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## REVIEW ESSAY

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### Where Is Gender in Agenda Setting?

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**ABSTRACT.** Why do some issues surge to the forefront of our attention while others languish in obscurity? Feminist scholars have explored the emergence of issues such as rape, battering, no-fault divorce, pay equity, and other women's issues on the public agenda. Despite a burgeoning body of literature on feminist social movements within history, political science, and sociology over the last twenty-five years, scholars of agenda setting, public policy, and American politics more generally have largely ignored this work. Not surprisingly, this research cannot be simply added in to the dominant agenda setting theoretical paradigm; rather, the findings disrupt conventional understandings. This essay critiques two canonical works, Kingdon's *Agendas, Alternatives and Public Policies* (1995) and Baumgartner and Jones's *Agendas and Instability in American Politics* (1993), and discusses exemplary feminist research. It argues that if we want to know how norms change we need to broaden our scope beyond political elites and interest groups to include social movements and newly politicized grassroots activists. We must see change as produced by networks of insiders and outsiders rather than exclusively caused by elites in formal positions. Feminist scholarship also takes seriously the discursive and emotional aspects of politics rather than utilizing a narrow pluralist framework. Moreover, it recognizes the important yet neglected role of law as both an arena and a discourse. [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2003 by The Haworth Press, Inc. All rights reserved.]

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**INTRODUCTION**

What causes the time to suddenly be ripe for a policy change? As Kingdon puts it, when has an idea's time come (1995)? How do issues move from what Cobb and Elder call the systemic agenda, the legitimate controversies of government, to the institutional agenda, items up for active and serious consideration by government (1972)? Dramatic focusing events, such as the bombing of the World Trade Center, clearly explain the emergence of some items, but others are more difficult to explain. When did the tide turn against nuclear power, against the tobacco industry, or for women's suffrage or gay rights? Why do some issues surge to the forefront of our attention while others languish in obscurity? As a teacher of the politics of the policy process, I am interested in developments in theories of agenda setting. And as a teacher of women and public policy in the United States, I am interested in how feminist scholars have applied and developed agenda setting concepts to understand the fate of feminist policies. As a researcher who is exploring the specific question of how the gender of judges has come to be a political issue, I turn to both literatures for help with my puzzle. And as an activist, I care deeply about how we can move the feminist agenda forward. In these endeavors, I am repeatedly struck by political scientists' shocking willingness to ignore women, women's issues, and the feminist movement, no matter how pertinent to the phenomenon being explored. Jo Freeman's *The Politics of Women's Liberation* in 1975 criticized the political science literature of public policy and the sociology literature on social movements for failing to speak to each other and consider women's issues. When Flammang synthesizes the substantial literature on women and public policy nearly twenty years later, the same indictment holds. Despite a burgeoning body of literature on feminist social movements within history, political science, and sociology, scholars of agenda setting, public policy, and American politics more generally have, for the most part, ignored this work and left the terrain to those who specialize in women's movements. Even though the media and pundits herald women's changing roles and public policies promoting women's equality as the most important changes of the last century, if not the millennium, political scientists are happily bracketing such inquiries—as if we can understand public policy or agenda setting or argue for complete theories by ignoring such a central case.

Does it make sense to regard women and public policy as a coherent body of scholarship? Clearly scholars are drawn from many fields and often speak to the theoretical questions of their individual disciplines.

Moreover, we have grown so numerous that we are now specialized segments of experts in employment discrimination, welfare reform, abortion, or international issues from development, to gender mainstreaming, to electoral politics. I would argue, too, that the field is impoverished by the failure of many Americanists to draw on the work of comparative scholars, as well as by the tendency to set aside any scholarship that focuses on law as the domain of legal academics. Nevertheless, whether scholars signal their work with agenda setting in the title, we now have a significant body of scholarship on women and public policy to draw upon.

As feminists scholars have demonstrated repeatedly, failure to consider women has important theoretical consequences. Placing women at the center of scholarly endeavors has called into question settled understandings of the origins of the American welfare state (Gordon 1994; Skocpol 1992), diffusion of innovation of state policies (Skocpol et al. 1993), the nature of moral reasoning (Gilligan 1982), and even our understanding of politics itself (Lovenduski 1998). When agenda setting theorists ignore the women's movement, it is more than an annoying omission—rather, it leads to partial, incomplete, and wholly inadequate theories of the agenda setting process. Using the women's movement as a lens on this literature exposes its shortcomings. Flammang's 1997 review chapter criticized the literature for its focus on interest groups at the expense of social movements, in particular, for failing to see the necessary interaction between insiders and outsiders. She also argued that important discursive aspects of politics, whether claims were framed as claims for role equity versus role change, explained much about the agenda status of feminist demands. I agree. Feminist scholarship questions the dominant definition of politics that sees only interest groups maximizing preferences rather than also discursive aspects of politics, elaborating on framing and including the emotional and symbolic as well as the material. I would also call for reorienting the focus of most public policy investigations away from an exclusive focus on the passage of legislation at the governmental level and toward the transformation of conditions into problems on one end of the spectrum and the implementation of policies on the other. Both have serious implications for our assessment of success and policy change. Lastly, I call for a greater focus on law and courts. Courts are not only important arenas or venues of policymaking activity but they are powerful discursive framers of policy debates and catalysts that mobilize groups to seek social change. Before I show how these insights are reflected in recent feminist scholarship, let me more fully outline my critique of the dominant theories of agenda setting.

### **AGENDA SETTING AS A THEORY OF POLITICS**

Theories of agenda setting, despite being built by relatively modest case studies, contain within them general theories of politics whether they are implicit or declared. They begin by offering a theory of policy change, perhaps most importantly, undermining theories of incrementalism and iron triangles that maintain dominant interests as they seek to explain sudden and dramatic shifts in policy, what Baumgartner and Jones (1993) refer to as the lurching quality of public policy. Since I agree with Sara Evans's description of second wave feminism as a tidal wave (Evans 2003), I am interested in those theories that seek to explain the explosion of the dramatically new, such as the significant policy changes wrought by the second wave of the women's movement. Inseparable from theories of agenda setting are theories of diffusion, how do ideas "catch on," as policies are swiftly adopted? Theories of agenda setting rest on assumptions about what units of politics drive social change, are they pluralist groups centered on material interest, or mass publics and elites?

Agenda setting theories also rest on implicit or explicit theories of how political institutions work. As a new institutionalist, the literature I find most useful theorizes American political institutions as neither pluralist—a neutral arena open equally to all comers—nor consisting of iron triangles—structuring policy routinely to favor a single entity in a closed system. Nor do I view the state as irretrievably patriarchal. Rather, I see the state as a non-neutral arena structured against the interests of women but relatively autonomous, capable of occasionally being harnessed for feminists ends, and, perhaps even more importantly, as an arena where so much damage can be done to women that feminists cannot therefore afford to abandon it. The daunting challenge of developing a general theory of agenda setting has led some scholars to focus on how one individual institution—Congress, the Supreme Court, or the presidency—sets its agenda (Light 1982; Perry 1991; Tsebelis 1994; Walker 1977). Even if confined to one institution, agenda setting theories seek to generalize about how institutions choose among many possible issues meriting their attention. Lastly, agenda setting theories contain within them elements of political and social psychology—how do people, be they governors or activists, come to think of a grievance as requiring public action, or, in the case of women, as a grievance at all? How do they come to think of the world in new ways, and persuade others to their view?

Given the enormity of this task—developing a general theory of politics—it is not surprising that most scholars have bitten off one piece, or more often, one episode of change. The political science literature claims to be addressing how an issue comes to be on the agenda but quickly devolves into stories about “how Mr. Bill becomes Mr. Law,” that is, not what caused the issue to be on the agenda, but what ultimately accounts for successful policy change. Because of the magnetic pull of central governing institutions in political science, scholars too quickly turn from the question of the transformation of a condition into a problem and focus instead on the institutional machinations of passage of legislation. Feminist theorists of agenda setting such as Freeman (1975), Nelson (1984), Nelson and Johnson (1991), and Flammang (1997), have identified other shortcomings. They criticize the focus on interest groups and mass publics to the exclusion of social movements, and they especially fault the failure to recognize the importance of networks of movement insiders in government and outsiders (Fraser 1983). Flammang observes:

According to feminist critiques [of agenda setting], however, conventional studies failed to link political movements to the insider-outsider picture. In conventional treatments of agenda setting, the population of outsiders typically consisted of interest groups, the media, and experts: movements as such were relegated to the hazy realm of political climate or mood of the times. (Flammang 1997, 254)

Furthermore, those scholars of the resource mobilization school who do take social movements seriously, as well as political scientists who focus on interest groups and mass publics, pay insufficient attention to the emotional and symbolic aspects of politics as opposed to material interests (Marx Ferree 1992; Morgan 1995; Taylor 1995). In order to rescue protest movements from the social breakdown school that labeled them irrational, some sociologists analyzed them as nascent interest groups—rational calculators of preexisting interests. Yet this conceptualization misses the same important processes that pluralist theories of politics obscure. Women are not an interest group in the same way as the trucking industry, but they do have material interests in common more so than, say, environmentalists (Diamond and Hartsock 1981; Sapiro 1981). Characteristic of the so-called new social movements, symbols, framing, and the construction of meaning have been central aspects of the women’s movement since the beginning, in addi-

tion to expanding women's piece of the economic pie. Feminists are particularly interested in the discursive aspects of politics, in reframing dominant discourse. Flammang's distinction between policy demands for role equity versus role change illuminates agenda setting. That is to say, one explanation for agenda status lies with the characteristics of the issue itself. It is easier to make the case that some policy proposals are a natural extension of existing ideas.

### ***KINGDON***

Perhaps the most widely cited work on agenda setting is John Kingdon's *Agendas, Alternatives and Public Policies* (1995). As in most of the literature (Cobb and Elder 1972), Kingdon distinguishes between items on a wider public agenda; that is, items discussed at any one time, versus items on the government's decision agenda, items poised for action, and focuses principally on how the former become the latter. Like sociologists, Kingdon distinguishes between a condition and a problem. It is not the objective severity of a grievance that leads to a demand but rather the perception on the part of actors that a situation could be otherwise and that it is the government's responsibility to make it so. Kingdon quickly moves from the question of what makes some issues "hot" to develop a theory of what causes hot issues to lead to policy changes. Kingdon argues that for policy change to occur, three separate streams must couple. In the problem stream, conditions must be transformed to problems. To use my research interest as an example, in order for appointing women to the bench to become an agenda item, it must first be perceived that an all-male bench could and should be otherwise. (The use of the passive voice here is deliberate for in much of the literature, and especially in Kingdon, the agents of the action are unnamed.) Political scientists theorizing the policy process tend to take the definitions of grievances, preferably by interest groups rather than social movements, as a starting point, leaving sociologists to analyze how a condition is transformed to a problem. While recognizing that problems are social constructions, Kingdon offers only a brief catalogue of factors that matter such as indicators and focusing events. Perhaps because his cases are confined to health and transportation, items legitimately within the sphere of governmental activity, Kingdon delves no deeper into how conditions come to be problems.

For many issues Kingdon analyzes, policy change falters once an item is on the agenda because of problems with the solutions (no con-

sensus in the policy community, not staffed up, too expensive, blocked by a powerful player). But feminists are particularly interested in puzzles several steps before Kingdon's theory really kicks in. Because Kingdon's focus is on how a problem, once identified, leads to policy change when the three streams couple, he offers little attention to the problem stream. Yet we want to know how something like the exclusion of women from the bench came to be seen as a problem solvable by public action rather than merely a condition, but how it came to be seen as exclusion at all. That transformation of consciousness—looking at something and seeing it as a grievance—is a crucial link in the chain.

What is the objective measure of agenda status for Kingdon? Insiders know it. For his two issue areas, transportation and health care, Kingdon identified a finite list of players, most of whom know each other. He asked each interviewee to name the other players who mattered and, eventually, his snowball method produced a finite list. When interviewed, those players can tell you which issues are live and which issues are dead with much consistency, but they can offer only speculation about why that is so. They know it when they see it. In Kingdon's world, a relatively closed and finite group of players, the policy community composed of elites, debates the nature of the problem and alternative solutions. An important contribution of his analysis is his recognition that long time players have solutions in search of problems, drawing on Cohen, March, and Olson's garbage can model (1972). One of Kingdon's important interventions in the analysis of the policy process is his disruption of the stages theory of policy making. He not only recognizes its lurching rather than incremental quality, but he inverts the policy textbook model of stages—solutions preexist problems rather than respond to them. For Kingdon, whether or not there is consensus in the policy community is a crucial determinant of whether the streams will be coupled. For example, he argues there was much consensus in the transportation industry about deregulating airlines and trucking, but little consensus in the policy community about what to do about controlling health care costs. Whether or not there is consensus, and whether or not the solution is "staffed up," i.e., ready to implement, determines whether once a window of opportunity has been created in the problem or politics stream, the policy change actually passes. Kingdon's finite world of policy entrepreneurs and insiders develop solutions over time and wait like surfers to ride the wave of interest in a problem when it emerges. Feminists, however, are interested in the emergence of new issues for government. We want to know how the wave is created as well as the story of how strategists rode it success-

fully. Perhaps because that story is less scientific, less predictably patterned and amenable to general rules, political scientists have left it to historians and journalists. To tell this story, however, one has to move beyond the policy community, beyond formalized interest groups with the pre-existing set of preferences, and into the realm of social movements and citizen activists.

For Kingdon, some elites are willing to “soften up” the policy community with their preferred solution, others simply note the favorable agenda status and get on the bandwagon. But what makes people invest their energies in seeking to eradicate female genital cutting (Sochart 1988), obtain comparable worth (Evans and Nelson 1989; McCann 1994), or secure more women on the bench? Kingdon’s theory of the policy stream is less helpful for understanding many feminist policy changes. Although there were women and institutions keeping the fires of feminism burning in the ’40s, ’50s, and ’60s (Rupp and Taylor 1987), feminist activists in the 1970s cannot be understood as a policy community in the Kingdon sense of policy professionals. Kingdon’s view of the policy community is one very much dominated by an interest group approach to public policy and one focused on elites. Kingdon’s world is inside the beltway with a few academics and think tanks on the conference circuit. To understand the appointment of women judges, we are going to have to enlarge the policy community to include agents of change that include grassroots politics and social movements and their interaction with the few feminist men and women insiders, even if we recognize the importance of some elite women.

Kingdon’s third stream is politics, which captures a large number of factors. People and elections matter. It matters who is president and governor, who their spouses are, and who they hire as staff. Elections and changes in administrations are critical in understanding why new policy questions are taken up by government. Kingdon wants to dismiss any further examination of origins as leading to an endless regress, and for his issues, he may well be right. Does it help us to understand why health care was taken up in 1992 to know that the first person who thought about national health care was a German civil servant in the 19th century? Perhaps not. Even if women’s rights as an idea can be traced to the beginning of time, the strength of the ideas wax and wane. Florence Allen mobilized pressure on President Roosevelt to appoint her to the Supreme Court in 1936, although she was unsuccessful (Cook 1981). Pauli Murray championed women’s rights constitutional claims in the 1940s and 50s, despite little evidence of progress (Kerber 1998). The key is to include an analysis of both structure and agency. We want

to know why issues emerge on the agenda when they do and the answers often lies with the specific idiosyncrasies of individuals (only some of whom are policy entrepreneurs) and other broader contextual variables. While I share Kingdon's assessment of the importance of the politics stream, I disagree with him in thinking that exploring a few steps back is an infinite search for the origin of an idea. As a comparativist, explaining the presence of something on the agenda in one state but not another at the same time, or one country but not another, necessitates focusing on both individual and system-wide explanations.

### **BAUMGARTNER AND JONES**

Baumgartner and Jones's influential *Agendas and Instability in American Politics*, like Kingdon's book, laudably aims to move beyond stories of individual cases toward a general theory of agenda setting. Whereas Kingdon implies that earlier theories of public policy that posited incrementalism and iron triangles were misguided, Baumgartner and Jones show how such accounts were descriptively accurate for some (earlier) time periods but that the policy making process has changed. Baumgartner and Jones also pay far more attention to the media, which Kingdon dismisses as mere followers of policy elites rather than leaders in policy change. Baumgartner and Jones describe a new agenda status as a punctuated equilibrium. When few are involved in an issue, a dominant interest such as tobacco or nuclear power are able to control the issue by ensuring that it is dealt with in a single arena dominated by friends, creating an equilibrium. Keeping items off the agenda and blocking is one of the most important powers there is.

During this time, the tone of media reporting is favorable. At some point, however, things shift. The number of articles in the media increases and, perhaps more importantly, the dominant tone shifts to unfavorable. The list of players broadens, both within journalistic beats and congressional committees. Those who have lost under the equilibrium persuade different congressional committees and journalists to take up their cause. The broadening of arenas heralds the demise of the heretofore dominant interest (venue shifting), but the issue is broadened because it has suddenly come to be "on the agenda" and everyone knows it is hot and wants a piece of the action. The equilibrium is shattered and new interests prevail. Baumgartner and Jones's measure of agenda status is not that all the policy community know it to be such, but is the number of citations in the *Reader's Guide to Periodical Litera-*

ture. They chart the growth in numbers of articles but more importantly, they also measure changes in tone.

In their several case studies, Baumgartner and Jones question the importance of certain focusing events, for example Rachel Carson's *Silent Spring*, the surgeon general's report on the health effects of smoking, or even Three Mile Island. They argue that these events crystallized ideas that were already changing rather than single-handedly changed minds. They go on to discuss changes in Congress and the courts that make it more difficult to contain policy arenas to ensure favorable treatment and silence the voices of one's opponents. But as with Kingdon, my criticism is not so much that I disagree with the theory as the starting point. What causes the tone in the media to change and the field of congressional players to expand? What leads journalists and members of Congress to revise their preconceptions as well as choose one issue over other pressing competitors? If one has an expanded list of players, one still has to explain why any player comes to take up this issue rather than another. Baumgartner and Jones argue persuasively that although some governmental arenas may be structured against certain interests (environmentalists and consumers as opposed to industry, for example) the system is open enough that alternative venues exist for "losers" in an equilibrium. As they show, equilibria can be punctuated—outsiders are successful in overriding dominant interests from time to time. Things can change, and they often do dramatically. One of the agents they identified were scientists within the nuclear industry who felt their safety concerns went unheeded and who sought other avenues to give voice to their fears. But that tells us little about what causes the public mood to change. I would argue that the intermediaries between elites and masses are social movements. Citizens who were not politically active become energized about a particular issue, in part, because they see an opportunity. As McCann documents for the case of comparable worth, hope, however misplaced, can be a key motivator for activists who sense an opportunity and thus are willing to expend resources—most importantly, their time and psychic energy.

It would be a mistake, however, to conceptualize politics under an interest group economic pluralist model, even if one expanded the list of players to include citizen activists, not just policy entrepreneurs, and social movements, not just interest groups. One account would see environmentalists rising as an interest group to challenge nuclear power. One powerful interest has been replaced, or at least challenged, by another. But such a conception would miss the important discursive aspects of politics that both Kingdon and Baumgartner and Jones

acknowledge (conditions must be converted to problems) but do not explore. Social movements not only seek policy changes, but often ask us to reframe how we think about the world. Any scholar of feminist social movements, for example, recognizes that perhaps the most important policy “success” of the second wave of feminism was transforming the consciousness of large numbers of women to see themselves as a group and to see things as problems that they had previously thought of as just life, a necessary precursor to their working for social change.

Just as we should not simply insert women into an interest group framework, we should not merely add the women’s vote to a simplistic account that explains policy change as the rational calculation of politicians maximizing votes. Politicians do desire to be elected and re-elected, but that does not exhaust their motives for any particular action. Some also want to make their mark on history as reformers, or only want to serve if they can advance their policy change agenda. We also have to explain why presidents in their second term or lame duck governors pursue one course of action rather than another. Why does a governor leaving office in one state grant clemency for battered women who have killed their abusers but another governor not? Even within the narrow frame of electoral calculation, one could argue that in many cases, the interests of voters must be both constructed and mobilized. More women than men vote and there are more of them. But that does not mean that women voters see themselves as an interest group whose interest is at stake in casting a particular vote. Even though the backlash against feminism was only beginning to mobilize in 1977 and feminists were making a lot of noise, perhaps scaring politicians into thinking they were more powerful than they were, the gender gap did not emerge until 1980. Minnesota’s Governor Perpich cannot have simply been thinking, “I’ll win the women’s vote if I appoint a woman to the Supreme Court,” because the women’s vote is complex, and only beginning to be activated. More likely, Perpich was thinking, “If I appoint a woman, I’ll get a lot of attention that I may be able to turn to my political advantage.” Another possibility, however, is more psychoanalytic. Politicians may not seek attention because they want to be re-elected, but may enter politics because they crave attention (exhibit A: Jesse Ventura). While I would not dismiss electoral calculations out of hand, nor would I immediately assume they can explain everything. Perhaps more significant for my argument, however, is that analysts must decide how to think about electoral calculations. Thinking about a “women’s vote” is a social construction that waxes and wanes. Getting politicians to think about the women’s vote (despite evidence that no such mono-

lithic force exists) was itself an accomplishment of second wave feminism (Mueller 1988). Voters and voting blocks are not adequately characterized as preexisting preference groups. Rather, they must be appealed to, activated, created, and cultivated through complex political processes.

**ADDING THE DISCURSIVE ASPECT OF POLITICS  
AND SOCIAL MOVEMENTS:  
EXEMPLARS**

What would an account of when an idea's time has come that integrated an analysis of social movements, emotions, insiders and outsiders, law, and the discursive aspects of politics look like? How would one do such a study? Kingdon is on the right track with in-depth interviews, but he stops with elites and insiders. And Baumgartner and Jones are right to seek objective measures but also read for the content (tone) of the texts they consider but need to go further to examine the framing of issues. Before I consider feminist analyses of agenda setting, I would like to highlight one book and two case studies that exemplify both the theoretical and methodological approaches I endorse.

In *Culture Moves: Ideas, Activism, and Changing Values*, Tom Rochon criticizes the literature on political innovation for leaving "untouched the question of where the impulse for rapid change comes from" (1998, 6). He compares our knowledge of social and political movements with that of earthquakes. "Both are sudden events, variable in size but potentially massive, and predictable only in the loose sense that we can identify the conditions that make an upheaval highly probably at some unspecified future date" (1998, xvi). His interest, like mine, is less in tracking the rewriting of legislation and more in the change in cultural values. Because he seeks to answer the question "what causes the irresistible tides that periodically sweep aside established patterns of social thought and political action?" (1998, 21) he looks for agents of change rather than merely registering their effects on the media. His concept of the critical community moves beyond Kingdon's policy community and beyond the arena of Congress to include grassroots activists and public intellectuals (1998, 24). Unlike most political scientists, his numerous examples fully integrate examples from the women's movement (from temperance to women's suffrage to the Equal Rights Amendment) in addition to cross-national cases such as the peace movement, student movement, and even the *Philosophes*.

In an extended analysis of the issue of sexual harassment, for example, Rochon demonstrates how a critical community brings about a change in tone and how it capitalizes on a focusing event such as the Hill/Thomas hearings. Focusing events only lead to change when the ground has been “softened up” (to use Kingdon’s term) by critics and activists. Rochon’s measures of cultural change range from opinion polls, to fragrance ads, to sitcoms—seeing effects beyond the *Reader’s Guide* or Congressional hearings. Although he is quick to note that “movement influence declines sharply at the water’s edge of agenda setting” (1998, 243), and that cultural change is not synonymous with changes in policies and behavior, he pays significant attention to this heretofore neglected part of the policy cycle.

In the public policy teaching case “Against All Odds: The Campaign in Congress for Japanese American Redress,” Naito and Scott demonstrate how the process of telling their stories—giving testimony about their experience of internment—transformed the political consciousness of Japanese-American citizens (1990). What activists perceived at the time to be a delay and avoidance tactic on the part of Japanese American members of Congress—creating a commission—was a stroke of genius. The public performance of recounting such emotionally charged intimate experiences mobilized the Japanese-American community to demand reparations just as it touched and persuaded others who listened. It demonstrates, as new institutionalists argue, that activists do not always arrive at the political process with fully formed preconceived preferences, but rather, they discover, deepen, and give meaning to “preferences” through political engagement. The emotions unleashed by the commission mobilized survivors, energized elites, and influenced decision makers. Naito and Scott also show in detail how a few policy entrepreneurs (insiders) interfaced with outsiders and capitalized on the idiosyncratic connections of policy makers to Japanese-Americans. Moreover, advocates successfully framed their case as one of civil rights rather than a demand for special treatment for a small ethnic minority. They marshaled the discourse of rights and inclusion and patriotism rather than the stigmatized frame of affirmative action. Like Kingdon, Naito and Scott rely on in-depth interviews with participants and describe what led Congress to pass legislation. But the scope of Naito and Scott’s study includes the nexus of elites linked to activists and citizens, not just the activities of a policy community operating inside the beltway. The elites were successful because they recognized the insider-outsider connection and the need to mobilize the emotions of not just voters and those whose mood polls report, but a community,

a social movement. Their rich account also reflects a deep awareness about framing and constructing issues to secure broad support from both Japanese-Americans and others, rather than merely communicating interests and constituent preferences. The case is instructive because it shows how political action changed how people think about the world.

Jenness also documents the transformative role of political action (1995). She interviewed and tracked the development of nascent groups of gays and lesbian activists who came together to document violence against members of their communities. Moved by the emotions in response to a grisly murder of a gay person in a community, angry and fearful gays came together to begin to uncover what had heretofore been intuition and anecdote—that they were being targeted for violence because of their sexual orientation. They established phone hotlines to gather reports of acts of targeted violence to establish the empirical credibility so necessary for policy change. But hearing the reports transformed and mobilized the activists. Their findings further galvanized the GLBT community, leading them to apply the concept of hate crime to their experience. The agents of policy change in these stories are not Kingdon's professional "players" and interest groups, but citizens, activists, and selected insiders who are themselves transformed by political action. Their mobilization turns on emotion as well as interest. They must constitute themselves as a group and construct their issues through political engagement.

Feminist scholars have documented this same process of coming to consciousness through telling one's story, whether it is during a speakout on rape, abortion, or sexual harassment or the more formal testimony of Korean comfort women or victims of rape in war. Such practices are now institutionalized in truth and reconciliation commissions. It is a truism that feminist theory comes from women's experience. But feminist theorists have also explored how the raw emotion unleashed through the telling of stories—anger, shame, humiliation, pain—must be transformed through analysis to name the pain as an injustice that can be changed through collective action (Hartsock 1983, 1998; Kenney 1997). Social movement scholars have made clear that it is not the strength of the injustice per se that produces mobilization but the framing of experience as a wrong that collective action can remedy. McCann's study of activism on comparable worth and pay equity emerges from an understanding of the role of social movements, emotions, and legal discourse. Through in-depth interviews of participants, McCann reveals an additional essential ingredient in social change:

hope. Courts may have been of limited utility in delivering the promise of comparable worth, yet rights discourse provided a mobilizing tool for women workers. The discourse further energized activists to pursue their rights in arenas that were more promising than courts. Thus, the interests of women workers is a task of social construction and, even once that construction has taken place, and women come to believe that they are paid less because they are women, they must also believe that political action holds some promise. They are further changed by political engagement.

### ***DIFFUSION***

Perhaps because they focus on the federal government, more general theories of agenda setting separate themselves off from theories of diffusion, which is a mistake. Kingdon argues that tracing the source of an idea is endless but wants to understand instead why it catches on. Baumgartner and Jones trace the shifts within the media but offer less insight about what causes the change in volume and tone. But those who want to bring about social change, as well as merely understand it, care deeply about how to spread a policy innovation from one place to another. Agenda setting does not happen only once for each issue. It may happen state by state (Gray 1973; True and Minton 1999; Walker 1969, 1981; Wikler 1987, 1989) or country by country. For example, once feminists have problematized an all male bench and secured the appointment of the first women judges, we would hypothesize that the process for securing the appointment of women in other jurisdictions might well be different from the process of those who are first. We might assume that rather than replicating the process of agenda setting, a process of diffusion is underway. Women in Iowa might say, "Hey, look what they did in Minnesota, let's do that." Governors might seek to emulate Perpich (Minnesota) and Brown (California). British feminists observing Americans might try to change the composition of their judiciary. In some cases, policy change, such as divorce reform, sweeps the nation by being framed as minimal (merely ending dishonesty within the legal arena) and by being seen as routine rather than conflictual (Jacob 1988). In other cases, ideas are clearly sparked by leadership in one state, such as clemency for battered women in Ohio, but the framing and political opportunity structure differ significantly from state to state (Gagné 1998).

Kingdon, Baumgartner and Jones, and Rochon use comparative case studies to assist them in developing a general theory of agenda setting. The first two are limited, however, by their singular focus on the U.S. federal government. Our understanding of the relationship between diffusion and agenda setting is enhanced both by comparing the same issue across states, across countries, or by examining the role of international organizations in agenda setting and diffusion. Feminists have taken the lead in talking about networks of policy change and their importance in the spread of policies, particularly internationally (Berkovitz 1999; Boyle and Preeves 2000; Keck and Sikkink 1998; Pollack 1997; Pollack and Hafner-Burton 2000; Stetson 1996). They more closely resemble social movements than Kingdon's policy community of experts and form a cross-national critical community (Rochon 1998). Previously dismissed as ineffectual jamborees operating within a weak system of international organizations dominated by sovereign nations, international networks of feminists are only just beginning to get the scholarly attention they deserve. Those who study women's bureaus, women's suffrage, female genital mutilation, and violence against women as a human right, have pointed out that at some point, what may begin as an indigenous process within a single state, becomes a defining point of modernity, best practices, or a precondition for international aid. Other states may adopt a policy change because of this international process of diffusion rather than because of internal feminist social movement pressure or demands from elites. Conferences, such as early ones on trafficking in women (Berkovitz 1999) or suffrage (Rupp and Taylor 1999), to meetings of the Commissions on Women and the Houston Conference in 1977 (Stetson 1996), to the UN Conferences, particularly in Beijing, to specific issue conference on comparable worth (Johansen 1984), are important vehicles for diffusion as well as generating media attention and raising those numbers in the *Reader's Guide*.

Unlike some scholars of diffusion who document the spread of policies while neglecting the agents of action—Rochon's critical community (other than, perhaps, world polity, the international equivalent of Kingdon's "mood"), Theda Skocpol's account of the demand for mothers' pensions, the precursor to social security in the U.S., identifies Mother's Unions as a causal agent (1992, 1993). Instead of seeking explanations for variation in the political cultures or economies of particular states, Skocpol demonstrates how women's clubs publicized the problem of destitute widows and championed mothers' pensions. State culture, differences in the role of women, and the strength of the women's movement may also be factors in explaining timing differ-

ences in the appointment of women to the bench. However, like Skocpol, we should also look carefully for the agents of diffusion and the mechanisms of mobilization rather than merely assume difference between states. Through interviews and an in-depth review of the historical record (including the newsletters and other movement publications), feminist scholars such as Skocpol have pieced together how activists spread their ideas. Moreover, as Skocpol so deftly demonstrates, agents can be not only political elites, but women without the vote. Without identifying the crucial agents of change, one might be left with the erroneous assumption that such powerful cultural changes occur as part of the inevitable march of progress, rather than through struggle and contestation. Instead, they easily could have been otherwise.

Just as the causes of policy change may be very different whether one is first, tenth, or last with a policy innovation, the meaning of the event can vary dramatically. In the United States federal system and Minnesota, international factors are negligible in explaining the appointment of the first woman to the bench, although the Beijing conference appears to have sparked interest in appointing women to the bench in the European Union. By the 1990s, American states needed to explain why they had not appointed a woman rather than justify appointing one. The tipping point had been reached. Similarly, in the 1990s, too, it became increasingly an embarrassment that there were no women on the European Court of Justice despite the fact that few women's groups had articulated this as a demand (Kenney 2002). Ireland appointed the first woman judge with little fanfare in 1999. While the comparativist may be lulled into a false sense of commensurability, comparing the appointment of the first woman judge, one should not be seduced into thinking that the events are alike. Instead, those who want to understand "mood" and "tone" need to include within their scope the emotional and symbolic dimensions of the social construction of political issue. Getting the vote, for example, may mean very different things to Quaker activists in 19th century New England than it does to women in Switzerland (Banaszak 1996), with important consequences for the presence or absence of widespread mobilization.

### *FRAMING*

Although Kingdon, Baumgartner and Jones, and other political scientists recognize the importance of ideas, they spend little time talking about these discursive aspects of politics, instead leaving them to histo-

rians, sociologists, social movement scholars, or political theorists. Flammang and Nelson, like many feminist scholars, draw on the work of social movement scholars who argue that issues can be framed in such a way that they are more or less likely to resonate with mass publics (Gamson 1992; Rochon 1998). Nelson, for example, argues that the privileged position of motherhood shapes reactions to policy proposals for child abuse that trump concerns about cost and governmental intrusion in the private (1984). Bevaqua argues that it is hard to advocate a position in favor of rape, but one can object to evidence of its prevalence (2000). Keck and Sikkink also suggest that issues of bodily harm (torture, violence against women) resonate more easily within human rights discourse than other issues (1998). Gordon (1994) demonstrates how progressives had to frame demands for pensions for single mothers within maternalist discourse and Jacob (1988) shows how divorce reform succeeded because reformers framed it as ending judicial complicity with dishonesty rather than liberation for women or family policy. Smart explains how policy makers in Britain framed access to abortion as a women's health issue rather than one of sexual freedom (1989). Once the deaths from back alley abortions recede, the public is ambivalent about access to abortion. Alternatively, Naples demonstrates how Congressional hearings on welfare reform left no discursive space for framing poverty as anything other than individual failure (1997). Political scientists have shown an interest in the consequences of framing policy demands as rights (Epp 1998; Landy and Levin 1995), even if they are not interested in how women's groups have used rights claims, transforming the issue of violence against women into a human rights claim, for example (Keck and Sikkink 1998). The qualities of the ideas themselves may shape if not determine agenda status, as well as thwart opposition. Abortion and the ERA, for example, generated legitimate opposition social movements while it is harder to articulate a pro-torture, pro-child abuse, or pro-rape position.

### ***WIDENING THE SCOPE OF THE POLICY PROCESS***

Every story spotlights some aspects and leaves others in shadow. Each story has a before and after that is not part of the narrative. So, too, with analyses of public policy. Just as scholars impart too much importance to governmental arenas and interest groups in political science, so, too, do they move too quickly from agenda setting to policy change. In fact, given the problem of objectively declaring when something is

on the agenda, it is easier to work backwards from those items currently legislated. The story of second wave feminism, however, is not only the story of policy change, but of significant naming and reframing of conditions into problems. And we should conceptualize putting an issue on the agenda, transforming a condition to a problem and framing it in a feminist way, as itself a significant policy accomplishment. Early feminist writings of radicals versus liberals questioned whether it is better to have significant reframing or incremental improvements. Clearly, one of the biggest successes of the radical part of second wave feminism has been first identifying conditions and then reframing them as problems to be redressed, seen most clearly, those involving sexuality: rape, sexual harassment, abortion, homophobia, and childhood sexual abuse. And these have broadened to include other bodily issues such as battering, women's sexual fulfillment, rape in war, and women's health. Were it not for the innovative tool of consciousness raising, despite its many shortcomings, it is hard to imagine many of these issues coming to the fore, being named and theorized, and mobilizing activists to make policy demands (Freeman 1975; Mackinnon 1987; Redstockings 1975).

Perhaps the clearest account of the difference between agenda status and policy change is demonstrated by looking at the issue of rape. Bevaqua carefully traces the sequence of events leading to the emergence of this issue, the mobilization around providing support to victims and later, proposals for policy change, and the success of feminists in many of their policy demands—from rape shield laws, to special police and prosecution units, to eliminating the Hale charge to the jury (“rape is an accusation easy to make, yet hard to defend”), to gradations of sexual assault. Yet Bevaqua argues, despite some policy changes, feminists have placed the issue on the agenda rather than solved the problem. Feminists have not eradicated rape, nor appreciably improved the percentage of rapes reported and successfully prosecuted, despite their significant success in changing both policing and the criminal justice system. Ultimately, of course, success is ending rape, but recognizing that goal should not lead us to dismiss the success of the problem definition stage. If we think about slavery or even denying women the vote, for example, converting them from conditions to problems—naming them as injustices—was an important part of ending what appeared for a long time as an inevitable practice.

Breast cancer is a second example of the difference between agenda status and policy change (Brenner 2000). Individual women survivors railed against the radical mastectomy and the failure to separate biopsy from surgery, the failure to deal with the emotional issues of survivors,

and the failure to recognize evidence about lumpectomies from Europe. High profile women, such as First Lady Betty Ford, broke the silence and told their stories, bringing the issue into public discourse (Lerner 2001). The women's health movement began organizing around a woman's right to be informed and to have a say in choice of treatment. Non-governmental groups paired with the Congressional Caucus for Women's Issues to change research funding allocations to increase attention to the disease. Despite many policy successes, including naming and reframing the condition as a problem, a problem to do with the medical treatment of women more generally, little has been done to prevent the disease. And some argue the normalization of breast cancer within discourses about femininity and the power of positive thinking have deradicalized women survivors (Ehrenreich 2001). A vast network of insiders and outsiders comprise a large spectrum of opinion about how to think about the issue as well as how to respond.

Too many analyses of policy begin with serious consideration of policy change and end with passage of legislation, neglecting the all critical implementation. Scholars such as Edelman, however, encouraged us to be skeptical about concluding that passage of legislation has solved a problem. In fact, he argued explicitly that it has merely created the appearance of solving the problem in order to remove the item from the agenda (1964). Pressman and Wildavsky label many efforts of implementation as policy failure (1984). Just as feminists should take heart from the tremendous progress they have made in identifying conditions and transforming them into problems suitable for governmental action, they should be concerned about how feminist policy gains have been implemented. Schulhofer, for example, concludes that until attitudes to sexuality change, policy changes will do little to ensure that women who do not consent to sex cannot be raped with impunity (1998). Siegal, as another example, demonstrates how changes in law's treatment of battery show more continuity with previous policies than discontinuity (1996). Those of us who study Title VII have watched with dismay as increasingly conservative courts have closed down litigation as a means of challenging employment discrimination. When we widen our lens on the policy process, we recognize that the emergence of new issues—drunk driving, anti-smoking, gay rights, etc.—should be characterized as successes. Extending their scope at the other end of the process, scholars have asked us to question passage of legislation in and of itself as successful policy change. Feminist accounts of women and public policy are leading accounts for both extensions of conventional policy analysis.

### **ADDING LAW AND COURTS TO THE POLICY PROCESS**

Most agenda setting theorists (and perhaps even accounts of American politics more generally) ignore courts and law, despite their importance for the American polity and growing importance worldwide and within the international arena. Baumgartner and Jones as well as Kingdon (again, perhaps because of his issue areas) and even somewhat Rochon neglect courts. Yet courts are important not merely as an arena where interest groups win or lose, an arena comparable to Congress, the executive branch, or state governments, but because of their powerful discursive role in framing public policy issues. Feminist public policy analyses have not sidestepped courts and law. In fact, it is hard to think of a women and public policy issue in the United States that does not involve courts and the law in some way: reproductive freedom, employment equality, domestic violence, rape, equal educational opportunity, etc. Mansbridge, for example, argued that one of the key reasons for the failure of the states to ratify the Equal Rights Amendment was that the courts had undermined the perceived need for it by revamping equal protection law to categorize some differential treatment of women as unlawful discrimination (1986). In the case of comparable worth, a nod from the courts (who ultimately proved inhospitable to such claims) energized a community (McCann 1994). In the case of sexual harassment, recognizing it as a category of employment discrimination was a significant part of feminists' reframing it as a problem (MacKinnon 1978; Schultz 1998). The hearings over Supreme Court nominee Clarence Thomas placed this issue even more squarely on the public agenda (Flax 1998; Morrison 1993; Phelps and Winternitz 1992; Rochon 1998).

No one who studies abortion and examines the effect of *Roe v. Wade* can question whether judicial decisions may spark social movement activity. In fact, Justice Ginsburg has argued that *Roe* so inflamed the pro-life community that it set back the cause of liberalization of abortion laws, a claim disputed by others (Nossiff 1994). In the 1970s, an embryonic feminist movement, led by the ACLU Women's Rights Project, hoped that the Supreme Court would deliver policy successes impossible by legislative means, by declaring sex to be a suspect category for discrimination under the 14th Amendment's equal protection clause (O'Connor 1980). The stark failure of that strategy, in effect, catalyzed a feminist movement. When Justice Stevens wrote, in *Geduldig v. Aiello* (417 U.S. 125 [1974]) (and *General Electric v. Gilbert* [429 U.S. 125 [1976]]) that drawing a distinction between pregnant and non-preg-

nant persons was not sex discrimination, the offending footnote enraged feminists sufficiently that they lobbied Congress and quickly secured passage of the Pregnancy Discrimination Act of 1978. Similarly, feminists joined in coalition with the civil rights community to legislatively overturn the Supreme Court's decision in *Grove City v. Bell* (465 U.S. 555 [1984]) by passing the Civil Rights Restoration Act. Looking at the cases of protective legislation (Baer 1978; Kenney 1992), pregnancy, and abortion lead feminists to lament that it is courts who largely shape the discourse of equality policy in the United States. Rights discourse, as the case of abortion in the U.S. demonstrates, may so polarize the debate that it is difficult to find a political compromise (O'Connor 1996). In other countries, too, abortion debates have been judicialized (Scheppele 1996). Where courts are delivering policy successes to feminists as in *Roe v. Wade* or undoing legislative victories as in *United States v. Morrison* (529 U.S. 598 [2000], overturning the Violence Against Women Act), feminists have long recognized the importance of courts as policy makers. They also recognize the way in which judicial decisions mobilize social movements as well as shape discourse on public policy issues.

### **AGENDA SETTING REVISITED**

How has feminist scholarship led to rethinking agenda setting? One answer is not at all, since many public policy scholars exist in a parallel universe untouched by our work. But the research has much to contribute to general theories of policy change. Kingdon says he wants to know why an idea catches fire when it does and whether policy is ultimately changed rather than trace its origins. And this is a legitimate distinction and division of labor for researchers. However, if we want to know how we can change the world—how norms change about foot binding, genital mutilation, rape, domestic violence, the participation of women in sports, the extension of credit to women, sexual harassment, the liberalization of divorce and abortion, the integration of the professions and the academy, even public attitudes toward smoking and drunk driving, we need to broaden our definition of the policy community beyond the beltway, beyond elites to social movements and grassroots politics. In the feminist world of mothers' pensions (Skocpol 1992, 1993), underground abortion providers (Kaplan 1996), or advocates for judicial appointments (Kenney 2001), the policy entrepreneurs are activists who

have never been political before. None were recognizable as Kingdon's policy entrepreneurs, none held even the formalized interest group positions as did some of the key players in the campaigns for Japanese-American redress.

Not only must we move outward from interest groups to social movements in order to understand agenda setting, but also we must understand the networks of insiders and outsiders, as Flammang and others have counseled. In the early second wave in the United States and Britain, radicals questioned trying to work within the system and engaging the state while liberals advocated incremental change to subvert rather than to confront directly dominant discourse. The latter believed protest was pointless without an interest group to advocate for their policies (Nelson 1991). Yet what more recent feminist policy analysis shows is the interaction between the two rather than the choice among them. Insiders cannot push for change without a movement to support them (Eisenstein 1991, 1995; Gordon 1994). Rather than working in opposition to one another, feminists have strategically worked both angles, using protest to force decision makers to deal with feminist insiders, using insiders to tell protestors which (Brocht 1996).

Feminists know all too well how organizing interest groups and social protest is pointless if the decision makers, be they the Reagan administration or the current Lord Chancellor, are adamantly opposed to their goals. Kingdon is right in his assessment of the politics stream. Key positioned players are important. If Carter's Attorney General, Griffin Bell, is hostile to the appointment of women judges, outside pressure will not be enough. Instead, Assistant White House Counsel Margaret McKenna, Special Assistant to the President Sara Weddington, and First Lady Rosalyn Carter must partner with groups such as the National Women's Political Caucus to bring about change.

Flammang is also right to draw our attention to the meaning of policy change. Do activists frame their demands as role change or role equity? Feminists will often be more successful in the short term to the extent they can harness dominant discourse, or not frame their proposals as feminist at all (Gordon 1994; Jacob 1988). Feminists may have "oversold" what would happen if they passed an Equal Rights Amendment, certainly opponents warned of horrible changes (unisex bathrooms pre-Ally McBeal). We need to give more attention to these discursive aspects of policy. Baumgartner and Jones are headed in the right direction by examining the tone as well as the quantity of media accounts. McCann takes this point further by exploring the meaning activists give

to policy demands. In studying the appointment of the first woman to the Minnesota Supreme Court, Rosalie Wahl, it is clear that activists attached powerful emotional meaning to her appointment. Just as feminists looked at the Clarence Thomas hearings and decided it was time to change the composition of the U.S. Senate, feminists looked at the appointment to the Minnesota Supreme Court as a powerful symbol. Getting a woman on the Minnesota Supreme Court was more like blasting a woman into space, more an important symbolic opening to women than it was a means to changing judicial outputs. The outpouring of emotions surrounding Wahl's appointment were reminiscent of the tennis match between Billie Jean King and Bobby Riggs. More was at stake than just a tennis match; rather, it seemed to those invested that women's ability and right to participate in all domains on equal terms with men was on the line. Others saw it as proof that there was life for women after divorce. Emotions, symbols, and discursive framings are key explanatory variables in understanding policy change and are too often neglected in the analysis of agenda setting and even some social movement analyses. We need to document these aspects of policy change and, as we compare, note the absence of symbols and emotions as potential explanations in why feminists did not mobilize behind certain demands.

Agenda setting scholars need to take up the challenge of Freeman, Nelson, and Flammang and expand our scope of inquiry beyond policy professionals, interest groups, and elites. We need to understand the relationship of insiders and outsiders and tell the stories of grassroots activists. We need to explore the discursive aspects of politics and examine how groups frame their policy proposals. And we need to factor in the emotional and symbolic aspects of politics. In addition, feminist scholarship on agenda setting can lead us to reexamine how we define politics. Politics may not just be about interest groups, elites, and preferences, but also grassroots activists transforming consciousness. Public policy analyses should not only move their focus earlier in the process, to see evidence of success, but later in the story, to see how difficult it is to implement policies to bring about genuine social change. Drawing on the work of law and society scholars invites a focus on the role of law and policy to change norms, as well as to reflect existing cultural perceptions. In fact, a great recognition of law as a policy arena, a powerful discourse, and a catalyst for mobilizing people for political action, would also enhance our understanding of how and when an idea's time has come.

## AUTHOR NOTE

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