

**THE END OF THE CHILD BRIDE: SOCIAL MOVEMENTS AND STATE
POLICYMAKING ON UNDERAGE MARRIAGE**

by

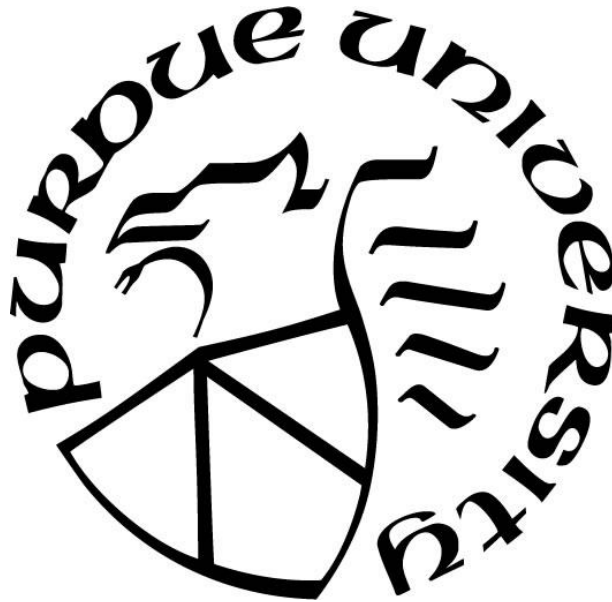
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A Dissertation

Submitted to the Faculty of Purdue University

In Partial Fulfillment of the Requirements for the degree of

Doctor of Philosophy



Department of Political Science

West Lafayette, Indiana

May 2022

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To Kelsey and Chloe, my everything

ACKNOWLEDGMENTS

“Nothing in this world that’s worth having comes easy,” Dr. Kelso, *Scrubs*

Before I recognize all the people who made my graduate success possible and held me up when I most needed it, I first want to say that I am incredibly thankful for what a graduate education gave me as a person. I am not the same person I was when I first started my PhD program five years ago, and for that I am thankful. I am thankful for finding a voice I was not always sure that I had. This voice that finds a way to advocate for myself and for others was just a whisper five years ago. But I found it. I am thankful for all the times I was humbled to have to learn something completely new and struggle deeply and do it anyway. I am thankful to realize that I am a keeper of a body of knowledge, that I am an expert, at least in this one area. I am thankful to know what I want, and more importantly, what I don’t. I am thankful to know who I want to be, and more importantly, who I don’t. I am thankful for new experiences in small classrooms in West Lafayette, Indiana, and in homes, movement spaces, and universities all over the world. My graduate education gave me all of that, and for that I am forever grateful.

This dissertation would not be possible without the thoughtful oversight and support of my dissertation committee. To my advisor Rosalee Clawson, it does not seem that long ago (2016!) that we had dinner together at East End Grill for my recruitment visit and you told me I would like Purdue. I did love Purdue and you stuck with me the whole time. You pushed me when I needed to be pushed and you trusted me to write this whole dissertation on child marriage. I will try my best to call you Rosie now. To Jen Hoewe, thank you for your feedback on this project and your leadership on the media and politics research group. I enjoyed working through our projects from idea stage to revise and resubmit and look forward to what future projects we may still find. To Eric Waltenburg, thanks for your helpful feedback on my dissertation even though I only once brought you those donuts I promised.

As for the final member of my committee, Laurel Weldon, I do not know how I would have been able to tackle this dissertation without my experience on our amazing, feminist research group. I am in awe of what our group – with Summer Forester and Kaitlin Kelly-Thompson – has accomplished. Working with all three of you has been a joy and any time I think of our many

adventures I smile. Laurel – you always lead by example. You modeled how to be a good researcher, a good mentor, and a good person. Plus, you hold the best wine and cheese meetings. Being a part of the feminist mobilization project has been so important to me and I am grateful to you.

I want to thank the faculty in the Department of Political Science at Purdue University for their thoughtful feedback on research in progress, job talks, and teaching demonstrations. Thanks also to Katelyn Stauffer, Mirya Holman, and Terri Towner who provided feedback on various drafts of these chapters either at conferences or informally. I also would like to recognize the support staff in the Department of Political Science for all the invisible labor they put in to make the graduate students lives run smoothly, you are appreciated.

To my family... It is difficult to find the right words to express how the one constant in this rollercoaster was your love and support. I know each of you had to sacrifice in your own way to make my graduate education possible and I truly see each of you. To my husband Chris Lusvardi, I do not have to tell you that you make everything possible. The motto of this family probably goes something like, “we’ll find a way to make it work,” and somehow you always do. I appreciate you for being my unwavering supporter, who reminded me that all things were possible, even this dissertation. Everything in my life is better and easier because I share it with you. To Kelsey, we have come a long way since our couch pizza and Gilmore Girls days and I would not change a minute of any of it. You brought so much laughter into my life. I am so proud of you and all that you have done. To Chloe, I could not possibly be luckier to have your bright, cheerful light in my life every day. You are able to find the joy in everyone and everything and that is such a rare gift. You are an inspiration. All three of you, I love you and I appreciate you.

To my parents Paul Dare and Janet Williams, I never learned how to ride a bike but still you always thought I was capable of anything. To my dad, you are always my biggest hype man and when I need help, you are the wind at my back. To my mom, you taught me to never doubt myself and to start whatever I finish, both of which were useful in graduate school. Having support from both of you was just a given in my life. I am sure I have not said “thank you” enough for all the times you picked the kids up from school and made dinner and washed the dishes I left in the sink. But I did always appreciate it, all of it. The poet Johann Wolfgang von Goethe said, “There are two lasting bequests we can hope to give our children. One of these is roots, the other, wings.” You gave me both.

I am truly fortunate to be surrounded by caring and supportive family members. I also owe a debt of gratitude to my in-laws Tony and Gail Lusvardi, who many times took a long road trip down from Minnesota to fill gaps in child care and doggy care. Gail, you never took credit for all the cookie party and graduation party and Troop meeting cookies that you made and I passed off as my own. To my brother Tim Dare (Karl/Chicken Man), you remind me of the power of perseverance in the face of adversity. To my Auntie Georgiana Griffin Duncan, you have always been my kindred spirit and I am thankful for you.

If you do not have a best friend who will always save you an Aldi breakfast pizza or drop off a crockpot of buffalo chicken dip on a particularly bad day, you should. I do. To Heather Ball, you have given me laughter and friendship, which is already everything. But also when you were not doing that, you picked Chloe up from school and let my dog out and ordered my favorite Lulu's pizza with olives and drove on all the road trips. I am thankful for your friendship and I hardly know what I will do when I no longer pass your van on the road each morning.

To my EIU crew – Johnny Chambers, Jamie Fetty Ward, Shauna Gustafson, and Jessica Bloomquist – I love you forever.

To the rest of the feminist empowerment team... Summer Forester – from sitting around the office at PPRI to navigating Amsterdam, we were always laughing. You are a great friend and mentor. I'm glad we get to be upper Midwesterners together. Kaitlin Kelly-Thompson – writing a dissertation during a pandemic was not ideal and you always had words of support or even online writing sessions to help push through. I look forward to completing all those projects we have planned.

I also probably would have never made it through my last few years of graduate school without Janel (JJ) Jett. You read drafts and listened to crying phone calls and bought pumpkins with me and never said no to getting dessert, which is the mark of a true friend. Also, big thanks to Cadi Bien and the entire Bien family for sharing your home with me many times and making me feel like a member of the family, you are so appreciated!

So many individuals at my longtime institution Millikin University cheered and supported me before and during my PhD and all of them could be a chapter in themselves. I want to acknowledge a few particularly special people. Melissa Scircle, I will never forget jumping up and down in the Shilling Hall hallway together after I got my acceptance to Purdue. I appreciate you and Jennifer Notariano and the creation of Planner Club, the best academic hive mind to ever exist.

To Laura Dean, we were often overwhelmed but never forget we once got to see a dog skateboarding. There were always little pieces of joy. I am grateful to my friend Sam Meister for always being my partner in gluttony and my sometimes companion in running and hating it and doing it anyway. To Danielle Patricio, you were always kind. I am glad there are people like you in the world who will save a frazzled academic mom who is crying at the printer with some kind words. Thanks to Cindie Zelhart for always being a friend and supporter and listening ear. Finally, thank you to Randy Brooks, a fellow Boilermaker, for his support.

To those who left us too soon... I know my maternal grandmother Rita Griffin and my biological father Mark N. Williams to always be watching over me from heaven. Every time I commuted home from Purdue both tired and stressed during a late night snowstorm and miraculously made it into my driveway, I knew they were carrying me.

To my dog Dillon, who is very smart but nonetheless cannot read, I appreciate your loyal company. The loneliness of writing a dissertation from home alone during a pandemic was alleviated by your snuggles and even occasionally your wild antics. You are a very beloved member of this family.

Completing this dissertation was made possible in part by funding from the Ross-Lynn Scholar Fund and from the Berenice A. Carroll Feminism, Peace, and Social Justice Award. Coffee also played a strong part.

Finally, during the course of collecting data for this dissertation, numerous child marriage survivors agreed to be interviewed by me about their experiences and their advocacy. I keep their stories with me always. I could only hope to have as much courage as each of them has shown.

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ABSTRACT

How did the issue of child marriage go from relative obscurity in the United States to occupy a prominent place on the agendas of the majority of state legislatures in the span of a few years? The marriage of minors is internationally recognized as a human rights abuse – yet, until recently, it has remained legal under state law. This issue has just in the last six years ascended to legislative agendas even without public attention or the backing of powerful lobbying groups. I argue that social movements were integral in heightening legislative attention to this low salience issue. The movement to end child marriage engaged in both outsider tactics like theatrical public protests and insider tactics like testifying in committee to engage legislators on this issue. Communications from social movement organizations framed underage marriage around survivor experiences and child protection. I complete two case studies of efforts to ban underage marriage in Pennsylvania and Massachusetts. Pennsylvania became the third state to ban child marriage in 2020 while Massachusetts could not get a vote in both houses on marriage age reform. Evidence in this study includes analysis of traditional and social media campaigns and other archival materials as well as in-depth interviews with social movement actors and legislators. I also conduct a 50-state statistical analysis of those factors relevant to agenda setting and policy adoption on marriage age reforms. In case studies, I find social movement actors caught the interest of legislators even amongst an ambivalent public through their framing of child marriage and the centrality of child marriage survivors to their advocacy. I find a low salience issue like marriage age reform is less likely to reach policy adoption when those frames conflict with more salient issues like abortion. My findings in the longitudinal 50-state study support my hypotheses on the centrality of social movement actors at both the agenda setting and policy adoption phases. The existence of outsider tactics and online campaigns were both positively and statistically significantly related to a higher likelihood of agenda setting on marriage age reforms. In the policy adoption phase, the use of insider tactics is positively and statistically significantly related to a higher likelihood of adoption. This project increases our understanding of how social movements can drive policy change even in the absence of public attention through direct appeals to legislators.

Keywords: social movements, agenda setting, policy adoption, state legislatures

CHAPTER 1. INTRODUCTION - BRINGING CHILD MARRIAGE CENTER STAGE

By the time child marriage survivor Trevicia Williams addressed the Texas state legislature in the spring of 2017, she had a doctorate in psychology and was the head of her own not-for-profit organization and a motivational speaker. Yet, the story she came to share about her life in Texas was of early marriage, abuse, and homelessness (Leighton 2017). Her story began in 1983, the year that as a young teenager, her mother coerced her into marriage with an older man (Leighton 2017). In the sprawling state of Texas, prior to 2017, there was no minimum age for marriage, as long as the marriage was first approved by a judge. More than 40,000 children were married in Texas between the years 2000 and 2018 (Unchained at Last 2021). That began to when child marriage survivor Williams thrust the state's uncomfortable reality of child marriage into the spotlight through her powerful testimony in the state legislature that spring (Samuels 2017).

Working with an organization working to end child marriage – the Tahirih Justice Center – Williams to lobbied state legislators and worked to raise awareness of early marriage in the state. In written testimony to the legislature and Gov. Greg Abbott, Williams told of her experience of being forced by her mother into marriage at age 14 to a man 12 years her senior. As a young teen, Williams was physically and emotionally abused by her husband. She was pregnant by age 15 and divorced by age 17 (Samuels 2017).

The bill that Williams championed required a judge's approval to get married at age 16 or 17 in Texas and completely banned marriages under the age of 16. That bill passed unanimously in the Senate and received only six no and two absentia votes in the House of Representatives (Texas Legislature 2017). Still, marriage age reform bills like the 2017 Texas bill do not fully cover what advocates warn are potential abuses of minors getting married when they are still not legally adults under state law. In the case of Texas, advocates tried a few years later, this time pushing for a full ban on underage marriage.

Four years later, another child marriage survivor will tells her story of becoming a young bride to the Texas State Legislature. On March 15, 2021, three advocates for reforming child marriage presented testimony before the House Committee on Juvenile Justice and Family Issues in the Texas Legislature to try to move the state once again on the minimum marriage age. Repeatedly sexually abused by a family friend starting at the age of 11, this survivor was pregnant

by the age of 13. Concerned family members were eager to cover up any scandal of an out of wedlock birth, so she was married to her rapist while in the Seventh Grade, much of which she would miss for the birth of her first child. In 2021, she told her story to the Texas Legislature in hopes they would once again raise the marriage in the state, this time removing any loopholes to marriage under the age of 18. This survivor had testified a dozen times in state legislatures to bring more awareness to the issue of child marriage, but on this particular day, the testimony did not go as smoothly as she had hoped. In the midst of her testimony, one of the members of the Texas House of Representatives stood up and walked out of the room, shaking his head (Interview #16).

Having past experience working with state legislatures on child marriage policies, this survivor says her experience in Texas was devastating. The knowledge that some legislators were able to openly dismiss the experience of a child marriage survivor made Texas a particularly difficult state to advocate in. As it is, this survivors and other advocates who are intimately involved in the movement to end child marriage in the United States are forced to relive and divulge their trauma in public settings like interviews and committee testimony (Interview #6, #16). The exposure required to draw attention to this low salience issue can take its toll on survivors. “After testifying, I think all of us survivors have nothing else on the agenda for that day and even the following day. You are just empty” (Interview #16)

More often, when survivors meet with legislators, the response is polite concern. “You get a ‘sorry for your experience’ or ‘sorry that happened to you.’” Still, depending on the state, opposition exists. In the 2021 round of committee hearings on banning underage marriage in Texas, one lawyer affiliated with state groups on Christian family values and parental rights in education signs on as a witness against further raising the marriage age (Texas Legislature 2021). As of April 2022, Texas still has not passed legislation to fully ban underage marriage.

On the other side of the country, in New Hampshire, another advocate against child marriage continued her battle for her state to outlaw underage marriage. On Jan. 22, 2022, New Hampshire state representative Cassandra Levesque Tweeted that “I have been told again to stop taking about Child Marriage so much. My answer again is a resounding no. I receive their emails, I receive their tweets, the survivors tell me their stories. For as long as their voices call out of the darkness – I will fight and I will talk” (@cassandra4NH 2022). In the four years since she had first been elected to the part-time New Hampshire state legislature in 2018, Levesque was vocal and active in a movement to reform the state’s marriage laws. Once a Girl Scout who lobbied the

legislature against child marriage in pursuit of her Gold Award, the highest honor in the Girl Scouts, Levesque did not find many sympathetic legislators to her cause (Taylor 2018). So as a new high school graduate, at age 19 Levesque ran for the New Hampshire state legislature and won, continuing the lobby for marriage reform from the inside. Levesque gave interviews with high-profile sources such as *The New York Times* and would join child marriage reform organizations such as Unchained at Last at protests at statehouses around the country (Taylor 2018). By the start of 2022, Levesque was still advocating for her colleagues in the legislature to adopt a full ban on child marriage.

The rise of marriage age reforms as an issue in state legislatures presents an interesting area for study. The issue has received little attention from the public and the media and yet has still been on legislative agendas in states across the country. What accounts for this legislative attention in the absence of issue salience? I explore the work of social movement actors to reach legislators on this issue even without public interest.

1.1 Policy Entrepreneurship and Low Salience Issues

Much of the advancement of the issue of marriage age reform in the states is driven by the work of survivors like Trevicia Williams, legislators like New Hampshire Rep. Cassandra Levesque, and advocacy groups like Unchained at Last and Tahirih Justice Center. In this project, I argue it is the work of movement actors like these who are integral to policy change, prompting the process of the removal of marriage age loopholes in the states. This project illuminates what social movement tactics lead to success in both agenda setting and policy adoption on a low salience issue. I became interested in researching the issue of child marriage not only because of its negative lifelong consequences for teen girls but because of the rapid rise of the marriage age reform bills in state legislatures in a relatively short period of time. This low-salience issue was propelled from obscurity to the agendas of 44 state legislatures in the span of six years as a result of the work of policy entrepreneurs to raise awareness of the issue and keep it on the policy agenda.

I use the issue of child marriage to better understand the mechanisms behind policy making on a low salience issue. The continued existence of loopholes to state law that allow minors to get married is one that has mostly escaped public attention. This is despite the fact that underage marriage is still legal in 44 states as of the end of 2021. In every state where child marriage is legal, these marriages of minors are happening (Tsui 2019; Unchained at Last 2021). Although the

official position of the government of the United States is one that has been critical of child marriage in other parts of the world, until recently, state legislatures and the public at large have paid little attention to what has been described as a human rights abuse by the international human rights community (U.S. Department of State 2009; UN 2021).

This project addresses a gap in the literature in our understanding of policymaking on *low* salience issues in the states. Much of the extant literature on agenda setting and policy diffusion explores how *high*-salience issues come to be addressed through innovative policies or how policies to address such issues diffuse across the states. High salience policy issues such as anti-smoking initiatives, lottery proposals, or abortion access policies are explored at length in the state politics literature. On such issues, the research suggests, characteristics of states, formal lobbying, media attention, and public opinion are relevant at the agenda setting and policy adoption phases of the policy process (e.g. Kreitzer 2015; Mooney and Lee 1995; Meier and Mcfarlane 1993; Baumgartner and Jones 2009; Givel 2005; Shipan and Volden 2006; Pacheco 2011; Pacheco and Boushey 2014) And yet, we know that some never break through to mass public attention. Nevertheless, policy change does occur, even on such low salience issues that are mostly espoused by low resourced groups and that impact a population that is highly marginalized. These issues that never receive sustained spikes in media attention nevertheless do make it onto the legislative agenda and are addressed through public policy. When and why does this happen, especially for marginalized and low-resourced groups? This project attempts to answer these questions.

State legislatures do not only adopt policies that have high public salience and media attention or are well resourced by lobby groups. Legislatures also consider *routine politics* type of policies that address a small population of people or a minority of interests. Legislators have many demands on their time and many issues will never reach the legislative agenda (Kingdon 1984; Baumgartner and Jones 2009). It is important to understand how these low salience issues might ascend legislative agendas and even reach policy adoption. What strategies or other factors determine when and how these mostly overlooked issues are able to connect with legislators.

In choosing the issue of marriage age reform, I have two main goals. The first being to analyze how a low salience issue gains legislative attention. The second is to consider whether an issue that is relevant to women's status may have unexpected determinants of policy action or policy failure. Underage marriage is an issue that disproportionately impacts girls and has negative life-long consequences for their health, safety, and economic prospects. Marrying early is an issue

relevant to the equality of women and girls as a status group or a “gender status” issue (Htun and Weldon 2018). Htun and Weldon (2018) argue that social movements are critical for gender status issues and I build on that argument by investigating the impact of movements on a gender status issue that is also low salience. Unlike other gender status issues like abortion that are covered in the state politics literature, child marriage does not have high citizen interest nor well-resourced lobbying groups associated with it (Kreitzer 2015; Mooney and Lee 1995; Meier and McFarlane 1993). I consider whether child marriage may experience the same type of high-profile opposition or backlash as other, more high salience gender issues such as abortion.

This project provides new evidence for the centrality of social movement actors and other policy entrepreneurs in getting legislative attention for low salience issues. Early marriage is an issue that impacts a group of people who are highly marginalized – mostly poor, rural teenage girls with no political power – and I hypothesized policies addressing this issue would have a distinct path to agenda setting and policy adoption. Policy entrepreneurs on child marriage used visually interesting protest tactics and online campaigns as well as engaging directly with state legislators to bring underage marriage to state legislative agendas. In the course of six years, bills removing loopholes to the marriage age proliferated across the United States and nearly half of all states adopted some legislation making it more difficult for minors to get married. This happened through efforts by social movement actors to reach legislators even in the absence of public attention. In a mixed-methods project with two case studies and a 50-state statistical analysis, I provide evidence that improves our understanding of how social movement actors are able to bridge a lack of resources and attention for policy outcomes.

1.2 Research design

This project employs a mixed-methods approach to exploring the causal mechanisms behind agenda setting and policy adoption on the issue of underage marriage, illuminating pathways for the adoption of other low salience gender issues. I assess questions related to agenda setting and policy adoption by conducting in-depth state-level case studies and creating a statistical model to assemble a broader picture of agenda setting and policy adoption. As best practice for mixed-method works suggests, I use my qualitative case studies to inform variable selection for the statistical analysis, using them to check that I have not omitted any variables I should have

included, and to explore the shape of possible causal relationships (interactions, etc.) that I can model statistically.

I begin with case studies in two states with varying outcomes on proposed bills to end the practice of underage marriage in those states. In my first case study state of Pennsylvania, legislators were able to adopt a bill completely banning underage marriage in the midst of pandemic shutdowns in 2020. Meanwhile, in the second case study state of Massachusetts, bills banning child marriage have not been able to make it to a full vote in both houses. My qualitative analysis of these two states focuses on the ability (or inability) of social movements to effectively frame issues and garner media attention. I also consider their effectiveness in working directly with legislators or legislative bodies. In the quantitative analysis, I create statistical models of agenda setting and policy adoption for bills reforming loopholes to marriage age across the 50 states. These models include variables for social movement action, the existence of online campaigns, and opposition.

1.2.1 Research methods in case study chapters

I argue the actions of social movement organizations have a significant impact on whether certain types of policies appear on state legislative agendas and decision agendas. I use the issue of underage marriage to explore how a low salience issue may reach agenda setting and policy adoption with advocacy from social movement organizations and other key policy entrepreneurs. I also argue that news coverage of social movement advocacy and issue framing by advocacy groups will increase the likelihood of agenda setting and policy adoption. I argue that when the news media presents issue frames on underage marriage that correspond to social movement frames, it legitimizes the movement and amplifies their message to elites. These two qualitative case studies in Pennsylvania and Massachusetts explore the mechanisms that link social movement action and media attention to agenda setting and policy adoption on underage marriage in the states.

The cases of Pennsylvania and Massachusetts illuminate the distinct nature of how a low salience issue can capture the attention of state legislators. These are two states that are nearly equal in the form of professionalized legislatures, the number of women in the legislature, and ideological liberalism, but in Pennsylvania a child marriage bill was signed into law during the height of 2020 pandemic shutdowns (Kaur 2020), while similar efforts in Massachusetts stalled

(Asiamah 2019). This case selection draws on the distinctive nature (Yin 2011) of Pennsylvania’s ability to ban child marriage while liberal and progressive Massachusetts’ legislation withered. A within-case case study of each of these states allowed for investigation of social movement activism, media coverage, and legislative pressure within each of the states.

Table 1. Agenda setting and policy adoption on underage marriage in case study states

	Pennsylvania	Massachusetts
Legislative agenda (first appearance)	2017	2017
Adoption	2020	As of Dec. 2021, no bill has reached a vote in both houses

I use process tracing to draw conclusions on the mechanisms behind agenda setting and policy adoption on underage marriage in these two states. Process tracing is “the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier 2011, 823). This method uses within-case analysis to find the observable implications of hypothesized causal mechanisms or explanations within a single case. In process tracing, researchers follow how particular actors took initial decisions to particular outcomes (George and McKeown 1985). This method identifies “diagnostic evidence” to help establish the causal direction of what actors or events influenced the policymaking process (Collier 2011, 824; Bennett 2010). Process tracing allows for the study of temporal elements of policy change such as during, tempo, acceleration, and timing of events (Gryzmala-Busse 2010). It is a valuable tool in causal analysis as it increases the number of relevant observations and helps to overcome some of the limitations of small-N research (King, Keohane, and Verba 1994).

Evidence in these cases was collected through field work and archival research and they allow me to follow the proposed legislation to end underage marriage through the policy process. In the case of Pennsylvania, a bill to establish 18 as the minimum age was first brought to the Pennsylvania House of Representatives in 2017 and Gov. Tim Wolf signed House Bill 360 into law on May 8, 2020. In Massachusetts, a bill (S2294) was introduced in the Senate in 2017 and later passed in 2019 but the accompanying House bill never left committee. Further efforts to reform the marriage age did not make it to a full vote on the floor of the House or Senate. The

analysis is based on archival research of social movement communications, news media articles, legislative transcripts, and social media data combined with in-depth interviews with key actors in the case study states.

1.2.2 Methods in quantitative chapter

Quantitative methods

I hypothesize that the mechanisms that have caused the issue of underage marriage to reach agenda setting and policy adoption are more complex for this low salience gender issue than are present in most of the traditional diffusion models. In particular, I focus on the advocacy of social movement organizations to draw attention to the issue of underage marriage and put pressure on legislators. The analysis includes studies of both agenda setting and policy adoption for a more complete view of the policy environment and includes measures for media attention and framing (Glick and Hayes 1997; Nicholson-Crotty 2009; Gilardi et al. 2020).

Statistical model

In order to understand what factors led to potential agenda setting or policy adoption on legislation raising the marriage age, I create statistical models with dependent variables representing both stages of the policy process. These models consider both standard explanatory variables relevant to agenda setting and policy adoption drawn from the literature on state legislative action as well as new variables designed to capture the impact for social movement actions. The analyses use an original dataset on social movement tactics combined with information on various aspects of state policymaking from existing datasets such as legislative professionalism. The data for the original datasets on social movement tactics and opposition were collected through in-depth interviews, state legislative websites, news sources, and data collected from the social media platform Twitter. The datasets for the dependent variables for agenda setting and policy adoption were created through state legislative websites and Legiscan.

My contribution to our understanding of agenda setting and policy adoption in the states is to theorize the mechanisms and empirically model social movements in the policy process. As such, I include variables representing how movement actors attempt to influence policy, both through outsider tactics like protest campaigns and social media campaigns, as well as insider

tactics like lobby days or committee testimony. This model is partially built on findings derived from my two case studies in the states of Pennsylvania and Massachusetts, where I find the actions of social movement actors were integral in the agenda setting process. I also find that broad consensus in the legislature worked for a fairly swift resolution in Pennsylvania, while open opposition in other states kept child marriage reform off the decision agenda. As such, I include a variable representing whether elected representatives in the state had open opposition to child marriage reform, either in the form of media interviews, official communications, or floor debate. I contribute to the social movement literature by illuminating an underappreciated pathway social movements can use to influence policy change. Rather than social movement actors building a mass movement, as found by scholars like Htun and Weldon (2018), I find movements can bypass an ambivalent public to directly attract the attention of legislators.

The agenda setting and policy adoption models explore which variables best represent action on marriage age reforms in the 50 states. The models tested use time-series cross-sectional data across the 50 U.S. states from 2016 to 2021. The first date represents when states first begin introducing legislation that would raise the marriage age. The last of the data is collected in December 2021, by which time 44 states had introduced bills updating the marriage age. To test the hypotheses on factors leading to agenda setting and policy adoption, I estimated a model that is a logistic regression with clustered standard errors (i.e. Oakley 2009; Weldon 2006; Abel, Salazar, and Robert 2015; Jett and Raymond 2021).

I include control variables that represent variables consistent with other state policymaking models (e.g. Berry and Berry 1990, Shipan and Volden 2008, Walker 1969). I also include variables that measure women's status in society as underage marriage disproportionately impacts girls and is a gender status issue (Htun and Weldon 2018, McCammon et al. 2001). I assume that some variables that are relevant to the agenda setting process will also be relevant to the policy adoption process (Hays and Glick 1997). I also include control variables that test whether an underlying cause of action on this issue could be women's descriptive representation, as is the case with some gender issues (Beckwith 2007; Bratton 2002; Caiazza 2004; Dodson 2008; Mansbridge 1999)

1.3 Data

I use original datasets to study the mechanisms behind agenda setting and adoption of underage marriage restrictions in the states. I build on existing models of state-level policymaking by representing how strategic movement tactics can create change on a low-salience gender issue. Existing contributions to the diffusion literature have concluded that such determinants as state demographics, legislative professionalism, and ideological liberalism can create a state atmosphere that is more conducive to policy innovation (e.g. Berry and Berry 1990, Shipan and Volden 2008, Walker 1969). I include these considerations in my model, but posit these variables are less relevant than the variables for social movement influence. Individuals or organizations have the power to create change in policy subsystems, even those that have been in stasis (Jenkins-Smith et al. 2018).

The dependent variable for the agenda-setting model is a dichotomous variable indicating whether a bill raising the marriage age was on the legislative agenda during each of the years in question. The dependent variable for model testing policy adoption is also a dichotomous variable that indicates whether the underage marriage bill achieved policy adoption. All are recorded at each year from 2016 to 2021.

The model includes independent variables that measure social movement tactics both outside and inside the political arena as well as opposition from legislators to policy adoption. For social movement influence, I create a dataset of events, protests, speeches, or other public activities staged by social movements groups on the state level to advocate against underage marriage. As another measure of movement influence as an “outsider tactic” is whether there was a targeted online movement against child marriage in the state. I create an original dataset of Twitter campaigns on child marriage in each state from 2019-2021. I also include a variable for social movement influence directed specifically to state legislators in the form of committee testimony or floor speeches by individuals affiliated with social movement organizations. Likewise, I created a dataset of whether there is evidence of opposition to legislation from state legislators.

Finally, in this model I control for variables consistent with the literature on state policy diffusion and policymaking on gender issues. I include control variables that are key to prominent diffusion models that point to state demographics, ideology, and professionalism as indicators of policy adoption or diffusion (e.g. Berry and Berry 1990; Shipan and Volden 2008; Walker 1969; Soule 2004; Ayoub 2015). As underage marriage is an issue that directly related to the status of

women and girls, I also include variables that related to women's status (Htun and Weldon 2018; McCammon et al. 2001). As the analysis includes models for agenda setting and policy adoption, I include these controls in both models as many variables that are relevant to the agenda setting process will also be relevant to the policy adoption process (Hays and Glick 1997).

1.4 Main Chapter Findings

In the following chapters, I explore how one issue went from relative obscurity to the agendas and beyond of the majority state legislatures in the United States in the span of six years. The focus of this research is to add to our understanding of how low salience issues ascend to policy agendas and how social movement actors use tactics such as issue framing, protest, and direct contact with legislators to drive attention to issues that were previously overlooked. In **Chapter 2**, I lay out the theoretical foundations of this project and describe where it fits in the broader literatures in political science and communication. My hypotheses build on extant theories of policy entrepreneurship, issue framing, gender and politics, and social movement theory. **Chapter 3** illustrates the historical context of the phenomenon of underage marriage from the revolutionary era United States to today. For much of American history, public attention to the issue of underage marriage has been low, with a few periods of exception. Despite being an issue that impacts the status of women and girls, underage marriage has not been a notable feature of the feminist agenda in the United States. I describe the groups that have advocated against early marriage both in early American history and today. I also give descriptive statistics of which states have put marriage age policies on the legislative agenda and which have adopted marriage age policies by the end of 2021.

Next, **Chapters 4 and 5** are qualitative case studies of attempts to adopt legislation banning underage marriage in two states – Pennsylvania and Massachusetts. These two case study states exemplify the possibility and also the limitations of what social movement tactics can accomplish on a low salience issue. I use process tracing to uncover the underlying causal mechanisms behind legislative agenda setting or policy adoption in both states. I find in Pennsylvania that social movements were able to attract legislator attention through tactics that directly grabbed their attention even without public pressure. Movement organizations conducted public protests and social media campaigns, they directly lobbied legislators regularly, and in communications they framed child marriage around child protection. With no visible opposition in the state, the

Pennsylvania legislature unanimously adopted a total ban on underage marriage. In Massachusetts, movement groups found similar success in getting a bill ending underage marriage to the policy agenda, but a focus on expanding abortion access in the state created a competing frame on teen girls and autonomy. Raising the marriage age was seen by some as a threat to minor's autonomy that could have implications for abortion rights. In **Chapter 6**, I present a 50-state statistical analysis of agenda setting and policy adoption on underage marriage in the states. This statistical model includes my original dataset of social movement influence and media attention. Here, I find the existence of outsider tactics like protests and online campaigns by social movement actors were both positively and statistically significantly related to a higher likelihood of agenda setting on marriage age reforms. In the policy adoption phase, the use of insider tactics by movement groups is positively and statistically significantly related to a higher likelihood of adoption, and open opposition from legislators also had a positive impact on the likelihood of policy adoption. The concluding **Chapter 7** overviews the major findings from this project. It also puts agenda setting and policy adoption on underage marriage in contrast with other gender issues on the state level and discusses state-level variation on the rights of women and girls.

This project presents both theoretical and practical implications for understanding how a low salience issue, and particularly the issue of child marriage, operates in the state policymaking system. First, I provide new evidence for how a low salience issue reaches agenda setting and policy adoption in the states without the benefit of high public salience, media attention, or well-resourced lobbyists. My hypothesis that underage marriage ascends state policy agendas through the advocacy and insider tactics of social movement organizations is supported by both my case studies and statistical analysis. I also find that efforts to frame child marriage around child protection and keep child marriage survivors at the center of advocacy kept legislators engaged in the issue and pushed it to policy adoption, especially in the case of Pennsylvania.

I provide practical considerations for how social movement organizations may achieve success in both agenda setting and policy adoption on key legislative efforts with limited resources and without broad public support. Without the assistance of well-resourced lobby groups and in the absence of public and media attention, social movement organizations tapped into those resources they thought would best connect with legislators. Advocacy groups held theatrical and visually interesting protest events in opposition to child marriage. They put child marriage survivors at the center of advocacy, bringing attention to their personal stories of trauma and abuse

that is a common feature of early marriages. They also framed child marriage around the idea of child protection, which connected with legislators even in busy, professionalized legislatures.

This analysis provides evidence to aid our understanding of an often-overlooked aspect of politics, the *routine* politics. Much of the focus in political science is on those issues that are highly contentious. Those that stir the electorate and lead to a coalescing of public attention and media attention. Yet, many issues that come through state legislatures are not those that broadly capture the imagination of the public. Some policies will only impact a small population of people and will win elected officials very few votes on election day. Still, this is politics. And for some issues, including reforming the marriage age, the outcome is still highly consequential for those groups of people impacted, no matter how small the group. In the following chapters, I describe and analyze how one such issue ascended the policy agendas of state legislatures across the country without the benefit of any measure of salience.

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CHAPTER 2. SOCIAL MOVEMENTS AND ISSUE FRAMING IN THE POLICYMAKING PROCESS

What explains state-level action or inaction on political issues? An expansive literature within political science has attempted to answer this question with theories relating to both the nature of the state itself or the nature of the policy being considered. Also relevant to this question is which actors are involved in advocating for or against policies and the strategies they use to achieve their goals. In this chapter, I review the literature for agenda setting and policy adoption of issues in the states and highlight the need for further explication on low salience issues. While much of the literature expands on theories around state capacity and public attention, I argue for a greater focus on social movement actors as policy entrepreneurs who move less salient policies onto legislative agendas. I include a review of the literature on social movements to better understand how they may be relevant to policymaking on low salience issues. I also describe how the gendered nature of some policies may change their trajectory in the policy process.

This chapter provides a foundation for the theoretical basis for my hypotheses on the nature of policymaking on low salience issues. As I hypothesize that social movements and media attention will be particularly influential to policymaking on underage marriage, I discuss the tactics employed by social movements to gain attention from major legislative stakeholders. I argue the work of social movement actors to frame issues, conduct public advocacy events, and to make direct contact with legislators is key to understanding reforms to the marriage age.

What is distinct in this project is a focus on low salience issues. I use the sudden prevalence of marriage age reform legislation to further study how a low salience might reach agenda setting and policy adoption, even in the absence of other factors like public attention or media attention.

This project adds to these literatures by increasing our current understanding of agenda setting and policy adoption on a low salience issue and the role of social movements in those processes.

2.1 How do issues reach the policy agenda?

The path by which problems become issues or policies that end up in the legislative domain or even become law is known as the policy cycle (Weible 2018). The step of the policy cycle in which issues begin to receive serious consideration from legislators is known as agenda setting and this is a significant barrier for most issues (Kingdon 1984). *The policy agenda is made up of the policy priorities of political actors capable of enacting policy change and is distinct from the public agenda* (Wolfe, Jones, and Baumgartner 2013). Agenda setting occurs in the legislative context when a piece of legislation has been introduced and has the attention of some key decision makers (Weible 2018).

The dominant viewpoint on legislative agenda setting for political issues is that the majority of issues are in stasis most of the time (Baumgartner and Jones 2009). Most often “there is no new thing under the sun” (Kingdon 1984, 227). The likelihood that a new issue or an innovation to an existing issue will climb to the agenda setting phase of the policy process is low and instances are rare (Kingdon 1984; Baumgartner and Jones 2009). How a new idea is received is dependent not only on its content but upon the broader social and political contexts of the time as to whether it is embraced or ignored (Meyer 2007). “It seems clear that the quality of an idea is not what makes its time come” (Meyer 2007, 43).

Agenda setting is the first step of the policy cycle, which includes, agenda setting, policy formulation and adoption, policy implementation, evaluation, and termination (Weible 2018). Although getting an issue to the agenda setting stage is only a first step in a long process, it is a significant step to the policy’s chances to further advance the policy cycle (Baumgartner, Jones,

and Mortensen 2018). “Agenda access does not guarantee major changes, however, because reform is often blunted in the decision-making stage. But this access is a precondition for major policy punctuations” (Baumgartner, Jones, and Mortensen 2018, 59). The right combination of policy alternatives and political opportunities must be in place for a problem to reach the agenda setting phase and beyond (Kingdon 1984). Kingdon (1984) clarifies a “decision agenda” is when issues are to receive serious and immediate consideration from a legislative body.

The legislative agenda is distinct from other public agendas. A political agenda is broadly a set of political concerns that merits consideration and has the attention of the public (Cobb and Elder 1972). By contrast, the legislative agenda or the “institutional agenda” is those issues scheduled for consideration by a legislative body (Cobb and Elder 1972). In the political communication context, agendas are often separated into a “public agenda” as in what the public deems important, a “media agenda” as in what the media makes most salient, and a “political agenda” as in what elites put the greatest focus on (Zahariadis 2016).

Much of our current understanding of how issues reach legislative agenda setting, as in how they come to be part of the considerations of legislative bodies, comes from the study of high salience issues. This project posits that agenda setting on a low salience issue like marriage age reforms may be missing some of the traditional pathways an issue reaches the legislative such as the pressure associated with public attention.

2.1.1 Policy entrepreneurs

Whether issues move to the agenda setting stage can be influenced by the actions of individuals from both inside and outside of the policy process who use specific strategies to sway legislative agenda setting. Policy entrepreneurs are individuals or groups whose goal is to influence the adoption of policies for specific favored policy goals (Kingdon 1984; Mintrom and Norman

2009). Those policy entrepreneurs who are internal to government processes can be elected officials or bureaucrats, while those outside of government may be from NGOs or social movements (Fiori and Kim 2011). Per Kingdon (1984), interest groups are specifically not policy entrepreneurs as they are oriented to businesses and blocking policy as much as advocating for policy. Those who act as policy entrepreneurs are motivated and active throughout the policy process to advance their policy goals (Kingdon 1984; Mintrom 2000). The Advocacy Coalition Framework identifies how individuals in a policy subsystem – something that produces specific outputs on a policy – act to create policy change (Jenkins-Smith et al. 2014; Sabatier and Jenkins-Smith 1993). Individuals acting in concert with a coalition of people with similar belief systems are able to act effectively within a policy subsystem (Sabatier 1987). These coalitions are built around people in the policy community – elected officials, advocates, researchers – they improve the articulation of development of ideas around policy issues (Sabatier 1988; Jenkins-Smith and Sabatier 1993).

In order to influence policymaking, policy entrepreneurs shepherd their resources toward strategies like issue framing, problem solving, and building networks. Entrepreneurs use multiple methods to shape the perception of issue and draw the attention of legislators, the public, and the media (Kingdon 1984; Baumgartner and Jones 2009; Mintrom and Vergari 1998; Aviram, Cohen, and Beerli 2019). Policy entrepreneurs seek to create policy change through identifying problems, shaping the debate around issues, and building networks or coalition to build support and mobilize advocacy (Mintrom 1997). These entrepreneurs often spend extensive time in policy communities, developing and shopping policy alternatives.

Shifting policy images or frames can impact whether an issue ascends to the policy agenda (Kingdon 1984). Elder and Cobb (1984) emphasize the importance of problem definition in what

issues are considered by legislators. “What is at issue in the agenda-building process is not just which problems will be considered but how those problems will be defined” (Elder and Cobb 1984, 115). In order for issues to receive this increased attention, policy actors must attempt to expand the scope of attention, change the framing of an issue, or change the venue of the issue (Baumgartner and Jones 2009; Schattschneider 1960; Cobb and Elder 1972). The policy change is able to occur when an issue receives a significant increase in attention, often marked by attention from the public, policymakers, and the media, in which creating change on the issue is possible and desired (Baumgartner and Jones 2009). Considering the full policymaking process, the early attempts at issue definition or reframing have a clear influence on the later stages of the policymaking process (Boushey 2016; Raymond 2016).

Policy entrepreneurs can be successful in diffusing selective policy initiatives when they effectively communicate policy and capture public attention (Boushey 2010; Schneider and Ingram 1993; Schneider, Teske, and Mintrom 1995). New ideas and interests communicated by policy actors can break up typical incremental change in policy subsystems and lead to innovative change (Howlett 2002). When these policy entrepreneurs or interest groups are successful in framing issues in a way that boosts the scope of the issue and draws public attention, the policy issue can diffuse rapidly as more groups mimic the successful strategy. Due to the advantages in funding and contacts policies supported by larger, well-resourced interest groups tend to diffuse faster than policies supported by lesser resourced groups (Boushey 2010). Policy entrepreneurs who are closely involved with the influencing policy on an issue must find methods to grab legislator attention, such as framing issues and building networks, and have policy alternatives in place for a chance at their issue reaching the policy agenda (Baumgartner and Jones 2009; Kingdon 1984; Cobb and Elder 1972). Groups focused on less salient issues can exert pressure through the

social construction and framing of issues. For example, child-protection advocates in the 1990s were successful in getting targeted laws like the “Amber Alert” laws to find child kidnappers adopted using moral appeals and referencing specific well-known child kidnapping cases (Boushey 2010).

This project likewise explores how policy entrepreneurs can impact agenda setting and policy adoption on a low salience issue. In the case of the Amber Alert laws described by Boushey (2010), advocates framed issues in a way that caught broader public interest over time. By contrast, efforts to sympathetically frame child marriage do not lead to sweeping change in public sentiment, but rather create change by tapping into specific legislator interests.

2.1.2 Policy innovation and diffusion

Models of policy innovation and diffusion analyze those variables which may increase the likelihood of policy change in legislative bodies. As the majority of policy change happens in small, incremental changes, the public policy literature theorizes under what circumstances states act to create new programs or make a broad change (Berry and Berry 2018). These scenarios have been explored in innovation and diffusion models. “Innovation” in these cases is not defined as an entirely unique or invented policy, but rather a policy or program that is new to the government adopting it (Walker 1969, Berry and Berry 2018). This is true even if another government body has adopted the same or a similar policy previously (Berry and Berry 2018). For the purposes of this project, states can innovate in the area of marriage law by removing loopholes that allow for underage marriage, raising the marriage age, or completely banning any marriage under the age of 18. Marriage age reform is an issue that has not been on the legislative agenda in five decades (for a history, see *Chapter 3*).

Studies of how innovation and diffusion occur have common themes related to the nature of the (U.S.) state itself, the nature of the electorate, and the nature of the policy in question. The models of internal determinants argue the reason states innovate are related to the political, economic, or social characteristics inherent to an individual state or pressures internal to the state (Berry and Berry 2018). Diffusion occurs when one government body makes a policy choice based on prior policy choices made by other government bodies (Simmons, Dobbin, Garrett 2006). These studies are centered on the way that innovations travel geographically from one government body to another, in many cases, states (Berry and Berry 2018).

Studies relating to the internal determinants of a state have often focused on the state's resources. Those states that have "slack" resources (Cyert and March 1963) such as greater financial resources and a professionalized legislature with a full-time staff are more likely to innovate because they are able to take risks in the adoption of new policies (Walker 1969). These well-resourced states tend to innovate more quickly than those states that have less developed resources and part-time legislatures (Walker 1969). Having greater resources allow innovative states to overcome the obstacles to passing innovative policy and provide cover for if the innovative policy were to fail (Berry and Berry 2018). The possibility of economic competition can be a motivator or demotivator in whether government bodies choose to adopt a policy (Boehmke and Witmer 2004). Shipan and Volden (2008) found that cities were unlikely to adopt anti-smoking initiatives if another city within 10 miles had not enacted such a policy. This can also be conceptualized as states contending with the strength of the barriers against a policy as opposed to the motivation and available resources to innovate (Mohr 1969). None of the 50 states have had an exemplary record in adopting innovative policies, yet some trends emerge in the literature. Those states with higher socioeconomic status households, larger populations, and more economic

development are more likely to be able to take on the financial risk or organizational burden of innovative policies (Berry and Berry 2018; Walker 1969).

The political climate of the state is also relevant to innovation and diffusion. The severity of particular social problems, the public attitudes of citizens, and the change in public opinion can influence the adoption of new policies, as was the case with the recognition of the harms of smoking and pressure to adopt anti-smoking policies (Pacheco 2011). Issues that enjoy broad support from the public are more likely to become law (Monroe 1998; Brooks and Manza 2006). Public opinion and political culture can also lead to nondiffusion, as in when the libertarian tendencies of voters in Arkansas surpassed their discomfort with homosexuality broadly to keep the state from enacting policies that discriminated against the lesbian, gay, and bisexual community (Barth and Parry 2009). The internal political climate of a state is relevant to the likelihood of innovation (Berry et al. 1998). When measuring how likely each state is to innovate, the innovation measure shows that political opportunity and ideology are related to innovativeness. The existence of a direct initiative process is correlated with innovativeness. States with a more liberal ideology are also more likely to innovate (Boehmke and Skinner 2012). While much of the literature on agenda setting and policy adoption hinges on innovative or high salience policies, a considerable gap exists in our knowledge of policymaking on *routine politics* or low salience issues.

In terms of diffusion, the literature finds that states are influenced by the actions of other states. One state adopting a new policy increases the likelihood of other states also adopting that policy (Gray 1973). Diffusion models show states are more likely to adopt a new policy if other, similar, states have adopted it (Walker 1969), as well as neighboring states (Boehmke and Skinner 2012; Mintrom 1997). On top of this, five identified mechanisms of policy adoption are policy

learning, imitation, normative pressure, competition, and coercion (Berry and Berry 2018). Policies can diffuse from the influence of more than one diffusion mechanism (Boehmke and Witmer 2004).

The tradition of diffusion via policy learning assumes that states take cues from one another and that legislators take actions that are boundedly rational based on limited time and resources (Shipan and Volden 2008; Berry and Berry 2018). The many claims on legislators' time and resources gives them little room to focus on one potential policy, so it is advantageous to focus on legislation that has been offered in similar government bodies (Weyland 2006). Legislators look for both the policy and the political ramifications that resulted in innovations in other states (Gilardi 2010). This learning can also happen by states signaling the ideological positioning of an issue. Legislators may not know the exact ideological leaning of a policy so how ideologically similar (on a liberal-conservative scale) states handled the policy can inform legislators' positions on whether this is an advantageous policy to adopt (Grossback, Nicholson-Crotty, and Peterson 2004). When an issue increases in salience and policies are adopted in some states, other states will learn from the definitions and issue frames used in earlier states and emulate them. As the policy diffuses, some frames become more relevant and the frames also increase in complexity (Gilardi, Shipan, and Wüest 2020). Social learning diffusion posits that policy adoption can follow an S-Shape distribution in which incremental policy adoption begins slowly, then has a period of rapid diffusion, followed by a tapering off (Gray 1973). Those policies that diffuse rapidly follow a sharply rising r-shaped distribution (Boushey 2010).

Policies also diffuse among the states when one state finds another state worthy of imitation or if there is normative pressure to adopt the policy (Shipan and Volden 2008). Shifting social norms can influence the behavior of both the public and legislators, especially when policy actors

intentionally create or reconceptualize new norms (Raymond et al. 2014). Norms are the “standard of appropriate behavior for actors with a given identity” (Finnemore and Sikkink 1998, 891). Advocates can use norms as a pressure valve to promote particular political viewpoints on how something “should” be. One method for changing the norms around an issue is the use of discursive politics (Finnemore and Sikkink 1998; Sikkink 2011). For example, though a societal ill across time, the issue of violence against women was mostly ignored and notably even absent from the original Convention on the Elimination of All Forms of Discrimination against Women until women’s organizations articulated the concept of violence against women as a social problem and challenged the norm of dismissing it (Weldon 2002; Raymond et al. 2014).

As issues are socially constructed, diffusion can result from the perception of a normative fit of a policy rather than the actual policy implications. Some policies are widely accepted regardless of the efficacy of the policy in action (Gilardi 2016). It is the responsibility of advocates on each side of a policy to make the case for why it is a good fit for the state or citizens, such as when legislators argue that new taxes are fair, as compared with other states (Berry and Berry 1992). This is why groups attempt to shape the perception or “images” of a proposed policy in an attempt to shape the government agenda (Baumgartner and Jones 2009; Stone 2011; Cobb and Elder 1972). “These policy images carry with them a tone or valence; the prevalence of positive or negative images in the media and in the halls of government are critical components in policy success” (Baumgartner and Jones 2009, 265). When policies are socially constructed, they identify a segment of the target population and tie them to particular policy outcomes through the use of “specific, valence-oriented values, symbols, and images” (Schneider and Ingram 1993, 335). Members of the populations such as the elderly and mothers are socially constructed as positive, while wealthy people, minorities, and criminals are socially constructed as negative. Often, acting

in their own self-interest, legislators use social constructions to justify the passage of weak policies or to suppress those that are unpopular with key constituencies (Schneider and Ingram 1993). Policy debates framed around how the public feels about a particular group that benefits from the policy can crowd out other, more important, considerations of that policy in the minds of the public (Nelson and Kinder 1996).

Other theories on diffusion focus on the economic competition that happen between states, particularly neighboring states. States prefer to keep income and tax dollars within the boundaries of the state and will develop policies that would discourage residents from traveling to neighboring states for particular goods and services, such as the availability of a lottery (Berry and Baybeck 2005; Baybeck, Berry, and Siegel 2011). Diffusion through policy coercion occurs when the government body is forced through a more powerful outside actor such as an international organization to change a policy or meet a standard (Vreeland 2003; Gilardi and Wasserfallen 2019).

Advocates for policy change from outside of government such as interest groups or policy entrepreneurs can influence the innovation and diffusion process through their contacts with legislators or attempts to frame policy in a way that captures the public attention. Less visible groups focus on framing or reframing policy and outsider protest tactics, while more well-resourced groups lean on their government contacts (Boushey 2010; Baumgartner and Jones 2009; Schneider, Teske, and Mintrom 1995). “In this sense, interest groups and individual policy advocates are important carriers of innovation in the United States” (Boushey 2010, 139). These groups must strategize on how to overcome the tendency for policy to lean toward stasis or incrementalism (Baumgartner and Jones 2009; Kingdon 1984). In this project, I posit that driving up public attention or opinion is not the only pathway for policy entrepreneurs to push policy

adoption on selected issues. Rather, on a low salience issue like marriage age reforms, policy entrepreneurs were able to bypass the public through direct appeals to legislators.

2.1.3 Issue salience

Issue salience features broadly into current models of policy adoption as the majority of issues studied in the literature are those that are high in salience. This project fills a gap in the literature in our knowledge of what happens when low salience issues are considered in legislatures. The literature has less coverage of what mechanisms may lead to agenda setting and policy adoption for an issue that does not meet the definition of salience as measured through public attention or media attention.

How issues of lower salience ascend the policy agenda requires more study (Baumgartner and Jones 2018). “An interesting but largely untested area is the likelihood of substantial policy change in the absence of salience or agenda access” (Baumgartner and Jones 2018, 39). Whether major changes on low salience issues stem from shifting norms, multiple small policy changes, or another phenomenon is mostly untested (Baumgartner and Jones 2018). Current studies of low salience issues point to success in policy adoption when groups are able to frame issues in a way that changes public opinion or when “knowledge brokers” can attach low salience issues to broader societal priorities (Birney, Graetz, and Shapiro 2006; Koski 2010)

A study of group influence and issue salience on the national level found that, as suggested by Schattschneider (1960), as the salience of an issue increases, more groups become attracted to advocating for the issue, and participation in the issue increases (Mahoney 2008). This increase in attention helps lift issues onto the legislative agenda (Baumgartner and Jones 2009). The policies that diffuse most rapidly are those that are high salience but low complexity (Nicholson-Crotty 2009, Boushey 2010). Complex issues require technical expertise on the part of the lawmaker and

thus are more likely to be overlooked by generalist lawmakers (Gormley 1986). Complex issues are in the policy domains of energy, environmental pollution, health care, taxation, trade, and fiscal regulation (Nicholson-Crotty 2009). Highly salient issues that create threats to the public's economic well-being or cultural values and typically create intense conflict (Gormley 1986). "Although complexity acts like a brake pedal, high public salience is the gas that increases the likelihood of rapid adoption" (Mallinson 2016, 108). Legislators are more responsive to high salience issues, as they are viewed as being more important to constituents (Canes-Wrone 2001).

Measures of issue salience often depend upon either public attention or media attention as a proxy for salience (Meier and Mcfarlane 1993; Nicholson-Crotty 2009). Receiving intense levels of media attention that captures the public attention makes policies more salient and likely to be placed on legislative agendas (Baumgartner and Jones 2009; Bromley-Trujillo and Karch 2021). The media's focus on crime stories put pressure on legislators to adopt "law and order" policies (Boushey 2016). This is especially true with national news attention (Winburn, Winburn, and Niemeyer 2014). Public attention can drive legislators' actions, especially when the "thermometer" of public feelings on an issue is incongruent with the legislator thermometer (Ringquist, Worsham, and Eisener 2003; Wlezian 1995).

As for marriage age policies, they lack salience in both manners of measuring salience. Reforming the marriage age for minors is not an issue that either received widespread media attention nor has been included in survey research as a potential "important" issue. This study explores how a low salience issue ascends the policy agenda when it does not increase in salience.

2.1.4 Policy typologies

The nature of policies themselves can impact the nature of diffusion. Policies can be categorized for further study by their policy typology, which depends on complexity, salience,

target, and fragility (Boushey 2010; Gormley 1986; Karch 2007). Lowi (1964) provided that four types of government policy exist – economic, distributive, regulatory, and redistributive – and that each had different pathways to adoption. Later, scholars such as Smith (1975) and Tatalovich and Daynes (1998) added to Lowi’s typology that noneconomic policies that tap into deeply held values are morality policies that also experience distinct policymaking pathways. Morality policies are noneconomic, often supported by single-issue groups, and can fall to the federal courts for ultimate decision-making power (Tatalovich and Daynes 1998). High citizen interest in these policies and single-issue groups dedicated to the policies means advocacy groups play a key role (Meier and Mcfarlane 1992; Mooney and Lee 1995). “The major determinants of morality politics, therefore, are interest groups, political forces, and the demand for the ‘immoral’ good” (Meier and Mcfarlane 1992, 691) For example, states with higher populations of fundamentalist religious traditions in the pre-Roe period were against reforms to make abortion more accessible (Mooney and Lee 1995). Policies that fall under an umbrella of morality questions are less likely to be adopted in states where the population find it objectionable to their faith (Berry and Berry 1990; 2018). Morality policies include policy such policies as abortion access, drug and alcohol policies, gambling, and LGBTQ rights.

Policies that fit the category of morality policies are high in salience but low in technical complexity, meaning they receive higher levels of citizen interest than most issues (Kreitzer 2015; Mooney and Lee 1995; Meier and Mcfarlane 1993; Baumgartner, De Boef, and Boydstun 2008). These policies are marked by a debate over “values” or “sin” in which one side hopes to gain authority over the other (Haider-Markel and Meier 1996). Of particular interest to this project is the issue of underage marriage, which is a morality policy in that it is discussed by both sides in terms of morality or sin. Two morality issues that are heavily covered in the state policymaking

literature are abortion and the death penalty (i.e. Kreitzer 2015; Mooney and Lee 1995; Baumgartner, De Boef, and Boydstun 2008). These studies show low level of complexity with morality policy matched with high interest means that public opinion will play a greater role in the adoption of morality than more technical policies (Mooney 1999).

The process of social learning among the states is the same for morality policies like abortion as it is for economically-driven policies. Yet, unlike with economically-driven policies, morality policy has no clear compromise or center road. Morality policies can diffuse very rapidly under the correct conditions, such as when they are low complexity and high salience and defy the common S-shaped diffusion pattern (Mooney and Lee 1995). However, the staunch opposition that can accompany morality policies can also lead to policy stagnation (Boushey 2010). The nature of morality policies such as the death penalty cause individuals to rely on theoretical or philosophical considerations rather than concrete questions related to larger, structural concerns (Baumgartner, De Boef, and Bodystun 2008). Morality policies are notably distinct from some other issue typologies in that they are marked by periods of elevated issue attention followed by legislative responsiveness and they encourage the process of policy emulation (Boushey 2010).

Unlike some other morality policies that have been heavily debated, the marriage age is not high in salience. A necessary minimum marriage age does not show up on the Gallup Poll “Most Important Problem” list (Gallup 2020) and a survey of Americans showed the majority of respondents incorrectly thought underage marriage was illegal in most of the United States (Lawson et al. 2019). Google trends data showed that Google news searches for morality issue abortion far outstripped news searches for child marriage in every state in every month from 2015 to 2020 (Google 2020). Efforts to reform the marriage age are low in technical complexity, but also low in salience. Connection to teen pregnancy and unwed motherhood make child marriage

an issue that can be debated on moral terms. I expect the moral aspects of child marriage to potentially bring up opposition, including religious opposition, and for the adoption of policies to be slower than other morality issues due to lower salience.

2.2 Gender issues, backlash, and the policy agenda

Issues that disproportionately impact women or relate to the experience of being a woman may find a different trajectory in the policymaking process due to an androcentric bias in policymaking (Hawkesworth 1994; Hawkesworth 2005; Lovenduski 2005). The American political institutions were first developed by men and with men and thus have continued to be male-centered bodies across time (Hawkesworth 2005; Duerst-Lahti and Kelly 1995; Sapiro 1991; Kenny 1996). Women participating in the policymaking system enter a masculine domain that is constructed around their preferences (Duerst-Lahti and Kelly 1995). Along with major political institutions, the development of public policy too has traditionally centered male experiences (Lombardo, Meier, and Verloo 2013). The political world is organized around social constructs and norms of sex and gender (Celis et al. 2013).

As institutions are gendered, so is policymaking and public policy. In the last three decades, scholars started an investigation into gender as an analytical concept, including the nature of policy in all stages of the policymaking process (Mazur 2002). For example, Htun and Weldon (2010, 2018) create a new typology for better understanding various categories of policies that directly and disproportionately impact women. Gender issues can be categorized by whether they impact the equal status of women in society or the equal inclusion of women. The typology categorizes women's issues along two different dimensions. On one dimension, women's issues can be categorized as a gender class issue or gender status issue. The gender class issues relate to state-market relations or the redistribution of wealth, and gender status issues pertain to the social

or legal position of women as a status group (Htun and Weldon 2018). Gender status policies “attack those practices and values that constitute women as a subordinate group and prevent them from participating as peers in political and social life” (Htun and Weldon 2010, 209). Policies are also designated as doctrinal or nondoctrinal, meaning they either do or do not incite some kind of religiously-based sentiment. The typology of these policies have an impact on what factors lead to policy adoption or failure of gendered policies, such as religious backlash, left parties, or feminist movements (Htun and Weldon 2010). The issue of marriage age reforms would be both a gender status issue, as it impacts the status of women and girls in society, and it would also be doctrinal, as concerns around sex and marriage can incite a religious backlash.

Other research using a gender perspective on policy interrogates how gender issues ascend to the legislative agenda and what causal factors may lead to their adoption. Policy success on gender issues such as statutory rape laws, abortion access, or violence against women on the state level has been influenced by legislator demographics, social movements, and interest groups (Cocca 2002; Medoff, Dennis, and Stephens 2011; Cohen and Barilleaux 1993; Weldon 2006). Gender issues such as violence against women were completely absent from the policy agenda until feminist movements named the issue, framed it as a societal ill, and brought coalitions together to advocate for the issue in government (Weldon 2004, 2006). The inclusion of female legislators or critical actors on gender issues in legislatures can increase the likelihood that legislatures do not roll back advancements on women’s issues (Mansbridge 1999; Norris and Lovenduski 2005; Childs and Krook 2009). Gender issues can also face targeted backlash, in particular from religious groups (Williamson and Carnes 2013; Medoff, Dennis, and Stephens 2011).

The issue of reforming marriage age statutes is inherently a gender issue – an issue of the status of the female sex as a group, status of women and girls. Policy on child marriage is a gender status policy that straddles the line between a family law policy and a violence against women policy. Underage marriage leads to negative outcomes for girls’ position in society and their overall health (*see Chapter 3*) and well-being and policies to end this practice thus prevent the subordination of girls and women as a status group. Child marriage policy belongs in the gender status category because laws that raise the marriage age can help girls achieve better overall outcomes for education, income, and physical and mental health. Underage marriage leads to negative outcomes for girls’ position in society and their overall health and well-being (*see Chapters 1 and 3*) and policies to end this practice thus prevent the subordination of girls and women as a status group.

The potential for backlash to policies that impact women’s class or status is high, particularly among highly religious populations or religious groups. Movements that propose advancements to women’s equality often face backlash, especially from religious groups (Goetz 2020). The level of religious influence is also important to the discussion of child marriage because of the link between early marriage and religion. Entering into an early marriage is highly correlated with reporting religion is very important to one’s life, particularly among people from conservative protestant or Mormon backgrounds (Uecker and Stokes 2008). Poor, rural girls get married at much higher rates than their wealthier, urban counterparts in part because of the social conservatism rampant in rural areas and high levels of religiosity related to conservative Protestant, Catholic, and Mormon faiths that include the expectation of marriage to accompany sex and, potentially, the birth of a child (Syrett 2016).

Religious opposition originates with both men and women as some women also take part in patriarchal agendas, sometimes blending gender essentialism with an evangelical ideology (Kelly 2012; hooks 2000). It is a misconception that American women are organized together on a common idea of their oppression, with their only foil being men who have mobilized as the opposition (Klar 2018). Rather, a more enduring split in women's support for gender equality has persisted since the end of World War II where some women believe in an egalitarian model of women's lives based on individual rights and personal well-being. On the other side, some Americans support a hierarchical family model where women are seen in relation to their family and some kind of moral code. This second model is the one that has been emphasized by some religious organizations to justify opposition to women's rights (Harding 1981).

Evangelical Christians and other religious groups find themselves at odds with state government efforts to legislate women's equality in the United States, particularly over issues such as abortion, birth control, and family law issues. Doctrinal issues such as family law policies and reproductive justice policies are likely to encounter opposition from religious groups (Htun and Weldon 2018). Those states with higher levels of evangelical Christians in the United States have passed less generous child leave policies compared to those with more secular populations (Williamson and Carnes 2013). The failure of the United States to pass comprehensive family leave policies is also correlated with weak left parties (Htun and Weldon 2018). Evangelicals have also been at the forefront of movements to stall equality for members of the LGBT community. State-level propositions to ban gay marriage saw greater support in counties with higher proportions of evangelical Christians (Fleischmann and Moyer 2009). States with a higher number of Catholic residents and fewer female legislators have led to more conservative policies on a range of abortion policies at the state level (Norrande and Wilcox 1999). The most significant factor in

whether states enacted parental involvement in abortion policies is having a higher population of fundamentalist or evangelical Christians in the state. Higher percentages of Catholics also had an impact on parental involvement laws (Medoff, Dennis, and Stephens 2011). In a cross-national analysis of abortion policies in Western nations, Minkenberg (2002) found nations with a higher level of religiosity among citizens were less likely to pass liberal abortion policies.

Although not affiliated with one political party outright, Evangelical Christian communities are more conservative than other Americans (Wilcox 1990) and express that their religion is important to both their personal lives and political lives (Green 2007). Churches are a space where many Americans learn how to be more civically engaged (Djupe and Gilbert 2006). The social movement that encompasses evangelical Christians and other conservative orthodox religions known as the religious right or the Christian right has many policy positions, but the most central are to ban access to legal abortions, eliminate protections for members of the LGBT Community, and control the teaching of sex education and other curriculum in public schools (Wilcox and Robinson 2011). In cases such as abortion policy, the proportion of evangelical Christians in a state decreased the likelihood that such a bill could succeed in the legislature (Williamson and Carnes 2013). Whether states expand access to abortion is dependent on political ideology, existence of evangelical or Catholic Christians, and the percentage of female legislators (Cohen and Barrilleaux 1993, Medoff, Dennis, and Stephens 2011). Other research finds states with conservative religious constituencies are more likely to pass anti-abortion policies while states with Democratic governors and Democratic women in the legislature are less likely to pass these policies (Kreitzer 2015).

For underage marriage, it is an issue that disproportionately impacts girls and especially poor, rural girls from religiously conservative families (Syrett 2016). The entanglement between

early marriage and potential unwed teen pregnancy leads me to theorize that some opposition may arise to marriage age reforms of a religious nature. As marriage age reforms are a doctrinal policy, I would expect some form of religious backlash to policy adoption.

2.3 Social movements and the policy agenda

The trajectory of how a particular political issue makes it to the legislative agenda often starts not with the legislators, but with action from people within civil society. Social movements are part of what makes contentious politics possible, and their actions have the ability to change the dynamics of what elites and opponents put on the public agenda (Tarrow 1998). These movements are comprised of people who are organized around some common purpose or identity “in sustained interaction with elites, opponents, and authorities” (Tarrow 1998, 4). A social movement is recognized as consisting of organizations, networks, and/or individuals who participate in sustained campaigns of claim-making (Tilly and Tarrow 2015). Movements also use specific tactics or strategies for influencing elites and institutions (Meyer 2007). As such, movements can be involved in “collective and sustained efforts that challenge existing or potential laws, policies, norms, or authorities, making use of extrainstitutional as well as institutional political tactics” (Meyer 2007, 10).

In cases of issues like violence against women, it is the work of movements that are able to name issues, bring public awareness, and get the issue on the legislative agenda (Weldon 2002, 2011). Extant literature delves into how movements are able to achieve legislative goals, whether through a receptive political opportunity structure (Tarrow 1989) or through the characteristics of the organization itself (Gamson 1975; Piven and Cloward 1977; Staggenborg 1995). Others acknowledge that movement involvement in framing, discourse, and beliefs are most central to raising public consciousness for collective action (Banaszak 1996; Gamson 1992). Movements

can use both “outsider” tactics by using disruptive tactics and public appeals to garner public and media attention, and “insider” tactics by interacting directly with legislators (Ornstein and Elder 1978; McCammon et al. 2001). In a study of why the U.S. women’s suffrage movement was ultimately a success, Banaszak (1996) writes that it was the building of alliances as well as successful framing that were the winning strategies for that movement. I adopt McCammon et al. (2001) and Ornstein and Elder’s (1978) definitions of outsider and insider tactics in this project, using outsider tactics to describe public-facing actions taken by advocates either in person or online, and insider tactics to describe personal contacts made between movement actors and elected officials.

Social movements are particularly effective in the agenda setting phase of lawmaking. The tactics and issue framing used by social movements bring previously ignored issues to the legislative agenda. For those issues that involve specifically women’s status, women’s movements have had the greatest impact on getting these issues on the legislative and decision agendas (Weldon 2002). In order to get gender issues to the legislative agenda and increase public attention, it is often movements that name the issue and articulate it as a social problem (Weldon 2002). For example, in Mexico, it was feminist and researcher Marcela Lagarde who extended the term “femicidio” (femicide) to “feminicidio” to explain the complicity of the Mexican government in the misogynous murder of women (Radford and Russell 1992). The abortion debate that arose in the United States prior to *Roe v. Wade* allowed women’s social movements to redefine what women’s health care meant and to put more issues related to women’s health on the policy agenda (Palley and Palley 2014). In cases ranging from state-level action in the United States to organized efforts on a transnational level, women’s movements have proven to be successful in increasing the visibility of issues related to women’s status and equality (Weldon 2002; Weldon 2011).

In the U.S. context, we see some evidence of state-level efforts to end long-standing inequality and promote women's rights. Unlike the United States' counterparts in Western Europe that offer generous maternal and paternal leave policies following the birth of a child, the United States only offers the menial protections provided by the Family Medical Leave Act, an unpaid leave policy passed in 1993 (Livingston and Thomas 2019). In those states that have successfully offered more generous leave policies to parents, Sholar (2016) finds that the actions of social movement actors were integral to the adoption of progressive leave policies in particular states. In the state of California, women's groups and allied groups not only all unified on the importance of family leave as an issue, but they arranged priorities so this legislation became a top priority of their advocacy. Likewise, in New Jersey, the successful strategy of one women's organization was to heavily lobby legislators through hundreds of phone calls, tens of thousands of letters, direct meetings, and testimony given in committee hearings (Sholar 2016).

Women's organizing has been the catalyst for change in multiple arenas where women were disadvantaged by a lack of policy or a male-dominated system. Weldon (2004) argues for the existence of a feminist civil society that consists of organizations that are made *by* women and *for* women. She finds the existence of feminist civil society actors who are outside of government increase the likelihood that states will take action on violence against women policy (Weldon 2004). Women have also operated inside some of the most male-dominated institutions like the United States military and the Catholic Church in the United States to advocate for issues like ending sexual harassment and the expanding the rights of underrepresented groups. In the case of women's groups attempting to radically reorganize the hierarchy of the Catholic Church, they mostly used discursive politics in bold and direct terms (Katzenstein 1998). "Those who spoke up spoke loudly in forthright, no-holds-barred language calling for justice both in the church and in

society. They did not have to; they could have spoken in quiet, dulcet tones, cautiously and with diplomatic indirection” (Katzenstein 1998, 158). Instead, as outliers in the church, they used any platform available to create dialogue on how the church should respond to feminist concerns. While these sustained efforts did little to budge the official positions of the male Catholic hierarchy, it did put these issues on the agenda for debate for both clergy and lay people in the church (Katzenstein 1998).

The issue of raising the marriage age has similar features to other gender issues frequently featured in the women’s movement literature. Like violence against women or access to reproductive health options, the issue of the marriage age disproportionately impacts girls and has implications for their health, safety, and long-term prospects. As child marriage disproportionately impacts the politically powerless constituent group of poor, rural underage girls, I expect that equality-focused social movements will advocate for this cause to apply pressure to legislatures and raise public awareness. Like feminist movements who put names to “violence against women” and “femicidio,” I expect that movements are also able to define child marriage as a societal ill.

Much of this literature focuses on the ability of social movements to transform societal ills through engaging the public. A common mechanism through which we see movement success is in their ability to expand the scope of a problem and bring in more people, changing norms and pressuring legislators. Child marriage is a low salience issue that remains low salience. Rather than mobilizing the mass public to action, I find movement actors were most successful in directly lobbying legislators.

2.4 Collective Action Frames and Social Movements

One of the methods social movements use to draw attention and gain supporters to their cause is to shape the narrative or policy image of the issue through specific frames. Frames present

and organize information so the audience can discern which information is most relevant to a particular issue, making certain aspects more salient and others less salient (Entman 1993; Gamson and Modigliani 1989). How issues or events are framed can impact public support for these issues, as was the case for support for reparations when the public was asked about their support for reparations but with different reasons or modalities offered (Craemer 2009). Frames can influence the attitude formation process by making certain considerations more accessible than others or by increasing the weight of a particular consideration (Chong and Druckman 2007; Nelson and Oxley 1999). “Framing refers to the process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue” (Chong and Druckman 2007, 104). Since frames make certain aspects of an issue or event more relevant, the public may place more emphasis on these considerations in attitude formation (Nelson, Clawson, and Oxley 1997).

Although media and economic elites are the most likely to influence how an issue is framed (Gamson et al. 1992), social movement actors can influence which issue frames are emulated in the media and popular discourse (Ryan, Carragee, and Meinhofer 2001). The process of framing an issue allows social movement organizations to signal their goals to the public as well as their preferred plan of how they will achieve those goals (Rohlinger 2002). The presentation of an issue through specific issue frames can influence public opinion even on partisan topics, especially among citizens with low political knowledge (Haider-Markel and Joslyn 2001). “...Issue framing shapes policy dynamics when, through a process of issue framing and reframing, a new way of describing an innovation elevates issue salience, encourages positive consideration of previously controversial innovations, and reduces opposition to innovation across venues” (Boushey 2010, 147). Framing is not solely a strategy for media attention and public opinion, it is also a means of building the movement itself “through reflection, critique, dialogue, and the development of

relationships and infrastructure that constitute a major reframing effort” (Ryan and Gamson 2006, 18). Frames from movement actors, or collective action frames, not only simplify ideas, but they are also intended to mobilize support and “demobilize antagonists” (Snow and Benford 1988, 198; 1992).

Collective action frames have identifiable components that display the action-oriented nature of these frames. These frames contain some emotional appeal of moral indignation of the injustice of an issue. It also gives agency to movement actors that the issue is actionable and provides an adversary for the battle over the issue (Gamson 1992). First theorized by Gamson et al. (1982), the use of injustice frames is common to identify the victim in a given situation. The frame helps to describe and amplify the identified victim’s plight (Weed 1997; White 1999). The use of injustice frames is a common tactic by movements to agitate for political change (Benford and Snow 2000). The use of injustice frames is a form of diagnostic framing, which identifies a problem and attributes blame (Benford and Snow 2000). Another framing strategy used by movement actors is one in which the frame makes clear which “sides” of an issue are good or bad and to emphasize who the protagonist and the antagonist in the struggle are (Gamson 1995; Hunt et al. 1994). Protests with cohesive messaging are more likely to capture legislative attention and influence future actions (Wouters and Walgrave 2017).

Not all framing attempts are received positively by the intended audience. How well frames are received by the public or other intended target, known as frame resonance, is dependent on both the credibility of the source and the salience of the frame to its target. It is also useful if the frames can be tied to current events (Benford and Snow 1988, 2000). Frames used by social movements must be culturally resonant in order to be effective in expanding the movement (Jasper

and Poulson 1995; Noonan 1995). The most successful frames are those that can tap into existing beliefs and values of the frame recipient (McCammon et al. 2007).

The manner of framing has an impact on both the type of media coverage movements receive and how movement messages are received by the broader public. In a study of state-level frames used in the women's suffrage movement, Hewitt and McCammon (2004) found that societal reform frames effectively mobilized people behind the suffrage cause, while home protection and justice frames had no effect. Part of the success of the societal reform frame was that it resonated with existing gender ideology while still creating a challenge to the political system (Hewitt and McCammon 2004). Social movement frames should have culturally resonant messages, neutralize opposing frames, and be inclusive of multiple problems in order for movements to expand their base of support (Hewitt and McCammon 2004). Ferree (2003) suggests in a study about abortion frames that when social movements choose issue frames, they must sometimes choose a more culturally resonant frame that excludes the most marginalized members of their group instead of more "radical" framing. A common strain of research in feminist movements from an American perspective long argued feminist movements with large, overarching goals that are a threat to the status quo are less successful than those movements that do not advertise a need to upend the existing social order (Hawkesworth 1994).

Movements frame issues in ways that will resonate with the public and move them to action. The movement to end child marriage framed marriage age reforms around the concept of child marriage and child protection. Rather than mobilize the public, I see these framing attempts influencing the type of media coverage the issue receives as well legislator interest in the issue. Legislators reported in interviews they were drawn to the child protection aspect of the child marriage issue.

2.5 Social movements and media attention

The ability to frame issues in a way that they garner media attention is a necessary goal for social movements seeking broader influence in the public and legislative agendas. Social movements strategize for ways to successfully gain media attention for their issue (Ryan 1991). Receiving media attention validates a movement as a legitimate force in the political opportunity structure (Gamson and Meyer 1996). “The mass media play a crucial role in defining for movement actors whether they are taken seriously as agents of possible change” (Gamson and Meyer 1996, 285). The media privileges coverage of movements in favor of those that offer spectacle, novelty, “costume,” and confrontation (Gamson and Meyer 1996). Gamson and Wolfsfeld (1993) argue that social movement demands framed narrowly will receive the most sympathetic media coverage. As in Schattschneider’s (1960) claim that the adversarial parties in a conflict must draw attention to their side to gain supporters, for social movement actors gaining media attention is one way to expand the scope of attention (Gamson and Wolfsfeld 1993). Movement actors have a transactional relationship with the media in which actors attempt to spread specific messaging and the media facilitates if the story is advantageous to its success in a competitive media environment (Gamson and Wolfsfeld 1993). Legislators perception of the influence and power of the media is relevant to the weight they place on media coverage (Maurer 2011). Those media sources with the largest and most elite audiences are able to create the biggest impact of social movements messages (Gamson and Wolfsfeld 1993).

Members of the media are frequently presented with “prepared, pre-packaged events” coming from institutions, organizations, or social movements all of which are seeking for journalists to carry their message (Ryan 1991, 76). These groups have presented media members with their issue frames and often different groups have competing frames (Ryan 1991). The media must choose which frames are most salient, although the balance norm in journalism often calls

for the presentation of competing frames (Ryan 1991). Groups or organizations that are well established and have existing ties with the media are better able to access the media and present their preferred issue frame (Ryan 1991).

In this project, I both reveal what frames are being used by social movements in official communications and online and attempt to measure whether these frames are successful in influencing the media coverage of the child marriage issue as well broader attention to the issue. As movements frame and reframe issues in order to achieve attention and cultural resonance, my analysis investigates what frames endure in media stories and the public discourse. As we see from the state policymaking literature, the framing or social construction of an issue has actual implications for whether the issue is considered viable and whether it is added to the policy agenda.

2.6 Media Attention and the Policy Agenda

The mass media in all of its forms serves as an intermediary or linkage institution between people and politics (Cook 1999). Not only does the media serve to bring issues to the public's attention, but the amount of attention the media puts on issues can increase the salience of these issues for both the public and legislators. The public is likely to place higher salience on issues that are emphasized in the media in a process known as agenda setting. Media agenda setting increases how important the public finds issues to be by virtue of the amount of coverage they receive in news outlets (McCombs and Shaw 1972). It is not that increased media attention changes public opinion, but rather it educates the public and directs their collective attention to particular issues over others (McCombs and Shaw 1972). While one function of the media is to serve as informants and gatekeepers (Graber and Dunaway 2015), in practice, they also influence the public agenda by virtue of coverage of particular selected issues (McCombs 1997). The process of agenda setting involves news organizations making judgements on which actors, events, and issues are

the most relevant. This influences the public in their own construction of what issues are most salient (McCombs and Shaw 1972). For example, in a study of media coverage of the Gulf War from 1988 to 1991, Iyengar and Simon (1993) found that continuous coverage of the conflict on television news displaced crime and the economy to make it the most salient issue to most Americans. How susceptible individuals are to these cues from the media or other information sources is dependent on their existing levels of political information (Zaller 1991).

The literature provides some evidence that media attention and legislative agenda setting and policy formation have a causal relationship. For example, in a study that tested the theories of media attention and legislative agenda setting, Oakley (2009) found that increased media attention to fetal homicide policies is positively related to policy change and policy diffusion in the U.S. states. Although this is a morality policy typically influenced by religious groups, the study found media attention to be a more relevant variable in the regression model than the percent of fundamentalist protestants in the population (Oakley 2009). Similarly, Baumgartner, De Boef, and Boydston (2008) find that policy change surrounding the death penalty in the 1990s was spurred by a change in the framing of the death penalty from a morality question to a focus on wrongly convicted individuals. The number of news stories about the death penalty skyrocketed and the tone of the stories began to favor the preponderance of those people who were exonerated from death row, even though those cases had not seen a significant increase. The rise in attention gave rise to more inquiries from legislators and also became part of the popular culture and popular imagination (Baumgartner, De Boef, and Boydston 2008). “In sum, each element of the system affected the others, producing an explosive rise in the attention to innocence” (Baumgartner, De Boef, and Boydston 2008, 216).

Policymaking does not have a “normal distribution” and it is difficult to predict what agenda items will preoccupy the attention of legislators for any length of time. Policymakers are asked to receive information about and respond to a broad variety of issues daily and yet they tend to give particular issues disproportionate amounts of time and attention (Jones and Baumgartner 2005; Baumgartner and Jones 2009). One avenue through which issues can gain lawmakers’ attention is an increase in media coverage and public attention (Baumgartner, De Boef, and Boydston 2008). Whether and what type of attention an issue gets from the media is important to policymaking as lawmakers tend to conflate media coverage of an issue with public support for that issue (Herbst 1998). This can also create a feedback loop between policymakers and the media as once an issue explodes in media attention, elected officials begin to openly deliberate the issue more, which leads to more sustained media attention to that issue (Boydston 2013). One complication with the study of the media agenda and policymaking is the difficulty in disentangling how the causal arrow between lawmaker attention, media attention, and public attention works because each of these has a feedback loop with the others (Baumgartner, De Boef, and Boydston 2008).

Although the media are central to policymaking in that they are influential to both the public and lawmakers, media studies are underutilized in state policymaking studies. The extent of media coverage of an issue can be more important than traditional diffusion mechanisms such as geographic clusters (Winburn, Winburn, and Niemeyer 2014). This is an area of the research that requires further attention. “Media coverage has played a surprisingly limited role in studies of policy diffusion, and future diffusion research should address this important oversight” (Bromley-Trujillo and Karch 2021, 3). Wolfe, Jones, and Baumgartner (2013) argue that studies of media agenda setting are too divorced from the study of policy outcomes. “Students of political

communication have devoted little time and energy in examining the policy connection of media effects” (Wolfe, Jones, and Baumgartner 2013, 176). The literature calls for more scholarship in which media attention and media framing are directly linked to the policy stages of agenda setting and policy adoption (Wolfe, Jones, and Baumgartner 2013). Likewise, Jones and Wolfe (2010) write agenda setting effects on electoral choice or preferences in the public are well documented. Yet, further research is needed on how media attention relates to problem prioritization and policy formulation in the policy process (Jones and Wolfe 2010).

I explored the amount of media attention both in state media sources and in national media sources on the topic of child marriage. I find that, unlike expectations from sources like Baumgartner and Jones (2009), there are no spikes in attention around any actions on child marriage either in state or national sources. I would expect that an increase in media attention may have led to agenda setting in the states. Rather, what I find is that well placed stories in elite sources had an information effect on legislators who had low information on the child marriage issue.

2.7 Interest groups, social movements, and movement tactics

An important distinction needs to be made between the role that formal interest groups tend to play in the policymaking process, as opposed to the role social movements play, as is the emphasis of this study. Models of internal determinants and diffusion of policies on the state level frequently include measures of the influence of interest groups. In studies reaching as far back as Truman (1951), political scientists have identified how interest groups mobilize their resources both through funding and membership to pressure legislators on political issues (Walker 1991; Berry 1977). A review of the American interest group literature from 1950 to 1995 showed group influence was often defined through PAC campaign contributions (Baumgartner and Leech 1996). Interest groups are recognized as distinct groups from social movement organizations in terms of

their motivations and access to legislators, although this is often an area of conceptual slippage in the literature (Andrews and Edwards 2004). Gais, Peterson, and Walker (1984) do clarify that citizen groups are a type of interest group that has collective good as one of their goals and these groups are supported by grants, foundations, government contracts, and wealthy individuals.

Interest groups exist outside of the political system, but their main goal is to use their resources to influence the decision-making process of bureaucrats or government bodies (Burstein 1998, Walker 1991). The influential Gray and Lowery (1996) dataset of state-level interest groups is sourced from those interest groups who are registered to lobby with state legislatures. Many Washington-based interest groups are inherently for-profit and conduct their services in interacting with the government on a fee-for-service basis (Walker 1991). Interest groups are highly institutionalized within the government processes (Zald and McCarthy 1987; McCarthy and Zald 1977). While both social movement organizations and interest groups can have political goals, interest groups do not need their membership to assist in pursuing these goals as interest groups have access to resources such as institutionalized access and expertise (Kriesi 1996). Interest groups are specifically excluded as potential policy entrepreneurs as they are more aligned with business than politics and are more likely to block than advocate policy (Aviram, Cohen, and Beeri 2019).

Interest group goals are politically-oriented and, by contrast, social movements can have goals that are not solely politically-oriented, such as achieving a societal collective good (Zald and McCarthy 1987; McCarthy and Zald 1977; Minkoff 1995; McBride and Mazur 2008; Meyer et al. 2005; Tarrow 1998). Social movements are rarely in a beneficial position to influence government through traditional avenues and instead plan activities such as public protests or performances in a way in which they may be able to influence their target audience (Tilly 1994). As is often found

with women's social movements, policy change is not their only goal, but rather they also seek to change cultural attitudes and norms (Rochon and Mazmanian 1993; Coe 2012). Movements are notable for their use of disruptive tactics as a form of raising awareness of social problems (Tarrow 1998). The use of protests by movements is a resource for the purpose of civic expression on political issues (Norris 2002). Protests that are costly in their demands for individuals' time and resources have a greater impact on future legislative actions, especially if the protest involves marginalized groups (LaGause 2022). Movements can also be successful in influencing government in a similar way to interest groups when they can provide information to legislators that is relevant for reelection (Burstein and Linton 2002). Like interest groups, social movements can use "insider tactics" to influence government or other institutions by applying direct pressure to those in positions of power (Banaszak 1996; Katzenstein 1998; Meyer and Tarrow 1998). Insider tactics from movements can include actions from trying to elect sympathetic legislators to directly lobbying individual lawmakers to introduce specific legislation on the relevant issue and these avenues have been successful for policy formation and adoption (McCammon et al. 2001; Ornstein and Elder 1978).

2.8 Conclusion

While the literature on both agenda setting and policy adoption provide ample evidence of various determinants of agenda setting and policy adoption in the states, much of this literature focuses in on those issues that are already highly salience. Issues that are already part of the public consciousness such as antismoking policies or abortion policies have been tracked onto legislative agendas or decision agendas in state legislatures (i.e. Kreitzer 2015; Pacheco 2012; 2017). Yet, the question of how low salience issues act in the policymaking process has been nominally explored

in the literature. In this project, I attempt to fill part of this gap by examining how one issue proliferated across state legislatures despite low public salience.

Tapping into literatures on social movements, feminist mobilization, and media attention, I argue that in the case of marriage age reforms, social movements will be more relevant to policy action than other traditional mechanisms of policy change, such as interest groups. The act of reforming the marriage age most benefits vulnerable, underage girls without political connections or resources. Those married at a young age do not have a well-connected or heavily funded interest group putting pressure on state legislatures. Thus, I argue that a further investigation into the methods used by social movement groups will provide evidence for action on marriage age reforms. Rather than using campaign donations or influence for the purposes of advocating for their issue, these movements are using framing tactics, protest tactics, and meetings with legislators to achieve their goals. In the following chapters, I will explore the mechanisms by which new policies on underage marriage come to be in the states. In particular, I examine how issue framing, social movements, and media attention might get legislation on the marriage age onto the legislative agenda and to policy formation. In the next chapter, I describe the history of marriage age policies in the United States and detail the current state of marriage age statutes and attempts at reform.

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CHAPTER 3. MARRIAGE AGE REFORMS IN THE HISTORICAL CONTEXT

In the social media age, internet feuds among celebrity personalities are not uncommon and, in the middle of 2021, one surfaced between model and cookbook author Chrissy Teigen and television personality Courtney Stodden. In news that spread quickly among both celebrity and mainstream news sites, Stodden revealed that after her marriage to a movie actor at age 16, she was bullied online, including in messages sent by Teigan encouraging Stodden to end her life. The fact of Stodden's early marriage was mostly a footnote in the controversy over the Teigan bullying saga, which news sites reported had damaged the model's Twitter fame (Grady 2021). In retelling the internet abuse she experienced as a teen, Stodden said the fact of her marriage at age 16 to a 51 year old man made her a source of ridicule and derision to the public (Grady 2021; Chung 2020; France 2021). Years later, divorced from a husband more than three decades her senior, Stodden said she was verbally abused and manipulated by her husband as a young bride, and was ultimately abandoned by the adults around her (Chung 2020). While Stodden's marriage was portrayed in the media as an eccentric and unlikely pairing between two minor celebrities, it was actually a high-profile representation of an overlooked U.S. phenomenon. Stodden's public experience as a young bride had features common to early marriages in the United States. In interviews and legislative testimony, girls who marry young describe coercion and abandonment from adults in their lives, as well as with spousal abuse. Courtney Stodden was just one of thousands of teenage girls who marry at a young age in the United States each year, often with dangerous consequences.

Across the United States, minors were able to get married in every single state until the year 2018. Between 2018 and 2021, six states – Minnesota, New Jersey, New York, Pennsylvania, Delaware, and Rhode Island – took steps to completely ban the practice of underage marriage, meaning no person under the age of 18 could marry under any circumstances. Reforms came in other states as well, but as of the end of 2021, 44 states still allow underage marriages in some form. Loopholes to the marriage age statute that allow for early marriage include parental approval, a judge's approval, or the automatic exception of pregnancy, childbirth, or military enlistment. The lowest age for early marriage varies widely by state, from age 17 to no minimum age. This makes the United States an outlier in the Global North, where most countries have eschewed the practice

or even sought to criminalize those who would attempt to wed a child under the age of 18 (Sandstrom and Theodorou 2016).

In this chapter, I provide background from the literature that describes how the marriage age in the United States went from an issue to a non-issue and back again from the revolutionary period to the current era. While we can acknowledge early marriage was more commonplace during the nation's early years when the life expectancy was shorter and the social norm was for girls' sole purpose to become wives and mothers, the question remains how and why the practice endures in the contemporary United States. In recent decades, much of the world changed its outlook on early marriage, and the United Nations has created campaigns to end it. Yet, in the United States it remains a legally permitted practice in most states.

The issue of allowing early marriage was the focus of early marriage reformers who sought to protect either girls or the institution of marriage (Grossman and Guthrie 1996; Syrett 2016)¹. Then, the issue sat dormant for much of the era following the first wave of feminism when new generations of feminist activists turned their attention to other priorities (Syrett 2016). Now, in the last six years, a renewed interest has developed in the cause, with state legislatures enacting small reforms, enacting total child marriage bans, or, at the least, considering marriage age reforms at the policy agenda stage.

I also make explicit the contrast between policies that do serve to protect children from harm and extortion in the U.S. while the simultaneous abusive practice of underage marriage has remained. I describe how patriarchal societal norms around the role of women and girls have allowed certain policies around child protection and autonomy to shift, while the vestiges of antiquated ideas of marriage have remained. I investigate the current state of marriage age policy in all 50 states and which state legislatures have made any recent attempts at reform. I include descriptive statistics on the state of agenda setting and policy adoption on underage marriage policy in the United States as of the end of 2021. I also describe the common loopholes to underage marriage that exist in the majority of states.

¹ Much of the historical data on underage marriage, particularly from early U.S. history, comes from Nicholas Syrett's *American Child Bride* (2016). The author commends and thanks Syrett for his thorough and excellent contribution to this topic and recognizes it as a central starting point for the historical reporting in this chapter.

3.1 Historical context

The roots of child marriage policy in the United States begin in the earliest years of the 13 colonies when many colonies adopted portions of British common law as a framework for outlining basic rights and practices. The original thirteen states cribbed from the traditions of British Jurisprudence, particularly the compiled work of William Blackstone in *Commentaries on the Laws of England* (Syrett 2016). In a practice derived from British common law, the minimum ages to marry were set as 12 for girls and 14 for boys. These ages are cited by Blackstone as a point at which children were able to make reasoned judgements (Syrett 2016). In practice, children could get married as young as seven years old but were able to leave those marriages by the ages of 12 and 14 if the marriage had not been consummated. British common did not require parental consent for these young marriages, but Parliament passed a provision just a few years before the colonies declared independence putting new parental consent measures in place (Wardle 1984). These consent stipulations arrive later in the colonial governments and state legislatures in the United States (Wardle 1984). These laws were intended for white individuals, the marriage rules for free Blacks and enslaved people were more restrictive. Free Black people could not be guaranteed the right to marry and marriage between free Black people and enslaved people was often legislated against, as well as interracial marriage (Hunter 2017).

Parental consent laws for minors swept across most of the northeastern states during or before the American Revolution, while Southern states ignored the age questions and adopted laws governing how property would be parceled out in marriage. As new states entered the union, some copied their coastal neighbors with parental consent at 12 years old for girls and 14 years old for boys, but many went slightly further, making the ages 14 years old for girls and 17 years old for boys. Most states in the Midwest and West created a maximum three-year gap in the marriageable age for girls and boys (Syrett 2016).

The majority of states in the post-revolutionary period had adopted statutes placing the marriage age for girls at 12 and boys at 14. Yet, most legislators assumed that couples would in reality marry at a much later age (Grossberg 1988). Their assumption was mostly accurate, at least for middle class individuals living in the New England or Midwest region, but “both law and social policy protected youthful alliances by conferring legality on any union consummated after the wife reached twelve and her husband fourteen” (Grossberg 1988, 107). In fact, efforts to bring codified law in line with perceptions of what reputable middle-class behavior expected often failed in the

few states that attempted it. In 1830, New York attempted to raise the marriage age to fourteen for girls and seventeen for boys, and this attempt was repealed and called a threat to common-law rights (Grossberg 1988). Codified law and marriage practice were not the same in the early years of the nation. Although states in the Northeast may have had set the marriage age lower than later states to the union, in practice, according to information available in the mid-19th century, children got married at an older age in the Northeast than in the Midwest, South, and West (Syrett 2016).

In those states that did succeed in raising the floor of the marriage age, their efforts were undermined by the courts, which refused to enforce any age limit. This made the marriage age a matter of mostly self-policing (Grossberg 1988). The most important legal precedent on underage marriage comes from Lynn, Massachusetts in 1854. In this case, a 13-year-old Sarah E. Hervey married a 19-year-old Thomas J. Parton without the consent of her parents, who subsequently attempted to use the courts to secure her daughter's release from the marriage and return home (Grossberg 1988; Syrett 2016; Parton v. Hervey 1854). The case went to the Massachusetts Supreme Court, where a Justice George Bigelow oversaw the case. Ascertaining that Hervey entered into the marriage freely, Bigelow ruled that while laws could prevent young people from marrying, there was no mechanism in place to end a marriage after it had taken place. To take such an action would be against the best interest of society, were girls who were no longer virgins be stripped of their right to remain married. The desire to uphold traditional and patriarchal notions of female virginity and marriage were balanced in favor of the damage of entering into an early marriage for girls (Syrett 2016). "Preserving minor marriages in the name of social order, even against the objections of parents, came at the cost of protecting children" (Syrett 2016, 97). This case set an enduring legal precedent that, once married, it was not the place for a judge to annul a marriage that has already taken place, even if said marriage was a violation of state law (Grossberg 1988; Syrett 2016).

3.1.1 Reformers and child marriage

The persistent low marriage age did not go completely without notice, and efforts to reform did come throughout the 1800s. These mostly fell to either groups of women who sought to protect young, vulnerable girls from early marriage, or defenders of the institution of marriage, who wanted to uphold the sanctity of marriage and inoculate society from divorce linked to early marriage (Syrett 2016). A new movement came in the early 20th century as laws governing divorce

and annulment were loosened, giving reformers a new reason to fear that girls could be lured into early marriage for the purpose of sex and later divorced (Grossman and Guthrie 1996; Syrett 2016). In the early 1900s in California, where girls could marry as early as age 15, “infancy” was the second most common stated reason as a cause for annulment. The infancy argument could be used to end an early marriage, sometimes at the request of parents, or to imply some aspect of coercion in the marriage (Grossman and Guthrie 1996).

As child marriage is an issue that impacts the equal status of women and girls, we would expect efforts to reform the marriage age to come from feminist movements, which attempt to change cultural norms and official policy to increase equality for women and girls (i.e. Weldon 2002; Coe 2012; Htun and Weldon 2018). In the case of early marriage, a feminist movement for reform comes in the early 1900s and then dissipates for the remainder of the century. Social worker Mary Ellen Richmond was an early advocate against child marriage, publishing a book with coauthor Fred Hall in 1925 on their research of the negative effects of child marriage (Richmond and Hall 1925). They argued that both girls and boys were too physically immature for early marriage, but even more pressing, that it created a “undemocratic relation” or power imbalance between the couple. The male in the marriage is typically older and becomes a guardian of his wife, creating an inequality that endures (Richmond and Hall 1925, 48). Richmond went on to use her research to advocate for a gradual increase in the marriage age, especially in states with an age 12 minimum, which did assist reformers in 12 states to push legislators to act against child marriage.

These changes were often short lived, as new, stricter requirements were often repealed in short order (Syrett 2016). In the 1920s, women’s groups had already mobilized around their successful attempt at passing the 19th Amendment to the Constitution. The National Women’s Party continued its activism around women’s issues and turned its sights on the marriage age. Specifically, the National Women’s Party sought to ensure that every state marriage statute created the same age for marriage for both girls and boys. The goal was not to end underage marriage, but rather to create laws that were equal for boys and girls (Syrett 2016). Other women’s movements during this era also sought to make marriage more equal generally, such as achieving equality in the public realm after marriage (Ritter 2000). The National Women’s Party specifically wanted to end any laws that treated the sexes differently. They sought to end differential ages of majority, noting that boys enjoyed a longer protection as “minors” than girls, as girls were expected instead

to marry. The National Women's Party's efforts at equalizing the marriage age had no formal successes during the post-suffrage era (Syrett 2016).

If the marriage age was an issue for feminist groups after the immediate post-suffrage era, there is little evidence of it. Women's organizing was in abeyance in the mid-20th century between the first wave of feminism focusing on women's suffrage and a reconstructed movement on women's rights and liberation in the 1960s (Taylor 1989; Klandermans 1986). Concern for the marriage age did not carry over from the first wave, but rather a focus on marriage itself. The publications of early thought leaders in the second wave of feminism such as Betty Friedan's *The Feminine Mystique* (1963) and Alice S. Rossi's "Equality between the Sexes: An Immodest Proposal" (1964) focused on the inherent inequality that is baked into the marriage pact. Although first wave reforms had ended practices such as coverture, men were not joined with women in the post-war period to end all the other inequalities they experienced in the public sphere. Rossi lamented that girls strive for nothing outside of marriage and motherhood (1988 [1964]). "At the present time, marriage remains the only major path of social mobility for women in our society" (Rossi 1988 [1964], 29). Friedan too, like some of her contemporaries, argued that marriage and motherhood lacked fulfillment for women, but did not aim the critique specifically at early marriage (Friedan 1963). The number of white, middle-class girls who were marrying under age 18 was dropping in the 1960s and into the 1970s, making it an issue that did not breach the larger feminist agenda at the time (Syrett 2016).

Despite a lack of attention from the most likely sources, some reform did come for the marriage age in the 1960s and 1970s, although it acted more to lower the marriage age for men than to raise the marriage age for women. The pressures to acknowledge the adulthood of men being drafted into service in Vietnam meant that states adjusted marriage ages so that men could marry without parental consent at age 18, the same age that existed for women in most states (Wardle 1984). This created an equalized age of majority (the age at which the state recognizes a person as an adult) for both sexes in most states, and for those states in which it remained an open question, the Supreme Court decision in *Stanton v. Stanton* settled the issue definitely in 1975 (Syrett 2016; *Stanton v Stanton* 1975). This case came to the Supreme Court via Utah, where a divorced couple called into question how long the father was required to pay child support for their daughter, as the age of majority for females was 18 and males was 21 (Justia 2020).

Despite the changes to the age of majority, state legislatures continued to make provisions to the law that would allow for early marriage. The only success in the 1960s and 1970s on the marriage front was the debate “contributed to the discussion in raising girls’ ages in some states...” (Syrett 2016, 198). While this was happening, states were also increasing the number of exceptions that allowed for marriage under the age of 18, such as a pregnancy. “...Americans and their elected representatives still placed undue faith in the abilities of the institution of marriage to contain and correct the problem of youthful sexuality” (Syrett 2016, 258). While the age that men and women could get married without parental or judicial consent was now equal in most states, many states kept statutes that allowed separate ages for marriage under age 18 with parental or judicial consent (Wardle 1984).

3.2 Child Marriage in Global Context

Paradoxically, while underage marriage remained mostly absent from consideration by state legislatures in the United States, international bodies began calling for changes to what they increasingly saw as a practice that disadvantaged girls and left the potential for abuse. The United Nations treaty the Convention on All Forms of Discrimination against Women (CEDAW) (1979) specifically addresses the need to end child marriage (United Nations). The Committee on the Rights of the Child regularly address child marriage in their review of implementation of the Convention on the Rights of the Child (1989) (UNICEF). The United States has failed to ratify both of these treaties, joining only Somalia in the case of the Convention on the Rights of the Child, and six other nations in the case of CEDAW in the failure to do so (United Nations). The Convention on the Elimination of All Forms of Discrimination article 16 provides that women should be able to enter into marriage freely and without coercion and to maintain all rights after marrying or after a marriage dissolution. It also specifically states no child should be legally married and government bodies must institute a minimum marriage age (United Nations Commission on Human Rights 2020).

Recognizing early marriage as a variable in girls leaving school early, the committee on CEDAW recommends the age of 18 for both males and females as the appropriate youngest marriage age. They also recognized this step as necessary for physical maturity in the case of pregnancy and childbirth (Freeman, Chinkin, and Rudolf 2012). The Convention on the Rights of the Child – one of the most ratified treaties in United Nations history – likewise sets 18 as the

recommended minimum age for marriage, except in nations that recognize a lower age of majority (UNFPA 2020). As other countries signed on to both treaties and most of the United States' contemporaries in Western Europe raised their minimum marriage ages in the last decade, the United States made no sweeping changes to official marriage age policy (Sandstrom and Theodorou 2016).

3.3 Marriage and the status of women and girls

Those who have sought to reform early marriage or even the institution of marriage itself acknowledge that marriage has historically included different expectations and legal ramifications for what this legal partnership means for men and for women. Recognizing the marriage in early American life was often linked to property rights and the consideration of women as property aids in our understanding in the early marriage movements. Until the 20th century, entering into marriage meant that women or girls forfeit both their legal property and rights, becoming the property of their husband upon marriage (Syrett 2016). While some organized against early marriage, many early marriage reformers instead seized upon the way that women lost their claim to property or ability to make legal claims after marrying. Also of concern was the expectation that they would provide unpaid labor in the form of running a household without recognition of that labor in the instance of a divorce (Syrett 2016).

Just as they had previously with the marriage age, the new American states imported legal standards of marital relations from the British tradition, in this case in the form of coverture. The expectation of marriage is that girls were to be shepherded from being under their parents' control to being under their husband's control. The doctrine of coverture provides that upon marriage, all property of a woman becomes property of the husband, including the woman herself (Shammas 1994). "In making a woman a wife, marriage removed her and transferred to her husband her property and income, the very items that indicated free will," (Cott 1998) She is bound to serve the family, while the husband provides financial support (Shammas 1994).

The legal requirement that a woman's personal property would automatically become her husband's property eroded somewhat in the first half of the 20th century with the married woman's property acts. Adopted on the state level, the married woman's property acts effectively dismantled the previous demands of coverture, a victory for feminist reformers who advocated for more legal rights for women (Shammas 1994). However, the actual ramifications of the laws were complex.

Southern states were some of the early adopters of the acts because in these states the acts allowed husbands to be shielded from ramifications of any possible debts on the property and served to protect men rather than bolster women's equality. Other states adopted the acts in the early- to mid-1900s as the nature of finance changed and became less centered in the family and more corporatized (Shammas 1994). "Perhaps the reason that no one voiced strenuous protests about the confiscation of a wife's patrimony by her husband or his creditors in the seventeenth and eighteenth century has something to do with the fact that, at the time, marriage, with a dowry, coverture, and no divorce, constituted the principal method of capital formation for men in society" (Shammas 1994, 25). Both mass corporatization of capital building and changes through the property acts took wealth building further out of the realm of the family unit. The property acts gave women more control over their inheritance and earnings in the case of both marriage and divorce, complicating the need for marriage for some men (Shammas 1994).

While arguments over the rights of women in marriage played out on a state level, the federal courts asserted the opinion that men remained the head of the household. In a 1931 United States Supreme Court case *Hoeper v. Tax Commission of Wisconsin* that hinged on whether a husband could be taxed for his wife's income, Supreme Court Justice Oliver Wendell Holmes opined on the nature of the woman's legal position relative to her husband in a marriage (Justia 2020; *Hoeper v. Tax Commission of Wisconsin* 1931). In Holmes' opinion he wrote that the state had the right to right to assess husband's and wife's property together and argues that American family law has placed men at the head of the family unit. He writes, "The statutes are the outcome of a thousand years of history. They must be viewed against the background of the earlier rules that husband and wife are one, and that one the husband, and that, as the husband took the wife's chattels, he was liable for her debts" (Justia 2020).

These considerations on the movement against coverture and assumptions of the roles of men and women in the confines of marriage are important to our understanding of underage marriage for two reasons. One, it makes plain what reforms were often prioritized by those who did not see marriage as an institution that was mutually advantageous to members of both sexes. Women do not exist as separate individuals from their husbands in terms of property or legal rights until the first half of the 20th Century. Ending coverture is the centerpiece of marriage reform and not early marriage. Secondly, it reveals that, at least for early American history, regardless of the age of marriage, women had few rights or prospects in marriage. As feminists would later critique,

women's lives were to consist of being wives and mothers who ran the household, while husbands took on a paternal role that allowed them to handle all financial matters and participate in the public sphere. Whether married at age 16 or age 21, women's lives were mostly predetermined, relative to the social and economic rights women have today.

3.3.1 Marriage and the age of majority

The history of the marriage law includes assertions as to the age at which children reach adulthood and are able to consent to make adult decisions. An area where state law conflicts on this matter is the difference between the age at which the state will permit a child to marry under certain conditions and the age at which the state has set statutory rape guidelines. Similar to marriage law, states derived early ideas of creating an age of consent for sexual activity from the English Common Law, which had made sexual activity with a girl under the age of 12 a felony law (Cocca 2004). In first hundred years of United States' history, the states generally set age of consent laws at 10 or 12, although Delaware was 7 years old. Reforms over time led to these ages increasing mostly from 16 to 18, although a few states remain with age 14 or 15 as the age of consent. Most states also set an age span at which it is unacceptable for a minor person to be engaged in sexual conduct with a person a set number of years older. The age span ranges from zero to six years, depending on the state (Cocca 2004).

Some state statutes were written so that it was illegal to have sex with a girl under the age of 18, but not a boy. This was challenged in a 1981 case that went to California state court and then the United States Supreme Court under the argument that sex-specific statutory rape statutes violated equal protection (Oyez 2020). In *Michael M. v. Superior Court of Sonoma County*, the Supreme Court found that California's law did not violate the equal protection provided by the Fourteenth Amendment because girls bore a disproportionate risk of physical and psychological harm (Justia 2020). Girls were deserving of extra protection because of the risk of pregnancy (Justia 2020). Yet, this same state of California had no minimum age at which a girl could be married. In other words, getting married is a loophole to a potential perpetrator being convicted of a statutory rape crime. The same sexual encounter that would be illegal under state law because one person was too young to consent becomes legal if those same people are married. "...marriage laws presumed that 'underage' females could decide to marry – and sex within marriage was and continues to be an ironclad defense to a statutory rape charge" (Cocca 2004, 15). Evidence of early

marriages happening in violation of statutory rape laws was found in 14 states between 2000 and 2020. In North Dakota and Oregon, more than half of all early marriages met the definition of a statutory rape violation under state law (Van Roost, Horn, and Koski 2022).

The connection between statutory rape laws and marriage age laws is that both are gendered age of consent or age of majority issues. The statutory rape laws assume girls must be protected from predatory males, while the marriage age is set in some states lower for girls than boys, making them prepared to enter into this legal contract at a younger age than their male counterparts. Both laws attempt to ensure that sex happens within the boundaries of marriage and that females enter into that marriage as virgins. Some scholars have argued that statutory rape laws represent how the law sees girls in terms of *property*, or being the property of males who they will wed. In the case of statutory rape, in ancient times when women were considered as the same status of livestock, statutory rape was a property crime (Eidson 1980). In modern times, it has also been argued that statutory rape laws written to protect specifically females is less about protecting girls from exploitation and more in reference to preserving virgins for their later marriage (Cocca 2004; McCollum 1982). Thus, the statutory rape laws are not so paradoxical to the marriage age in the United States as neither one has as its ultimate goal to protect underage girls from potentially predatory older men. In the case of statutory rape law, the law seeks to prevent “immoral” acts, such as conceiving a child out of wedlock or a girl losing her virginity before marriage. Laws governing the marriage age have, at least until recent reforms, reflected greater social pressures to avoid unwed motherhood and sex before marriage rather than protecting girls from exploitation and abuse.

3.3.2 Marriage age in the modern era

Marriage as a practice has changed in at least two notable ways since the 1960s. The first is an increase in the marriage age itself. The median age of first marriage has steadily increased each decade – from 20.8 for women in 1960 to 28 for women in 2019. Those ages are even higher for the first marriage for men (Census 2019). The second is that, in general, people are more likely to delay marriage or not marry at all in the modern era, although this varies widely by demographic group. The data show variances depending on race, ethnicity, education, income, or geographic region. Although African Americans once made up a significant portion of early marriages, marriage among this racial group dipped in the postwar period and has continued to decline. Now

African Americans are less likely than any other racial group to marry at any age (Syrett 2016). Delaying marriage and choosing to cohabitate with a partner is increasingly popular among young people. In the last 15 years, cohabitation with a partner has become more prevalent than living with a spouse for people 18- to 24- years old and increasingly prevalent among 25- to 34-year olds (Gurrentz 2018). Those who are more affluent and better educated are more likely to get married later in life and stay married (Syrett 2016).

The overall rates of teen marriage have, in fact, gone down notably since the 1960s. According to data compiled from the United States Census American Community Survey, the percent of married girls dropped from 6.64 in 1960 to .44 in 2010 for girls and from 1.13 to .31 for boys between age 15 and 17 (Syrett 2016). One notable reason for a drop in underage marriage is the falling number of teen pregnancies or births to teenage girls. Births to teen mothers peaked in the 1950s (when there was also a peak in teen marriage), but has been falling, including a steep decline beginning in 1991. The decline has occurred across the country in all racial and ethnic categories. This change is mostly attributable to an increase in contraceptive use among sexually active teenagers, especially dual contraceptive use (Ventura, Hamilton, and Mathews 2014). The teen birth rate for girls aged 15-19 is lowest in New England and California and the highest in the Southern States and Indiana (Ventura, Hamilton, and Mathews 2014). Even among those teen girls who do become pregnant, they are less likely to get married than they once were as much of the stigma around unwed motherhood has dissipated over time. Marriage as a result of teen pregnancy is most likely among white and Latina girls (Syrett 2016).

Factors that led white girls to marry early in the mid-20th century were exacerbated for Black and Mexican American girls, particularly in rural areas. Syrett (2016) notes that in 1930 Black girls were more than twice as likely to marry young than white girls. The reasons for early marriage in these demographic groups were rurality, poverty, lack of access to education, and laboring at an early age. At the start of the 1960s, a sharp change began to take place where the marriage age rose for both men and women. A substantial change occurred in the Black community where marriage rates as a whole declined. They continue to decline. This is partially attributed to Black families being more likely than white families to accept single mothers and single motherhood (Syrett 2016). By the time that feminist reformers took aim at the institution of marriage in the 1960s, marriage in the Black community was already in decline (Syrett 2016).

For those who live in wealthy, urban areas, the teen marriage problem is mostly invisible. Where we see the highest instances of underage marriage are in poor, rural areas, especially in the Southern states. A number of factors are at play in this statistic. For one, comprehensive sex education leads to lower rates of teen pregnancy and Southern and Midwestern states are more likely to use abstinence-only sex education rather than evidence-based comprehensive sex education (Kohler, Manhart, and Lafferty 2008). Another factor is the high rates of religiosity in the Southern states, especially Protestantism, Catholicism, or Mormonism, that espouse a social conservatism that promotes marriage and denies sex outside of marriage (Syrett 2016). While girls in both rural and urban areas experience poverty and lack of education, the combination of demographic factors and social conservatism in the rural south make early marriage more likely there (Syrett 2016). “It is helpful to think of these trends as a Venn diagram with four circles that overlap in the middle. The four circles represent rurality, southernness, religious conservatism, and impoverishment. Girls who are any one of these four things are more likely to wed at young ages; but when all four circles overlap, the odds increase substantially” (Syrett 2016, 265). Those states where child marriage rates are highest are not the same states that have taken action to end underage marriage. Although “problem severity” is found to be a potential indicator for government attention to an issue (Karch 2006; Meier 1994), the regions where child marriage rates are highest does not map on to those states that have taken the most aggressive action to ban child marriage.

3.4 Current legislation on raising the marriage age

The issue of child marriage has lain dormant for much of the second half of the 20th century and into the 21st century. While some reforms came in the way of equalizing the age of majority for men and women in the wake of the Vietnam War, little interest came in the way of reforming the loopholes to the state marriage laws, even from feminist movements (Syrett 2016). It is not until recently that closing loopholes and raising the marriage age have yet again been put up for consideration in state legislatures as a cure for a societal ill. Since 2018, when Delaware took the bold move to completely ban marriage under the age of 18, more states have put the marriage age question on their agendas. A major question of this project is how legislative attention to the problem of underage marriage was reinvigorated in the last few years, getting the marriage age on the legislative agendas of the majority of U.S. state legislatures.

Marriage age laws as they stand today are a clear example of the federalist nature of American politics. Marriage is an area of family law that falls under the states' rights to broadly regulate the health, safety, and morals its citizens. As it currently stands, the United States is a patchwork of policies. While all states except Nebraska set the age of majority at 18 years old (Hicks 2010), the state statutes on marriage age vary from total bans on underage marriage to having no minimum age at all for marriages with parental or judicial consent. As the state statutes stand at the end of 2021, six states have passed laws completely banning marriage under the age of 18 – Delaware in 2018, New Jersey in 2019, Minnesota and Pennsylvania in 2020, and New York and Rhode Island in 2021. For the remaining 44 states, the story is more complicated, as loopholes hinge on factors such as parental consent or judicial (or clerk) consent or both. Some states have no functional minimal age for marriage or a low (under 16) minimum age, while more than half set the minimum age at 16. In Figure 1, I show where the states stand as of the end of 2021 with the minimum marriage age, which is defined as, the youngest age is to get married with whatever exceptions are allowed, such as parental consent. For example, in West Virginia the minimum age with parental consent is 16, but younger with a judge's approval, and Vermont likewise has age 16 with parental consent but 15 with a court order. Pregnancy, birth of a child, legal emancipation from parents as a minor, or military service can also be exceptions to getting married under the age of 18.

The most recent trend of states considering changes to the marriage age began with Virginia and Maryland in 2016 (Unchained at Last 2020), and since then legislation to increase the marriage age has been proposed in 42 more states. Figure 2 shows states where bills reforming the marriage age by raising the overall lowest age or removing other loopholes to 18 age the marriage were at a minimum introduced and considered in committee between 2016 and 2021. In Figure 3, I show those states that have reached policy adoption to either raise the marriage at any increment or end the practice of having no age floor for marriage between 2016 and 2021. Of all the states that did pass some policy regulating the marriage age, only six passed all out bans on underage marriage. The remaining states still have some loopholes for marrying under 18 or made minor changes to existing statutes. For example, in 2020 Idaho passed H466, which created a minimum age of 16 for marriage with no exceptions allowed under that age and no more than a three-year age gap between the parties allowed (Idaho Legislature 2020). Earlier attempts at reform in the state had failed, but some national news attention meant legislatures experienced pushback

on their stance (Brown 2020). Some states have stricter legislation that was proposed but failed or was amended, such as a bill in Utah that was proposed as a total ban on underage marriage and became a ban under age 16 (Wood 2019). One outlier in the data is Alabama, which raised the marriage age from 14 to 16 in 2003. Data on marriage ages and proposed or adopted bills collected from Legiscan, and the webpages of individual state legislatures.

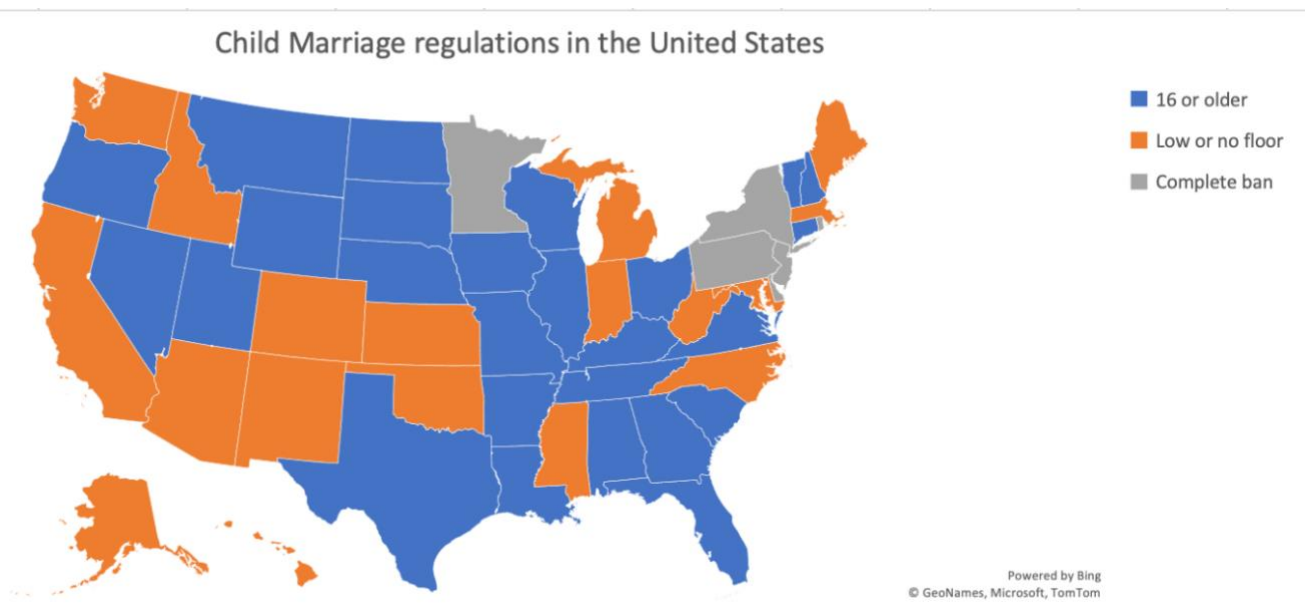


Figure 1. Lowest age of marriage allowed with exceptions as of Dec. 2021. Six states have a full ban – New York, New Jersey, Pennsylvania, Delaware, Minnesota, and Rhode Island.

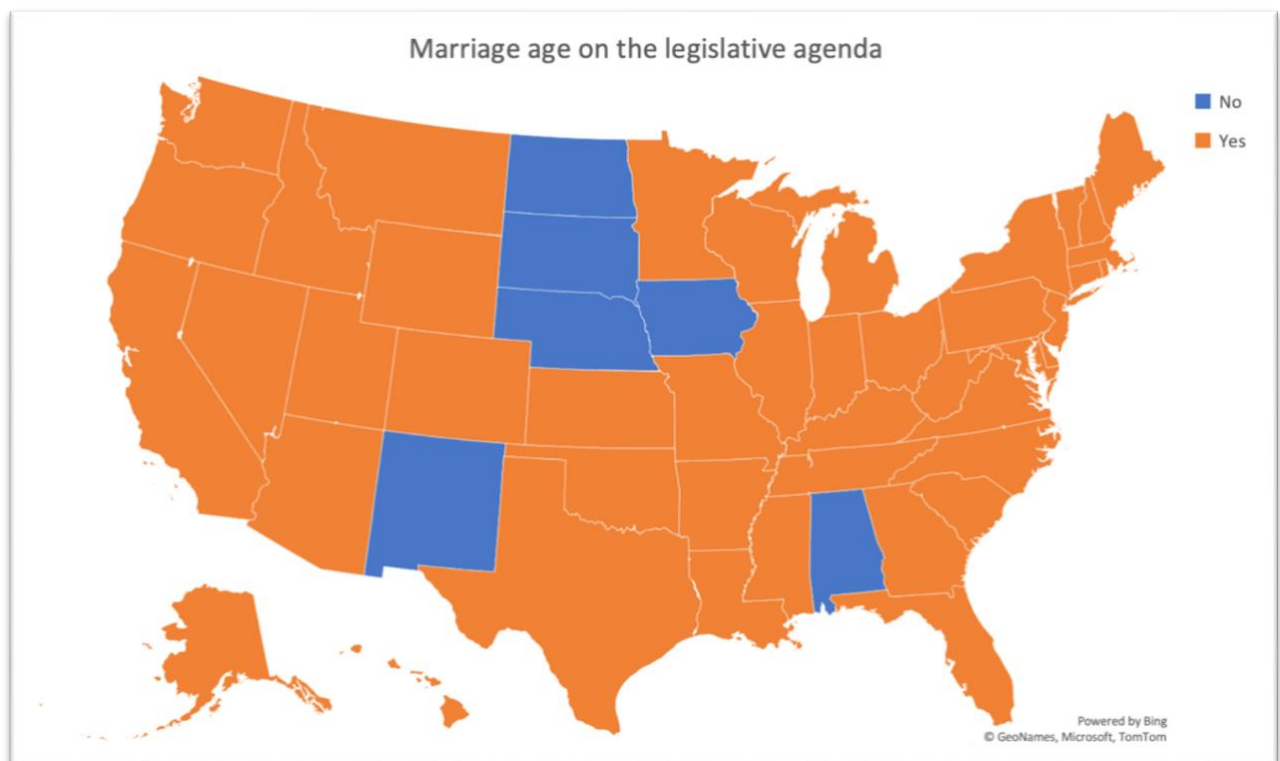


Figure 2. States that put marriage age reforms on the legislative agenda, 2016-2021

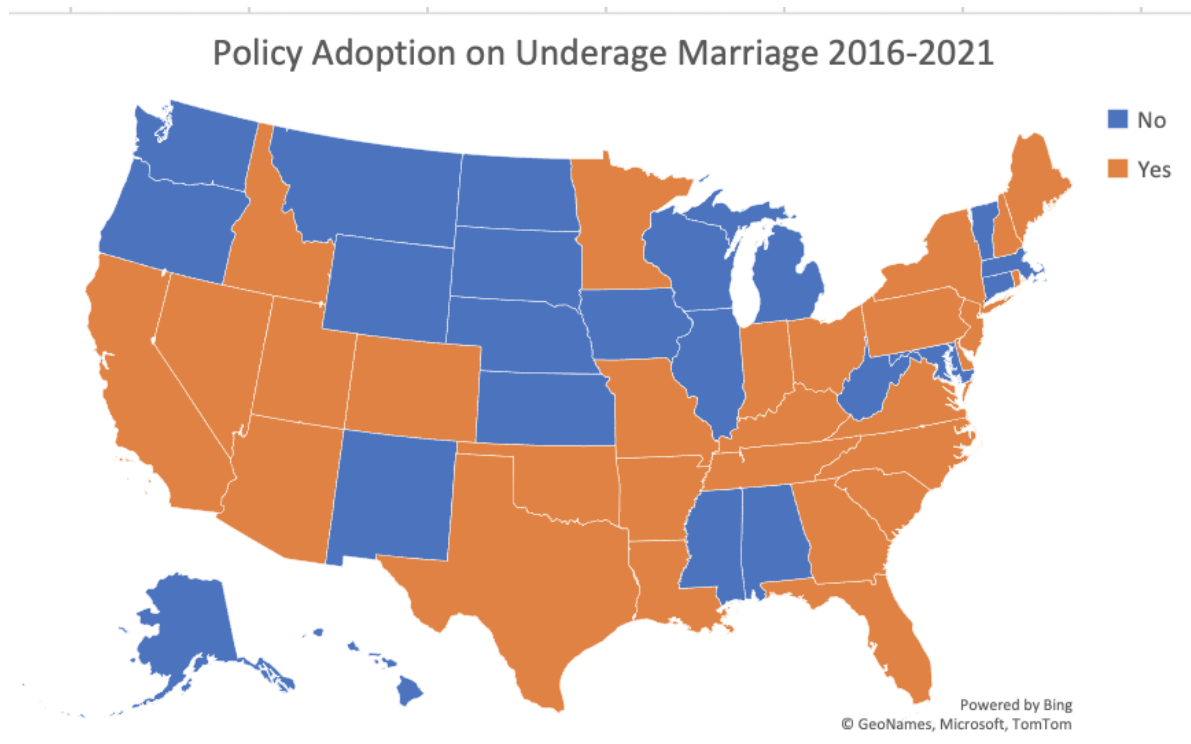


Figure 3. States that adopted policies reforming a low marriage age, 2016-2021

3.4.1 Child marriage then and now

A family law system that allows minors to wed is as old as the United States itself. Drawing on traditions that originated in Great Britain and were secured in British common law, the United States has never had a marriage age fully commensurate of the age of majority. Even when states moved to make the marriage age the same as the age of majority, they instated or kept in place loopholes that allowed for earlier marriage. These efforts were aimed at allowing girls to marry, leaning on assumptions that girls desired earlier marriage or that such safeguards were necessary were girls to become pregnant (Syrett 2016). Today, the rates of underage marriage are much lower than at the mid-20th century and are most common among 16- and 17-year olds (Census 2019). Yet, despite acknowledgements from the global community that underage marriage is a threat to teen girls, state legislatures in the United States have been slow to end the practice. Some bills proposed to ban underage marriage on the state level have either been watered down or have failed outright (Tsui 2017). Still, despite setbacks, the United States is on a trend toward reckoning with its long history of child marriage. Nearly half of all states have put some provisions in place in the last five years to make underage marriage more restrictive and four states went as far as to end the practice completely. Next, through two in-depth case studies, we will consider how this new trend came to be. What led some states to suddenly take action while others remain dormant? What accounts for the gap between action and inaction?

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CHAPTER 4. LEGISLATING IN THE ABSENCE OF PUBLIC ATTENTION: A CASE STUDY OF PENNSYLVANIA

4.1 Introduction

On a Wednesday morning, June 26, 2019, a group of women in white wedding dresses stood together on the steps of the Pennsylvania state capitol building in Harrisburg. Wearing white tulle veils to match their wedding dresses, some women adorned their wrists with a string of chains, and others sealed their mouths closed with two pieces of black tape forming a large X. Around their necks hung a red paper octagon on a piece of string that reads “Stop Child Marriage in the U.S.” (Leckrone 2019). The appearance of this small group of protestors at the statehouse was striking and their aim was to draw attention to the reality of marriage statutes in Pennsylvania, namely, the continued existence of exceptions to the marriage law that allowed minors to marry. A month earlier, the Pennsylvania House of Representatives passed a bill banning underage marriage in the state and the bill had yet to be considered by the full senate.

The protestors on this day were joined by a handful of state legislators from the House of Representatives and the Senate that co-sponsored a bill to ban underage marriage in the state. After giving impassioned speeches on the consequences of child marriage, the group marched through the halls of the Pennsylvania capitol to the office of Gov. Tom Wolf, who was reported to be supportive of efforts to end the practice of underage marriage (Leckrone 2019).

This particular display was a part of a three-year effort on the part of advocates to reform marriage statutes in the state of Pennsylvania. Prior to reform, Pennsylvania consolidated statutes allowed for children under age 18 to be issued a marriage license with the signature of one parent or guardian and allowed licenses under age 16 if the court found it to be in the child’s best interest. Data on the number of marriages in the state specifically under age 18 is not reported by Pennsylvania’s vital records department. The Pennsylvania Department of Health reported in 2019, the last year before the underage marriage ban passed, that 1,205 females and 552 males under the age of 20 were married in the state (Pennsylvania Department of Health 2020). Five-year estimates from the American Community Survey indicate approximately .9 percent of Pennsylvanians between the age of 15 and 19 had ever been married (U.S. Census 2020). These estimates make Pennsylvania a state with comparatively low rates of child marriage. As of 2018, Pennsylvania ranked 46th in the nation on the number of underage marriages, with only .02 percent

of people under age 18 getting married per capita, compared with the top-ranking state of Nevada, with .67 percent per capita, according to data collected by Unchained at Last (Unchained at Last 2021).

Pennsylvania became only the third state in the nation to adopt a bill banning marriage under the age of 18 in 2020. After a previous unsuccessful attempt at passing a bill through both houses, the legislature adopted the marriage ban in May 2020 and the measure was promptly signed by Gov. Tom Wolf. In this chapter, I track efforts to ban underage marriage in Pennsylvania, which culminated with House Bill 360, a change to Pennsylvania's marriage statute that bans marriage under the age of 18, which reached policy adoption in 2020.

What is striking about the Pennsylvania General Assembly's ability to adopt this legislation is that it happened in the absence of broad public awareness or efforts from professional lobbying groups. Likewise, unlike many issues that make repeated appearances on the policy agenda, underage marriage was absent from the state legislative agenda prior to 2017. In this chapter, I explore how the low salience issue of marriage age reforms comes to receive legislative attention absent some traditional factors to spur policy action. Issues are low salience when they lack media attention or public attention (Meier and Mcfarlane 1993; Nicholson-Crotty 2009 Baumgartner and Jones 2009; Bromley-Trujillo and Karch 2021). I hypothesize advocacy organizations use outsider movement tactics like protests and social media campaigns to draw more media attention to their issue, prompting legislative agenda setting. These outside tactics include creating a new issue frame that focuses on the vulnerability of young brides to get underage marriage on the legislative agenda after a long absence. Framing issues around individuals who are socially constructed as positive, such as children and mothers, are more likely to get a response from legislators (Schneider and Ingram 1993). I argue in the policy adoption phase, social movements will put pressure on legislators using insider tactics such as legislator contacts and committee testimony. Social movements are able to drive legislative attention to an issue through public acts of advocacy or through traditional contacts with legislators (McCammon et al. 2001; Ornstein and Elder 1978). Consistent with the literature on media attention and policy action (e.g. Baumgartner and Jones 2009), I further argue that continued media attention throughout the policy adoption phase will keep pressure on legislators to act. Since the media has the ability to legitimize advocacy groups by carrying their message and adopting their proffered frames (Ryan 1991), I hypothesize the

messaging of advocacy groups will be amplified by media organizations adopting their same issue frames.

In this chapter, I track both agenda setting and policy adoption for a law banning underage marriage in Pennsylvania, that was ultimately adopted in 2020. Using process tracing, I rule out rival hypotheses of what potential causal mechanisms had the greatest impact on the adoption of the underage marriage ban. I find mixed evidence for my hypotheses. Advocacy organizations' efforts to communicate and frame underage marriage as a child protection issue does find a sympathetic audience with legislators, who say they were compelled by what they heard. Advocacy organizations framed the underage marriage issue on survivor stories, emphasizing the child protection aspect of the issue, and in doing so captured legislative attention, even in the absence of any widespread public attention. The framing from advocacy organizations took on a paternalist nature, allowing legislators from both parties to feel it was consistent with their desire to protect children.

While I expected that the public-facing advocacy done by social movement groups would garner media attention, leading to more attention from the public and legislators, this is not supported by the data. Rather, I find that underage marriage was never an issue that received sustained media attention in either Pennsylvania state media nor national media sources. Rather, limited newspaper articles in elite sources had an information effect on legislators, increasing their individual attention to an otherwise invisible issue.

The literature (e.g. Baumgartner and Jones 2009) points to increased media attention as consequential in the agenda setting process, but in the case of this low salience issue a lack of media attention may have actually spurred agenda setting and policy adoption. Unlike in other states where oppositional forces come forward to prevent action on child marriage, the issue never gained enough attention in Pennsylvania to mobilize opposition. Legislators report that although some individuals had misgivings on the law, it never gained enough attention for a coordinated oppositional response. Had this transpired, the legislature would have likely dropped the issue before policy adoption (Interview #3).

Policy adoption in Pennsylvania succeeds despite several factors working against it – an overall lack of salience, the absent political power of the group most impacted by underage marriage, a lack of media coverage, and no specific crisis to create urgency for adoption. Rather, the unlikely trajectory for this issue flows through advocacy organizations that crafted messaging

that enticed legislators and worked with them in an informational capacity throughout both agenda setting and policy adoption. Legislators became unlikely advocates for the issue and put themselves in the position to legitimize banning underage marriage for their own constituents.

4.2 Evidentiary basis of support

In this chapter, I describe the causal mechanisms behind agenda setting and policy adoption on a child marriage ban in Pennsylvania using process tracing. In particular, I focus on the actions of advocacy organizations to bring awareness to the issue and target legislators and the role of the media in amplifying the message of advocacy organizations. I contrast the how a bill reached policy adoption in Pennsylvania contrary to the fate of a similar piece of legislation in Massachusetts that died in committee. These states are useful to the analysis of policymaking on underage marriage as one state succeeded in policy adoption on banning child marriage while the other state could not get a bill out of committee. Chapter 5 discusses how a ban on underage marriage was first introduced in Massachusetts in 2017 but the legislation failed to reach policy adoption in three legislative sessions.

The cases of Massachusetts and Pennsylvania are theoretically interesting because they have some key similarities the extant literature indicates is relevant to policy adoption (Walker 1969; Berry and Berry 2018). Those states with professionalized legislatures and full-time staffs are more likely to innovate because they are better resourced and able to take risks in the adoption of new policies (Walker 1969). Pennsylvania and Massachusetts are similar in legislative professionalism: both have full time legislatures with Massachusetts at a .431 on the Squire Index and Pennsylvania a .417 (Squire 2007). States with a more liberal ideology are more likely to innovate (Boehmke and Skinner 2012). As of 2017, Massachusetts scores a 61.21 on citizen ideology while Pennsylvania scores a 49.74 on a scale of 0 to 100, making Massachusetts more liberal and in line with the rest of the Northeast, while Pennsylvania's score is more similar to "blue" Midwest states Illinois and Minnesota (Berry et al. 1998; Berry et al. 2010; Fording 2018).

The issue of underage marriage is a gender status issue because it disproportionately and negatively impacts the equal status of women and girls. It is also doctrinal because it challenges some religious views on marriage and family, which often leads to an oppositional backlash (Htun and Weldon 2018). The inclusion of female legislators in legislatures could increase the likelihood that gender issues are on the legislative agenda (Mansbridge 1999; Norris and Lovenduski 2005;

Childs and Krook 2009). As of 2021, Pennsylvania has 29 percent of women in the legislature and Massachusetts has 31 percent (National Conference State Legislatures 2020). The existence of a women's caucus in the legislature can increase collaboration between female legislators, even across party (Holman and Mahoney 2018; Homan and Mahoney 2019). Pennsylvania has an active women's health caucus, although it is populated by more men than women, and Massachusetts has an active women's caucus.

Underage marriage is also a low salience issue, which the literature indicates will make it less likely to diffuse across states. The policies that diffuse most rapidly are those that are high salience but low complexity (Nicholson-Crotty 2009, Boushey 2010). A necessary minimum marriage age does not show up on the Gallup Poll "Most Important Problem" list (Gallup 2020) and a survey of Americans showed the majority of respondents incorrectly thought underage marriage was illegal in most of the United States (Lawson et al. 2019). Google trends data showed that Google news searches for morality issue abortion far outstripped news searches for child marriage in every state in every month from 2015 to 2020 (Google 2020). Problem severity can be an indicator for policy adoption (Karch 2006), but both Massachusetts and Pennsylvania have some of the lowest per capita rates of underage marriage from 2000-2018 in the United States (Unchained at Last 2021).

Despite the key commonalities between the two states, in Pennsylvania a child marriage bill was signed into law in the midst of a pandemic (Kaur 2020), while similar efforts in Massachusetts stalled (Asiamah 2019, Interview #10, #11, #12). This case selection draws on the distinctive nature of Pennsylvania's ability to ban child marriage during a pandemic crisis while Massachusetts' legislation withered (Yin 2011). According to collected Twitter data and interviews with state-level, regional, and national child marriage organizations, both states have had efforts from social movements to influence state level policy. A within-case case study of each of these states will allow for further investigation of social movement activism, media coverage, and legislative pressure within the state.

Table 2. Pennsylvania and Massachusetts cases and key variables

	Pennsylvania	Massachusetts
Legislative professionalism	Professionalized, full-time legislature	Professionalized, full-time legislature
Percent women in legislature	29 percent women in legislature	31 percent women in legislature
BRFH ideology	49.74 citizen ideology (BRFH)	61.21 citizen ideology (BRFH)
Level of problem severity	Low problem severity	Low problem severity
Women's caucus status	Women's Health Caucus	Women's Caucus
Status of legislation	Introduced bill 2017, adopted 2020	Introduced bill 2017, not adopted as of 2021
Social movement – outsider tactics	Public and online presence	Public and online presence
Social movement – insider tactics	Direct contact with legislators	Direct contact with legislators

I use process tracing to draw conclusions on the mechanisms behind agenda setting and policy adoption on underage marriage in these two states. Process tracing is “the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier 2011, 823). This method uses within-case analysis to find the observable implications of hypothesized causal mechanisms or explanations within a single case. In process tracing, researchers follow what decisions led to specific policy outcomes (George and McKeown 1985). This method identifies “diagnostic evidence” to help establish the causal direction of what actors or events influenced the policymaking process (Collier 2011, 824; Bennett 2010; Goertz and Mahoney 2012). Process tracing is a valuable tool in causal analysis as it increases the number of relevant observations and helps to overcome some of the limitations of small-N research (King, Keohane, and Verba 1994). The theory testing process used in this study evaluates whether the hypothesized causal mechanisms led to policy adoption of a child marriage ban in Pennsylvania (Beach and Pedersen 2013).

Evidence in these cases was collected through interviews, traditional media and new media sources, and archival research. I conducted 17 interviews in 2020 and 2021 with social movement actors, child marriage survivors, legislators, and legislative staff. I identified the interlocutors through media coverage, social media analysis, and information received in interviews. These interviews ranged in length from 35 minutes to two hours. I also attended four webinars, one facilitated through the United Nations Commission on the Status of Women NGO forum and the other through the International Center for Research on Women, with advocates against child marriage, child marriage survivors, and public health researchers discussing their experiences with the issue of underage marriage. A third was organized by child marriage advocacy organization Unchained at Last and had a panel with legislators and advocates that included Chelsea Clinton. The fourth webinar was focused on new global research on child marriage outcomes and was organized by the Child Marriage Learning Partners Consortium. *See Appendix A and B* for detailed information on interviews and webinars. I use the qualitative software NVivo 12 to code the interviews and webinar content. Interviews with social movement actors centered on their strategic moves in advocating for raising the marriage age, such as attempts to frame the issue, conduct to appeal to a broader audience, garner media attention, and attempts to reach legislators.

For interviews with Pennsylvania state legislators, I identified relevant legislators through news reports and bill sponsorship. I interviewed each of the primary co-sponsors on the child marriage ban or a member of their staff. In interviews with state legislators and their legislative aides, I queried their experience on the issue of underage marriage within the policymaking process and their perception of the role of movements, the media, pressure from the public, or pressure from within their legislative body. Further evidence on child marriage in the legislative process came from committee testimony, legislative transcripts, and communications from legislators' offices.

I also queried news media stories to find both the frequency and volume of media stories from 2015-2020, a period that begins two years prior to the first bill being introduced and continues six months after the final bill is passed in Pennsylvania. News articles were collected from NexisUni and filtered for specific references to Pennsylvania. Articles found in NexisUni were cross-referenced with any articles appearing in state capital newspapers on the topic. News stories were also collected from the *Washington Post* and *The New York Times* online editions. A total of 33 stories appeared across these news sources from 2015-2020.

To analyze communication on child marriage coming from social movement actors, I collected textual data from social movement websites and Twitter hashtags. I use social media data from the platform Twitter collected using the keywords and hashtags “child marriage” or “end child marriage” to analyze social movement messaging on social media. This data was analyzed using computational social science methods of text mining and network analysis.

This evidence is used to test hypotheses on agenda setting and policy adoption for marriage age reform policies. I hypothesize social movements and media attention will be integral to legislative attention at both steps of the policy process (See *Figures 5 and 6*).

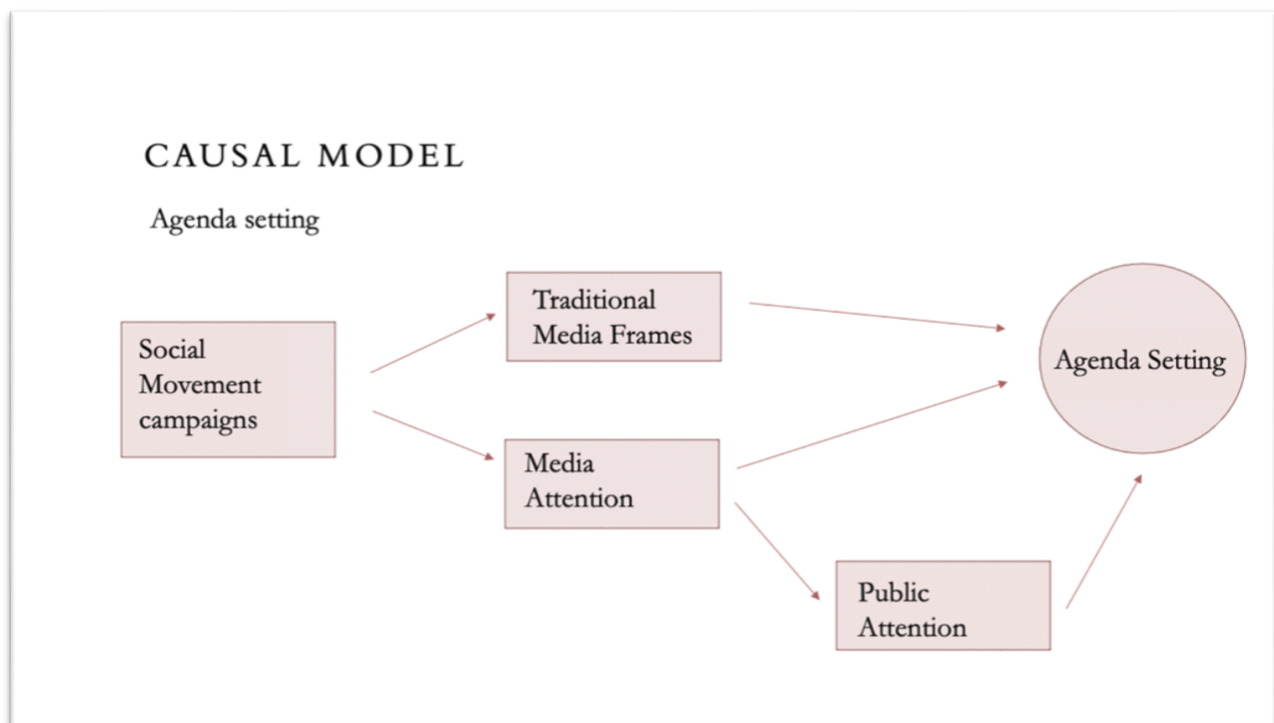


Figure 4. Agenda setting model for case studies

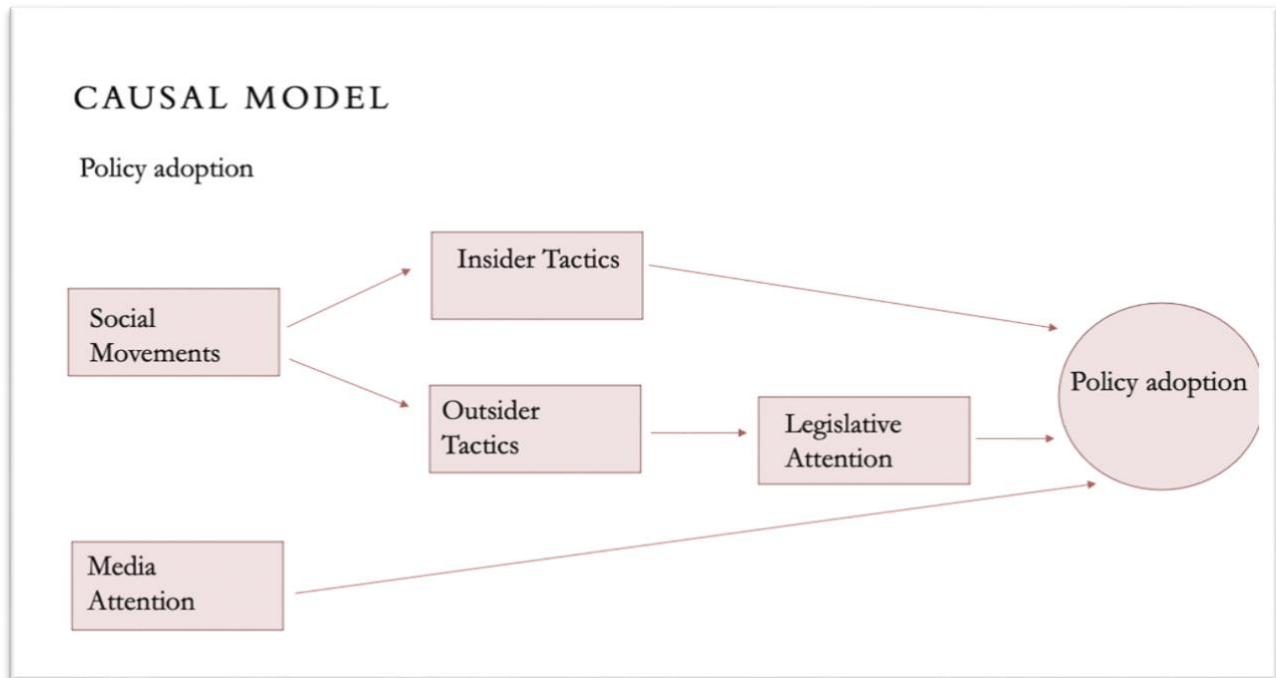


Figure 5. Policy adoption model for case studies

4.3 Agenda setting

Agenda setting is often most difficult step in the policy process. For any political issue, agenda setting is a significant barrier (Kingdon 1984). The likelihood that a new issue will reach a legislative agenda is low because the universe of issues to be considered is large and legislators are time bound (Kingdon 1984; Baumgartner and Jones 2009). The majority of issues are in stasis most of the time (Baumgartner and Jones 2009). I query how a low salience and low resource issue such as underage marriage was able to break this first barrier of agenda setting in the professionalized legislature in Pennsylvania.

I theorize that a low salience issue will need advocacy from outside groups and pressure from media attention to reach agenda setting. I hypothesize that agenda setting for underage marriage comes from the influence of outsider tactics such as street protests from advocacy organizations and the ensuing spike in media attention that comes from coverage of their efforts. Movements will also attempt to influence legislators through a sympathetic, victim-oriented frame. Evidence used to test this hypothesis included interviews with advocates and legislators, collected media data, and collected artifacts from social movement campaigns.

4.3.1 Legislative interest

On the morning of Feb. 17, 2017, Pennsylvania State Rep. Perry Warren (D-31st) received an e-mail from a constituent with a link to a story in that morning's *Washington Post*. An hour later, his phone rang with a call from his friend Tara Grunde-McLaughlin, a city council member in Newtown Borough, a small town in Warren's Eastern Pennsylvania district. Grunde-McLaughlin asked Warren if he was aware of the same *Washington Post* article he had received an hour earlier (Warren 2020). Titled "Why Can 12-Year-Olds Still get Married in the United States?"² the article was written by Fraidy Reiss, the founder and director of one of the most high-profile groups advocating against child marriage, Unchained at Last. The newspaper article described the personal stories of child brides, as well as statistics on underage marriage. The article also critiqued the hypocrisy of the United States in allowing child marriage to happen in the states while criticizing the practice it in other countries (Reiss 2017).

Warren, a newly elected representative from a town 30 miles north of Philadelphia on the New Jersey border, was encouraged by his friend Grunde-McLaughlin to investigate the issue of underage marriage further. After doing some research on his own, Rep. Warren made two calls. One was to a friend from across the Delaware River who was in the New Jersey State Assembly, where a bill banning child marriage had been introduced in 2016. The next was to child marriage direct service and advocacy organization Unchained at Last (Interview #2).

The trajectory of a bill banning underage marriage in Pennsylvania begins with Rep. Warren in February 2017 and that early morning e-mail. Working together with the Legislative Reference Bureau that oversees all bill language, he writes a one sentence bill banning underage marriage, HB 1308, and submits the necessary memorandum on bill co-sponsorship in early 2017. Rep. Warren's original bill gets 15 co-sponsors (13 Democrat and 2 Republican) and is assigned to the House Judiciary Committee on March 15, 2017, but it does not move forward. A year later, he is approached by Rep. Jesse Topper (R-78th) about reintroducing the bill as a Republican bill with Rep. Topper as the lead sponsor. At the time, the Republican majority in the House was 121-82. In conversation with the Democratic Caucus, Warren agrees the best path forward for the bill is for Rep. Topper to become the lead sponsor (Warren 2020). After the bill was reintroduced in

² Reiss, Fraidy. 2017. "Why Can 12-Year-Olds Still get Married in the United States?" *The Washington Post* Feb. 10 <https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married/> See Appendix C.

June 2018 as HB 2542 by Rep. Topper in 2018, 15 members of the Democratic House Caucus and 13 members of the Republican House Caucus sign on as co-sponsors of the new bill. In the majority Republican-led legislature of Pennsylvania, legislators say a Democrat-led bill is unlikely to be adopted. The Republican leadership decides what bills will or will not make it to the floor, meaning that once Rep. Topper reintroduced the child marriage ban, the bill was more likely to be successful (Interview #5).

4.3.2 Protest tactics

As legislators considered how to move forward with a ban on underage marriage in Pennsylvania, they remained in contact with key advocacy organizations who were active in working to end child marriage in the states. The main advocacy environment around child marriage is populated with organizations focused on child marriage as a single issue, as well as broader human rights and women's rights organizations. Underage marriage is not the primary issue for any well-funded traditional interest groups with representation in Washington, D.C. or close legislative ties. The main population of individuals who are impacted by underage marriage are teenage girls, particularly those in religiously conservative families who are poor and live in rural areas (Syrett 2017). Thus, the group most impacted by the policy has little in the way of organizing capacity or political influence. Outside of the communities where underage marriage is more prevalent, most Americans are unaware that underage marriage is legal (Lawson et al. 2019). In an environment that is lacking in awareness and resources, I argue it is grassroots advocacy organizations that are integral to bringing the marriage age issue to legislators. I hypothesize that without financial resources or formal ties to legislators, these organizations will attempt to reach legislators through events aimed at drawing media attention.

The main advocacy group working to organize efforts for a child marriage ban in Pennsylvania is the New Jersey-based group Unchained at Last. As of early 2020, the group is focused on early and forced marriage and as of 2020 had a staff of five people and an annual budget of approximately \$500,000 (Interview #1). The group was able to conduct research in 2020 and 2021 with funding support from organizations such as the Bill and Melinda Gates Foundation and legal organizations operating on a pro bono basis (Unchained at Last 2021). This organization is both a direct resource for individuals in forced or child marriage experiences and an advocacy group lobbying for marriage age changes on the state level (Unchained at Last 2021). Unchained

at Last is known for their theatrical and visually compelling protests, which they have dubbed a “chain in.” Here, the group goes to a high-trafficked or high-profile location, such as the state capitol, and has any volunteers who will join wear thrift shop or donated wedding dresses and veils. Some wear chains or tape over their mouths. Survivors describe their experience with getting married at a young age and advocates describe what happens to girls who get married under the age of 18. While the group often does not often bring a very large group of volunteers to their chain-in events, these events have the benefit of being theatrical enough to draw the media to cover it (Interview #1). “We never pay for marketing, but we never have to,” (Interview #1). The group is aware their chain-in events are visually compelling, which is the type of content both television and print media are often clamoring to cover. In the case of Pennsylvania, I find the group does receive media coverage directly following a chain-in event, but the media attention is not sustained.

Unchained at Last and other advocacy groups paired together with the legislative co-sponsors on the child marriage ban to hold protest and media events, which legitimized the issue for the groups and helped legislators spread information to their colleagues and constituents. In May 2018, Rep. Perry Warren spoke at an Unchained at Last chain in at the Philadelphia City Hall (Reiss 2018). In September of 2018, Sen. John Sabatina (D-5th) invited representatives of Unchained at Last and the AHA Foundation, a women’s rights organization, to be involved in a press conference aimed at getting support for the Senate bill 1219, which banned underage marriage (Sabatina 2018). Both lead co-sponsors of the child marriage ban in the House and Senate joined Unchained at Last for a “chain in” at the capitol, standing side by side with protestors in their white wedding gowns and chains, in June 2019 (Leckrone 2019). One lead co-sponsor said he found himself in a unique position, becoming an advocate for this bill instead of being the person being lobbied (Interview #7).

4.3.3 Substantive representation

In cases where elected officials are acting as policy entrepreneurs on gender status issues, we may expect women’s representation to be relevant to agenda setting. Some scholars argue that legislation that focuses on the group interests or equality of women and girls is more likely to be introduced by female legislators (Swers 2002; Reingold 2000; Bratton and Haynie 1999). Although women in government do not have wholly shared interests and women broadly have heterogenous policy preferences, female legislators are more likely to substantively represent

issues reflecting greater rights or equality for women (Brown and Banks 2013; Celis and Childs 2018). Agenda setting on the child marriage ban was spurred in large part to the efforts of male legislators Rep. Warren and Rep. Topper, who first introduced a child marriage ban in Pennsylvania and seek colleagues to join in the efforts. On the Senate side, Sens. John Sabatino and Judy Schwank (D-11th) lead efforts to shepherd a bill through the upper chamber. Of all the lead co-sponsors on the bill, Schwank is the only female legislator. Although a ban on underage marriage impacts the status of women and girls, agenda setting on the bill does not appear to stem from female legislators acting in their identity as females to pass legislation on women's rights. Action in Pennsylvania more reflects Childs and Krook (2013) argument that critical actors – whether male or female – can be effective advocates of women's equality issues and represent women as a group.

A bill banning marriage under the age of 18 can be seen as one that addresses the interest of women and girls as a status group. Underage marriage disproportionately impacts girls and has led to long-term impacts such as a higher likelihood of partner violence, lifelong poverty, and detrimental mental and physical health effects (Wahi et al. 2017; Jackson 2017; Tsui, Nolan, and Amico 2017; Le Strat, Dubertret, and Le Foll 2011). Here, the first three lead sponsors of the bill in the House and the Senate were all male legislators. In interviews, they mentioned their commitment to child protection and creating legislation that was consistent with the age of majority. Rep. Warren said when he first learned about underage marriage through Fraidy Reiss' article, it made him reflect on his own three children and their friends who were often around his home and how getting married would end their childhood (Interview #2).

Having institutional support for women's issues can also be a key variable in the state legislative context. For example, women's caucuses provide space for women to collaborate on actions such as bill introductions (Holman and Mahoney 2018). Pennsylvania has a bipartisan and bicameral women's health caucus that focuses on any issue that "protects and respects women's health" (PA House 2021). As of 2021, the women's health caucus had slightly more (29 to 25) male representatives than female representatives (PA House 2021). News releases on the caucus website show they published press releases on issues such as abortion rights, access to contraception, support for breastfeeding, and combatting campus sexual assault. Although the caucus did not release any press statements on the underage marriage ban, the issue was discussed and supported by the caucus after it was initially introduced (Interview #3). A lack of

communication from this caucus indicates a likelihood that although members were supportive via their vote, the caucus was not actively involved in spreading information or advocating for this issue.

4.3.4 Media attention

Advocacy organizations used public events and access to child marriage survivors to court media attention to the problem of underage marriage in Pennsylvania. Did those efforts lead to sustained attention by media organizations at the state or national level to the problem of underage marriage, increasing pressure on legislators to act? The literature suggests that media attention can impact both the public salience of issues and directly pressure legislators. An increase in media attention is not capable of fully shifting public opinion, but it educates the public and directs their attention to certain issues over others (McCombs and Shaw 1972). The media influences the public agenda by their selection of which issues are worthy of attention, increasing the salience of that issue with the public (McCombs and Shaw 1972; McCombs 1997). A rise in media attention can lead the public to produce more inquiries to legislators and, thus, in turn, more attention from legislators and more media attention (Baumgartner, De Boef, and Boydston 2008). For example, a change in the issue frame around the death penalty to center around an innocence frame combined with sustained spikes in media attention led to renewed attention to the death penalty from the public and elites (Baumgartner, De Boef, and Bodystun 2008). Spurred on by stories of people on death row later found to be innocent, news stories proliferated in national news sources in the early 2000s and led to shift in public sentiment on the existence of the death penalty (Baumgartner, De Boef, and Bodystun 2008).

The literature provides some evidence that media attention and legislative agenda setting and policy formation have a causal relationship (Oakley 2009; Baumgartner, De Boef, and Boydston 2008; Baumgartner and Jones 1993). The connection between media attention and agenda setting requires further study, but scholars have argued that increases in media attention lead to legislators engaging in more debate on a topic (Baumgartner, De Boef, and Boydston 2008). More media attention can lead to more inquiries on an issue from legislators (Boydston 2013). Legislators often assume if the media is covering an issue, it is also an issue of interest to the public (Herbst 1998).

I hypothesize that agenda setting on child marriage may come from increased legislative attention to the issue, arising from sustained media attention. For decades, the issue of underage marriage in the United States received little substantive attention. The issue had dropped from the feminist agenda by the 1920s, with feminists focused more on problems with the institution of marriage than the specific marriage age (Syrett 2017). The last major debates on the issue happened on the state level in the 1960s and 1970s as state legislatures debated what the age of majority should be with more men entering military service for the Vietnam War (Syrett 2017). Following debates around the age of majority, legislatures still found it appropriate to keep exceptions to 18 as a marriage age in place, where they stayed until the most recent round of reforms (Wardle 1984). Like the sympathetic stories of innocent inmates sentenced to death, advocacy organizations have arranged for survivors of child marriage to speak to media organizations to explain the detrimental impacts of an early marriage on their lives (Interview #6).

In order to discern whether spikes in media attention could lead to marriage reforms being added to the legislative agenda in Pennsylvania, I searched Pennsylvania state newspapers as well as the influential national news sources *The New York Times* and *The Washington Post*. I expect newspapers within the state of Pennsylvania to reflect information on state politics and attention to any major issues that are specific to the state. I include *The New York Times* and *The Washington Post* because elite, national newspapers can be particularly influential in the agenda-setting process because of their perceived high status (Dearing and Rogers 1997; Wanta 1997). Using the database NexisUni, I searched “child marriage” and “underage marriage” in all English-language U.S. news sources from Jan. 1, 2015 to Dec. 31, 2020. I filtered these results down to news sources based in Pennsylvania. This search returned 329 results from which I excluded any news stories that were on instances of child marriage outside of the United States and any results that were included in the search results but not actually about underage marriage. For the most part, these were stories about same-sex marriage that also included the word “child” or “children.” To ensure no results were missing from the NexisUni search, I also performed the same queries on the digital editions of newspapers in the major cities in Pennsylvania – the Harrisburg *Patriot-News*, the *Philadelphia Inquirer*, and the *Pittsburg Post-Gazette*. I added any stories from these searches that were excluded from the NexisUni search. In total, I found 22 news stories in Pennsylvania state newspapers over 5 years on the topic of underage marriage. For means of comparison, using the

same search parameters, but the key word “same-sex marriage” instead of “child marriage” yields over 1,400 results for news in the state of Pennsylvania.

I performed the same search queries in the *The New York Times* and *The Washington Post* from 2015-2020. Using the search tool on each of the newspapers’ web sites and the full access of a digital subscription, I again filtered out any news stories that did not reference child marriage in the United States and any results that were not actually on the topic of child marriage. The *New York Times* had a total of 7 stories during the search period and the *Washington Post* a total of 4. (See Table 3).

In all, I find no evidence that the issue of child marriage ever receives the type of sustained media attention expected to prompt agenda setting. Traditional models of agenda setting by punctuated equilibrium show considerable spikes in media attention leading to agenda setting (Baumgartner and Jones 2009; Winburn, Winburn, and Niemeyer 2014). Neither the national media in the form of *The New York Times* and *The Washington Post* nor the state newspaper publications in Pennsylvania give the issue sustained attention either before the first bill is introduced (HB 1308) in 2017 or during the two and a half years of debate on the legislation. Both *The New York Times* and *The Washington Post* devote multiple stories to the topic in 2017, the year Pennsylvania legislator Rep. Perry Warren first introduced a bill to ban underage marriage in the state. Rep. Warren said what originally prompted him to begin researching child marriage was the February *The Washington Post* article written by Unchained at Last Founder and President Fraidy Reiss. “Her article really brought to light the coercive element of it. That was my immediate emotional reaction to it” (Interview #2). The article was brought to his attention first by a constituent and then by a friend and led to him eventually writing what he describes as a one-sentence piece of legislation simply saying, “No marriage license may be issued if either of the applicants for a license is under 18 years of age” (Warren 2020).

I find child marriage receives limited attention in both Pennsylvania state newspapers and in the national news both prior to and after a bill is introduced in the state and later adopted. However, the initial sponsor of a child marriage ban in Pennsylvania, Rep. Perry Warren, points to the importance of a single news article in *The Washington Post* in prompting his initial interest in researching this issue. In terms of the strategies advocacy organizations use to reach a mass public, targeting the most elite news sources can have a significant payoff. Getting space in a national news organization can require movement actors to condense their message but getting this

kind of national, elite coverage has a considerable impact for movement messages (Gamson and Wolfsfeld 1993). In Pennsylvania, one elite news article was enough for two people to contact their state representative in the same day and for that state representative to act. While studies of agenda setting and policy adoption that focus on media have indicated the disproportionate influence of national sources relative to local news sources, the influence is assumed to occur as more news stories are published (Winburn, Winburn, and Niemeyer 2014; Boykoff and Boykoff 2007). In this study, few news articles occur on the local or the national level. Scholars have also posited that legislators take notice of issues in news content not because they assume the issue has captured public attention, but rather an “information effect” exists when legislators are prompted to act by the content of news articles (Sevenans 2017; Liu, Lindquist, and Vedlitz 2009; Delshad 2012; Graber and Dunaway 2018). Similar phenomena occurred in South Carolina and Massachusetts. In Massachusetts, State Rep. Kay Khan said she was unaware of the problem of child marriage until a freelance reporter reached out to her in her role as the Houses Chair on the Committee on Family, Children, and Persons with Disabilities assuming she would have information. “I was shocked” (Interview #10). South Carolina Sen. Katrina Shealy became invested in child marriage policy when a reporter from the BBC contacted her, prompting an investigation on her part to learn about underage marriage in her state. Although Shealy said she was aware underage marriage was a problem, the BBC news story that brought in voices from across the United States brought it more to her attention (Webinar #1).

Table 3. Number of news stories on child marriage in the U.S. by source, year.

Media source	Year	Number of stories
New York Times	2015	1
New York Times	2016	0
New York Times	2017	4
New York Times	2018	2
New York Times	2019	0
New York Times	2020	0
Washington Post	2015	0
Washington Post	2016	0
Washington Post	2017	2
Washington Post	2018	2
Washington Post	2019	0
Washington Post	2020	0
Pennsylvania State Newspapers	2015	1
Pennsylvania State Newspapers	2016	3
Pennsylvania State Newspapers	2017	5
Pennsylvania State Newspapers	2018	3
Pennsylvania State Newspapers	2019	8
Pennsylvania State Newspapers	2020	2

Across a five-year time period encapsulating the time before, during, and after a bill was introduced and adopted by the Pennsylvania General Assembly, very few stories appeared either in national news sources or in Pennsylvania state newspapers. This does not support the hypothesis that sustained spikes in media attention had any influence in child marriage policy at either the agenda setting or the policy adoption phase. However, news stories were not wholly inconsequential to the process, either. One *Washington Post* story, written by an influential child marriage advocate, was enough to get Rep. Perry Warren to gather data on the issue and introduce the first child marriage ban in the state of Pennsylvania, indicating an information effect. Lawmakers in other states also indicate that a national-level news story was crucial to their development of bills reforming the marriage age.

4.3.5 Agenda setting in Pennsylvania

I find agenda setting in this case originates with a single newspaper article that has an information effect on one Pennsylvania legislator and a couple of his constituents. Although a story in *The Washington Post* first sparked one legislator's interest in the issue, I find child marriage had no sustained media attention over the period preceding agenda setting through to policy adoption. Rather, legislators worked in tandem with advocacy organizations on information and strategy. Advocacy organizations and legislators both protested in unique and visually interesting ways and made themselves available to the media. Advocates made individual contact with as many legislators in the large general assembly as possible, with bill co-sponsors joining and supporting them when possible. I also find that the centrality of the voices and experiences of survivors was integral to efforts to support a child marriage ban both at the agenda setting and the policy adoption phase.

4.4 Policy adoption

While agenda setting may be the hardest barrier for a political issue in the policy process, any proposed legislation must still survive multiple veto points prior to policy adoption. Committee action is often central to the lawmaking process in the states, and most bills will never make it out of committee (Francis and Riddlesperger 1982; Uslander and Weber 1977; Eidelman, Kornilova, and Argyle 2018). The volume of bills that will be produced in a professionalized state legislature

is high and legislators are serial processors of issues – they only focus on one issue in depth at any time (Baumgartner and Jones 2009). In Pennsylvania, legislators agreed that proposed bills, which die at the end of each two-year session if they did not reach floor action, typically get reintroduced at least a few times before getting full consideration on the floor or getting voted down in committee.

The child marriage ban in Pennsylvania passed after being introduced into the general assembly for a second time, getting swift consideration when bureaucratic changes to marriage licenses were being made because of the Covid-19 pandemic. I hypothesize that social movement efforts to use legislative insider tactics helped push the bill to policy adoption in 2020. I argue part of the successful strategy of social movement comes from framing the issue of early marriage around vulnerable children. I measure the extent to which major media organizations picked up this framing, amplifying the message of movement groups.

4.4.1 Survivor stories

On June 1, 2018, *New York Times* opinion columnist Nicholas Kristof wrote an account of the life of Dawn Tyree, a woman who, at the age of 13, was forced to marry her 32-year-old rapist to cover up a pregnancy (Kristof 2018). As an adult, Tyree joined with other child marriage survivors to become an advocate against the practice that made her a divorced, single mom at the age of 16, having missed formative years of her education (Kristof 2018). She is now part of national organizations and networks of survivors advocating to end child marriage in the states. Advocates say the willingness of survivors like Tyree to lend their name and their stories to news organizations for the sake of boosting public attention to child marriage has made the difference in drawing more legislators to their cause. Although the statistics of child marriage can deliver the shock factor, one leader from a survivor-led organization said the stories of survivors go further. “I think it is the most effective thing,” she said. “The real stories make a bigger impact than the shocking facts” (Interview #6). She said in her experience as both an advocate and a survivor, the media responds better to stories than to facts and so does the public.

Without the organizational resources to pay for outside lobbying firms or to launch formal advertising campaigns, advocacy groups leaned on what they saw as their strength, the voices of survivors of underage marriage and the startling facts of what could happen under current exceptions to the law. Members of advocacy organizations all point to a similar truth – underage

marriage is not an issue that is part of the public consciousness. For those people who have no personal experience with underage marriage in their immediate networks, the issue was not one of immediate concern. This means advocacy organizations must raise the profile of an issue that is otherwise absent from the public agenda. Advocacy organizations will often facilitate interviews between survivors and media organizations like newspapers and television news programs with a wide reach. These survivor stories often lay out multiple sources of trauma along with early marriage – rape, physical or emotional abuse, unwanted pregnancies, and complicated divorces – and these are consumed by a mass audience (Interview #6).

Other groups that are not survivor-led have partnered with survivor organizations to boost those survivor stories on their own websites or social media. The only college student-led child marriage organization in the United States, Students Against Child Marriage, asked survivor-led organizations if they could showcase their survivor stories on their social accounts, which were able to get a significant following after their posts were shared by celebrities like actor Mark Ruffalo, comedian Chelsea Handler, and reality television star and stylist Jonathan Van Ness. Students against Child Marriage wanted to frame the experience of survivors away from trauma and towards hope and possibility. “Central to our posting strategy is to focus on the beauty of survivors and what they have been able to grow from instead of the specific trauma they experienced,” (Interview #4).

Legislators agree that their experience interfacing with survivors, either in one-on-one meetings or through the testimony given by survivors in a more formal setting had an impact on their decision to support the legislation. “Survivors telling their stories impacted us to the point that we’re like, ‘We need to talk about this. We need to do something. We need to educate the public’” (Interview #7). Legislators and advocates both describe that the role of survivors as advocates as necessary to the process of policy adoption in Pennsylvania.

4.4.2 Advocates and policy adoption

Policy coalitions can be built around people in the policy community who are all engaged around the same or similar issue areas. These coalitions can consist of elected officials, advocates, and researchers, and as a group they can develop strategy around issue advocacy and better articulate ideas around the issue (Sabatier 1988; Jenkins-Smith and Sabatier 1993). With little background knowledge on the issue of underage marriage and little recognition from the public,

bill co-sponsors went to advocacy organizations for data and strategy. Rep. Warren called Unchained at Last in early 2017 when he was first contemplating a bill and soon he and his staff were meeting together with founder Fraidy Reiss. Together, they talked strategy and opposition. It was Fraidy Reiss' article in the *Washington Post* that first brought the issue to Rep. Warren's attention and he and other legislators leaned on Unchained at Last for their research and insight on child marriage in Pennsylvania. Legislators reported that, for the most part, their constituents were unaware of the issue of underage marriage in Pennsylvania unless they had been personally impacted by it (Interview #2, #3, #7).

One strategy advocates worked on with bill co-sponsors in the House was shoring up more support among the House membership. Advocates say once a bill is introduced on the state level, it is necessary to personally reach out to each member of the legislature (Interview #1). It can be helpful to begin by targeting those legislators who sit on key committees relevant to child marriage, such as judiciary committees or those that target child protection. One action Unchained at Last took was to continually lobby legislators while the child marriage ban was pending, so it never dropped off the legislative agenda. These advocates shouldered much of the work of organizing other advocacy groups and going to the offices of every legislator to meet about the issue (Interview #5; Interview #8). The group of advocates from Unchained at Last were especially persistent (Interview #5). "They were just like a dog with a bone, very determined" (Interview #3). When advocates for banning child marriage came to Harrisburg to lobby legislators, Rep. Warren sat in on these meetings with his colleagues when possible. He said it served a dual purpose of supporting the legislation and providing him an opportunity to meet more members of the 253-person legislature. He also attended one of Unchained at Last's signature chain-in events in May 2018, a month before Rep. Topper would introduce the new Republican-sponsored child marriage bill (Unchained 2018).

Without widespread awareness of the issue among constituents and limited media attention, Pennsylvania legislators found themselves in the position of advocate, of policy entrepreneur. House sponsor Rep. Jesse Topper found the child marriage ban followed an unusual trajectory. Rep. Topper was educating his constituents and advocating for the possibility of a child marriage ban, instead of his constituents lobbying him. Typically, constituents bring issues to the attention of legislators. Rep. Topper says he pays little attention to media stories but rather prefers to get behind the legislation that his constituents call and e-mail his office to discuss. "That's what

drives members of the legislature, Congress, governor. The public pressure.” In the case of underage marriage, his phone lines were quiet. “Look – I’ve said it many times. Certainly no one gets in the legislature and runs on a platform of child marriage. I didn’t even know it was a thing” (Interview #7).

Working in tandem with advocacy organizations, on capitol protest day, legislators were standing next to advocates against child marriage outside of the capitol in Harrisburg protesting for an end to child marriage in June 2019. Lead co-sponsors of HB 2542 Rep. Warren, Sen. Sabatina, Rep. Topper, and Sen. Schwank found themselves next to a group of women clad in their thrift store wedding dresses, giving speeches on why the state of Pennsylvania needed to embrace a change in the marriage age. Rep. Topper said the legislators would occasionally try to temper the theater of Unchained at Last’s style of protest because he thought they were already winning on the issue. However, as Unchained at Last is a survivor-led organization, Rep. Topper said their passion was understandable and other legislators noted the importance of their testimony to their colleagues.

Bill co-sponsors said they considered themselves responsible for raising awareness about child marriage with the public. All four of the head bill co-sponsors put information about child marriage in their constituent communications like newsletters and social media posts. Rep. Perry Warren put a two-page spread in his constituent newsletter explaining how a bill becomes a law, using HB 2542 (later, HB 360) as the example (Warren 2020). Rep. Topper said he took any media interview that was ever requested of him to speak about child marriage. Sens. Sabatina and Schwank joined Fraidy Reiss on Harrisburg NPR affiliate WITF³ to talk about the issue and take calls. During the interview, Reiss described the statistics on child marriage and her own experience as a child bride, while Sens. Sabatina and Schwank described the political status of the bill and their own reasons for co-sponsoring it. Sen. Sabatina stressed that loopholes allowing parents the right to sign off on a marriage will not work because not all parents act in their child’s best interest. Sen. Schwank expressed her view that child marriage is child abuse and this issue deserved the type of public attention that human trafficking receives (LaMar 2019).

³ LaMar, Scott. 2019. “Ending Child Marriage in Pennsylvania/Lobbying for Renewables.” *WITF* June 18. https://www.witf.org/2019/06/18/_what_to_look_for_14/

The legislators report that although the majority of feedback they received from media interviews or legislative communication was positive, it was also limited. When the bill banning child marriage passed in May 2020, legislators say most of the attention came from the national press instead of local news or their own constituents. “In terms of my constituents, no one cares. It got no local publicity, no one e-mailing me to say thanks” (Interview #2) Any feedback from constituents on the issue came from comments on Facebook posts or a limited number of calls after the lengthy NPR interview aired. “We did not get a large immediate response from constituents, and we don’t on a lot of issues” (Interview #5). Rep. Warren writes of his efforts to raise the profile of child marriage in Pennsylvania, that despite the one phone call and one e-mail he received about the *Washington Post* story in Feb. 2017 “the phone wasn’t exactly ringing off the hook in my office” (Warren 2020).

4.4.3 Storytelling, advocacy, and the media

Legislative contests are often a struggle over ideas, and both social movements and other elites compete to define issues (Stone 2012). The process of framing an issue and driving the discourse are a necessary part of the process of raising public consciousness on an issue (Banaszak 1996; Gamson 1992). One strategy advocates used to engage in framing and discourse around child marriage was to tell stories and facts around child marriage on social media platforms and websites. Issues that are narratively framed around populations that are socially constructed as positive are more likely to get legislative attention (Schneider and Ingram 1993). A common movement strategy is to use injustice frames to highlight the moral tension in an issue and identify the victims of a policy. These frames often point to the necessary political reform (Gamson et al. 1982; Weed 1997; White 1999; Benford and Snow 2000). In cases where the media adopts the same frames used by social movements, it legitimizes and amplifies the movement message (Ryan 1992).

As part of a broader strategy to influence policy adoption on child marriage legislation, I consider what potential impact an online campaign may have with raising public awareness and connecting with legislators. I hypothesize that advocates will use their available resources to frame underage marriage reform around a sympathetic, victim oriented frame. I also hypothesize that media organizations will pick up on these frames, which legitimizes the message.

Online spaces can be advantageous for developing movements particularly among disconnected and marginalized communities (Friedman 2007; González Bailón and Wang 2016). I explore both how advocates framed the issue of underage marriage and subsequently whether other groups adopted this frame, amplifying their message. I analyze a dataset of Tweets from social movement campaigns for the Pennsylvania legislation to identify what major issue frames advocates used to amplify child marriage. I also assess whether media organizations, in the limited column inches provided to the topic, adopted these same issue frames. I find advocacy groups use paternalist rhetoric to describe child marriage and also used Twitter campaigns to target messaging to key elected officials. I find the news media also picked up on the language of child marriage and mostly highlighted the stories of child marriage survivors.

I analyze how advocates attempt to define the issue of child marriage while using the social media platform Twitter. This platform allows individuals to share messages up to 240 characters as well as photos and is used by 22 percent of American adults. Twitter users are more likely to be young, educated, and higher income than the American population as a whole (Wojcik and Hughes 2019). I selected this platform as one centralized place where advocates were communicating about child marriage. In order to identify the main frames in movement communication on child marriage, I first created a text corpus of Tweets. After completing a preliminary exploratory search of Tweets about early marriage, I scraped Twitter using the hashtags #childmarriage #endchildmarriage or key words “child marriage” from 2018 to 2020. The tweets were then filtered for those referencing Pennsylvania. This corpus included a total of 2,113 Tweets, which includes duplicated tweets.

I analyze the text corpus using computational text analysis to identify word frequencies, and bigrams. This allows for the visualization of what main words and concepts are used most frequently and in conjunction with each other in the text. The creation of semantic networks from bigrams in the text allows for the analyses of word clusters as main frames (Guo and Vargo 2015; Schultz et al. 2012; Sagi, Diermeier, and Kaufmann 2013; Borgatti, Everett, and Johnson 2018). The word frequencies reveal that advocate discourse on “child marriage” mainly centered on child marriage impacting underage girls and calls to “protect” them from a decision that would “destroy” or “ruin” their young lives. Appeals directly to Pennsylvania Governor Tom Wolfe, who did sign a bill banning underage marriage in 2020, were also prominent in the data set, calling for him to be a “hero” that ended child marriage. This follows a paternalist narrative common in discussions

of teenage girls, particularly in the case of policies that would act to limit the autonomy of girls below the age of majority (Hawkes and Egan 2010; Egan and Hawkes 2009; Angelides 2012).

The Twitter corpus also provides some context on what child marriage campaigns may be happening on social media that overlap or are intentionally being used in conjunction with one another. Hashtags are used by social movements on social media to enhance visibility of their messaging and research on the use of co-occurring hashtags has found they can reach different social circles or mobilize different actors (Wang, Liu, and Gao 2016). Twitter has been a useful platform for feminist organizing and campaigns for women's equality have built upon the success of each other. For example, the hashtag #WhyIStayed, centered on intimate partner abuse, created a framework for what would become the #MeToo movement (Storer and Rodriguez 2020). Social movement organizations can use hashtags in conjunction with existing social media campaigns to create or add new meaning, as movements did with #MeToo in 2017 and 2018 (Xiong, Cho, and Boatwright 2019). In the case of this data set, the most commonly co-occurring hashtags with #childmarriage and/or #endchildmarriage were #levelthelaw, #sheisequal, and #18noexceptions, which appear online linked to campaigns by Global Citizen and other human rights organizations. For the most part, the use of tagging in posts does not appear to be aimed at one user or group, with one exception. The only tagged individual appearing in the high frequency words is the official Twitter account of the governor of Pennsylvania, Tom Wolf. As in the frequently appearing Tweet in the data set that reads, "@GovernorTomWolf be the hero we need! Child marriage is an abusive practice that ruins lives – it has to stop. Please make Pennsylvania the third US state to #endchildmarriage for good. Sign the bill." This commonly occurring Tweet highlights both the paternalist framing of marriage age reforms and efforts to connect with key policymakers. This provides evidence for my hypothesis that movement actors will use sympathetic and victim-oriented frames to spread their message.

As the media has the ability to adopt movement frames and amplify their messages, I likewise analyzed the minimal news stories appearing in Pennsylvania state newspapers to see how media sources approached reporting on a potential child marriage ban. I use computational text analysis to analyze the news stories, creating a text corpus of news stories compiled from the news database NexisUni as well as relevant news stories from the online version of Pennsylvania's state capital newspaper *Pennlive* using search terms "Pennsylvania," "child marriage," and "underage

marriage” and the date range 2015-2020. Stop words were removed from the corpus to reveal frequencies, bigrams, and topics without commonly used parts of speech.

In my comparison of the news media text corpus and the corpus of advocate Twitter communication, I find that separate themes emerge in the media’s telling of child marriage from the advocate communication on the issue. To begin with the corpus of Pennsylvania news stories on child marriage, women’s names appeared in the frequently used words, along with words consistent with my search terms such as child marriage, underage marriage, and Pennsylvania. For example, the name Maria featured prominently in the corpus and after doing further qualitative analysis, I found its inclusion comes from a long-form story of a woman who was married at a young age and whose story is told in detail. The prominence of women’s names and a narrative structure of women’s stories of child marriage is consistent with a media tradition of having news stories use a personal narrative structure to describe particular phenomena (Wahl-Jorgensen and Schmidt 2019). Although this isn’t a direct match of the frames seen in the corpus of social movement communication, it does reflect the priorities of movement groups. New stories took on the preferred frame of “child marriage” used by advocacy groups and focused stories on survivors, who often worked together with advocacy groups to tell their story to media organizations.

Further comparing the Tweet corpus to the corpus of news stories, I find the tweet corpus has frequently used terms around ongoing social movement campaigns meant to influence the marriage age. The most frequent terms in this dataset, excluding those directly related to the search terms, are related to anti-child marriage campaigns such as #levelthelaw and #powerthemovement, as well as direct appeals to Pennsylvania Gov. Tom Wolf. As child marriage disproportionately impacts minor girls (Tsui, Nolan, and Amico 2017), the word “girls” is a frequently appearing term. I also conducted a ngram analysis to find the most common bigrams, or combinations of co-occurring terms and created visuals of these bigrams as semantic networks. These networks are applied to reveal connections between the most commonly used words/concepts in any kind of textual data (Vargo et al. 2014; Guo and Vargo 2015).

Comparing the two text corpora of communication from advocates and stories from news sources, I find that the advocate messaging is more consistent, with more frequently occurring bigrams or word co-occurrences. The news corpus lacks any common themes, other than frequently featuring individual names. This could be attributed to the low number of stories available on the topic of child marriage. Frequently appearing bigrams in the Tweet corpus

surround the ideas of protecting girls and “pls protect” as a shorthand for please protect. Another frequently appearing bigram in this dataset is “destroys girls” in the context of getting married underage destroying the lives of young girls. The bigram networks for the Tweet corpus and the news story corpus are pictured in *Figure 6 and 7*. The visualization in Figure 6 has only three main, heavily dense clusters due to a lack of frequently occurring bigrams, while Figure 7 has clear clusters around separate frequently occurring bigrams. This shows a consistent messaging among the corpus of communication from advocacy groups on Twitter compared to the narrative form in the media.

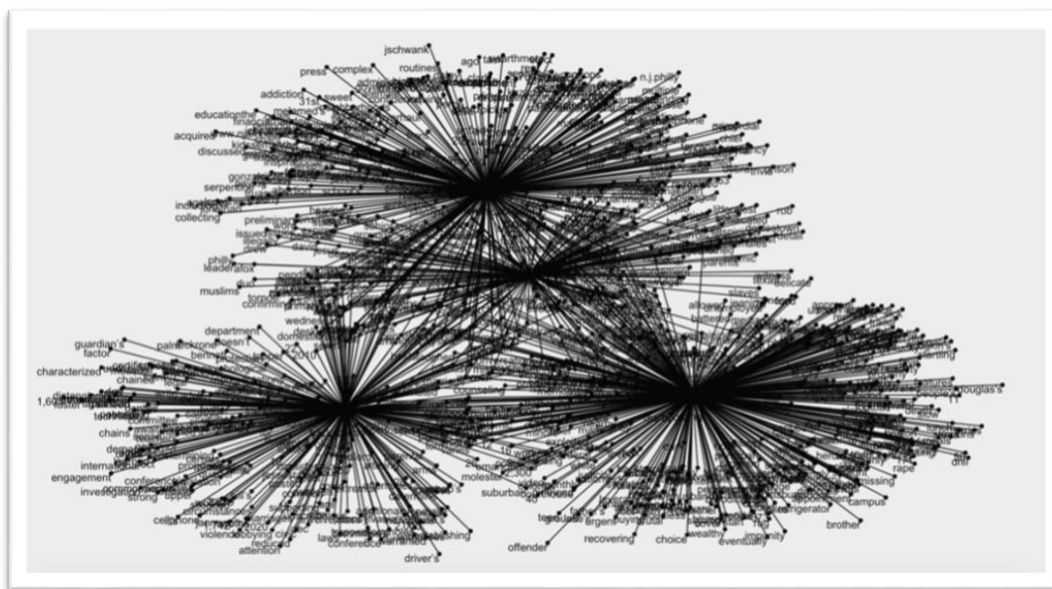


Figure 6. Bigram network of print news media stories referencing child marriage in Pennsylvania.

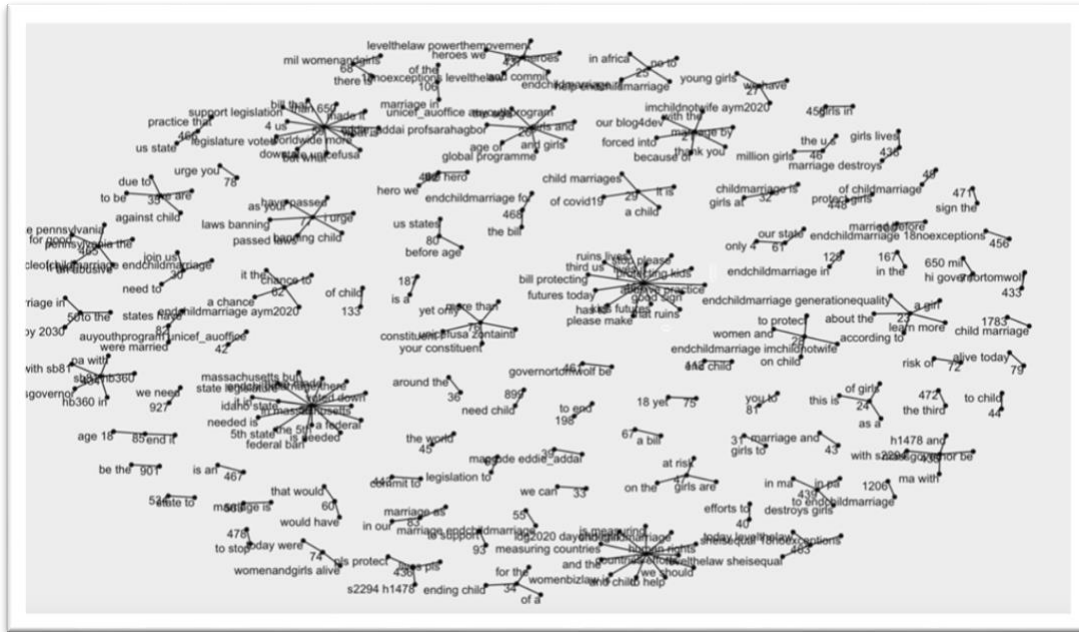


Figure 7. Bigram network of Tweets about child marriage filtered to Pennsylvania.

The advocate discourse on child marriage mainly centered on girls and calls to “protect” them from a decision that would “destroy” or “ruin” their young lives. Appeals directly to Pennsylvania Governor Tom Wolf, who did sign a bill banning underage marriage in 2020, were also prominent in the data set, calling for him to be a “hero” that ended child marriage. This follows a paternalist narrative common in discussions of teenage girls, particularly in the case of policies that would act to limit the autonomy of girls below the age of majority (Hawkes and Egan 2010; Egan and Hawkes 2009; Angelides 2012). Advocacy organizations are aware they are in a careful balance on child marriage messaging, with some liberal groups pushing back on a discourse that minors are incapable of making major decisions (Interview #4, #9, #14).

Contrary to my hypothesis that the news media corpus would adopt frames popularized by campaigns from advocacy organizations, the text analysis reveals thematic differences between the corpora. I find that each corpus rests more in the traditions of each group communicating, the news media, and issue advocates, respectively. For the news media, the tradition is in emotional narrative storytelling, while for social movements, the focus is on spurring action (Gamson 1992; Hewitt and McCammon 2004; Wahl-Jorgensen and Schmidt 2019). The messaging from advocacy groups is themed around the need to protect girls from marriage and also points to specific campaigns happening at the state level to ban marriage in the state. This was only one part

of the strategy for attracting legislative attention as advocates also went directly to legislators for one-on-one lobbying. As stated earlier, advocacy groups were active in connecting survivors with media outlets to tell their stories, and the news media corpus shows this was an effective strategy. The limited news stories on underage marriage focused on the lived experiences of child marriage survivors.

4.4.4 Insider tactics

How legislators are courted by outside groups typically depends on what type of groups are doing the advocating (Boushey 2010; Baumgartner and Jones 2009; Schneider, Teske, and Mintrom 1995). Large, well-resourced lobby groups that are well-connected within government usually depend on “insider tactics” such as using their networks within legislative bodies to get meetings with legislators and shop legislation (Boushey 2010; McCammon et al. 2001). Meanwhile, low-staffed and low-resourced advocacy organizations must use “outsider tactics” such as protests or other disruptive actions (Ornstein and Elder 1978; McCammon et al. 2001). States that have larger, more numerous organizations aligned on a particular issue are more likely to adopt legislation because these well-mobilized groups can be more effective in getting their message out (McCammon et al. 2001) I find small advocacy organizations were successfully using both tools – engaging in public action for a broad audience and individually lobbying legislators and testifying in legislative sessions during agenda setting and policy adoption.

One of the insider tactics Unchained at Last used was the direct, face to face method of getting in-person meetings with legislators or their staffs. These meetings were some legislator’s first interaction with the issue (Interview #6). Legislators in a fully professionalized legislature like Pennsylvania will have lobbying groups waiting to meet with them every day the legislature is in session. “Every day is like lobby day” (Interview #7). Yet, many of those issues will never see the light of day. For Rep. Topper, the information he received from meeting with child marriage groups like Unchained at Last had a lasting impact on him, particularly because he came to see that Pennsylvania’s existing law was overtly bad public policy (Interview #7). The staff of Sen. Sabatina first met with the Unchained at Last advocates when they lobbied his office in Harrisburg, but the issue made it to Sen. Sabatina’s desk because it intersected with his interest in victim’s rights issues, child protection, and women’s rights (Interview #6). Unchained at Last said they learned early in the process of lobbying legislatures that a strategy of just targeting legislative

leadership or key committee members was not enough. Rather, they make every effort to reach every member of the legislature, even if that means talking to 300 legislators (Interview #1).

The other tactic advocates used to get an audience with members of the Pennsylvania General Assembly during consideration of the child marriage ban was to give witness testimony during committee hearings. The testimony of lobbying groups is integral to agenda setting and policy adoption, as individual legislators have limited time and attention to research all potential political issues (e.g. Baumgartner et al. 2009; Burstein and Hirsch 2007; Hall and Deardorff 2006). Sen. Sabatina's office invited Unchained at Last's Fraidy Reiss to testify in front of the Senate Judiciary Committee as these opportunities can be important to the adoption process. This chance for legislators to hear directly from witnesses is helpful for their understanding of the issue (Interview #5). One child marriage survivor and advocate said, "I advocate every avenue I can. I speak to legislators. I speak to the media" (Webinar #3) From the perspective of Unchained at Last, the legislative testimony is important, but not enough, it needs to be paired with individual contact with legislators (Interview #1).

For national groups that do not have state-level representation, a letter to the legislature is usually more appropriate than doing in-person committee testimony. Legislators prefer to hear from citizens of their own state in testimony (Interview #14). In written testimony submitted to the Pennsylvania House Judiciary Committee, Equality Now, an organization that supports equal rights for women and girls, the organization stressed the inability of a person under 18 to give consent to a binding contract such as marriage. It also noted allowing marriage under age 18 is a violation of international law, including the International Covenant on Civil and Political Rights, which unlike the Convention on the Elimination of all Forms of Discrimination against Women, the United States has ratified (Equality Now 2019; United Nations 2021).

In remarks on the floor of the House prior to the final votes in the House of Representatives, Rep. Topper reminded his colleagues of what they had learned during the legislative process from advocates and child marriage survivors. "...This is not an issue that had my attention when I came into the legislature. But certainly we heard stories from victims, from survivors, from advocates, we found out that this is truly a worldwide issue but also very much an issue here in at home... We do not know the statistics of how many involved domestic violence, but from the stories that were shared with us, we know that it is quite high" (Pennsylvania House of Representatives 2019).

4.4.5 Policy window and the pandemic

By the time a bill banning underage marriage was reintroduced in the Pennsylvania General Assembly in 2019, the idea had gained some interest. Co-sponsors of the bill had been working together with advocacy organizations to promote the legislation, including meeting with other members of Pennsylvania's legislature. Pennsylvania has a full-time legislature and the largest full-time legislature in the nation with 203 members of the House of Representatives and 50 members of the Senate (National Conference on State Legislatures 2017; Pennsylvania General Assembly). Although professionalized legislatures are more likely to innovate (Walker 1969), co-sponsors were still waiting for the House and the Senate to pass the same bill version. One co-sponsor said it is common for a piece of legislation to take a few legislative cycles to gain enough momentum to be adoption. A Democratic legislative director noted the Republican-led Pennsylvania General Assembly is rarely at the forefront of passing innovative policy in the nation (Interview #5).

The chance for the child marriage ban came in the form of Covid-19 pandemic reforms. Although policy change is infrequent, it can happen as a result of a focusing event when there is both political will for a policy to succeed and available policy options (Kingdon 2011; Herweg, Zahariadis, and Zohlnhöfer 2017). In the case of ending child marriage in Pennsylvania, it was the emergency shutdowns related to the Covid-19 pandemic that pushed legislators to act quickly on the legislation. The bill to end child marriage in Pennsylvania first began with Rep. Warren in early 2017. As a freshman representative and member of the minority party, Warren and Rep. Topper agreed that the more senior Republican Topper would reintroduce the bill as HB 2542. This bill gained support with both parties and more co-sponsors, but without action it died at the end of the 2017-2018 legislative session. In Feb. 2019, Warren and Topper reintroduced the bill again, this time as HB 360, where it gained 86 co-sponsors and it passed the House of Representatives unanimously in June 2019. That fall, Sen. Sabatina introduced the Senate version of the bill for consideration in the upper house. As a member of the Pennsylvania House of Representatives since 2014, Rep. Topper notes that the legislative process is slow and deliberate, and it is typical for bills to take lengthy deliberation (Interview #2).

Adopting a piece of legislation requires finding the right timing, and Rep. Topper says that is eventually what happens with the underage marriage ban. With shutdowns happening all over the state related to the Covid-19 pandemic in March and April 2020, the legislature began looking

at Covid relief efforts and passing legislation that allowed certain types of state business to be conducted remotely. As the state debated a Covid relief package, the Senate wanted to add an amendment that would allow marriage licenses to be obtained online. This was when the rare policy window opened for the child marriage bill. House Bill 360 was amended to include exceptions for when the register of wills is closed due to a disaster and how individuals certified to work with children can be recertified during an ongoing disaster such as a pandemic.

After two and a half years of deliberation, meetings, and testimony from child marriage survivors, House Bill 360 passed unanimously in the Pennsylvania General Assembly in the height of Covid-19 shutdowns on April 29. It was signed a week later by Gov. Tom Wolf. Writes Rep. Warren, “After the vote, Rep. Topper and I walked toward each other to congratulate and thank one another. On another day, a hug may have been in order. On this day, we instinctively reached out to shake hands, then, in a sign of the times, pulled our hands back, each signaled a thumbs-up, pulled our masks back on, and walked back to our respective sides of the chamber” (Warren 2020). Of the people who were not able to be present to witness the bill signing, Warren lamented that a Girl Scout troop in Pittsburg that had championed the cause was not able to attend. Upon hearing about the issue and his bill, Rep. Warren said he did a conference call with the troop, and they e-mailed a troop photo to his office. They said they were willing to call their local legislators and take up child marriage as their cause. By the time the bill was passed, some of them had aged out of Girl Scouts and pandemic restrictions kept them away from the capitol. Yet, Rep. Warren was heartened to think of their efforts, especially to protect girls their own age who would have been able to marry under Pennsylvania state law (Interview #2).

4.4.6 Opposition

The hypotheses in this case centered on potential explanations for agenda setting and policy adoption such as the work as movement actors as policy entrepreneurs and increased media attention. Also notable in this case was the absence of a potential barrier to policy adoption – opposition. Pennsylvania has the distinction of being the first state to pass a ban on underage marriage with unanimous approval in both the House of Representatives and the Senate. Unlike other states such as Idaho, Maryland, and California, where the debate over an underage marriage ban has been contentious and brought in concerns from religious interests, civil libertarians, and even some women’s groups, legislators in Pennsylvania experienced little resistance to efforts to

put a hard limit on the marriage age. Rep. Warren said he knew from his conversations with Fraidy Reiss that it was important to pass a bill that set the age at 18 with no exceptions. “We will only get one bite at the apple, let’s pass the right bill,” (Interview #2). As a lawyer, Warren was convinced by the argument that any discrepancy in the law that would allow a person to get married under age 18 but not subsequently allow them full access to other legal proceedings was a mistake (Interview #2).

Since the issue of underage marriage has little public awareness, legislators at the forefront of the effort to end underage marriage say they received minimal feedback from constituents. Rather, legislators were in the position of legitimizing their actions to constituents – arguing that child marriage was a phenomenon that was truly happening in Pennsylvania. As the state of Pennsylvania does not aggregate information on the marriage age listed on marriage licenses in the state, bill sponsors said they leaned on data from the advocacy groups to make their case to the public.

Legislators noted three main themes among people who expressed concern or dissent about the bill. One being that many people know someone from an older generation, like a grandparent, who married as a teenager and was able to sustain that marriage for a lifetime. A second concern on the legislation was for men who enlisted in the military and wanted to marry their high school “sweetheart” prior to leaving for boot camp or being deployed.

Overwhelmingly, the most common pushback on the law was for pregnant teenage girls who would want to get married or be pressured into marriage by their families. Rep. Warren said he received a small amount of pushback from colleagues in his Democratic caucus on whether a full ban was necessary and whether a more intermediary step would be appropriate (Interview #2). The legislation did not seem to gain much attention with opposing outside lobby groups, according to legislators. Had religious groups “put up some roadblocks,” the Pennsylvania General Assembly likely would have ended up dropping the bill, but that never came about (Interview #3). Any opposition to the bill was not organized. “There is no Phyllis Schlafly,” said one advocate, referencing the firebrand opponent to the ratification of the Equal Rights Amendment (Interview #1).

In response to objections to the proposed law, legislators said they focused on the child protection aspect of the law and the potential abuse of girls. Rep. Warren said he pointed to the fact that a full ban was about protecting girls and that it was supported by the Pennsylvania

Coalition Against Rape and the National Organization for Women (Interview #2). Sen. Sabatina's office focused the messaging to counter any opposition on the abuse of girls in these situations on the precarious legal position that child marriage placed them in (Interview #5). "A lot of issues like this have a shocking headline. No member wants to be the person who votes against it" (Interview #5). Having strong, consistent messaging on the bill made it possible to maintain support for adoption and ultimately get unanimous support for the legislation (Interview #5).

The relative ease in overcoming objections to ending child marriage makes Pennsylvania somewhat unique. Notably, the bill received bipartisan support both in bill sponsorship and in adoption, as it passed unanimously out of committee and on the floor. Other states have seen more partisan splits or ideological splits. In Idaho, a 2019 bill that proposed setting the marriage age at 16 without exceptions received pushback from Republican lawmakers, who called the decision a private matter that should be left up to parents (Sewell 2019). In California, efforts to raise the marriage age were watered down by an unusual coalition of voices – from anti-abortion conservatives to civil libertarians. A policy director at the American Civil Liberties Union was quoted as saying raising the marriage age would not solve the problem of young girls entering abusive relationships (Tsui 2017). In Tennessee, a conservative lawmaker opposed a marriage age reforms because he argued it may damage an ongoing case against same-sex marriage (Buie 2018). The president of one direct services and advocacy organization focused on the Midwest said opposition in Midwestern states said objections have come from both sides of the aisle. In order to court Republicans in red states like Indiana, it is necessary to first educate Christian and Catholic coalitions and attempt to overcome any objections they may have. Meanwhile, in blue state Illinois, concerns came from the left in terms of restricting the autonomy of minors and what the implications could be for other issues that impact minors, such as reproductive rights or the rights of transgender youths to access medical services (Interview #6).

The discourse coming from advocacy groups that focuses on "protecting" girls from early marriage can also be controversial in policymaking arenas focused on minor's rights. Other progressive human rights groups have advocated for minors to have expanded autonomy in decision-making, while messaging from child marriage organizations points to the potential for abuse minors face. Detractors say child marriage bans have policy implications for other issues relating to minors' rights, such as their ability to get a vaccine without parental consent (Johnson-

Dahl 2020). Advocates counter these objections by saying many other minor rights issues (medical decisions, abortion) are time bound in a way that underage marriage is not.

4.5 Conclusion

Between the years 2015 and 2021, 44 states introduced legislation to reform underage marriage in their states. Of those, six adopted outright bans to marriage under the age of 18, including Pennsylvania, which was the third state to do so. This is true despite the lack of a widespread public movement to ban child marriage nor the influence of well-resourced lobby groups. As a matter of public policy, a change in the marriage age to 18 with no exceptions is a low salience issue. In the state of Pennsylvania, both relative problem severity and public attention are low (Wlezian 2005; Unchained at Last 2021). Research shows little awareness of the issue among the American public and legislators and advocacy groups report the issue is not on the public agenda (Lawson et al. 2020). Consistent with the literature on low-salience issues (e.g. Wlezian 2005; Bromley-Trujillo and Poe 2020), a possible explanation for agenda-setting and policy adoption on this issue would be an increase in problem severity or swift change in public opinion.

Yet, in this case study of Pennsylvania, I find that neither high problem severity nor widespread public attention are present in efforts to raise the marriage age. Rather, I find that mostly insider strategies employed by a small group of advocacy organizations led state legislators to champion bipartisan legislation that did little to bolster their profile with constituents. These organizations, particularly Unchained at Last, individually lobbied legislators, created media opportunities, involved legislators in protest tactics, and urged survivors to tell their stories. A policy window opened due to bureaucratic changes to marriage licenses during the Covid-19 pandemic, giving a child marriage ban a final push to policy adoption. Although the issue never received sustained media attention in state newspaper outlets, when media outlets did cover child marriage, they amplified the stories of survivors. Legislators indicated these stories were integral to their support of child marriage. The need to revise how individuals received marriage licenses during the Covid-19 pandemic created the policy window for legislators to push the proposed child marriage ban to policy adoption.

Contrary to our expectations of agenda setting and policy adoption, a child marriage ban may have been adopted for the very reason that it never garnered widespread attention. While other

states, such as California and Idaho, had a vocal opposition to their efforts to raise the marriage age, legislators in Pennsylvania said that a lack of attention to the issue meant no organized force ever came forward to defeat ending child marriage. Advocacy groups were able to work directly with legislators on the issue, pushing a framing centered on child protection and the trauma experienced by survivors, without competing frames from any external groups.

Pennsylvania stands in contrast to the next case study state of Massachusetts. A bill banning child marriage was first introduced in Massachusetts in the same year as Pennsylvania – 2017. Like Pennsylvania, the first bill died in committee, only to be reintroduced in the next session. This second go round was successful for Pennsylvania, but again failed to pass out of committee in Massachusetts and was reintroduced again in 2021. Like in Pennsylvania, advocates in Massachusetts protested, contacted legislators, and used their online presence. These efforts were enough to get the issue on the legislative agenda, but not enough to get to a vote in both houses.

In the next chapter, I complete a case study of efforts to adopt a bill on child marriage in Massachusetts. I discuss how a lack of political will kept a ban on child marriage dangling in committee for three legislative sessions. While a bill on child marriage lingered, Massachusetts legislators were able to pass more controversial gender justice bills on expanding abortion access and ending female genital cutting in the state. A debate on child marriage became tangled in efforts to expand abortion rights to minors in the states, since both rested on questions on how much autonomy minors should have under the law. Unlike in Pennsylvania, advocates in Massachusetts are unable to convince legislators that child marriage is an issue that requires any urgency. Legislators report the pandemic further set consideration of a child marriage ban back as more pressing issues continued to surface. Advocates point to a need to have more survivors who are Massachusetts natives willing to testify in committee or directly lobby legislators for the personal connection strategy that was successful in Pennsylvania. Putting survivors at the center of advocacy and framing discourse around their experience and the need for child protection was a winning strategy for advocacy groups in Pennsylvania. In Massachusetts, these successful frames come in conflict with a competing frame around expanded autonomy for minors.

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CHAPTER 5. THE AUTONOMY OF MINORS AND COMPETING FRAMES: A CASE STUDY OF MASSACHUSETTS

5.1 Introduction

On March 26, 2019, child marriage survivor Tammy Monteiro stood in front of the Massachusetts State Legislature's Joint Committee on Children, Families, and Persons with Disabilities. She was the first Massachusetts native that would tell the committee members her story of being wed in the state at the age of 16, a marriage that was approved by her mother, as is allowed under state law. Monteiro told the committee that she met her former husband when she was only 15 years old, living in foster care, with a mother who was unstable and a father who was incarcerated. In the years that followed, she was forced to adhere to an unfamiliar strict religious doctrine and bore eight children with the man nine years her senior (Ebbert 2019). Members of the committee were brought to a hushed silence by Monteiro's testimony, which she delivered with the support of advocacy group Unchained at Last (Brown 2019). Both Monteiro and the representatives of Unchained at Last stood in support of Senate Bill S24 – An Act to End Child Marriage.

Efforts to advance a bill banning child marriage in Massachusetts were bolstered throughout the process by child marriage survivors and advocacy organizations focused on child marriage specifically or women's rights broadly. The legislation that Monteiro appeared at the General Court for – S24 – advanced out of the Joint Committee on Children, Families, and Persons with Disabilities to the Senate Ways and Means Committee. A new draft was substituted, and the full Senate passes the bill in July 2019. Once the bill reaches the House Ways and Means committee, it went no further and dies at session's end (Commonwealth of Massachusetts). This was the bill co-sponsors second attempt at a child marriage ban, one they would renew in 2021, when they introduce the bill for a third time.

In this chapter, I investigate the limitations on policy adoption on a low salience issue. I consider how efforts on the part of child marriage survivors and advocacy organizations put a full ban on child marriage on the agenda in the Massachusetts General Court in three consecutive legislative sessions. Despite bipartisan support for the legislation and minimal organized opposition, the legislation did not reach policy adoption as it had in other Northeastern states like New Jersey, Delaware, and Pennsylvania.

In terms of agenda setting, the Massachusetts case has clear similarities to the previous case in Pennsylvania. In that case, I argued that social movement groups were integral to getting an underage marriage ban on the legislative agenda and that these groups continued to work together with legislators throughout the process and apply pressure to the legislative body. Although I hypothesized that spikes in media attention would also be central to getting the legislation on the legislative agenda and to policy adoption, I instead found that well placed newspaper articles in elite news sources drove some political behavior. No sustained spikes in media attention ever occurred.

Yet, limitations exist in this case that did not in Pennsylvania. While Pennsylvania was able to adopt a child marriage ban as part of another piece of legislation to change bureaucratic processes to obtain a marriage license during the Covid-19 pandemic, that crisis only pushed child marriage legislation further back in Massachusetts. The Massachusetts case provides evidence on what the limitations on social movement pressure on a low salience issue can be and what outside forces also prevented further action. I find that other contentious, high profile gender issues such as expanding abortion access were able to reach policy adoption swiftly while child marriage legislation continued to die in committee. Unlike Pennsylvania, Massachusetts legislators do not get their bill to policy adoption across three legislative sessions.

I find that a disconnect between agenda setting and policy adoption in Massachusetts comes from a few different sources. For one, legislators in Pennsylvania framed an underage marriage ban around child protection, putting their focus on messaging that the legislation was saving children from harm. In Massachusetts, women's groups and the women's caucus are more involved in the advocacy, highlighting the explicit gender focus. Other morality-focused gender issues such as expanding abortion access and banning female genital cutting on the legislative agenda at the same time as marriage age reforms. Some point to the possibility that a focus on expanding minor's autonomy in seeking an abortion created a competing frame for ending child marriage. Secondly, as a highly professionalized legislature, Massachusetts lawmakers have a crowded docket and they say more contentious issues receive more urgent attention. Legislators lamented that barriers from the Covid-19 pandemic that pushed hearings online and legislators to work from home also stunted efforts to get a bill adopted. They also pointed to the difficulty of finding native Massachusetts child marriage survivors to continue the discourse on the ill impacts

of child marriage to give the issue the emotional force that could sway a busy General Court to action

The Massachusetts case provides contrast to the previous case of Pennsylvania, where legislators unanimously approved a bill banning underage marriage in April 2020. While Pennsylvania legislators used the opportunity of bureaucratic changes to marriage certificate administration during the pandemic to push through a child marriage ban, legislators in Massachusetts have never been able to simulate the same type of urgency. A strategy that was successful in Pennsylvania, the use of child marriage survivors to advocate for a child marriage ban, was stretched thin in Massachusetts, where advocacy groups look for more survivors who could speak to an experience specific to the state. A lack of media attention and public attention are present in both states but were overcome by legislators and advocates in Pennsylvania when they were able to move forward absent any opposition. In Massachusetts, a bill was kept from adoption by a too little urgency and a competitive frame environment around minor's autonomy.

5.2 Evidentiary Basis of Support

In this chapter, I describe the causal mechanisms behind agenda setting on a child marriage ban in Massachusetts using process tracing. I consider why, unlike the nearby states of Pennsylvania, Delaware, and New York, a bill banning underage marriage in Massachusetts has stalled in committee across three legislative sessions. In Chapter 4, I argued that advocacy groups were successful in getting a child marriage ban adopted in Pennsylvania. when they amplified survivor stories and framed child marriage around child protection. In the case of progressive Massachusetts, I argue movement tactics and new information provided by media contacts moved child marriage onto the legislative agenda and a lack of urgency among legislators prevented further movement.

The cases of policy action in Pennsylvania and Massachusetts provide evidence for how a low salience issue can reach policy adoption and cases where it stalls at agenda setting. Both states have legislative characteristics the extant literature points to being relevant in innovative policymaking – full time, professional legislatures and similar numbers of women in the legislature (Walker 1969; Berry and Berry 2018; Squire 2007; National Conference State Legislatures 2020). More liberal states are more likely to innovate and as of 2017, Massachusetts scores a 61.21 on citizen ideology while Pennsylvania scores a 49.74 on a 100 point scale, making Massachusetts

more liberal and in line with the rest of the Northeast, while Pennsylvania's score is more similar to "blue" Midwest states Illinois and Minnesota (Berry et al. 1998; Berry et al. 2010; Fording 2018). Not only is Massachusetts a more ideologically liberal state than Pennsylvania, making it more likely to innovate, but it is generally a more friendly state to women's advancement. Massachusetts is ranked third best in the nation for women's "opportunity," defined by living above the poverty line, having health insurance, having a college education, and existence of women-owned businesses (Institute for Women's Research).

Yet, the states are not equal in policy outcomes. Pennsylvania adopted a child marriage ban in 2020 (Kaur 2020), while similar efforts in Massachusetts stalled (Asiamah 2019, Interview #10, #11, #12). This case selection draws on the distinctive nature of one state to adopt innovative legislation banning child marriage, while efforts in another state stalled before reaching policy adoption (Yin 2011). According to collected Twitter data and interviews with state-level, regional, and national child marriage organizations, both states have had efforts from social movements to influence state level policy. A within-case case study of each of these states allows for further investigation of social movement activism, media coverage, and legislative pressure within the state.

Table 4. Pennsylvania and Massachusetts cases and key variables

	Pennsylvania	Massachusetts
Legislative professionalism	Professionalized, full-time legislature	Professionalized, full-time legislature
Percent women in legislature	29 percent women in legislature	31 percent women in legislature
BRFH ideology	49.74 citizen ideology (BRFH)	61.21 citizen ideology (BRFH)
Level of problem severity	Low problem severity	Low problem severity
Women's caucus status	Women's Health Caucus	Women's Caucus
Status of legislation	Introduced bill 2017, adopted 2020	Introduced bill 2017, not adopted as of 2021
Social movement – outsider tactics	Public and online presence	Public and online presence
Social movement – insider tactics	Direct contact with legislators	Direct contact with legislators

I use process tracing to draw conclusions on the mechanisms behind agenda setting and policy adoption on underage marriage in these two states. Process tracing is “the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier 2011, 823). This method uses within-case analysis to find the observable implications of hypothesized causal mechanisms or explanations within a single case and allows researchers to follow what decisions led to specific policy outcomes (George and McKeown 1985). This method identifies “diagnostic evidence” to help establish the causal direction of what actors or events influenced the policymaking process (Collier 2011, 824; Bennett 2010).

Evidence in these cases was collected through interviews, collected traditional media and new media sources, and archival research. I conducted 17 interviews in 2020 and 2021 with social movement actors, legislators, and legislative staff. (*See Appendix A*). I identified the interlocutors

through media coverage, social media analysis, and information received in interviews. These interviews ranged in length from 35 minutes to two hours. I also attended three webinars, one facilitated through the United Nations Commission on the Status of Women NGO forum and the other through the International Center for Research on Women, with advocates against child marriage, child marriage survivors, and public health researchers discussing their experiences with the issue of underage marriage. A third was organized by child marriage advocacy organization Unchained at Last and had a panel with legislators and advocates that included Chelsea Clinton. *See Appendix B* for detailed information on webinars. I use the qualitative software NVivo 12 to code the interviews and webinar content. Interviews with social movement actors centered on their strategic moves in advocating for raising the marriage age, such as attempts to frame the issue, conduct to appeal to a broader audience, garner media attention, and attempts to reach legislators.

For interviews with Massachusetts state legislators, I identified relevant legislators through news reports and bill sponsorship. I interviewed co-sponsors of the bill and members of the Massachusetts Women's Caucus. In interviews with state legislators and their legislative aides, I queried their experience on the issue of underage marriage within the policymaking process and their perception of the role of movements, the media, pressure from the public, or pressure from within their legislative body. Further evidence on child marriage in the legislative process came from committee testimony, legislative transcripts, and communications from legislators' offices.

I also queried news media stories to find both the frequency and volume of media stories from 2015-2021, a period that begins two years prior to the first bill being introduced and continues up to the point of data collection in July 2021. News articles were collected from NexisUni and filtered for specific references to Massachusetts. Articles found in NexisUni were cross-referenced with any articles appearing in state capital newspapers the *Boston Globe* and the *Boston Herald* on the topic. A total of 33 stories appeared across these news sources from 2015-2021. As in Chapter 4, only 11 stories appear in national newspapers *The New York Times* and *Washington Post*.

5.3 Attention in traditional and digital media

In the previous case study of agenda setting and policy adoption Pennsylvania, I find limited evidence of any sustained spikes in media attention to the issue of child marriage and some evidence of active campaigns on social media that attempted to put pressure on legislators. In this

chapter, I ask these same questions again. Consistent with the literature that says increases in media attention can capture the attention of heavily distracted legislators (e.g. Baumgartner and Jones 2009), I hypothesize that sustained spikes in media attention can increase the likelihood of agenda setting and policy adoption. The media serves an important agenda setting function in which they direct both legislator and public attention to specific issue and increase the salience of that issue (Herbst 1998; Baumgartner, De Boef, and Boydston 2008; Boydston 2013).

Movements must use whatever resources are available to them to direct and increase attention to their issues (McAdam, McCarthy, and Zald 1988; McCarthy and Wolfson 1996). While movement actors can attempt to garner traditional media coverage for this purpose, they can also overcome information asymmetry by using social media platforms like Twitter to spread information and raise awareness (Ryan 1991; Earl et al 2013; Hurwitz 2017). Social media campaigns created by social movement actors can frame issues and spread information through specific online networks (Friedman 2007; González Bailón and Wang 2016). I argue in the case of child marriage that low-resourced child marriage advocacy groups will use Twitter to communicate a sympathetic issue frame around early marriage and to raise awareness of a low salience issue. In this chapter, I collect evidence on social media campaigns focused on ending child marriage to explore what issue frames were used by advocacy groups and look for correlations between targeted social media campaigns and agenda setting.

Despite the issue of child marriage appearing on the legislative agenda in Massachusetts across three different legislative sessions, newspapers in Massachusetts give the topic limited column inches. Over the course of six years, newspapers in the state only run a total of 33 stories on child marriage in the United States and, as in the Pennsylvania case, *The New York Times* and *Washington Post* only run a total of 11 stories. The discourse on child marriage on the social media application Twitter relating specifically to Massachusetts is minimal, especially in contrast to more popular social media campaigns that were evident in Pennsylvania. In all, the evidence in Massachusetts does not support any major impact from either traditional media coverage or from online campaigns.

5.3.1 Online organizing

While online campaigns to end child marriage were active via Twitter in Pennsylvania, particularly in 2019 and 2020, there is less evidence of robust online organizing in Massachusetts.

I scraped Tweets over the course of three years (2019-2021) that use the hashtags #childmarriage #endchildmarriage or keywords child marriage or end child marriage. The hashtags and key words were chosen after a preliminary analysis of discourse of child marriage on Twitter. I filtered these Tweets down to a dataset of Tweets that only mention Massachusetts or Massachusetts-based legislators, such as Governor Charlie Baker.

The advocate-driven campaign to end child marriage in Massachusetts has little visible presence on the social media platform Twitter, even in comparison to the Pennsylvania case. Only a total of 505 Tweets referencing underage marriage in Massachusetts appear between 2019 and 2021 and the majority of those (434) are repeat Tweets from an anti-child marriage campaign by human rights group Global Citizen that targeted the governors of both Pennsylvania and Massachusetts in one online campaign. The popular Tweet read “Hi @GovernorTomWolf @MassGovernor be the heroes we need! Child marriage destroys girls' lives. Pls protect girls in PA with #SB81 #HB360 & in MA with #S2294 #H1478 and commit to #EndChildMarriage! #18NoExceptions #LeveltheLaw #PowertheMovement.” The majority of these Tweets appear in March and April of 2020, when the Pennsylvania legislature is actively debating the marriage law change, which is ultimately adopted in April 2020. The full dataset has only eight unique Tweets. The limited number of original Tweets points to a limited reach of Twitter campaigns in Massachusetts and provides little evidence for varied frames. The predominant message comes from the Global Citizen campaign and their focus on protecting girls.

Advocacy groups did have Massachusetts-focused digital media campaigns outside of Twitter. When global human rights organization Human Rights Watch decided to expand their global campaign against child marriage to be inclusive of the problem in the United States, advocates thought one strength they could lend to the U.S. advocacy community around child marriage was their large online following. Recognizing that New Jersey-based advocacy group Unchained at Last was already a leader in this space, advocates from Human Rights Watch strategized together with Unchained at Last for a high-impact digital campaign (Interview #17). The joint effort between the two groups was to create videos highlighting the incredulous nature of the low marriage age. In a video posted to the Facebook and YouTube pages of Human Rights Watch in April 2019, the organization brings together a group of Massachusetts 8th graders to talk underage marriage. The middle schoolers are prompted to discuss their future goals and whether they want to get married someday. Then, the interviewers tell the children that under

Massachusetts law, they are old enough to be married and film their wide-eyed reactions (Human Rights Watch 2019). In all, there is little evidence draw any correlation between online organizing and legislative action on child marriage, except to note that Massachusetts did have some online campaign, while other states had none. Although the Tweets that do appear in this dataset are similar in tone in framing to those in Pennsylvania, the Tweets that are targeted to Massachusetts are more limited than Pennsylvania.

5.3.2 Media attention

Similar to the Pennsylvania case, there is little media attention given to the issue of early marriage in Massachusetts state newspapers during the study period. A bill banning underage marriage was introduced in the Massachusetts General Court in three consecutive legislative sessions. In general, efforts to ban underage marriage receive scant media attention with the exception of when child marriage survivors testify in committee for the General Court or limited stories on protests led by advocacy groups. I searched news media stories to find both the frequency and volume of media stories from 2015-2021, a period that begins two years prior to the first bill being introduced and continues up to the point of data collection in July 2021. News articles were collected from NexisUni and filtered for specific references to Massachusetts. Articles found in NexisUni were cross-referenced with any articles appearing in state capital newspaperx the *Boston Globe* and the *Boston Herald* on the topic to check for missing articles. A total of 33 stories appeared across these news sources from 2015-2021. In the previous case of Pennsylvania, 22 news stories appeared in state newspapers from 2015-2020. An extra year of data is collected in this case relative to the Pennsylvania case because efforts to adopt the legislation are ongoing in Massachusetts and ended in mid-2020 in Pennsylvania. As is reported in Chapter 4, only 11 stories on child marriage appear in national newspapers *The New York Times* and *The Washington Post*. The collected evidence of media coverage provides no evidence that any sustained spikes in media attention ever occur for child marriage, either in state or in national newspapers. Child marriage never gets the type of media coverage that high salience or highly contentious political issues receive and remains low salience.

An interesting parallel on the media question exists in both the Pennsylvania and the Massachusetts cases. In Pennsylvania, the first person to introduce a bill banning child marriage, State Rep. Perry Warren, first learned that child marriage was still legal in Pennsylvania from a

story that ran in *The Washington Post*. In Massachusetts, one of the lead co-sponsors on that legislation also had a similar experience. State Rep. Kay Khan was contacted in her role as House chairwoman of the Committee for Family, Children, and Persons with Disabilities by a freelance reporter who wanted to write a story on child marriages in Massachusetts (Interview #10). “He assumed I knew something about it. I was shocked” (Interview #10). Khan began to research to see if anyone else was working on this issue and was able to connect with State Sen. Harriette Chandler, who also was interested in introducing legislation and was in contact with Unchained at Last. Khan said the child marriage story ultimately ran in the *Boston Globe*. As described in Chapter 4, news stories can have an “information effect” on legislators, where they are prompted to act by the content of news stories. The news media is serving in its traditional function of providing information (Sevenans 2017; Liu, Lindquist, and Vedlitz 2009; Delshad 2012; Graber and Dunaway 2015). Although the amount of media attention is low, violating an expectation that more media attention would potentially drive up public attention and issue salience, again the media is not wholly inconsequential to the trajectory of a child marriage ban. In Massachusetts, news information again prompts a key state legislator to further research and issue and work on building up that political network.

5.4 Autonomy, Minors, and State Law

A key difference between the trajectory of a child marriage ban in Pennsylvania from Massachusetts is that the Massachusetts General Court is, in the same time period that a child marriage ban is on the agenda, has other issues on the agenda that also address the autonomy of minors. Most notably, the issue of expanding abortion rights is on the agenda. Massachusetts, the more ideologically liberal of the two states, has a Democratic-led legislature and that wants to secure abortion access, even for teenagers (Berry et al. 1998; Berry et al. 2010; Fording 2018). Complications arise because the issues of expanding abortion access and raising the marriage age have a seemingly conflicting frame on the autonomy of minors – one advances the amount of autonomy afforded to minors under the law and the other restricts it.

Advocates for reforming the marriage age are clear that they see no conflict between the two issues. That in the case of underage marriage it is not typical that minors wish to assert their right to marriage, but rather that parents are more likely coercing or manipulating them into marriage. They argue it is not an autonomy issue as much as a coercion issue (Interview #4;

Interview #14; Interview #1). Proponents of child marriage argue that underage marriage and reproductive rights issues are not at odds, as child marriage is more often about coercion than autonomy. However, both legislators and advocates familiar with efforts to ban underage marriage in Massachusetts say the framing of expanding abortion access around increased autonomy for teenagers did conflict with concurrent efforts to raise the marriage age for teenagers.

5.4.1 ROE Act

One legislator pointed to the possibility that the passage of the controversial ROE Act (An Act to Remove Obstacles and Expand Abortion Access) in 2020 may have strained efforts to get movement on the child marriage ban (Interview #10). In an era where Republican-led states are adopting increasingly restrictive abortion regulations, Massachusetts passed a bill that expanded abortion access to residents age 16 and older. The ROE Act lowered the age an individual can get an abortion without the consent of a parent or a judge from 18 to 16 and allowed abortions at 24 weeks with a fetal anomaly. First introduced in 2019, the ROE Act was contentious and heavily debated piece of legislation that, like the child marriage ban, was stuck in the Judiciary Committee for months. Yet, the death of Supreme Court Justice Ruth Bader Ginsburg in September 2020 created a sudden urgency for legislators, especially as a Republican administration replaced Ginsburg with conservative Amy Coney Barrett. The ROE Act moved quickly between the confirmation of Barrett in October 2020 and its final passage by the Democrat-led legislature at the end of 2020 (Lannan and Lisinski 2020). Republican Governor Charlie Baker vetoed the bill, saying he supported abortion rights but specifically had issues with the expanded abortion rights for minors without parental consent. Both houses of the Massachusetts General Court were able to override and the bill went into effect in 2021 (Romo 2020). The state's minority Republican lawmakers were vocally in opposition to the bill and Massachusetts Citizens for Life said they mobilized thousands to put pressure on Baker to veto in late November (Lannan and Lisinski 2020). The ROE bill was originally introduced with a provision that any girl over age 12 could get an abortion, but that age later changed. In a letter explaining his decision to veto the legislation, Baker wrote he supported reproductive rights but "cannot support the sections of this proposal that expand the availability of later term abortions and permit minors age 16 and 17 to get an abortion without the consent of a parent or guardian" (Murphy 2020). The Senate voted 32-8 to override the governor's veto and the House 107-46 (Lannan and Lisinski 2020).

The ROE Act had the benefit of two variables that are frequently common to policymaking – it had the attention of the public and the attention of the media. Although the bill was divisive between the two political parties, whereas child marriage has bipartisan support, the overwhelmingly Democratic legislature had the votes for policy adoption. Media attention to this issue was disproportionately high compared to child marriage. Media and public attention to the legislation remained high while the legislation was on the agenda. *The Boston Globe*, the largest news organization in New England, ran 21 stories on the ROE Act in the four months between September 2020 and January 2021. By contrast, the newspaper only ran 7 news stories on child marriage from 2016 to 2021. Republican lawmakers openly spoke out against the ROE Act and both pro-abortion and anti-abortion advocates openly waged battle with protests and messaging campaigns between September and December. The abortion issue is generally high salience among members of the public. Abortion remained on Gallup’s list of the “most important issues” for voters in 2020, while questions on teenage marriage have not appeared on the polling organization’s public opinion polls since the first half of the 20th Century (Brenan 2020; Saad 2017).

The timing of the ROE Act legislation coincided with the child marriage ban’s second lap through the legislature, although in the case of the new abortion law, legislators felt the urgency to move quickly. The existence of the ROE Act only complicated the narrative for advocates of banning child marriage. “There was a lot of attention on the ROE Act that kept it from moving forward” (Interview #10). Anti-abortion advocates will use conversations on other issues that impact minors to create a narrative that inconsistencies exist in when minors legally have autonomy and when they do not. “It is an attempt to confuse people,” (Interview #10). In order to successfully adopt a bill banning underage marriage, supporters of the bill need clear and consistent messaging that this legislation is not in conflict with other efforts to expand minor’s rights. An advocate from one human rights group said they are careful not to have messaging that is disempowering to girls but rather their aim is to point to the lack of legal recourse children have if they are married under the age of majority (Interview #17).

Although advocates often point to conservative male legislators as the main opposition to child marriage bans, in some states women’s groups focused on reproductive justice issues have openly opposed an underage marriage ban. In Maryland, proposed legislation to raise the minimum marriage age from 15 to 16 or 17 died when women’s groups such as the Women’s Law Center of

Maryland and NARAL Pro-Choice Maryland argued for girls to be able to make the marriage choice for themselves, citing reproductive rights concerns. NARAL representatives expressed a preference for the ability of minors to become emancipated for marriage (Dance 2018). In written testimony to the Maryland General Assembly in 2020, NARAL Pro-Choice Maryland wrote, “We urge the Maryland General Assembly to not ignore that youth have agency and the right to act in their best interests. Maturity evolves from facing life challenges, resolving conflicts, and increasing one’s responsibilities” (Maryland General Assembly 2020). A bill that would have raised the marriage age in California met pushback in 2017 from state chapters of the American Civil Liberties Union and Planned Parenthood, which argued that it could potentially infringe on their fundamental rights and impede reproductive freedom (Tsui 2017; Tucker 2017).

Although similar efforts exist in Massachusetts to communicate the issue of child marriage around a sympathetic and victim-oriented frame as was clear in Pennsylvania, in Massachusetts the issue gets a competing from abortion law proponents who highlight the need for autonomy for teenagers.

Some advocates indicated tension between groups advocating against child marriage for the extent to which they should be willing to compromise on legislation. The most influential and connected groups preferred a “bright line” at 18 strategy, in which they continued their advocacy for no marriage under the age of 18 with no loopholes even if legislators were willing to take a more middle road. Others preferred a strategy in which they came to the table with legislators and considered different options, including emancipation, for strengthening the marriage laws without having a strict 18 no exceptions approach (Interview #8, #9).

Reproductive justice issues were not the only gender status issues to come before child marriage in policy adoption in Massachusetts, either. Legislation criminalizing female genital mutilation (FGM) was introduced to the General Court in 2019 (S834, H1466, and H3332) unanimously adopted by the legislature in July 2020 and signed by the governor on August 6, 2020. The new law mandated education on FGM and made it a crime to perform the act on anyone under the age of 18 or to transport them to another state for them same purpose (Massachusetts General Court 2020). The FGM law in Massachusetts only applies to minors but it recognizes FGM as a form of both child abuse and gender-based violence (Omilabu 2021).

The movement to end Female Genital Mutilation in the state has similarities to the child marriage issue. Female genital mutilation is also a low salience issue that is widely perceived in

the United States as an issue mostly in the Global South. The main advocacy group spearheading the movement in the states is the AHA Foundation, which has partnered with groups like Unchained at Last and the National Coalition to End Child Marriage in the United States, to raise awareness of both issues – child marriage and FGM. The FGM bill was supported by other state-level women’s groups that also support a child marriage ban, such as the Women’s Bar Association of Massachusetts. Advocates to criminalize FGM used a similar strategy to child marriage, having both medical professionals and Massachusetts-based survivors testify to the legislature and in other public forums about their experience. From news reports, activist and survivor Mariya Taher was active in sharing her story both with the legislature and civil society groups (Saubermann 2020). The *Boston Globe* reported “Taher’s bravery helped humanize this issue and give a voice to these girls” (Saubermann 2020).

The adoption of the FGM legislation creates some interesting contrast to the child marriage bill as with this legislation, lawmakers were convinced of the necessity to adopt a low salience gender issue. Again, like underage marriage, FGM can be steeped in religious beliefs and cultural practices, and legislators were convinced of the coercive aspect of the issue, not just outlawing FGM for minors but criminalizing the practice (Omilabu 2021). One complication that FGM does not have that has impacted the adoption of marriage reform policies in some states is the question of teenage pregnancy. From news reports, transcripts, and interviews, there is evidence in many states that some opposition to raising the marriage age comes directly from concerns that pregnant teen girls should be married and this is not an oppositional view that would impact FGM legislation.

5.5 Legislation stalled

A lack of progress on the child marriage ban is attributed by both legislators and advocates to a lack of political will combined with an inability to get the type of clear and consistent messaging that is necessary to pass legislation in an otherwise crowded legislative agenda of a professionalized legislature. Much of the strategy from advocacy groups remains the same in Massachusetts as in Pennsylvania and other targeted states. Unchained at Last held signature chain-in events and accompanying media events. In March 2019, the group marched through the state house in their eye-catching wedding dresses to the office of Governor Charlie Baker in order to put pressure on legislatures to act on the proposed child marriage ban, then HB 1478/SB 24.

The group hosted similar chain in events in May 2017 and September 2021, highlighting survivors and pushing for action on pending bills.

The closest the state came to adopting the child marriage ban is in 2019. On July 25, the Senate unanimously voted 39-0 to adopt the legislation. This comes just three months after legislators heard in a joint hearing from two child marriage survivors from Massachusetts – Tammy Monteiro and Jennifer Bradbury about their personal experiences. For Monteiro, that was having a judge sign off on her marriage to a 25-year-old when she was only 16 years old. What followed was years of abuse. The testimony of Bradbury focused on statistics surrounding child marriage and her own association with advocacy group American Atheists, which has joined in efforts to end child marriage (American Atheists 2019). On the Senate floor, as the bill went into its final debate, Sen. Harriette Chandler reminded her colleagues of Monteiro’s testimony a few months earlier. “Let me clear: Minors who marry an adult are victims of an inappropriate balance of power” (Schoenberg 2019).

After the Senate’s ability to pass the legislation, it died in the House Ways and Means Committee, never making it to the floor for a vote. Sen. Chandler reintroduced the child marriage ban again in January 2021 and in March 2021 it is referred to the infamously busy judiciary committee. Rep. Patricia Haddad says the lack of movement on the bill does not represent a lack of interest among members of the legislature. She described the measure as having broad support in her chamber, but that the legislature was overloaded with issues to consider. The child marriage ban is similar to another measure banning female genital mutilation that eventually was adopted by the legislature in 2020. People questioned how a bill that ended a human rights abuse took so long to pass, but Rep. Haddad said people underestimated how much support it would have. Especially with complications to getting through bills with Covid-19 slowdowns, Haddad said the child marriage ban has just not been a priority. “It is only bandwidth” (Interview #13).

The Massachusetts Caucus of Women Legislators, which includes every female member of the General Court, has openly supported the legislation banning child marriage. It has remained on the list of legislative issues that have been discussed by the caucus and are supported by its members. The Caucus co-chairs stress that the caucus is bipartisan and it only supports those issues that are acceptable to all members of the caucus, regardless of party affiliation, even though the Massachusetts General Court is led by Democrats. This means the ROE Act, which passed quickly in 2020, was not supported by the women’s caucus. Since not all of the members of the women’s

caucus are pro-abortion, it would have been disrespectful to them for the caucus to support that bill (Interview #12). The Massachusetts legislature has an ad hoc policy Women's caucus, meaning instead of serving an agenda setting function, the caucus makes decisions whether to support policy once it is introduced (Holman and Mahoney 2018; Holman and Mahoney 2019). The existence of a women's caucus within a state legislature does promote collaboration, even across partisan lines, and increases the number of women sponsors and bipartisan women sponsors (Holman and Mahoney 2019).

Although like Pennsylvania, a bill banning child marriage in Massachusetts does not have a well-coordinated or visible opposition, both advocates and legislators point to concerns that have been raised by both right-leaning and left-leaning groups on the proposed legislation. Likewise, both legislators and advocacy groups report the child marriage ban was less of a priority than other legislation related to gender equality, such as the ROE Act.

5.5.1 Opposition

Advocates will often dismiss the opposition to child marriage as “old fashioned misogyny” or the outdated stances of white Republican men who hold conservative opinions on the roles of women and girls (Webinar #1, Interview #1, Interview #16). In some states and instances, this is accurate. When advocates from UNICEF USA, Human Rights Watch, and Unchained at Last went to lobby day at the Massachusetts statehouse to lobby the child marriage ban, they reported the group had to overcome concern from some legislators who questioned what would happen to pregnant teenage girls who needed to wed (Nair 2020). While testifying in front of the Texas state legislature, one advocate said as she was recounting the tale of her early marriage, one male legislator just stood up and walked out while shaking his head (Interview #16).

Unchained at Last chronicles what it calls “#VomitociousExcuses” for child marriage from state legislators on the organization's Twitter account. In November 2021, the group noted a legislator in a Northern state said the legislature could not prioritize a child marriage bill because they were focused on saving confederate statues. When Louisiana set out to put set a statute for a minimum marriage age, Sen. W. Jay Luneau was quoted as saying 18 was too “wide a net” and the legislature should pick an “arbitrary number.” Another Louisiana Senator suggested changing the marriage age would not be beneficial policy because “bad actors” may ignore it (Heffker 2019). South Carolina Senator Katrina Shealy described the difficulty in building a coalition between the

parties in her home state, despite what she saw as a ban on child marriage being a straightforward child protection issue (Webinar #1).

Particularly in liberal states with a Democratic-led legislature, the opposition to boosting the minimum marriage age is more complicated than conservative legislators with outdated ideas on gender equality putting up roadblocks to the policy. In Massachusetts, legislators in favor of a ban had to contend with general apathy to the issue among their fellow legislators as well as concerns on how the child marriage issue may impact efforts to pass other left-leaning policies.

Massachusetts legislators say a ban on child marriage is generally supported within the legislature. It is supported by the women's caucus and also the House leadership of both parties (Interviews #12, #13). Yet, despite five years of effort to adopt legislation, a bill banning underage marriage has not made it to a full vote in both houses. Reports one advocate associated with the National Coalition to End Child Marriage in the United States, "We are now in a holding pattern" (Interview #14)

Legislators attribute this lack of action more to apathy than opposition, although they do suggest there is some concern for how the narrative of the need for child protection that is prevalent with child marriage relates to broader issues of minor autonomy. In particular, an issue at the top of the feminist agenda – abortion. "Opposition to reform on this issue – it comes in a couple of different forms. It is tied up in the abortion issue in a way that is unhelpful" (Interview #17). As previously discussed, the issue of child marriage got tangled in the debate on the ROE Act in a way that pushed child marriage to the background as the focus was on expanding rights for minors wanting an abortion in the state. "People from the left feel like, if you are seeing a 15, 16 year old cannot get married, isn't that going to be mobilized to say they shouldn't be able to have an abortion at the same age." (Interview #17). Legislators also noted how the state in the same time period has debated lowering the age to vote and increasing the age at which minors convicted of crimes would be placed in juvenile detention instead of the adult penal system to 19 (Interview #10). As State Rep. Kay Kahn describes, the legislature is considering multiple pieces of legislation that relate to how minors are treated under state law (Interview #10). A law lowering the voting age would increase autonomy for minors, while one increasing the age for juvenile detention would, like child marriage, consider outside factors for how a young person may require the protection of the state. All these considerations taken together mean the legislators who are

advocates for a child marriage ban are not able to have one clear and uncomplicated narrative on child marriage.

In terms of simple inertia, both legislators and advocates say more awareness is needed. Problem severity for underage marriage in Massachusetts is low, which means it fails to be a source of urgency for legislators to act. One advocate noted that while expanding awareness is a first and necessary step, the more important resource is funding to work on the issue. Having funding is a “real driver of change.” “Awareness is not enough. It is a start. With awareness comes funding, which is a real driver” (Interview #15). It is difficult to secure resources from large funding agencies without data on your issue – something that has been missing for child marriage in the United States. The ability to collect data and secure funding are “critical” for a low-salience issue like child marriage (Interview #15)

Opposition to a ban on child marriage or even raising the minimum age has materialized in a number of states and from different sides of the ideological spectrum. In states such as Idaho, New Hampshire, and Michigan, opposition has come forward from religious groups, especially in response to the ability of pregnant girls to get married as minors (Interview #6, Tsui 2017). A number of states have also experienced opposition from left-leaning groups, and in California, even one chapter of the American Civil Liberties Union. Depending on the state, Republicans or Democrats can be opposed to the issue (Interview #15). Massachusetts legislators report the legislation has broad support from both sides of the aisle, yet some reservations exist.

While much of the discourse around opposition to children marriage coming from advocacy organizations centers on right-leaning opposition, organizations on the left have also participated in shutting down child marriage legislation. In particular, organizations focused on expanding minor girls’ ability to have full reproductive rights, including the right to an abortion, would be complicated by also banning child marriage. In Maryland, a bill that sought to raise the marriage age from 15 fizzled when groups such as the Women’s Law Center and NARAL Pro-Choice Maryland put pressure on legislators not to act. The groups argued that such a ban could “open the door” for other legislation to limit abortion access to minors (Dance 2018). An executive director of NARAL Pro-Choice Maryland argued in a documentary on child marriage that marriage should be included in the constellation of issues in which minors would have a “right to choose.”

5.6 Conclusion

In the previous chapter, I traced how a bill banning child marriage reached policy adoption in Pennsylvania. Here, over the course of five years, advocates worked together with legislators to build support for legislation that would ultimately prevent marriage for anyone under the age of 18. A bill banning child marriage was passed in the Senate in 2019 but never made it to a vote in both houses, despite being introduced in the legislature three separate times. In Massachusetts, many of the same attempts are made by advocacy groups to get a child marriage ban adopted, but with less success than Pennsylvania. I find that a few factors disrupt the legislation's potential for adoption. First, although two child marriage survivors from Massachusetts did testify in committee in favor of the child marriage ban, advocates argue they need more locally-based child marriage survivors who are willing participate in advocacy. While nationwide or even global groups are useful in supply strategy and support, legislators are unlikely to be moved by people from other states. In Pennsylvania, legislators say the fervent advocacy of survivors was integral to their decision to continue to push the legislation forward, working on convincing both their colleagues and their constituents it was a worthwhile endeavor.

Similar to Pennsylvania, the issue received very little local media coverage, especially in comparison to other gender justice issues like the ROE Act and legislation banning female genital mutilation. Online campaigns on the social media platform Twitter also receive less attention than similar campaigns in Pennsylvania. Co-sponsors of the legislation in Massachusetts are likewise dedicated to its passage but have been unable to gain any traction in prompting urgency to adopt. Problem severity of child marriage in Massachusetts is low and without a contingent of survivors who can continue to speak to their experience, other issues continue to take precedence. The need for female victims of gender-based violence to lay out their specific trauma and create iconography out of their actual physical pain has become common in efforts to get legislative attention for issues like sexual assault and intimate partner violence (Bumiller 2008). In this case, legislators are explicit that such a move toward seeing more open trauma is useful to the cause of ending child marriage.

In the following chapter, I take a broader look at what factors lead to agenda setting and policy adoption for policies that raise the marriage age. The analysis on my two case study chapters provided needed context on what factors may be more or less relevant to agenda setting and policy adoption. Support for revised child marriage policies is not specific to states with Democratic

legislators or high numbers of women in the legislature. The impact of women’s caucuses is complicated as Pennsylvania’s Women’s Health Caucus was mostly populated by male legislators and Massachusetts’ Women’s Caucus focused on issues with a broad bipartisan appeal. Neither state provided evidence of the volume of media attention being relevant to policymaking, but rather the placement of key stories in elite sources. One variable that had a clear impact on both cases was testimony in legislative committees from child marriage survivors in committee hearings. In Chapter 6, I use statistical models to explain what potentially had the greatest impact on widespread agenda setting for child marriage policies from 2016-2021. This analysis uses both traditional variables in agenda setting and policy adoption research and new variables for social movement actions.

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CHAPTER 6. REFORM ACROSS THE 50 STATES: ACTIVISM AND POLICY ADOPTION

6.1 Introduction

In March 2019, legislators in Idaho had a heated debate over a proposed bill to raise the minimum marriage age in the state to 16, which ultimately failed in the Republican-led House of Representatives. One state representative argued the state had no place in regulating marriages at all. Another mentioned that abortions were legal of those under 18 in the state in her objection to the bill. Bill sponsor Rep. Melissa Wintrow lamented the inability for the state to even make modest progress on the issue (Moritz-Rabson 2019). The late 2010s saw a number of bills reforming the marriage age reach legislative agendas in state legislatures. A bill that would have set the minimum marriage age at 18 in California died for the first time in 2017 after objections from a myriad of groups, including liberal and civil rights groups, put pressure on state legislators to reconsider. Legislators in Texas adopted a bill that raised the minimum marriage age to 16 for emancipated minors in 2017, enacting reforms in a conservative state with a high problem severity of child marriage.

After a long period of dormancy where child marriage was a non-issue for the states, starting in 2016, bills proposing raising the minimum marriage age began proliferating across the states. Both red states and blue states put marriage age reforms on the agenda. So did states where the issue was high problem severity and those where the issue was low problem severity. States with full-time professionalized legislatures put child marriage reforms on the agenda, as did states with part-time legislatures. The issue appeared on the agendas of state legislatures in every region of the United States, eventually reaching a total of 44 legislatures by the end of 2021.

The last efforts the United States has seen to make any significant changes to the marriage age requirements date back five decades. Some groups attempted reform to the marriage of minors in the early 20th century, after statutes governing divorce and annulment had been loosened. These loose divorce laws concerned some women's groups that vulnerable young girls could be lured into early marriage (Grossman and Guthrie 1996; Syrett 2016). Discussion of the marriage age resumed in the Vietnam-war era when state legislatures wanted to clear the path to marriage for men entering the war at age 18 without parental consent (Wardle 1984). (*See Chapter 3 for a more*

detailed discussion of the history of child marriage reforms). Since then, the continued practice of marriages under the age of majority have received scant attention in the states.

The lack of attention to this issue at either the state or the federal level puts the United States at odds not only with newly prevailing norms in other developed democracies but the government's public stance on early marriage when it comes to foreign policy. The United States government has been outspoken against the continued existence of child marriage in other parts of the world. U.S. Department of State has included in foreign policy documents that ending child marriage is a moral imperative and the practice of child marriage is tantamount to a human rights abuse (U.S. Department of State 2009) and an end to young marriage is part of the United Nations Sustainable Development Goals (United Nations 2021). Yet, in the modern era few attempts were made to close the dangerous loopholes that allowed children – mostly girls – to marry young to often negative life-long consequences.

In the previous two chapters, I presented evidence across two case studies for how the issue of child marriage gained legislative attention in two states. I explained how a total ban on underage marriage reached agenda setting and policy adoption in Pennsylvania and agenda setting in Massachusetts. I find that in both states, a ban on child marriage first reaches the legislative agenda through efforts from social movements to frame the issue around child protection. Despite low levels of citizen interest and media attention in both states, movement actors were able to reach legislators through targeted communications and directed appeals, specifically from child marriage survivors. In Pennsylvania, a bill outlawing any marriage under age 18 passed unanimously in both chambers and faced minimal pushback from legislators in the Republican-led legislature.

The case in Massachusetts became more complicated. Although a total ban on underage marriage was introduced into the legislature three times and received committee hearings, as of April 2022, the bill had yet to reach policy adoption. Advocates and legislators point to two complicating factors. One reason is Massachusetts has one of the lowest rates of child marriage in the nation and busy legislators felt no imminent pressure to legislate on an issue that impacted a small population of citizens. The other is that child marriage became linked to efforts to pass abortion legislation that expanded access to abortion for minors without their parents' permission (ROE Act). As both issues involved debates surrounding the autonomy of minors, the frame offered by child marriage advocates of the need to protect minors is complicated by a reproductive justice frame of giving teens autonomy over key decisions on reproductive health.

Building on these two cases, the aim of this chapter is to create a full picture of what factors led the long-overlooked issue of marriage age reform to gain popularity throughout the states. The story of how marriage age policies came to spread across the states is multifaceted as states both began in different positions and sought to raise the marriage age in different ways. As detailed in Chapter 3, the 50 states were a patchwork of policies prior to reforms, ranging from no minimum marriage age with a parent's signature to a minimum age of 17 with a parent's signature. By the end of 2021, only six states fully banned underage marriage, but the vast majority had at least introduced bills that would have raised the minimum marriage age to 16 or 17. In this chapter, I explore what contributed to the swift change in these marriage age reforms reaching the agenda setting phase, with consideration for what I found in the two case studies. In the case studies on Pennsylvania and Massachusetts, I found that social movement actors were integral to getting a child marriage ban on the legislative agenda, and in the case of Pennsylvania, to policy adoption.

Although I hypothesized in the case studies that I would see sustained spikes in media attention that would boost both public and legislator attention, this was unsupported in both states. I do find the media served an information effect to legislators unaware of the issue. I also found that efforts by advocacy groups to use a victim-oriented frame around child marriage and center survivors in advocacy efforts connected directly with legislators. Here, I create statistical models of both agenda setting and policy adoption for legislation that raises the minimum marriage age in the states. These models are built on the premise that some traditional models of agenda setting and policy adoption cannot be applied to low salience issues. I hypothesize the existence of social movement tactics such as public protests will increase the likelihood of agenda setting. I also argue that targeted online campaigns will increase the likelihood of agenda setting and policy adoption. I also hypothesize that evidence of social movement actors using insider tactics like committee testimony or other legislator meetings will increase the likelihood of policy adoption. Furthermore, I argue that the existence of open opposition from elected officials will decrease the likelihood that new marriage age policies are adopted.

Using a statistical model of agenda setting and policy adoption in all 50 states across six years, I find support for my hypotheses that social movement action is strongly, positively, and statistically significantly more likely to lead to both agenda setting and policy adoption. In the agenda setting phase, the use of public-facing tactics and online campaigns increased the

likelihood of agenda setting; while in the policy adoption phase, the use of insider tactics such as meetings with legislators and testifying in committee increased the likelihood of policy adoption.

6.2 Background

In this chapter, I explore the unique nature of how a low salience issue operates in the policymaking process. This is evaluated using the issue of underage marriage – defined as the marriage of any two people where one person is under the legal age of majority, 18. All bills introduced or adopted during the study period related to the marriage age made it more difficult, not less, to get married under the age of 18. I test the extent to which a low salience issue would follow some traditional models of agenda setting and policy adoption in the states. I argue for a more prominent place for social movement activism in understanding agenda setting and policy adoption in the states. The example of how efforts to reform marriage age policy after a long period of dormancy highlights the efforts of social movement actors – acting in a role of policy entrepreneurs – to bring this issue to the attention of legislators and to the forefront of legislative agendas.

A new generation of advocacy groups became a leading force against child marriage in the states in the mid-2010s, with advocacy groups such as Unchained at Last and Tahirih Justice Center in the lead. Prior to the efforts of these groups, state legislators said in media interviews and interviews with the author that they were unaware their state still allowed underage marriage. Through the efforts of these advocacy organizations, legislators began to come face to face with survivors of child marriage, who pushed them to end the antiquated practice. Advocates protested in front of state capitols and held news conferences. They started social media campaigns and placed survivors at the center of their advocacy, with survivors laying out their considerable trauma from early marriage in order to engage legislators in this issue.

Yet, as the literature on agenda setting has highlighted, most issues, even worthy issues, will never reach the agenda setting phase of the policy process. Agenda setting is a significant barrier for most problems (Kingdon 1984). It is the stage of the policy process where a bill has been introduced and has the attention of key decision makers (Weible 2018). The likelihood that a new issue or an innovation to an existing issue will climb to the agenda setting phase of the policy process is low and instances are rare (Kingdon 1984; Baumgartner and Jones 2009). The worthiness of an issue is not closely tied to whether it will ascend to the policy agenda, many

factors relative to both the social and political contexts are more likely to determine whether an issue may be considered by legislators (Meyer 2007).

How issues move to the agenda setting stage is, in part, reliant upon the actions of individuals from both inside and outside of the policy process. In the case of child marriage, I argue that social movement actors on the issue acted as policy entrepreneurs in order to break through the limited attention available from legislators. Policy entrepreneurs are those people who actively work toward specific policy outcomes using multiple methods to shape the perception of issue and draw the attention of legislators, the public, and the media (Kingdon 1984; Baumgartner and Jones 2009; Mintrom and Vergari 1998). These policy actors attempt to elevate an issue through issue definition, framing, and expanding the scope of attention (Baumgartner and Jones 2009; Schattschneider 1960; Cobb and Elder 1972). Social movements are particularly effective in the agenda setting phase of lawmaking. Movements influence issue framing and discourse to raise public consciousness for collective action (Banaszak 1996; Gamson 1992). Social movements can use both “outsider” tactics by using disruptive tactics and public appeals to garner public and media attention, and “insider” tactics by interacting directly with legislators (Ornstein and Elder 1978; McCammon et al. 2001). In a study of why the U.S. women’s suffrage movement was ultimately a success, Banaszak (1996) writes that it was the building of alliances as well as successful framing that were the winning strategies for that movement.

The issue of reforming loopholes to the marriage age is inherently a gender status issue – an issue of the status of the female sex as a group, the status of women and girls. Like violence against women or access to reproductive health options, the issue of the marriage age disproportionately impacts girls and has implications for their health, safety, and long-term prospects. As child marriage disproportionately impacts the politically powerless constituent group of poor, rural underage girls, I expect that equality-focused social movements will advocate for this cause to apply pressure to legislatures and raise public awareness. For those issues that involve specifically women’s status, women’s movements have had the greatest impact on getting these issues on the legislative and decision agendas (Weldon 2002). In order to get gender issues to the legislative agenda and increase public attention, it is often movements that name the issue and articulate it as a social problem (Weldon 2002). The abortion debate that arose in the United States prior to *Roe v. Wade* allowed women’s social movements to redefine what women’s health care meant and to put more issues related to women’s health on the policy agenda (Palley and Palley 2014). In cases

ranging from state-level action in the United States to organized efforts on a transnational level, women's movements have proven to be successful in increasing the visibility of issues related to women's status and equality (Weldon 2002; Weldon 2011).

Existing models of agenda setting, policy adoption, and diffusion in the states often rely on the study of high salience issues. These models posit some common features in state contexts for the adoption of innovative policy. Those states that have "slack" resources (Cyert and March 1963) such as greater financial resources and a professionalized legislature with a full-time staff are more likely to innovate because they are able to take risks in the adoption of new policies (Walker 1969). These well-resourced states tend to innovate more quickly than those states that have less developed resources and part-time legislatures (Walker 1969). Having greater resources allow innovative states to overcome the obstacles to passing innovative policy and provide cover for if the innovative policy were to fail (Berry and Berry 2018). States with a more liberal ideology are also more likely to innovate (Boehmke and Skinner 2012). States are more likely to adopt a new policy if other, similar, states have adopted it (Walker 1969), as well as neighboring states (Boehmke and Skinner 2012). The appeal of adopting policies from similar or neighboring states can be a result of social learning (Volden 2006; Mooney 2001).

The aim of this chapter is to empirically test what variables may have the greatest influence on the likelihood of agenda setting and policy adoption for a low salience issue. Building on the literature and my two case studies, I theorize a low salience issue will have a distinct pathway to agenda setting and policy adoption that, instead of being driven by public opinion, has social movement actors interface directly with legislators. I use reforms to the marriage age, an issue that proliferated across state legislatures in the late 2010s into the early 2020s, as a way to explore the centrality of social movement action to the policy process in the states and to test some traditional measures of policymaking that are prevalent in the literature. To this end, I offer the following hypotheses:

Agenda setting hypotheses:

- (H1): States will be more likely to put child marriage on the legislative agenda in states where social movement actors held public-facing protest or media events.

(H2): States are more likely to put child marriage on the legislative agenda in states where advocates had a state-centered campaign on ending child marriage on social media platform Twitter.

Policy adoption hypotheses:

(H3): States will be more likely to adopt underage marriage restrictions in states where advocates lobbied to legislators in one-on-one meetings or through committee testimony.

(H4): States will be more likely to adopt underage marriage restrictions in states where advocates had targeted state-centered campaign on ending child marriage on social media platform Twitter.

(H5): States will be less likely to adopt underage marriage restrictions in states where state legislators were openly in opposition to the measure, either in media interviews, official communications, or through committee or floor speeches.

6.3 Data and Methods

In the previous two chapters, I used case studies in two states to reveal what causal mechanisms lay behind agenda setting and policy adoption on policies banning child marriage in Massachusetts and Pennsylvania. This allowed for theorizing potential pathways to agenda setting and policy adoption for a low salience issue. The qualitative case studies assisted in the selection of variables that would be employed for the 50-state analysis of agenda setting and policy adoption on policies restricting the marriage age in the states. In this chapter, I create statistical models for how legislation restricting the marriage age diffused to legislative agendas in the states.

These models use original variables I created to represent social movement action and opposition and extant variables relevant to agenda setting and policy adoption from the literature on state legislative action. These new datasets of social movement action and opposition related to marriage age reforms provide evidence for the centrality of movement action to policy success. The data for the independent variables were collected through in-depth interviews, state legislative websites, news sources, data collected from the social media platform Twitter, and Legiscan.

My contribution to our understanding of agenda setting and policy adoption in the states is to theorize the actions of social movements in the policy process. As such, I include variables

representing how movement actors attempt to influence policy, both through outsider tactics like protest campaigns and social media campaigns, as well as insider tactics like lobby days or committee testimony. I find that broad consensus in the legislature worked for a fairly swift resolution in Pennsylvania, while open opposition in other states kept child marriage reform off the decision agenda. As such, I include a variable representing whether elected representatives in the state had open opposition to child marriage reform, either in the form of media interviews, official communications, or floor debate.

I include control variables that represent variables consistent with other state policymaking models, such as the level of legislative professionalism (e.g. Berry and Berry 1990, Shipan and Volden 2008, Walker 1969). I also include variables that measure the women's economic status in the state as underage marriage disproportionately impacts girls and is a gender status issue (Htun and Weldon 2018, McCammon et al. 2001). I assume that some variables that are relevant to the agenda setting process will also be relevant to the policy adoption process (Hays and Glick 1997). I also include control variables that test whether an underlying cause of action on this issue could be women's descriptive representation, as is the case with some gender issues (Beckwith 2007; Bratton 2002; Caiazza 2004; Dodson 2008; Mansbridge 1999).

Variables included in the models are as follows:

Dependent variables:

All dependent variables are measured each year from 2016 to 2021.

DV1 is a dichotomous variable measuring whether a bill raising the marriage age (yes/no) appeared on the legislative agenda in the state, meaning it was introduced and assigned to committee action. If a state put a bill raising the marriage age on the agenda in the given year, it is coded as a 1, if not, it is coded as a zero.

DV2 is a dichotomous variable on whether a bill raising the marriage age (yes/no) reached policy adoption, meaning it passed through the legislative body and was signed by the governor. If a state adopted a bill raising the marriage age in the given year, it is coded as a 1, if not, it is coded as a zero.

Dependent variable data is an original dataset collected from individual state legislative websites and Legiscan.

Independent variables:

These are original datasets. All variables are measured at each year indicated.

SocialProtest is a dichotomous variable measuring whether groups held public events in the state (protests, media events, information sessions) targeted on action to raise the marriage age (yes/no) from 2016 to 2021. Yes is coded as a 1, no is coded as a zero.

OnlineCampaign is a dichotomous variable measuring whether a targeted state-level Twitter campaign existed (yes/no) for changing the marriage age in the state from 2019 to 2021. Yes is coded as a 1, no is coded as a zero.

InsiderTactic is a dichotomous variable measuring whether advocates engaged in insider tactics (yes/no) such as meetings with individual legislators or testifying in committee from 2016 to 2021. Yes is coded as a 1, no is coded as a zero.

Opposition is a dichotomous variable measuring whether any state lawmakers had evidence of visible opposition to changing the marriage age (yes/no), whether in the form of media interviews, constituent communications or floor speeches from 2016 to 2021. Yes is coded as a 1, no is coded as a zero.

Control variables:

WomenWork measures the percent of women in the workforce as of 2020 and is supplied by the Institute for Women's Policy Research

Salary measures in U.S. dollars the median salary for working women in the state as of 2020 and is supplied by the Institute for Women's Policy Research

Opportunity measures the extent of economic opportunity for women. This measure is created by the Institute for Women's Policy Research and is a composite score that measures the share of women with a bachelor's degree, share of women-owned businesses, percent of women living above poverty, and the percent of women with health insurance. This index is created on a scale of 1 to 3 with 1 representing the most opportunity and 3 the least opportunity. Last updated in 2014.

MarriageAge measures women's median age at first marriage as of 2019. This is collected from the U.S. Census American Community Survey.

LeftParties is a dichotomous variable that measures whether a state has a Democratic-led legislature. This is collected from the National Conference on State Legislatures on an annual basis from 2016 to 2021. States with Democrat-led legislatures are coded as a 1, others are coded as a zero.

WomenLegis measures the percent of women in the state legislature. This is collected from the Rutgers Center for Women in Politics and the National Conference on State Legislatures annually from 2016 to 2021.

WomenCaucus is a dichotomous variable that measures whether the state has an active women's caucus (yes/no). This is collected from the National Conference on State Legislatures on an annual basis from 2016 to 2021. The existence of a women's caucus is coded as a 1 and no caucus is zero.

Liberalism is a measure of citizen liberalism. I use the Berry, Ringquist, Fording, and Hanson (BRFH) measure of state policy mood. The index ranges from zero to one. This is a standard measure for the impact of public opinion on public policy. This measure was last updated in 2013.

Professionalism is a measure of the level of professionalism of state legislatures. I use the Squire Index, which creates a composite index based on legislative sessions, staff resources, and salaries. The index ranges from zero to one with one being the most professionalized legislatures. This was last updated in 2015.

LeftGovernor is a dichotomous variable indicating whether the governor of the state was a democrat (yes/no). This is collected from the National Conference on State Legislatures on an annual basis from 2016 to 2021. A Democratic governor is coded as a 1, all others are coded as a zero.

6.3.1 The model

The agenda setting and policy adoption models explore which variables best represent action on marriage age reforms in the 50 states. The models tested use time-series cross-sectional data across the 50 U.S. states from 2016 to 2021. The unit of analysis is the state-year. The first date represents when states first begin introducing legislation that would raise the marriage age.

The last of the data is collected in December 2021, by which time 44 states had introduced bills updating the marriage age. To test the hypotheses on factors leading to agenda setting and policy adoption, I estimated a model that is a logistic regression with clustered standard errors on the year (i.e. Oakley 2009; Weldon 2006; Abel, Salazar, and Robert 2015; Jett and Raymond 2021). A correlation matrix of the two dependent variables and the four independent variables is in *Table 5*. None of the predictive variables are shown to be highly correlated. I further conducted variance inflation factor (VIF) tests to complete a check for multicollinearity. *Tables 8 and 10* show VIF statistics for the predictor variables at just over 1, which indicates a low level of inflation in the variance.

Table 5. Correlation matrix for Dependent and Independent Variables

	DV1	DV2	SocialProtest	OnlineCampaign	InsiderTactic	Opposition
DV1	1.00					
DV2	0.44	1.00				
SocialProtest	0.25	0.01	1.00			
OnlineCampaign	0.27	0.05	0.23	1.00		
InsiderTactic	0.41	0.37	0.03	0.14	1.00	
Opposition	0.33	0.29	-0.06	0.21	0.32	1.00

6.3.2 About proposed marriage age laws and the dependent variable

There is some disagreement in the advocacy community on whether to support state efforts to raise the minimum marriage age if doing so does not constitute a full ban on underage marriage. This is not an inconsequential debate. Some groups in the child marriage advocacy community only support legislation that would make the minimum marriage age 18 with no exceptions. Doing so puts the marriage age in line with the age of majority, meaning that anyone getting married would also be a fully legal adult. This prevents many of the major concerns associated with a young marriage, such as that a person wanting to leave a marriage may not be able to hire an attorney because they are still a minor. They may also not be able to access a women's shelter if

necessary because shelters often do not take minors without an adult. The vast majority of child marriages are of 16- and 17-year-olds, so raising the age to 18 with no exceptions protects the group most likely to get married. Groups supporting only legislation banning marriage under 18 refer to this as a “bright line 18” strategy. Any state bills that do not meet this standard are not supported (Interview 4). Some other advocacy groups have taken a more incremental approach, arguing that some change is better than none and often a useful first step. If states go from no minimum marriage age to a minimum age of 16 or 17 with a parent’s permission, these groups argue that is still useful progress (Interview 4, 6).

It is clear that states that fail to raise the marriage age to 18 without exceptions are leaving loopholes in place that do put married minors in a difficult legal position. However, in this study, I include any piece of legislation that raised the minimum marriage age in a state. This is not to make a normative judgement on the correctness of any one position. Rather, because this study is ultimately about how low salience issues have the potential to rise to agenda setting and policy adoption in state legislatures, even an incremental change to the marriage age is illustrative for the end goal of studying agenda setting and policy adoption. The agenda setting and policy adoption theories being tested do not rely on whether state legislatures took a comprehensive or an incremental approach to policy change. The fact that many states in this study ultimately only consider or adopt legislation that falls short of expectations is disappointing from a public policy standpoint but ultimately still useful for the study of agenda setting and policy adoption on a low salience issue. Whether states propose a change to current law that makes the age 16 or 18, in either case the issue is one that is mostly invisible to the public at large.

6.4 Results

I theorized that social movements would be central to policymaking on child marriage in the absence of media attention or public attention. The lack of salience of this issue means it would not be likely to follow traditional models of agenda setting or policy adoption. The models in this chapter reflect what variables may have the greatest impact on both agenda setting and policy adoption for a low-salience issue in state legislatures. I selected reforms to marriage age loopholes as the issue for study as it is a low-salience issue that quickly proliferated on legislative agendas across six years. Independent variables for this statistical model were selected in part through qualitative case studies on agenda setting and policy adoption in two states. In the models, I

measure whether movement groups staged in-person actions such as protests or media events to draw the attention of legislators for agenda setting. I also hypothesize that the presence of targeted online campaigns to legislators could increase the likelihood of agenda setting and put pressure on legislators for policy adoption. In my two case studies, large Twitter campaigns, some originating with the group Global Citizen, targeted legislators in both Pennsylvania and Massachusetts to take action on raising the minimum marriage age. I argue that the use of insider tactics such as individual meetings with legislators or committee testimony will increase the likelihood of policy adoption. Alternately, I hypothesize that open opposition to marriage reforms by elected officials will decrease the likelihood of policy adoption. In all states, proposed legislation on marriage age reforms sought to increase the minimum age for marriage and/or add new restrictions to minor marriage.

The agenda setting model shows support for both of the agenda setting hypotheses and the policy adoption models show mixed support for those three hypotheses. The model findings support the importance of public social movement action (*SocialProtest*) and online action (*OnlineCampaign*) in the agenda setting phase and for the use of insider tactics in the policy adoption phase. The results show a both result both positive in direction and statistical significance for variables for *SocialProtest* and *OnlineCampaign* (see *Table 6*). The existence of public advocacy like protests and media events increases the likelihood of reforms appearing on the policy agenda, supporting the hypothesis. Advocacy groups held media events and protests outside of state capital buildings in targeted states to raise the profile of the low salience issue. I also calculated predicted probabilities on the *SocialProtest* and *OnlineCampaign* variables in the agenda setting model. For the *SocialProtest* variable, when all other covariates are held at means, the probability of agenda setting in the presence of *SocialProtest* is .77. The marginal effects are larger in in model 2 the absence of the *OnlineCampaign* variable when N=300 in the second model. A margins plot for *SocialProtest* is in *Appendix E*.

Likewise, the creation of targeted state-level campaigns by social movement actors on the social media platform Twitter for changes to the marriage age had a significant impact on the likelihood of agenda setting. The Twitter data was skewed in favor of my one of my two case study states, which by far of any states had the biggest Twitter campaigns. Pennsylvania, which adopts a full ban on child marriage in 2020, specifically has the largest campaign against child marriage via Twitter. The states that follow with a total ban – Minnesota, New York, and Rhode Island – do

not have Twitter campaigns that are equal in scope. Some states have smaller campaigns where Twitter users target specific legislators to press them to take action on child marriage. For example, in 2020, Zonta Club International with Unicef create a web campaign that allows individuals to target Tweets to their state legislators to take action on child marriage. I specify a second model with the *OnlineCampaign* variable omitted because the *OnlineCampaign* variable is limited to three years of data. In this second agenda setting model, the variable *SocialProtest* remains a positively signed and statistically significant predictor of the likelihood of agenda setting (see *Table 8*).

Of the control variables included in the model, only one had a statistically significant impact on the dependent variable. The model shows a negative relationship between the likelihood of agenda setting on marriage age reforms and the percentage of women in the workforce (*WomenWork*). The proportion of women in the labor force often reflects on the socio-cultural realities of the region. Areas that are steeped in a culture of having a traditional family structure are less likely to have women in the labor force (Losa and Origoni 2004). Women's economic empowerment through their ability to work outside the home, be educated, and earn salaries and benefits has broadly positive outcomes both personally and for society as a whole (Agarwal 1997; Iversen and Rosenbluth 2010). I would expect that variables representing women's status would be positively signed meaning states where women have a more equal economic status would also pass gender status legislation, but that is not the case in this model. Other variables that attempt to women's status in the state are not significant. Nor are control variables for the existence of left parties, state liberalism, and existence of women's caucuses and the percentage of women in government. (*See Table 8*).

Table 6. Agenda setting on marriage age reform 2019-2021

	Coefficient	p value
SocialProtest	2.01** (.782)	.01
OnlineCampaign	1.37*** (.427)	.001
WomenWork	-.106*** (.021)	.000
Salary	.0001 (.0001)	.348
Opportunity	-.142 (.204)	.485
MarriageAge	-.117 (.552)	.552
LeftParties	-.216 (.622)	.622
WomenLegis	.036 (.370)	.370
WomenCaucus	.276 (.165)	.095
Liberalism	-.004 (.013)	.755
Professionalism	-1.19 (2.44)	.624
Constant	4.42*** (.132)	.001
Pseudo R2	.117	

*p<0.05; **p<.01; ***p<.001, n=150

Table 7. Collinearity diagnostics for agenda setting model

Variable	VIF	Tolerance
DV1	1.12	0.88
SocialProtest	1.10	0.90
OnlineCampaign	1.12	0.89
	Mean VIF=1.11	

This second agenda setting model excludes the *OnlineCampaign* variable due to the data limitations, as described above. Like in the previous agenda setting model, the variable for *SocialProtest* is positively and statistically significantly likely to increase the likelihood of agenda setting on marriage age reforms. The control variable for the percentage of women in the workforce *WomenWork* remains negative and statistically significant in this second model and the variable for women's salary becomes statistically significant.

Table 8. Agenda setting on marriage age reform 2016-2021, Model 2

	Coefficient	p value
SocialProtest	2.49*** (.615)	.000
WomenWork	-.068* (.030)	.024
Salary	.0001* (.000)	.024
Opportunity	.165 (.240)	.492
MarriageAge	.167 (.177)	.347
LeftParties	-.366 (.251)	.144
WomenLegis	.030 (.022)	.172
WomenCaucus	.401 (.230)	.081
Liberalism	-.023 (.013)	.074
Professionalism	-.293 (.708)	.679
Constant	-8.05 (6.92)	.245
Pseudo R2	.144	

*p<0.05; **p<.01; ***p<.001, n=300

For the model on policy adoption, I also argue that social movement actors will be relevant to proposed marriage age legislation making it to the policy adoption stage. I argued that online social media campaigns (*OnlineCampaign*) will continue to increase the likelihood of policy adoption, but this finding is neither positive nor statistically significant. The use of “insider tactics” (*InsiderTactic*) by movement actors in the form of contacts with legislators or committee testimony is positively signed and statistically significant at the $p < .001$ level across two model specifications, providing support for hypothesis 3. This points possibly to both the influence of social movement actors in committee and the importance of committee action to the overall policy process in state legislatures (Eidelman, Kornilova, and Argyle 2018). As previously discussed in the case study of policy adoption in Pennsylvania, individual contacts with social movement actors pushed legislators to policy adoption on an issue that had failed to broadly capture the public’s attention. In Pennsylvania, the vote on adopting a total ban on underage marriage passed unanimously in both houses of the Republican-led legislature and legislators indicated that this broad consensus was necessary for adoption. I include a variable in this model on whether any elected officials in the state were publicly in opposition to reforms, either in floor or committee speeches or in media interviews. This coefficient is positively signed but not statistically significant in the first model that includes the *OnlineCampaign* variable (See Table 9). However, the variable for *Opposition* is positive and statistically significant at the $p < .01$ in the second model that excludes the online variable, giving support for the opposition hypothesis (See Table 11). This does not support hypothesis 5. Using the example of my case study in Pennsylvania, I posited a lack of opposition would lead to policy adoption. Instead, the existence of opposition increased the likelihood of policy adoption. This may be due to the fact that the existence of opposition increased attention to the issue among legislators. Understanding the relationship between opposition and policy adoption can be complex depending on the actors involved and requires understanding the strategies of each (Bervquist, Bjarnegård, and Zetterberg 2013).

Across the two policy adoption models, some control variables reach statistical significance. As was true with the agenda setting model, the variables that measure women’s access to social mobility are either not statistically significant or negatively signed. This indicates a weak connection between women’s social status and the adoption of policy that improves women’s equal status. Two other control variables were statistically significant in this model. The variable for the median age of marriage in the state is positively signed and statistically significant. This shows

that states with a higher median age for marriage were more likely to institute reforms to the marriage age, again not supporting any connection between problem severity and likelihood for action on the issue. The other control variable with a statistically significant positive likelihood of policy adoption is the percentage of women in the legislature. This is the case in model 1 but not model 2. As states have higher numbers of women in government, the more likely they are to reform the marriage age. State legislatures on average have more women in the legislature than the U.S. Congress but there is stark variation amongst the states. As of 2021, West Virginia only has 14 percent of women in the legislature, while Nevada has 52 percent (NCSL 2021). Although there is debate in the literature as to whether numbers of women in government are as relevant as having “critical actors” on gender issues, it is a consistent theme in the representation literature that female legislators are more likely to substantively represent women’s issues through bill introductions and floor speeches and action (Dodson et. al 1995; Duerst-Lahti and Kelly 1995; Swers 2002; Rosenthal 2002; Childs and Krook 2009; Mansbridge 1999). An interaction model measuring whether an interaction between protest action and percentage of women in the legislature increased the likelihood of policy adoption was not statistically significant (*See Appendix D*).

Table 9: Policy adoption on marriage age reform 2019-2021

	Coefficient	p value
OnlineCampaign	-.357 (1.35)	.792
Insider tactic	2.62*** (.606)	.000
Opposition	1.54 (1.98)	.437
WomenWork	-.095 (.056)	.089
Salary	-.000 (.000)	.313
Opportunity	-.020 (.416)	.961
MarriageAge	.524* (.246)	.033
LeftParties	-2.046* (.868)	.018
WomenLegis	.096* (.042)	.015
WomenCaucus	.989 (.782)	.206
LeftGovernor	.212 (.618)	.731
Professionalism	.268 (1.88)	.887
Constant	-11.46* (5.26)	.029
Pseudo R2	.282	

*p<0.05; **p<.01; ***p<.001, n=150

Table 10. Collinearity diagnostics for policy adoption model

Variable	VIF	Tolerance
DV2	1.21	0.82
OnlineCampaign	1.06	0.94
InsiderTactic	1.24	0.80
Opposition	1.20	0.83
	Mean VIF=1.18	

The second policy adoption model removes the *OnlineCampaign* variable and measures the independent variables *InsiderTactic* and *Opposition* over six total years. Here, both the variables for the use of *InsiderTactic* and *Opposition* are positively signed and highly statistically significant, providing evidence for one of the two policy adoption hypotheses (*See table 11*). For the policy adoption model, the predicted probability for *InsiderTactic* with covariates held at the mean is .30. A plot of the marginal effect is in *Appendix E*. The predicted probability for *Opposition* is .341 with covariates held at the mean. Of the control variables, the *MarriageAge* variable remains positive and statistically significant and *LeftParties* is negatively signed and statistically significant.

In this model, the variable for *Opposition* from state legislators is positive and statistically significant at the $p < .01$ level. The *Opposition* variable is measured as any open disagreement with child marriage reform legislation expressed from an elected legislator in media interviews, professional communications, or in committee or floor speeches. This finding indicates that the two case studies in this project did not fully capture opposition and this is an area for further study. In my case study of Pennsylvania, no opposition came to the forefront and legislators indicated that open opposition would have likely killed the successful child marriage ban. The type of vocal, mobilized opposition that I code for in this data was also not present in Massachusetts. It is noteworthy that opposition to child marriage in the states is often related to a range of other issues. In liberal states, it can conflict with efforts to expand abortion access to minors. In conservative states, it has encountered pushback from legislators attempting to change marriage license statutes because of their opposition to same-sex marriage. Questions arose in many states as to whether the

state should prevent a pregnant minor from getting married. This finding suggests that the existence of opposition may increase awareness of a low salience issue, at least among members of the legislature and help to push it to policy adoption. An area for further study is how the nature of the opposition interacts with the politics of the state.

Table 11. Policy adoption on marriage age reform 2016-2021, Model 2

	Coefficient	p value
InsiderTactic	2.50*** (.525)	.000
Opposition	2.48* (.972)	.011
WomenWork	-.121 (.069)	.080
Salary	.000 (.000)	.932
Opportunity	-.053 (.441)	.903
MarriageAge	.464** (.198)	.005
LeftParties	-1.76** (.637)	.006
WomenLegis	.054 (.051)	.297
WomenCaucus	.355 (.384)	.356
LeftGovernor	.506 (.406)	.213
Professionalism	-.400 (1.33)	.779
Constant	-10.67** (3.45)	.002
Pseudo R2	.290	

*p<0.05; **p<.01; ***p<.001, n=300

These models highlight the novel nature of how a low salience issue operates in the state policymaking process. Unlike some of the variables at the forefront of state policymaking in traditional models of agenda setting and policy adoption, level or professionalization was not

statistically significant. The variable *LeftParties* was negatively signed, indicating a negative relationship between the existence of left parties and policy adoption. While extant literature argues that problem severity is relevant to the likelihood of action on policy issues (Nice 1994; Sapat 2004; Karch 2006) having a lower median age of marriage in the state increased the likelihood of agenda setting or policy adoption. In the analysis of the data, I would also argue that gender status issues can be distinct in how they should be modeled relative to other state issues. It comes to reason that those issues that explicitly address the status of women and girls as full members of society may not map onto traditional models of policy adoption (Hawkesworth 1994; Sapiro 1986; Duerst-Lahti and Kelly 1995). Variables representing women's status were not statistically significant, but the variable *WomenLegis* for percentage of female legislators was positively signed and statistically significant in policy adoption model 1.

Among the other arguments for the swift spread of policy adoption include policy diffusion literature that makes a case for geographically-based policy learning (Walker 1969). As reforms on child marriage stand at the end of 2021, 23 of the 44 states that have proposed changes to the marriage age have adopted those proposals. The data as of 2021 on policy adoption for child marriage bans shows limited evidence of geographic diffusion. Delaware and New Jersey are the first states to fully outlaw child marriage in 2018, followed by Pennsylvania in 2020, then New York and Rhode Island in 2021, creating a small geographic cluster of states to do so in the Northeast. The only other state to fully ban child marriage is Midwestern Minnesota in 2020. Following from Walker (1969), many studies of diffusion have argued for the importance of geographic contiguity in policy. Yet, others argue that contiguity does not accurately capture most diffusion mechanisms and the most likely diffusion pairings come from states with similar resources, and demographic and political features (Desmarais, Harden, and Boehmke 2015). Based on the observed pattern of policy diffusion, I do not include a contiguity variable in the final model. My findings do not show demographic and political features being relevant to agenda setting or policy adoption for marriage age changes.

The literature also points to particular states as being leaders in policy innovation and these states have shifted across time. States that rank in the top five of policy innovation from the literature begin with California, New Jersey, Oregon, New York, and Connecticut for Walker (1969); then are California, New Jersey, Illinois, New York, and Oregon for Boehmke and Skinner (2012); and more recently New York, Florida, California, Connecticut, and New Jersey for

Desmarais, Harden, and Boehmke (2015). These identified “innovative” states are mixed in response to child marriage. New Jersey does become only the second state to fully ban child marriage. However, in the supposed innovators of Oregon, Connecticut, and Illinois, legislatures have not advanced legislation to policy adoption. Liberal California has only been able to adopt weak child marriage protections. New York is a late innovator on child marriage, becoming the sixth state to ban child marriage in 2021.

An outlier in the data is the state of Alabama, which is coded in my data as not having child marriage on the agenda during the study period. Alabama is an unusual case as it did raise the marriage age from age 14 to age 16 in 2003. Former state representative John Hilliard (D-Birmingham) first introduced a bill raising the marriage age in the state in 2001 after learning about the number of children married in the state. Alabama was specifically mentioned as the destination state for child marriages in a high-profile scandal of an Atlanta-based church called House of Prayer, which became notorious for corporal punishment of children and the encouragement for girls to marry church members at age 14 (Judd 2013, Maxey 2015). Hilliard’s bill faced steep opposition in the state legislature. That bill was killed during a filibuster fight that went into the night. Hilliard told the press at the time he was surprised by the level of opposition. “How can it be that a child as young as that was being promised out by their parents. And almost nobody at the time was able to tell my why it was OK for it to continue” (Harress 2017). Two years later, Sen. Charles Steele (D-Tuscaloosa) introduced a new bill to raise the age to 16, citing the number of children who were coming into Alabama from neighboring states to get married because of the lax law. This bill was supported by the Alabama Probate Judges Association. This legislation raised the marriage age to 16 with parental consent was adopted in 2003 and the number of early marriages in the state dropped as Alabama’s statute came in line with other Southern states (Staff 2003).

6.5 Conclusion

This chapter provides new evidence of what factors may increase the likelihood of agenda setting and policy adoption for a low salience issue in the states. I argue that traditional models of agenda setting and policy adoption focus on issues with high media attention or public attention. By contrast, I focus on an issue that, as I find in two state-level case studies, receives limited media attention and has limited attention among the public at large. In selecting reforms to the minimum

marriage age as the focus of this study, I also consider what differences may take place for issues that have a gendered element. Underage marriage disproportionately impacts girls and has dramatic life-long consequences for the health, safety, educational attainment, and economic opportunity for women and girls. This makes underage marriage a gender status issue – an issue that impacts the equal status of women and girls as a group (Htun and Weldon 2018).

Following the completion of two case studies on agenda setting and policy adoption in the states, I argue that the actions of social movement actors would be integral at both stages of the policymaking process. I hypothesize that at the agenda setting stage, movement actors use of tactics such as public protests and media events will increase the likelihood of agenda setting. I also hypothesize that targeted state-level online campaigns via the social media platform Twitter will increase the likelihood of agenda setting. In the policy adoption phase, I argue that online campaigns will also increase the likelihood of policy adoption. I hypothesize that in states where social movement actors used insider tactics such as one on one meetings with legislators and testifying in committee would increase the likelihood of policy adoption. Child marriage is an issue that in some states has garnered opposition from both liberal and conservative groups. As such, I argue that open opposition from an elected official in the form of media interviews or floor speeches will have a negative relationship with policy adoption.

My findings in the longitudinal 50-state study support my hypotheses on the centrality of social movement actors at both the agenda setting and policy adoption phases. The existence of outsider tactics (*SocialProtest*), including the specific tactic of creating online campaigns (*OnlineCampaign*), were both positively and statistically significantly related to a higher likelihood of agenda setting on marriage age reforms. The marginal effect of *SocialProtest* was particularly high. In the policy adoption phase, the use of insider tactics (*InsiderTactic*) is positively and statistically significantly related to a higher likelihood of adoption. Also in the second policy adoption model, the variable for opposition was statistically significant, indicating that understanding the nature of opposition in this case is complex. It is possible in some states that a vocal opposition to underage marriage represents higher awareness of the issue among legislators or be indicative of the heightened discourse on the issue.

The analysis of these models also led to questions of whether a gendered issue might experience a unique trajectory in the policy process. Consistent with the extant literature on substantive representation, having a higher percentage of women in the legislature was positively

and statistically significantly related to an increased likelihood of policy adoption. The existence of women's caucuses was not significant in either the agenda setting nor the policy adoption phase. This may be related to the varied nature of women's caucuses, as some have a strict policy-oriented nature, while others are more social in nature and do not engage in policy advocacy (Holman and Mahoney 2019; Holman and Mahoney 2018). While problem severity is linked in the literature to policy adoption (Nice 1994; Sapat 2004; Karch 2006), this is not the case for marriage age reforms. States with a higher median age for marriage were statistically significantly more likely to adopt marriage age reforms. States with the highest per capita rates of child marriage – Nevada, Idaho, Arkansas, and Kentucky – did adopt minor reforms to the marriage age in recent years (Unchained at Last 2021). Also, in violation of expectations from the literature, state party control from left parties and citizen liberalism was not a statistically significant variable in the model (Shipan and Volden 2016). These diversions from the norm on a gendered policy may point to rethinking traditional paths for agenda setting and policy adoption.

The statistical model created in this chapter, paired with the two previous case studies, makes a strong argument for the role that social movements can play in creating legislative interest on a low salience issue, particularly one that impacts a population that is highly marginalized. For an issue that never ascends to high levels of public scrutiny nor receives any kind of sustained spikes in media attention, social movement actors used their limited resources to create unique protest opportunities and online campaigns while also investing in advocating against child marriage from within the halls of the legislature. These actions led to agenda setting in 44 states and policy adoption in 23 states. As is familiar in public policy, the final adopted policy was often not what was originally introduced in the legislature or as progressive as advocates would have preferred. Some in the child marriage advocacy community have advocated for a strategy of not supporting any legislation that falls short of capping the marriage age at 18 (Interview #4; Interview #1). In this case, the current state of marriage age reforms falls short, since as of the end of 2021 only six states in the United States have completely banned any marriage under 18. Still, the work of these groups has made a significant impact in a short period of time. Prior to 2018, underage marriage was still legal in all 50 states and was mostly absent from the agendas of state legislatures. By the end of 2021, the landscape had changed completely with the majority of states across the nation having at least debated the marriage age and almost half having made at least incremental improvements to the minimum marriage age.

6.6 References

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CHAPTER 7. CONCLUSION - WHAT MARRIAGE AGE REFORMS CAN TELL US ABOUT INVISIBLE ISSUES

7.1 Introduction

The rapid trajectory of legislation to reform underage marriage is mostly a success story. For most of U.S. history, little attention was brought to the issue of early marriage. This is despite the fact that early marriage has the potential to bring considerable trauma and abuse to a highly marginalized and often isolated population. In the late 2010s, a new crop of advocacy organizations sought to end the long silence that surrounded child marriage in the United States. The ability of teenagers, mostly girls, to get married or be forced into marriage before the age of majority was quietly occurring in all states across the country. While the rate of young marriages had steeply declined over time, a population of girls – usually poor, rural, and religious – were still marrying as minors, typically to adult men (Syrett 2016). Often pressured by family members to marry young, girls who married early benefitted from neither power nor visibility in the political system. Stories of early marriage related years later by survivors paint a bleak picture of physical, emotional, and sexual abuse in early marriages. The limited medical literature on child marriages in the United States support these claims, along with the propensity for lifelong poverty and a lack of education (Wahi et al. 2019; Le Strat, Dubertret, and Le Foll 2011; Syrett 2016). Yet the worthiness of an issue alone is not enough to make it reach legislative agendas (Meyer 2007). Many worthy issues will never reach the agenda setting phase of the policy process as legislators can only focus on a limited number of issues at any one time (Kingdon 1984; Baumgartner and Jones 2009).

As an emerging social movement to end child marriage developed, movement actors had to develop strategies to connect with state legislators. They had to capture legislative attention despite the low salience of the issue. Many legislators reported in interviews, webinars, and news stories that before hearing from an advocacy group or a journalist, they were not even aware that child marriage was legal in their state, let alone still happening. Early marriage also has very low recognition among the public, as measured through a lack of public opinion polling, Google trends data, and interviews with legislators and advocacy groups. Unlike other issues that have been studied at the state level like smoking bans, lottery proposals, and abortion regulations (e.g. Kreitzer 2015; Mooney and Lee 1995; Meier and Mcfarlane 1993; Shipan and Volden 2006;

Pacheco 2011; Pacheco and Boushey 2014), reforming underage marriage did not have the backing of well-resourced lobbying groups or a well-organized oppositional force. One advocate noted that long-standing social movements such as the one for LGBTQ rights has the benefit of more years of data and coordinated and tested methods of communicating the issue, while the young movement to end child marriage had to move rapidly with fewer resources (Interview #15).

In many ways, key movement actors from advocacy groups acted as policy entrepreneurs in order to get reforms to the marriage age on legislative agendas. Policy entrepreneurs attempt to frame and shape the perception of an issue. They may provide education or target key groups that could be receptive to the issue. Policy entrepreneurs have policy alternatives in place for when a rare policy window may be open (Kingdon 1984; Baumgartner and Jones 2009; Mintrom and Vergari 1998). Policy actors may create coalitions around activists, researchers, and legislators (Sabatier 1988; Jenkins-Smith and Sabatier 1993). In the case of the movement against child marriage, survivors and advocacy groups were central to action that happened in state legislatures. These groups used some common movement strategies, such framing issues in a way that will get maximum engagement. One such framing strategy is to frame issues in a way to identify protagonists and antagonists (Boushey 2010; Ryan and Gamson 2006; Snow and Benford 1988). Advocates framed child marriage as a child protection issue, one that put children at significant risk because although they would be married, they would not be legally adults under state law. As both the public and lawmakers had low information on underage marriage, these individuals and groups sought to educate, mostly through first-person storytelling from survivors who shared their traumatic experiences of young marriage. In order to expand the scope of attention on child marriage, advocacy groups held visually interesting protests, media events, and created online campaigns to raise attention to underage marriage. They both attempted to get media coverage for their events and prepared child marriage survivors to have their stories told in national news outlets like the *New York Times* and the *Washington Post*.

In some states, legislators took an involved role in advocating for reform to the marriage age, even without interest from constituents. Individuals inside and outside of government can be policy entrepreneurs and such individuals are evident in states where reforms to the marriage age appear at least on the legislative agenda. Perhaps the most high-profile example is State Rep. Cassandra Levesque in New Hampshire, who was active in protesting, giving news interviews, and using her platform as state representative to continue pushing the state legislature to policy

adoption on a full child marriage ban. In Pennsylvania, which banned underage marriage in spring 2020, State Rep. Perry Warren reached out to his constituents to educate them about early marriage. He partnered together with advocates from Unchained at Last for education and participated in one of the group's signature "chain ins" at the capitol in Harrisburg. State Senators Julia Salazar (New York) and Katrina Shealy (South Carolina) joined advocates, researchers, and survivors in June 2021 for a webinar that sought to educate on the outcomes of child marriage and discuss possibilities for policy change in the states. New York went on to be the sixth state to ban child marriage just a month later.

In political science, there is some skepticism of the mantra from Margaret Mead, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." After all, as we know, there are many other political variables to consider. There is the nature of political institutions themselves, whether they are professionalized and well-resourced. There is the nature of politics, and its reliance on those issues that put pressure on legislators and have swept the attention of politics. There is the nature of influence itself, that is the outside factors that sway politics like lobbying and opposition. And yet, in many states, a small group of thoughtful, committed citizens did create change on underage marriage. They perhaps did not change the world, but they did alter the future for those girls who were most at risk for early marriage. Child marriage survivors and key advocacy groups and a small band of dedicated legislators all acted in a role to push child marriage onto state legislative agendas and, in some cases, to policy adoption.

7.2 Major findings

Throughout this dissertation, I demonstrated the centrality of social movements to policymaking on a low salience issue. I focused on efforts to reform the marriage age as a consequential policy topic that impacted a relatively small group of people and had not yet captured the public's attention. Despite this, the issue proliferated across state legislative agendas and decision agendas across the six-year study period. In two case studies, I explored how bills banning any marriage under the age of 18 reached policy adoption in Pennsylvania in 2020 and reached the legislative agenda in Massachusetts more than once. In Pennsylvania, I find that efforts by advocacy groups to frame underage marriage as a child protection issue resonated with lawmakers in the Republican-led legislature. I also found that individual meetings with and

testimony by child marriage survivors pushed lead co-sponsors on the child marriage ban to keep advocating for the ban, even after it died in committee during the first legislative session it was introduced. Thus, in Pennsylvania, the work of advocates and especially child marriage survivors were integral at both agenda setting and policy adoption, pushing legislators to act on an issue for which their constituents were largely ignorant.

Many of the movement tactics that were successful to getting a child marriage ban on the legislative agenda in Pennsylvania were also successful in Massachusetts. Advocates framed child marriage around child abuse and protection and protested and lobbied at the statehouse. A bill in Massachusetts did not swiftly reach policy adoption as it had in Pennsylvania for two main reasons. One, legislators were not convinced the issue was pressing and advocacy groups needed more Massachusetts-based child marriage survivors available to continue the advocacy. The second issue was related to a competing frame disrupting the child marriage/child protection frame. In 2020, while S2294 banning child marriage was on the agenda, Massachusetts lawmakers were also trying to adopt the ROE Act, which expanded abortion access in the state and made it easier for teen girls to get an abortion without their parents' permission. The ROE Act was adopted quickly in Massachusetts, but not without considerable opposition from anti-abortion advocates and Republicans in the legislature. The frame of protecting children from child marriage advocates came in conflict with a frame of increasing teens' autonomy. Some proponents of a child marriage ban noted a purposeful attempt to "confuse" the two issues. As of the April 2022, whether a child marriage ban will eventually be adopted in Massachusetts remains to be seen. Key legislators say they do not plan to allow child marriage to drop from the agenda, but they need to convince colleagues that it is worthy of a rare spot on the crowded decision agenda. This points to the need to understand how a low salience issues exist within a constellation of other issues, particularly high priority and high salience issues.

My two case studies provided information for the development of a 50-state statistical model of agenda setting and policy adoption for marriage age reform legislation. Ultimately, my case studies led me to focus on the actions of social movements as the main drivers of both agenda setting and policy adoption. I argue their actions such as protests, creating social media campaigns, and advocating within the legislature leads to a higher likelihood of agenda setting and policy adoption. I also consider whether open opposition from elected lawmakers in the states would deter policy adoption on marriage age legislation. I find that outsider tactics like protests and media

events as well as the existence of online campaigns were both positively and statistically significantly related to a higher likelihood of agenda setting on marriage age reforms. The predicted probabilities show the effect of social protest (*SocialProtest*) is particularly strong in magnitude. In the policy adoption phase, the use of insider tactics such as testifying in committee is strongly and statistically significantly related to a higher likelihood of adoption. There is not support that the existence of online campaigns increased the likelihood of policy adoption, although vocal opposition from elected officials decreased the likelihood of policy adoption.

This project contributes to both the state politics and social movement literatures by increasing our understanding of how low salience issues ascend to legislative agendas and what factors propel them to policy adoption. I provide new evidence for the centrality of social movement actors in bringing these newly emerging issues to legislators, even in the absence of any kind of mass pressure. This research gives context on how social movement action can influence the policy process in the states, even those states that are considered unlikely to innovate.

7.3 Future research: Gender Issues and Feminist Movements

While this project mostly focuses on the low salience nature of underage marriage reforms in the states, I also explored how the gendered nature of the issue might impact agenda setting and policy adoption. Those entering into early marriage are disproportionately young girls marrying adult men (Tsui, Nolan, and Amico 2017; Koski and Heymann 2018; Goodwin, McGill, and Chandra 2009). Child marriage impacts the equality of women and girls as a status group. Political institutions are patriarchal in nature and often policy either ignores the equal status of women – as was the case with marriage age policies – or is disproportionately restrictive or harmful to women (Hawkesworth 1994; 1997). In recent years, state legislatures have passed laws reducing women’s access to reproductive health and prosecuting women for failing to protect children from abusive spouses and boyfriends (Michaels 2022; KFF 2021). As of the beginning of 2022, a Democratic-leaning U.S. Congress had failed to reauthorize the Violence Against Women Act for three years and also failed to adopt legislation that would have guaranteed a person’s right to an abortion (Fandos 2021; Hulse 2022)

This project attempts to capture some of the gendered nature of reforms to the marriage age. I expect some backlash to these policies, as they may create a threat to traditional ideas of the family unit. In fact, this was visible in the transcripts and media interviews of state lawmakers who

openly worried about the prospect of pregnant teenage girls being unwed. Raising the marriage age also removes a protection for men accused of statutory rape. One loophole to statutory rape laws in states where underage marriage is legal is these men can marry their partner, no longer making the partnership “illegal” under state law (Van Roost, Horn, and Koski 2022).

In my model of agenda setting and policy adoption, I include variables that attempt to capture the gendered aspect of marriage reform policies. Two of the variables included in the model are the percentage of women in government and the existence of women’s caucuses. Having more women in the legislature was statistically significantly related to an increased likelihood of policy adoption in one model. However, the existence of women’s caucuses was not significant in either the agenda setting nor the policy adoption phase. This may be related to the varied nature of women’s caucuses, as some have a strict policy-oriented nature, while others are more social in nature and do not engage in policy advocacy (Holman and Mahoney 2019; Holman and Mahoney 2018). I analyzed whether indicators of women’s status, measured through women’s salary, education, and participation in the labor force, would have an impact on the likelihood of agenda setting and policy adoption on marriage age reforms, but did not have statistically significant results.

More scholarship needs to be done to understand both the motivating and oppositional factors behind policymaking on gendered issues. Some recent projects provide evidence of both women’s mobilization and religious opposition to women’s issues in the states, such as an examination of family leave policies, egg donation policies, and IVF attitudes (Sholar 2016; Mohamed 2018; Heidt-Forsyth 2018). The comparative politics literature has vast coverage of mobilization on women’s issues across the globe (i.e. Mazur and McBride 2006; Forester et al. 2022; Weldon 2002; Baldez 2002), yet in the American politics literature, such measures are lacking. Future work on gender issues in the states would benefit from a comprehensive measure of women’s and feminist mobilization in the states. Particularly one that, consistent with other comparative work such as Weldon (2002), provides a measure of both the strength and autonomy of feminist movements across states.

Also beneficial would be a comprehensive accounting of backlash, particularly religious backlash, to gendered issues. This was difficult to measure for marriage age reforms. In some states, legislators would express opposition to marriage age reforms, citing the need to be respectful to religious practices. Religiously affiliated state groups such as the Family Foundation

of Kentucky, The Family Action Council of Tennessee, and the Louisiana Family Forum did openly oppose marriage age reforms in their respective states. Likewise, early marriage is highly correlated with strong religious beliefs (Syrett 2016; Uecker and Stokes 2008). Although child marriages occur across different religious backgrounds in the United States, no major religious group openly promotes the practice (Belanger 2017; Tahirih 2011).

One of the most surprising elements of studying mobilization against child marriage is the seeming disconnect between the child marriage advocacy community and the broader feminist community. Evidence of the collaboration between child marriage groups and broader women's groups is mixed across the states. In some states, groups such as the National Organization for Women or the Coalition Against Domestic Violence would be involved in anti-child marriage advocacy. In others, groups such as NARAL Pro-Choice America, Planned Parenthood, and the Women's Law Center provided testimony in opposition to raising the marriage age. Part of this disconnect may be the centrality of reproductive justice issues to the American feminist agenda. Both at the state level and the federal government level, reproductive rights have been at a near-constant threat in the last decade. Conservative state legislatures and a more conservative supreme court have put feminist groups on defense for defending the right to an abortion and other reproductive justice issues. One area where reproductive justice groups have attempted to gain access to abortion is for teenage girls to be able to receive an abortion without their parents' permission and this has created conflict around questions of autonomy and minors for marriage reform advocates.

As described in Chapter 5, the messaging on ending child marriage and expanding abortion access can come into conflict in the states. One issue inherently restricts the autonomy of underage girls and the other expands the autonomy of underage girls. Child marriage advocates have made clear they think these are two separate issues and they do not oppose abortion rights. They argue that child marriage is more about parental coercion than autonomy. Likewise, abortion is timebound in a way marriage is not. Still, the anti-abortion lobby is strong and well-funded and pro-abortion groups must be cautious of any threats to their agenda (Torres-Spelliscy 2020; Staggenborg 1995; Rohlinger 2002). The issue of child marriage reaches the agenda of some state women's groups and even some national feminist media outlets but overall does not appear to be situated as a major feminist issue in the United States (Amin 2012; Bee 2017).

As such, future research should consider the development of women's issues in relationship to the broader feminist agenda. By the end of 2021, feminist groups supporting reproductive rights had plenty of threats to face. A more conservative United States Supreme Court was reviewing controversial abortion decisions and states like Texas had passed their most restrictive abortion laws yet (Dwyer 2021). Other issues related to women's equality abound – a lack of paid family leave, a lack of policies addressing intimate partner violence and sexual assault, no commitment to addressing the high rate of women pushed out of the labor force during the Covid-19 pandemic. Feminist mobilization – a powerful force to change cultural norms and advocate for women's equality policies – is needed on many fronts (Coe 2012; Weldon 2002; Htun and Weldon 2018). Yet, trade offs must be made in money, resources, and priorities. If a backlash to women's empowerment continues as well as threats to women's rights, it is necessary to understand what policy issues remain at the forefront of the battle for women's equality.

7.4 Conclusion

This project began with two main questions. The first was – how do low salience issues reach legislative agendas? This is a necessary question because much of politics is a *routine politics*, of issues that are perhaps not highly contentious or perhaps do not impact an overwhelming population of people. While this is not the part of legislating that captures the media's attention or draws people to state legislatures, it is still an integral part of the policymaking process. Also, those issues that only impact small groups of people may impact those small groups of people in a highly impactful way. Such is the case with child marriage. This brings me to my second major question – how did the issue of child marriage reach the agendas of the majority of state legislatures in six years? This is a necessary question not just because child marriage is a theoretically interesting example of how a low salience issue may ascend the policy ladder, but also because it is incredibly consequential to those people who are impacted. As child marriage survivors have said in news stories, in committee testimony, and in interviews with the author, early marriage has traumatic consequences such as mental, physical, and emotional abuse.

Part of the success of advocacy groups to push the issue of child marriage to legislative agendas came from their ability to translate the lived experiences of child marriage survivors into messaging that connected with legislators across the United States. Child marriage survivors are an integral part of the advocacy community around marriage around reform and they are at the

helm of many advocacy groups or partner with them to work with the media or legislators. Survivors gave media interviews, met with legislators, and testified in committee. The issue of reforming the marriage age was framed by advocacy groups using the term “child marriage” and these groups emphasized the coercive element of early marriage and described the issue in terms of child protection. Public campaigns by advocates and contact with legislators helped marriage reforms reach the legislative agenda even in the absence of media attention or public pressure. Legislation raising the minimum marriage age or removing existing loopholes often reached policy adoption in states where advocates had testified to their experience in committee. I attempt to capture both in the qualitative and quantitative analysis the nature of opposition to child marriage and other low-salience gendered issues like it, but more work needs to be done in this area. My findings throughout this project support my argument that movement actors can be central to policymaking on low salience issues.

Child marriage is a practice that marginalizes and exploits underage girls and the continued existence of this legal loophole to state law is a violation of human rights. Social movement groups and individual actors acting as policy entrepreneurs have successfully advocated for some change in this policy arena. In this project, I offered evidence for how movements were successful in agenda setting and policy adoption on marriage reforms, even in the absence of media attention, public attention, and with limited resources. Child marriage is an example of an issue that is low in salience but high in impact – those effected face lifelong consequences. Understanding how these issues come to be on legislative and decision agendas is consequential to our understanding of political institutions and the outside actors that shape them. It is necessary to understand how policy change is possible on those issues that effect a marginalized population even when that policy change happens seemingly against all odds.

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APPENDIX A: INTERVIEWS WITH ADVOCATES AND LEGISLATORS

Interviews	Advocate/organization description	Interview date
Interview #1	Advocate from national child marriage-specific organization	March 18, 2020
Interview #2	Pennsylvania State Rep. Perry Warren	March 4, 2021
Interview #3	Pennsylvania State Sen. Judy Schwank	March 19, 2021
Interview #4	Advocate from national child marriage-specific organization	March 26, 2021
Interview #5	Legislative Director, office of State Sen. John Sabatina	April 5, 2021
Interview #6	Advocate from regional child marriage-specific organization	April 26, 2021
Interview #7	Pennsylvania State Rep. Jesse Topper	April 29, 2021
Interview #8	Advocate from a legal organization	Jan. 25, 2021
Interview #9	Advocate from a legal organization	July 12, 2021
Interview #10	Massachusetts State Rep. Kay Khan	July 12, 2021
Interview #11	Advocate from a women's legal organization	Sept. 28, 2021
Interview #12	Massachusetts State Sen. Joan Lovely	Aug. 4, 2021
Interview #13	Massachusetts State Rep. Patricia Haddad	Aug. 4, 2021
Interview #14	Advocate from a national women's social organization	Aug. 3, 2021
Interview #15	Advocate from a national secularist organization	Aug. 9, 2021
Interview #16	Child marriage survivor and advocate	Oct. 21, 2021
Interview #17	Advocate from a global human rights organization	Sept. 12, 2021

Sample recruitment e-mail:
Dear SUBJECT,

I am conducting a research project on state-level policymaking on child marriage in the United States. I have identified you through (media reports/legislative actions) as an individual who is actively involved in (legislative action/advocacy) on the issue of child marriage. My research focuses on the underlying mechanisms behind why certain states have chosen to take action on this issue in the last five years. I am interviewing legislators and advocates involved in the passage of child marriage bills on the state level.

Would you be willing to submit to an interview on the topic of (advocacy/legislative reform) against the practice of child marriage in the United States? The interview would last approximately 30 minutes and can be conducted via telephone or videoconferencing software such as Zoom, WebX, or Skype. Your name will be kept confidential and the information received from the interview will be used for the purposes of academic research. No video recordings of the meeting will be kept. An audio recording of the interview can be collected at your discretion. If you choose to allow an audio recording, all identifying characteristics will be removed from the recording and it will be deleted after transcription. You may end the interview at any time. If you prefer, I can provide a list of questions in advance.

This project is Protocol 2020-177 under the Purdue University Institutional Review Board. A potential benefit of participating in this research is to increase understanding of the mechanisms behind policymaking on this social issue. The risk to you is low. You will not be compensated in exchange for participating in this interview in any way.

If you have any questions, please contact me at alusvard@purdue.edu. I will follow up in a week to attempt to schedule an interview with you. The principal investigator on the project is Dr. Rosalee Clawson, professor of political science at Purdue University, and she can be reached at clawsonr@purdue.edu.

Best wishes,

Amber Lusvardi, PhD candidate, Purdue University

Sample interview questions:

Tell me about your interest in the issue of underage marriage.

How did it come to your attention?

Did your office put out any communications on the issue or link to any media stories?

Did you speak to any outside parties in regards to this issue? Who?

Did you meet with other legislators about the issue or a potential bill?

How would you characterize the reaction of other legislators to the issue?

How would you describe the opposition to the issue or the legislation?

What steps did you think were necessary to get this bill adopted? What, if any, roadblocks did you hit?

Was there a sense of urgency to get this bill passed? Why or why not?

APPENDIX B: INTERVIEWS FROM WEBINARS

Webinar	Participants
Webinar #1 June 17, 2021	Sen. Dick Durbin, Chelsea Clinton, New York State Sen. Julia Salazar, South Carolina State Senator Katrina Shealy, author Blair Imani, Dr. Yvette Efevbera, and child marriage survivors
Webinar #2 October 21, 2020	Lyric Thompson, Maryum Saiffee, Mara Steinhaus, Dr. Kristen Zaleski
Webinar #3 March 16, 2021	Mabel van Oranje, Kate Ryan Brewer, child marriage survivors and activists
Webinar #4 October 12, 2021	Claudia Cappa, Dr. Anita Raj, Dr. Sajeda Amin, Dr. Eunice Muthengi, Mary Beth Hastings, Arwyn Finnie, Fraidy Reiss, Dr. Yvette Efevbera

APPENDIX C: WASHINGTON POST ARTICLE

The Washington Post

Democracy Dies in Darkness

Why can 12-year-olds still get married in the United States?

We preach against child-marriage abroad. But thousands of American children are wed annually.

By Fraidy Reiss

Fraidy Reiss is founder and executive director of Unchained At Last, a nonprofit that helps women and girls escape arranged and forced marriages and works to end child marriage in the United States

Feb. 10, 2017 at 11:03 a.m. CST



Michelle DeMello walked into the clerk's office in Colorado thinking for sure someone would save her.

She was 16 and pregnant. Her Christian community in Green Mountain Falls was pressuring her family to marry her off to her 19-year-old boyfriend. She didn't think she had the right to say no to the marriage after the mess she felt she'd made. "I could be the example of the shining whore in town, or I could be what everybody wanted me to be at that moment and save my family a lot of honor," DeMello said. She assumed that the clerk would refuse to approve the marriage. The law wouldn't allow a minor to marry, right?

Wrong, as DeMello, now 42, learned.

While most states set 18 as the minimum marriage age, exceptions in every state allow children younger than 18 to marry, typically with parental consent or judicial approval. How much younger? Laws in 27 states do not specify an age below which a child cannot marry.

Unchained At Last, a nonprofit I founded to help women resist or escape forced marriage in the United States, spent the past year collecting marriage license data from 2000 to 2010, the most recent year for which most states were able to provide information. We learned that in 38 states, more than 167,000 children — almost all of them girls, some as young 12 — were married during that period, mostly to men 18 or older. Twelve states and the District of Columbia were unable to provide information on how many children had married there in that decade. Based on the correlation we identified between state population and child marriage, we estimated that the total number of children wed in America between 2000 and 2010 was nearly 248,000.

Discover more of the stories that matter to you.

Select your interests



APPENDIX D.: ALTERNATE AGENDA SETTING MODEL

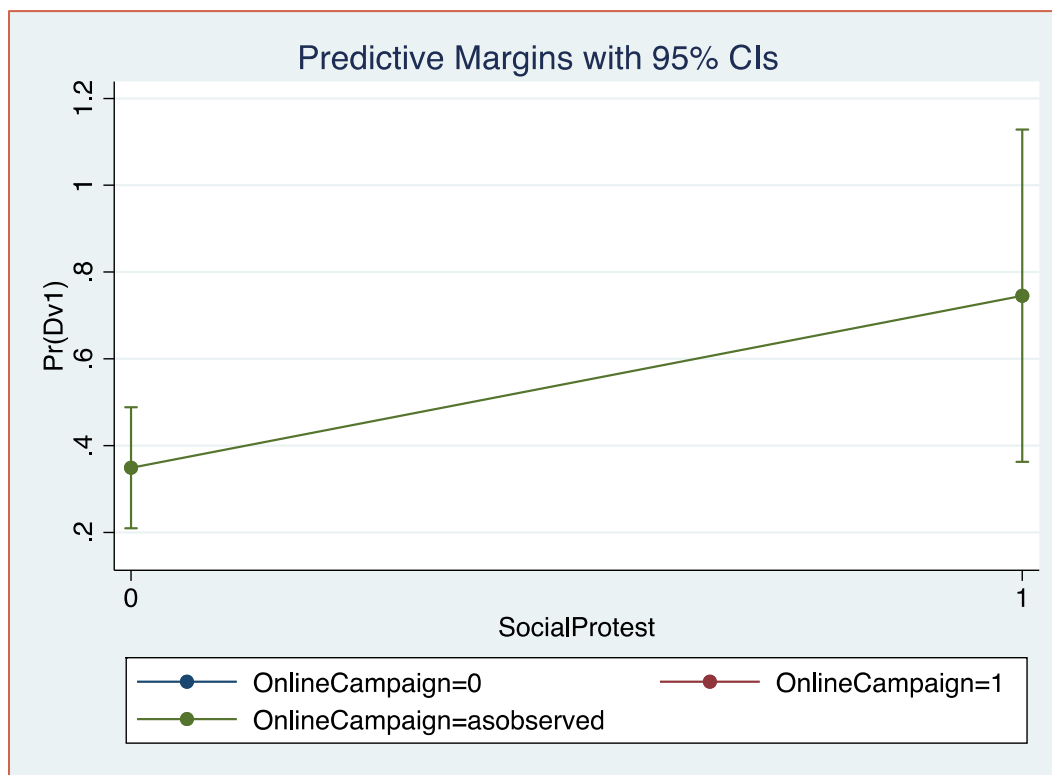
Alternate agenda setting model with interaction between presence of social movement activity and women in the legislature, 2016-2021

	Coefficient
SocialProtest	3.41 (5.54)
WomenLegis	.030 (.020)
SocialProtest*WomenLegis	-.031 (.186)
WomenWork	-.068 (.060)
Salary	.000* (.000)
Opportunity	.168 (.307)
MarriageAge	.165 (.196)
LeftParties	-.364 (.446)
WomenCaucus	.404 (.298)
Liberalism	-.023 (.016)
Professionalism	-.322 (1.53)
Constant	-8.03*** (2.07)
Pseudo R2	.144

*p<0.05, n=300

APPENDIX E.: MARGINS PLOTS FOR MARGINAL EFFECTS IN LOGIT MODELS

Predicated Probability of Agenda Setting for *SocialProtest* when all other covariates are held at their means



Predicated Probability of Policy Adoption for *InsiderTactic* when all other covariates are held at their means

