Results Act that demand such action. Most government agencies use indirect measures—such as organizational licensing, professional credentialing and education, professional peer review, and extensive record keeping of inputs and outputs (data such as persons contacted, contact hours per person, meetings held, dollars spent). Critics contend that the widespread use of these indirect measures is not because of their validity, but rather because they serve to reinforce current funding arrangements and traditional treatment regimens, regardless of their effectiveness and sometimes in the face of increasing evidence of their ineffectiveness.

The growing awareness that little is known about the effectiveness of federally supported social services influenced the Senate debate. The Senate has already passed, and the pending faith-based bill also includes, “compassionate capital” funds, aimed at developing better evaluation measures in relevant social service programs by leveling the playing field and targeting more aid and attention to small and faith-based programs.

Another measurement issue is correctly categorizing the players under the faith-based initiative. The Charitable Choice language in welfare reform has been in effect more than five years, and data is being gathered about the numbers and characteristics of new entrants (Sherman, 2000; 2002). But many social service providers that called

themselves “faith-based” had previously been eligible for direct government contracts for welfare programs, and many similar organizations run other programs with federal help. Even if one wanted to compare faith-based programs generally with secular programs, it is no easy task to conceptualize and then develop measurable indicators of faith. It is all the more difficult to identify and study the appropriate range of groups that are being discussed in the debates over President Bush’s proposals.

Recent Consideration

Interested parties working on the faith-based issue since the Senate started its process have made some progress in addressing these controversies and understanding their complexity. A large working group representing the range of interests working for and against the faith-based initiative devised a five-fold typology of faith-based groups, ranging from “faith-saturated” to “secular,” illustrating the ambiguity of the faith-based term itself. They also noted that the “faith factor” is actually many factors—it can refer to location of the program in a religious setting, the personnel, such as a board of directors, management, staff, or clients, its history or founding by a religious group, its source of financial support, and its program content. A particular agency may have none, one, few, or all of these “faith factors.” Program content is the key relevant factor affecting eligibility for government aid. Most types of groups should already be eligible for direct federal funds. Others, except for most of those with faith-saturated content, would be helped by many elements of the faith-based initiative. Charitable Choice language directly helps the most intensely and vocally religious providers, which this categorization called “faith-saturated” and “faith-centered” (Search for Common Ground, 2002).

Some points of agreement about faith-based groups, however they might be defined, are starting to develop (Search for Common Ground, 2002; Johnson, 2002). Faith-based groups have historically provided aid in areas of need not covered (at least at the time) by government programs, and this is commendable. Faith-based providers actively addressed the homelessness of the late 1970s and early 1980s. In the early years of the AIDS epidemic, faith-based providers sometimes seemed to be the only willing agents to provide support services. Faith-based groups frequently are involved in services where recovery is not expected. In such instances, such as hospice care or custodial care of the mentally impaired, traditional evaluation measures such as cost effectiveness may be inappropriate. Outcomes such as extended life span or life quality for a client are desirable outcomes, but they may come with higher fi-

nancial costs. And many local congregations have historically helped to meet immediate short-term needs to congregants and community members by providing services for which there are no government programs. Other frequently cited faith-based advantages are that they may have broader access than other providers to financial and volunteer support networks, and deeper commitments by professional and volunteer staff. (Search for Common Ground, 2002).

There is a developing consensus among professionals that high levels of religious involvement in individuals are associated with positive physical and emotional health factors. And religious involvement is also positively correlated with helpful social behaviors. There is also basic, preliminary, but almost uniformly positive evidence supporting the notion that faith-based organizations are more effective in providing various social services, especially to “niche” populations identified by race, infirmity, or religious belief (Johnson, 2002). At this stage, the evidence on faith-based effectiveness is a question of whether the early positive correlations are valid, not whether the correlation is positive or negative.

The Broader Political Context

The public square and effectiveness debates dominate the policy discussion of faith-based initiatives. The future direction of legislation encouraging faith-based social services depends in part on how these debates proceed. While the above discussion addressed the most important questions involved in this debate, a few other matters are worth noting.

One important issue raised by some faith-based supporters is whether the effectiveness question is even a fair one at this point. Few federally supported social service programs or organizations have to meet effectiveness criteria now, much less before they were first allowed to apply. Why should prospective grant recipients have to meet criteria that do not apply to current recipients, just to become eligible to compete with them? Abstractly, this is a good argument. Evaluation should come after a relationship with government is established. But in the actual policy making world, advocates for intensely and vocally religious organizations must make a strong case for their view if they expect policy makers to take the time and risk to change current arrangements.

Another interesting issue in this debate is the lack of clarity and agreed upon definitions of key terms. “Charitable Choice” officially refers to the “choice” that a beneficiary of a federal program should have to choose either secular or faith-based groups to address his or her relevant need. For a time, some supporters tried to substitute the more accurate term “beneficiary choice” for Charitable Choice. By that time,

however, the debate had been ongoing among elites for so long that the original term was established in the jargon. Interestingly, the free choice of beneficiaries has had very little political clout in a debate dominated by politicians and service provider elites. And the central term “faith-based” has ballooned in usage, both within this debate and more commonly in the public arena, with probably less precision attached to it than ever.

Third, the religious community is divided on the initiative. Not all deeply religious faith traditions or social service organizations support it. Many intensely and vocally religious opponents argue that the robust nature of religion in the United States is because of, not in spite of, government’s official distance from and indifference to it. Our nation has, as it were, a “free market” in religion which government neither promotes nor inhibits. That free market has allowed different religious traditions, and religion in general, to appeal directly to deeply felt human needs. Religion and religions rise or fall based at least in part upon their ability to meet human needs, not on their political connections. The fear of its religious opponents is that the faith-based initiative’s more direct government support for religion generally and its close oversight of programs would sap faith of its power. Others on the other side of the issue assert that all persons and systems reflect worldviews that operate as religions. To them, the government now has effectively established secularism as a faith with a preferred power position over all traditional faiths. In their view, enactment of the full range of faith-based initiatives will “disestablish” secularism and achieve true non-discrimination between it and the full range of traditional faiths.

The faith-based initiatives debate is also one with fairly cold and calculated political dimensions. Neither major political party is the obvious majority party today. The major parties are looking to keep old constituencies that may be slipping, and attracting new constituencies to expand their electoral base. Republicans see the faith-based initiative as helping to shore up their base and attract new constituencies. Some, but not many, Democrats believe the faith-based issue is helping their party, too, by bringing the party closer to the cultural mainstream.

Policymaking is a complex process. It often combines fairly straightforward analysis of predominantly empirical questions, profound and controversial views about bedrock issues such as constitutional interpretation and the meaning of religion, cold calculations about political power, and the impact of uncontrolled and uncontrollable events. The faith-based initiative debate reflects all of these factors. Ironically, the Senate debate, through its attention to the prosaic concerns of outcomes and effectiveness, did more than the House debate to advance the legiti-

macy of religion in the public square.

Religious social service professionals and political observers should find the faith-based debate interesting. Most would probably appreciate a greater role for religion in the public square, and believe in the intellectual respectability and clinical effectiveness of faith-based approaches. But the political dynamics are complex. There are good grounds for persons of deep faith to support faith-based initiatives, and some reasonable grounds to oppose it. Deeper issues of public debate are also raised. Our individualistic society does not have a language of group rights that addresses religious identity and is not captured by political extremes. No matter one's particular views or political position, the issues surrounding faith-based initiatives raise interesting and important controversies for those who seek to combine deep religious commitment with contemporary politics and effective social welfare policy.

Notes

1 This portion of the paper is my own interpretation and summary of a variety of sources, including Cnaan, 1999; Koch, 2000; Monsma, 1996; Nather, 2001a; Olasky, 1992; Schaefer, 1999; Skocpol, 2000; & Wineburg, 2001.

2 The First Amendment states, in part, that "Congress shall make no law respecting an establishment of religion, nor prohibiting the free exercise thereof." As such, much constitutional debate about religion has been about "free exercise" and "establishment," and whether the two phrases are complementary, in conflict, or even directly contradictory. Questions of government support for faith-based groups have generally focused on whether it might violate the establishment clause.

3 This portion of the paper is my own interpretation and summary of Esbeck, 2001a; Guliuzza, 2001; Laycock, 2001; & Stern, 2001.

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