
Eva Rozsa
Abstract

Child marriage, usually regarded as an issue pertaining to the non-‘developed’ parts of the world, can still be found in the United States (US), though efforts to combat it shape foreign policy goals. Is child marriage represented as a ‘problem’ in the same way internally as externally, and how do human rights play a role? Using Bacchi’s “What’s the Problem Represented to be?” approach, the problem representations emerge, showing that child marriage functions as a ‘solution’ to welfare ‘problems’ in national policy, as an obstacle to economic prosperity in foreign policy; and as a ‘foreign’ culture ‘problem’ in immigration policy. Postcolonial feminist theory’s “Third World Girl” allows for a deeper understanding of some of the subjectivities these representations entail, and the biopolitical nature of the assumptions which underlie these problem representations are explored through Foucault’s theoretical work on sexuality and production.

Keywords: Child Marriage; United States; Third World Girl; Postcolonial Feminism; Adolescent Sexuality; Biopolitics; Human Rights

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1. Introduction

1.1 Introduction
Child marriage is seen as a problem belonging to certain populations of the world, relegated to developing countries, perhaps evoking images of African or South Asian girls next to middle-aged men twice their size. It is often regarded as a cultural or religious issue which no longer exists in the developed world, and rather than possessing the same problem, the developed world’s responsibility lies in helping other countries overcome child marriage and ‘progress’ in their development, both economically and culturally.

However, many do not anticipate that child marriage is legal in countries that are considered developed, the United States (US) being one of them. After recent efforts in the US to ban child marriage, which garnered increased attention in early 2018, this issue came to many people’s attention, and the public as well as policy makers engaged in discussions on why one should or should not allow children to marry before the age of 18. National child marriage laws, as well as the US foreign and immigration policy, provide a complex picture of modern child marriage discourse in the US, which this thesis aims to investigate further. From the perspective of Bacchi’s “What’s the Problem Represented to be?” approach, child marriage discourse will be dissected to understand not only the problem representations underlying these policies, but also the assumptions, subjectivities, and effects they imply.

Engaging with post-colonial feminist theory and Foucault’s work on biopolitics and sexuality, as well as Arendt’s understanding of labor, I seek to gain a better understanding of the different approaches encompassed in the three policy areas, finding consistencies among the contradictions.

1.2 Research Area
The research area of this thesis relates to US policy on child marriage in three different areas: national, foreign, and immigration policy. While these are distinct in their own right, they also interrelate, and for this reason will be examined together as examples of child marriage policy discourses in the US. Given that child marriage is related (both explicitly in policies, as well as implicitly) to the issues of sexuality, pregnancy, and abortion, those topics are also included in the relevant research area in order to better grasp the problem representations within child marriage.
1.3 Research Problem
There seem to be contradictions and consistencies within child marriage discourse when contrasting national, foreign, and immigration policy on the matter. While the majority of US states legally allow child marriage within their borders (through “exceptions” (Tahirih Justice Center, 2018)) and the US has not ratified the relevant human rights conventions (UN OHCHR, 2019), their foreign policy emphasizes the necessity of combatting child marriage in the name of human/children’s rights (USAID 2012a, 2015). Simultaneously, child marriage has been deemed a problem in immigration policies because the policies are inconsistent with state requirements for marriage. These approaches seem in some ways inconsistent with each other despite coexisting within a single state, as marriage under the age of 18 seems to be treated differently depending on the policy area, but at the same time, these policies have certain aspects in common. Therefore, the research problem is one which relates to the inconsistencies in child marriage policy, questioning whether there is an underlying logic which informs these policies, or whether these simply differ due to a difference in policy fields.

1.4 Aim and Research Question
The aim of this thesis is to understand and describe child marriage discourse within the United States, to illuminate the ways in which this issue is represented in different contexts, and unearth their embedded assumptions and subjectivities relating to childhood. Describing in what ways the problem of child marriage is represented will serve to illuminate whether there are commonalities between the different approaches of the distinct policy fields, or whether they do not share any assumptions or implied subjectivities. This will hopefully lend itself to seeing policies framed around human rights critically, as they may contribute to reinforcing binaries.

Hence, these are the research questions and following sub-question:

◊ How is child marriage represented in national, foreign and immigration policy? What are the main themes present in the problem representations?
◊ What assumptions and forms of subjectivities are held within these representations of child marriage, and what are their effects?
1.4.1 Theory and Method
Postcolonial feminist theory will play a role in analyzing the subjectivities which child marriage discourses elicit, with the “Third World Woman” (as discussed in Spivak (2005) and Mohanty (1988)) as a subject position playing a central role for foreign and immigration policy’s representations of child marriage. Foucault’s work on sexuality and biopolitics (Foucault, 2003; Foucault, 1978), together with Arendt’s definition of labor (1958), will function to explore the assumptions which underlie these problem representations. I will employ Carol Bacchi’s “What’s the problem represented to be?” (WPR) method, which is designed to analyze the discursive aspects of policy and look into the constructions and representations of ‘problems’ within them (Bacchi, 2009). This method frames policy beyond the legal documents, including media statements, legislation, research reports etc. (Goodwin, 2011, p. 171), allowing the data I focus my analysis on to be encompassed under ‘policy’.

1.5 Relevance to Human Rights
Child marriage as a human rights ‘problem’ has been shown to affect various rights in the Convention on the Rights of the Child (CRC), such as the right to health in Article 24, and to education in Article 28 (UN OHCHR, 1989; UN General Assembly, 2017). In addition, the practice is illegal according to Article 16.2 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (UN OHCHR, 1979). However, in this case, the ‘problem’ doesn’t seem to be directed at all subjects of child marriage equally, and instead, the interpretations of human rights may differ according to what is represented to be a ‘problem’ worth solving, and whose position is problematized. This inquiry is relevant to human rights as it serves to analyze in what ways the application a particular right can vary within a state policy depending on who seems to be the object of this right. While it cannot explain how this inconsistency arises, looking deeper into the discourse surrounding child marriage can help describe and uncover the representations this inconsistency relies on, and the assumptions which underlie it.

1.6 Delimitations
The matter of child marriage, while often discussed with a focus on girls, also constructs boys/men in particular ways. Although this aspect of child marriage representation is relevant, my analysis will be able to mention this only briefly due to the spatial constraints of the thesis. Due to the statistically lower numbers of boys and same-gender couples being affected by child
marriage, and their lack of representation within these policies, analysis of these groups will be omitted.

Furthermore, an analysis of the heterogeneity of national girlhoods represented within the US must be largely omitted due to a lack of space. It is worth noting however that this pertains to current policy as well as historical framings of child marriage, as girls and women of color have historically been, and continue to be treated differently based on issues of sexuality and fertility.

Unfortunately, judicial decisions on child marriage within the US could not be considered because cases involving minors are not accessible to the public.

1.7 Ethical considerations

The intention of my research is not to provide arguments for or against the policing of child marriage, or to argue whether it is right or wrong, but to look at how this issue is treated within US policy in relation to the representations of child marriage. Discussion of the possibility of a child choosing to marry does not negate that others may be forced to do so. On the contrary, an inquiry into child marriage requires that we consider assumptions surrounding representations of childhood critically, engaging with the idea that childhood may not be easily reduced to a single life-path which must necessarily include or exclude things such as marriage or a specific type of education.

1.8 Clarification of terms used

In the material, the terms “minor” and “child” may be used interchangeably, but the use of these terms will be discussed in this thesis, as this is also a point of contention. The terms “child”, “teenager”, and “adolescent” are used relatively interchangeably throughout the thesis, although the latter refer to an older category of children, and the apparition of the latter two terms as categories in the US is quite recent (Syrett, 2016).
2. Previous Research

The focus of this thesis is located at an intersection of several research areas, as it combines the themes of childhood, gender, development, and adolescent sexuality and is strewn across various disciplines, not always focusing on child marriage specifically. The majority of the relevant previous research is focused within feminist/gender studies, especially postcolonial feminism, and often uses Foucault’s theory of governmentality.

Some focus has been dedicated to historical accounts of the regulation of child marriage and adolescent female sexuality in the US, by Syrett and Ehrlich respectively (Syrett, 2014; Syrett, 2016; Ehrlich, 2006). Most previous research relevant to the topic at hand has analyzed existing policies on children and/or sexuality using policy or discourse analysis.

The governing of children and their education and/or sexuality tends to be explored in the context of ‘Western’ systems (Ailwood, 2004; Robinson, 2012; Dauda, 2013). The difficult relationship between childhood and sexuality is further highlighted by Barcelos’ work on governing “risky” adolescent female bodies and sexualities (Barcelos, 2014, p. 476). The research on developmental policies is generally aimed at the construction of the ‘Third World Girl’ and at the framing of her education in relation to development (Moeller, 2013; Bent, 2013; Khoja-Moolji, 2015). MacDonald echoes the theme of ‘Third World Girls’ being represented as holding both potential for change and necessitating western support (MacDonald, 2016, p. 13), and investigates how the construction of the ‘Third World Girl’ necessitates a concern for her futurity, with assumed future suffering as a Third-World Woman allowing for this figure to be transposed onto a girl-child (ibid., p. 2).

The “oppositional” nature of empowered and disempowered girlhoods can be found in further research (Bent & Switzer, 2016), and in particular, Khoja-Moolji ties these to neoliberal subject positions which function to privilege certain life choices over others, such as education over sexuality and child marriage (Khoja-Moolji, 2017, p. 54).

This research informs the issue of child marriage discourse in framing both its history as well as the theoretical issues in conceptualizing the gendered, disciplined child. While the focus of previous research depends on what type of policies are in question (developmental policies aimed at foreign countries, or national projects), the topic of child marriage discourse in three areas of US policy (national, foreign and immigration policy) seems to allow for a filling of a gap where these issues intersect.
3. Methodology

3.1 Method

Bacchi’s WPR approach distinguishes itself both from traditional discourse analysis approaches as well as conventional policy analysis methods. Other discourse analysis methods, such as Fairclough’s critical discourse analysis, approach discourse as language and perform analyses based on patterns of language use, often basing their understanding of discourse on Foucault’s 1970s lecture (Foucault, 1981). The WPR approach instead treats discourses as “socially produced forms of knowledge that set limits upon what it is possible to think, write or speak about a ‘given social object or practice’” (Bacchi, 2009, p. 35). In doing so, the WPR approach calls into question the knowledges these discourses are based on, using the later Foucauldian understanding that discourses “form ‘a practice which is articulated upon the other practices’” (Foucault cited in Bacchi, 2009, p. 35). Therefore, the analysis of discourses in Bacchi’s method focuses less on specific linguistic use and formations, and rather at “the role of knowledges in governing” in order to apply critical scrutiny to policies, by identifying underlying binaries, categories, and logics in governmentality (ibid.).

The relationship of WPR to certain conventional forms of policy analysis methods used in the social sciences is important as well. Rationalist policy approaches tend to frame the analysis in terms of evaluation of the outcomes of a policy, or aim to study or solve ‘social problems’, while critical approaches to policy analysis are concerned with the stakeholders and power relations involved in policy (Goodwin, 2011, p. 169). Contrary to these approaches, the WPR follows a constructivist tradition, which challenges the idea that ‘problems’ exist as such in the world and require policies to address them, instead looking at “the ways in which particular representations of ‘problems’ play a central role in how we are governed” (Bacchi, 2009, p. xi).

Due to this focus, the WPR approach examines how ‘problems’ are represented, the implications they carry, and the lived effects they produce. Instead of tying policies to intentionality, relating them to ideology or actors’ intentions, this approach aims to identify “deep conceptual premises operating within problem representations” which make this type of representation possible (ibid., p. xix).

This allows for the policy analysis to go beyond a single policy area, challenging the idea of policy “specialisms”, national and international boundaries, and the assumption that governance only relates to the state, as the same conceptual logics or premises can be found across the conventional ideas of policy borders and agencies (ibid., p. xx).
Due to these distinctions, I am strengthened in my choice to apply the WPR method, as it allows for an approach that engages with post-structuralist methodology while still providing a structure to follow. It fits well with the material and purpose of the thesis, which aims to critically engage with the construction of child marriage and the subjectivities embedded in these discourses. This method is instrumental in addressing child marriage as my previous engagement with the issue lead me to the assumption that national and foreign policy approaches are hypocritical, as child marriage is legal within the US but combated in foreign policy. However, interrogation of the relevant policies using the questions presented by Bacchi reveals the problem representations and subjectivities that follow have more in common with each other than one might presume.

The WPR framework consists of six guiding questions to critically analyze policy, and are meant to be approached using some of Foucault’s analytic strategies (such as discourse analysis).

| 1. What’s the problem represented to be? |
| 2. What presuppositions or assumptions underlie this representation of the problem? |
| 3. How has this representation of the problem come about? |
| 4. What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently? |
| 5. What effects are produced by this representation of the problem? |
| 6. How/where is this representation of the problem produced, disseminated and defended? How could it be questioned, disputed and disrupted? |


In this analysis, I will focus on questions 1, 2, and 5, as these align with my research aim and will allow for a critical view of the given policies using discourse analysis. Questions 3, 4, and 6 will influence the analysis in some aspects but will be largely omitted due to the lack of space as well as their reliance on genealogical analysis, which is too broad for the purposes of this thesis (Goodwin, 2011, p. 173).
3.2 Material
As I will not be producing my own data, the primary material of this thesis will encompass US state legislation on child marriage, US foreign policy on child marriage (administered through USAID), and US immigration policies on child marriage, as well as speeches, reports, and media statements by governmental actors. The included media statements are of state actors, either former mayors or state representatives, who worked against banning child marriage, and were chosen as they represent not only powerful voices, but also represent the larger trends within child marriage discourses on the state level. Thus, even though they of course do not represent every government official, with the additional material of legislation, this material is chosen because it represents a larger discourse. As Bacchi notes, the government plays an important role in determining the discourse, as their position allows for understandings to “stick”, and therefore, these perspectives must be considered (Bacchi, 2009, p. 33).

In addition, I will consider national welfare policies which relate to marriage and pregnancy of teenagers. This material may seem broad, as the term “child marriage” is not always referred to in the national policy documents, but the purpose of including this material is to gain a richer sense of how marriage is represented in the US when it pertains to people under the age of 18, for the purpose of being able to contrast this with policies which explicitly relate to child marriage (as in foreign, and to a certain extent, immigration policy).

Academic articles, detailed further in Chapter 2. Previous Research, will provide the secondary materials, and will serve to pinpoint and name the ways in which child marriage are represented.

4. Theory
The theories used will include both postcolonial feminism’s subject position of the Third World Girl, as well as Foucault’s work on sexuality and biopolitics, supplemented by Arendt’s definition of labor.

The term Third World Woman was coined by Mohanty to describe the “singular monolithic subject in some recent (western) feminist texts”, and how such texts reduce (or “discursively colonize”) the lives of women in the third world to simplistic representations of the Third World Woman (Mohanty, 1988, p. 61f). The term of the “third world” is used critically (ibid., p. 83), and the “Third World Woman” functions to show in what ways western feminism
constructs women in the third world to be “a homogenous ‘powerless’ group often located as the implicit victims of particular cultural and socio-economic systems” (ibid., p. 66). The subjectivity calls into question several presuppositions, including the category of ‘women’ as a “coherent group with identical interests and desires”, and the assumed universality of women’s oppression (ibid., p. 64f). Both assumptions function to produce “the image of ‘average third-world woman’”, who is constructed as being disadvantaged due to her gender and third-world-ness, assuming her sexual constraint because of the female gender and her being “ignorant, poor, uneducated, tradition-bound, religious, domesticated, family-oriented” as opposed to the implicit assumption of western women as free, educated and modern (ibid., p. 65).

Spivak’s continuation of this concept through the phrase “white men are saving brown women from brown men” contributes further in pointing out white-savior narratives present in colonial contexts as well as the field of “gender and development” (2005, p. 284). In this construction, brown women constitute the helpless victims, at risk of brown men (who are represented as hyper-sexual and -violent threats), therefore necessitating the help of white men.

This thesis will utilize both of these contributions, but in order to apply these to the child marriage discourses, the Third World Woman is modified to the figure of the Third World Girl, as used by other academics (MacDonald, 2016). In addition, Spivak’s phrase is developed into “white people saving brown girl-children from brown men”, not only addressing the fact that the focus is a specifically younger population, but that the developmental projects aimed at them can be analyzed through the lens of white-saviorism regardless of the gender of the western ‘savior’ (following the tradition of Mohanty’s work, as western feminists can also perpetuate these narratives).

Arendt’s understanding of labor, functioning as a central activity which makes up the “natural metabolism of the living body” (Arendt, 1958, p. 100) will allow me to address the issue of production by tying the human body to laboring activity.

Following this, Foucault’s examination of disciplinary technologies, such as that of labor, which target the body, and biopolitical regulation of the population, or “man-as-species” will be central (Foucault, 2003, p. 242). These provide a frame for the analysis, as the discipline of the body and the regularization of the population have effects in terms of production as well as reproduction. Between the body and the population, the concepts of health and sexuality play
a distinct role, as they affect both the disciplinary as well as the biopolitical level, therefore inhabiting a space between the two categories (Foucault, 2003, p. 251f).

Foucault notes how with the rise of health as a concern in the 18\textsuperscript{th} century, in part having to do with the “preservation, upkeep, and conservation of the “labor force””, there was a distinct focus on children’s health and the role of the family in assuring the child’s “survival into adulthood” (Foucault, 2002, p. 95ff). With the concern of investing sufficiently in the child for it to survive and become useful to the country came an intensified concern to create a “homeostasis of health” in the home, creating the family as “the most constant agent of medicalization” (ibid.). This also brought with it “the necessity, finally, for a control and an external medical knowledge to arbitrate and regulate these new relations between the parents' obligatory vigilance and the children's ever so fragile, irritable, and excitable body” (Foucault, 1997, p. 54).

Sexuality becomes emphasized as a medical concern in the 19\textsuperscript{th} century as “when it is undisciplined and irregular, sexuality has effects at two levels”, on one hand individually affecting the “undisciplined” body through disease, and on the other, causing “degeneracy” as a ‘disease’ is passed down onto future generations (Foucault, 2003, p. 251f). Therefore, similarly to health, sexuality becomes a specific point of concern both in disciplining bodies and regulating the population (Foucault, 1978, p. 146). He identifies four figures at the heart of the biopolitical focus on sexuality, of which the Malthusian couple functions as the ideal form in the “socialization of procreative behavior” (ibid., p. 104f). This creates parents as responsible not only for their children but for the social body (ibid.). If the socialization process ‘fails’ and the child is not ‘disciplined’, their behavior is pathologized and forms a ‘problem’ embodied by other figures, such as the masturbating child or hysterical woman (ibid., p. 105f).

5. Background

5.1 Child Marriage in US National Policy

Marriage in the US is regulated by state law rather than federal law, and as such, the exact legality of child marriage varies. Although most states set their “statutory minimum marriage age” at 18, the actual minimum marriageable age is often lower, as minors under the age of 18 can marry in most states if certain statutory exceptions apply (Tahirih Justice Center, 2018). As of 2019, out of 50 states, all but two (Delaware and New Jersey) allow child marriage under
the conditions of parental consent, a judge’s approval, and/or pregnancy (ibid.)\(^1\).

However, these conditions do not always apply, and some states may require children to fulfill certain conditions in order to marry.

Eighteen states do not set a minimum age at all, while others who do may set it as low as 14, such as Alaska and North Carolina (Tahirih Justice Center, 2018). Differentiations in age can be found in minimum ages based on gender in three states, although seven of the 50 states lower the age limit explicitly based on pregnancy (ibid.). Judges are not always involved in the process, as merely 13 states require judicial approval for all marriages of minors, and others stipulate their involvement only in certain circumstances. The legal procedures involved are not equal, allowing judges or courts to play greater or lesser roles in the granting of child marriage depending on the state; in 18 states, the consideration of the marriage in terms of the child’s “best interest” is raised, and the issue of whether the marriage is being entered into “voluntarily” arises in just two states’ policies (Tahirih Justice Center, 2018).

The issue of child marriage in the US is far from undisputed and has resulted in shifting policies across the country. Within the past few years, many states have amended their policies on child marriage amid pressure from the public and non-governmental organizations. Delaware was the first to ban child marriage in May 2018, with New Jersey following later in the same year, and while other states did not ban the practice altogether, 11 additional states raised or established minimum age requirements between 2016 and 2019 (Tahirih Justice Center, 2018, p. 2).

Efforts to change existing legislation were met with resistance by politicians throughout recent years. Before New Hampshire raised its minimum marriageable age to 16 in 2019 (The New Hampshire General Court, 2019), the previous law allowing girls and boys to marry at ages 13 and 14 (respectively) was over a century old (Union Leader, 2018). Some discredited these efforts, arguing that the existing policy had “been working without difficulty” (Independent, 2017). Resistance to changing this law was expressed in reference to moral concerns, arguing: “If we pass this we will be ensuring forever that every child born to a minor is out of wedlock.” (PBS, 2017). The children whose ability to marry is defended are not defined as children, but

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\(^1\)Despite the legality of child marriage in most of the United States, exact numbers of the number of child marriages to occur are not available from the government as the “federal government does not collect this data” (Committee on Homeland Security and Governmental Affairs, 2019). However, Unchained at Last, a non-profit organization from the US working to prevent child marriage, found in that between 2000 and 2010, an estimated 248,000 children under the age of 18 were wed (Unchained At Last). Among these, most child marriages affected girls, and 77% of the girls married adult men (ibid.).
as minors. The distinct use of “child” and the protection of this category thereby relates to the real or hypothetical children of these “minors”.

Similarly, New Jersey’s ban on child marriage in 2018 was preceded by several failed attempts, and resistance was expressed in similar terms, citing a concern that this would “violate the cultures and traditions of some communities in New Jersey based on religious traditions” (PBS, 2017). Additionally, it was argued that it would be “disingenuous” to ban marriage for 16-year old minors who can legally consent to sex and obtain an abortion (NJ Local, 2017).

In Florida, the proposed ban was led by Sherry Johnson, a woman affected by the absence of minimum age laws which allowed her rapist (her 20-year old church deacon) to marry her at the age of 11 due to her pregnancy (CNN, 2018). Although the proposed ban on child marriage failed, the bill was amended to raise the minimum marriageable age to 17 in 2018. When the reformed bill passed, it was still met with opposition, due to concern that this decision would encourage the view of abortions as “alternatives to marriage” (Florida Politics, 2018).

Although these are merely three examples of child marriage state policy, they represent recurring themes which can be found in most states where politicians seek to defend the existing laws which allow child marriage (Washington Post, 2016; PEW Trusts, 2017). Concerns about abortions and out-of-wedlock births reappear surrounding child marriage discourse. Appeals to cultural and religious tradition play a role, but the focus on the threat of non-normative sexual and family constellations dominate the conversation, with an implicitly gendered focus on girls through discussions of fertility and sexuality.

Although the principle of the child’s “best interest” does bear mention in some state legislation on child marriage, human rights are not referenced in national child marriage discourse, and the policies themselves do not mention “child marriage” as a term, rather minors who wish to enter marriage. The lack of human rights and children’s rights language may be explained partially through the fact that the US has not ratified the CRC or CEDAW, and are therefore not legally committed to incorporate human rights into national law (UN OHCHR).

Finally, the national discourse around child marriage necessitates not only a presentation of actual child marriage laws, but also welfare legislation which seeks to encourage two parent households and in doing so, frames teenage, out-of-wedlock parenting in specific ways.
Section 601 of the Public Health and Welfare Bill in the US Code is established on a federal level to issue block grants for states in order to support “needy families” (U.S. House of Representatives, 2019). In addition to the general purpose of assisting them, the bill aims to “end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage”, “prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies”, and “encourage the formation and maintenance of two-parent families” (ibid.). In the Congressional findings presented in 1996 but still present in the US Code today, there is a firm focus on the relationship between marriage and a successful society, which is said to promote the interest of children—which is emphasized by statistics about the rise in nonmarital pregnancies, with specific focus on nonmarital teen pregnancies. These are problematized and seen as having numerous negative consequences on “the mother, the child, the family, and society”, linked to abuse and adult men’s predatory practices, low birth weight/success rates of children born out of wedlock, as well as increased spending for the state due to intergenerational welfare service dependency (ibid.).

Section 603 goes on to detail “Healthy marriage promotion and responsible fatherhood grants”, in which states are informed in what ways they can fund “Healthy marriage promotion activities” by advertising and educational campaigns, or relationship skill programs (U.S. House of Representatives, 2019).

Although this bill does not use the term child marriage explicitly, the lack of marriage in situations of pregnancy relates to teenagers and thereby child marriage. Similarly to the political discourses surrounding child marriage laws, child marriage is not problematized as much as the represented effects of child non-marriage in certain cases.

### 5.2 Child Marriage in US Foreign Policy

A quote by former US President Barack Obama serves as the opening line to the 2016 “United States Global Strategy to Empower Adolescent Girls” (Global Strategy) report, and effectively represents US foreign policy on child marriage: “[...] There’s no place in civilized society for the early or forced marriage of children. These traditions may date back centuries; they have no place in the 21st century. These are issues of right and wrong—in any culture. But they’re also issues of success and failure. Any nation that fails to educate its girls or employ its women and allow them to maximize their potential is doomed to fall behind in a global economy.” (U.S. Department of State, 2016).
While the protection of children and women has played a role in the US Agency for International Development (USAID) developmental policies before this, 2012 marked the beginning of an increased focus on child marriage in US foreign policy through USAID (2012a; 2012b; 2012c). This accelerated with the specific inclusion of prevention of child marriage as a goal within the “Violence against Women Reauthorization Act” (S.47) of 2013, declaring this a central US foreign policy objective (U.S. Congress, 2013). Following this bill, the Global Strategy report was developed to prevent child marriage, defining it (under the umbrella term Child, Early and Forced Marriage (CEFM)) as a “human rights abuse” (U.S. Department of State, 2016, p. 5).

There is a consistent focus on human rights and children’s rights in relation to CEFM, relating to scientific knowledge of its negative consequences on girls’ health, education and participation in society (U.S. Department of State, 2016, p. 6), and USAID presents a key part of its strategy as encompassing an “evidence-based approach” (USAID, 2019). The Global Strategy report, along with other USAID publications, stresses the importance of human rights, as well as the impossibility of giving consent to marriage as a child under 18, and insists on challenging cultural and religious norms that allow for child marriage (USAID, 2012a; USAID, 2015; U.S. Department of State, 2016).

Child marriage is presented as a gendered issue, affecting girls and their education specifically. Demonstrating foreign justifications for child marriage, the Global Security Report states that causes for the perpetuation of child marriage include “social beliefs about the appropriate age of marriage for girls […] concerns about premarital sexual behavior that could result in pregnancy outside of marriage, HIV/AIDS, and perceived dishonor to the family.” (U.S. Department of State, 2016, p. 5). CEFM is presented as being rooted in patriarchal beliefs and gender inequality (ibid.; USAID, 2015, p. 12), and part of the strategy includes the “[mobilization] and [education of] communities to change harmful norms and practices” (U.S. Department of State, 2016, p. 1).

Working against child marriage is connected to economic prosperity through increased education and participation of girl-children, and girls are positioned as instrumental in achieving developmental change: “Adolescent girls of all ages are an often overlooked, but fundamental, population […]. Their full participation in development efforts contributes to more sustainable investments to end cycles of poverty; to build resilient, democratic societies;
to improve health and nutrition outcomes; and to strengthen economies” (U.S. Department of State, 2016, p. 37).

Girl-children’s participation is also a key theme in foreign policy and economic initiatives within developmental policies, seen as an important factor in delaying marriage and allowing girls to “make healthy choices about their own sexual health” (U.S. Department of State, 2016, p. 65). This participation is not solely in the interest of the girls themselves, or their countries, but deemed “critical to advancing U.S. foreign policy and security objectives and development priorities.” (ibid., p.1).

Despite the lack of an explicit concern for abortion or the moral aspect of sexuality in relation to child marriage in foreign policy, this continues to be an implicit factor; efforts to combat child marriage in foreign policy have faced difficulties due to concerns around abortion (Washington Post, 2010) in the past, and since the Helms Amendment (1973) to the Foreign Assistance Act, foreign assistance funds have not been permitted for funding of abortions or the motivation to practice abortions (CHANGE).

In addition, the Mexico City Policy or “Global Gag Rule” (Executive Office of the President, 2001), bearing this name due to its additional provision that funding may not be awarded to non-governmental organizations which provide or promote abortion services (even with independent funds), has been restored and revoked under different governments since Reagan in 1984, and is currently reinstated again (Trump, 2017).

While child marriage as a specific foreign policy concern, as developed above, is very recent, Renfro’s work showcases that the US has a history of framing policies both on a national and foreign level as protection of the “child” and “woman” (or “subordinates”), necessitating masculinist protection, which he traces specifically through the post-9/11 era (Renfro, 2019, p. 568). Tracing child protection nationally, there is a consistent focus on “defending boys and girls from ‘moral threats’” which “comprised anything and everything deemed antithetical to (white) heteronormative, patriarchal “family values” and childhood—from same-sex marriage to teenage pregnancy, from abortion to stranger kidnapping” (Renfro, 2019, p. 569f). In foreign policy, the concerns focus mostly on protecting/rescuing women from their culture and the men within it, positing the US as “valiant rescuers swooping in to save the uniformly oppressed Afghan women”, with convictions that “the war on terror would do wonders for women in the Middle East” (ibid., p. 587f). Renfro does not see these as separate, locating the gendered aspects of child protectionist policies within further scholarship which “collapses the
boundaries between US foreign policy and domestic policing” and represents a larger tradition of combatting “sexual and especially racial ‘Others’” in the US (Renfro, 2019, p. 571f). Therefore, we can see child marriage discourse as belonging to a wider tradition of policies aimed at women and children, and targeting sexual and racial “Others”.

5.3 Child Marriage in US Immigration Policy

In early 2019, a Committee in the US Senate published a report on how US immigration laws, through loopholes in the “Immigration and Nationality Act” encourage child marriage (Committee on Homeland Security and Governmental Affairs, 2019). This report details how the process for obtaining an immigrant visa for a spouse or fiancé had been used to allow child marriages, both in cases where the child was the US citizen, and the spouse or fiancé from abroad. In the past eleven years, U.S. Citizenship and Immigration Services (USCIS) have approved 8,686 petitions involving minors (out of 3,595,447 petitions total), wherein the minors were aged between 13 and 17. They point out that some of these cases involved significant age differences, and that in 95% of the approved petitions, girls were the younger party (ibid., p. 2f).

The report references both the legality of child marriage in nearly all US states (and recent progress in laws aiming to limit the practice) as well as the US foreign policies on child marriage which deem the practice a form of human rights abuse and child abuse (ibid., p. 5f). The emphasis in the comparison between US laws and the applicable immigration policy is placed on the necessity within the US for judicial or parental consent to be married, stating that within the country these laws “often [come] with restrictions that require a showing of consent” (Committee on Homeland Security and Governmental Affairs, 2019, p. 5).

In contrast, the immigration laws are problematized from the point of view that the “USCIS does not require the minor to demonstrate parental or judicial consent” (ibid., p. 6), and will only consider the age at marriage if it “violates the laws of the place of celebration or the public policy of the U.S. state in which the couple plans to reside” (ibid.). Citing the organization “Unchained at Last”, images of “young brides” and “foreign husbands” are brought up, with comparisons of citizenship as a replacement to the dowry, and the story of a Pakistani girl being forced to marry her cousin abroad (ibid., p. 7).

Since then, USCIS has announced that it will be implementing guidelines in the Adjudicator’s Field Manual to address “Marriage Involving Minor(s)”, to ensure that officers “evaluate the laws of the state of residence to ensure that the marriage is recognized as valid in
the U.S. state where the couple resides […] and does not violate the public policy of that state”,
as well as clarifying that “marriages that occur without the full, free, and informed consent of
either or both parties to the marriage are not considered bona fide for immigration purposes”
(U.S. Citizenship and Immigration Services, 2019). In addition, the petitioning sponsor, or US
citizen making the request, would be required to be 18 years of age (ibid.).
The specific guidelines note that “the officer can generally rely upon a marriage certificate,
court decree or parental consent as probative evidence of the minor’s consent. However, if the
case presents forced marriage issues, please consult with headquarters and/or your regional
office through your normal supervisory chain” (U.S. Citizenship and Immigration Services,
2019B).
While the initial report used human rights and children’s rights language, the defense of the
system of judicial and parental consent as means of legitimizing marriage remains consistent.
The USCIS does not refer to these cases as issues of child marriage, but refers to the children
as minors.

6. Analysis: Representations of Child Marriage

The analysis comprises three sections, addressing Questions 1, 2, and 5 of the WPR method,
to reflect on the problem representations within child marriage discourse, their underlying
assumptions, as well as their effects.

6.1 Saving Children through/from Child Marriage: What is the problem represented to
be in child marriage discourses?

This chapter focuses on the first question of Bacchi’s framework, exploring what problem
representations are held within the policy discourses in different areas.
While the problem representations within national and foreign policy have significant
differences, they also mirror each other in a complementary fashion; in national policy, child
marriage functions as a ‘solution’ to the lack of stability caused by the ‘problem’ of single
motherhood, while foreign policy frames child marriage as an obstacle (the ‘problem’ itself) to
development, whether economically or socially.

National policy on child marriage is represented through different problem representations. For
one, the ‘problem’ is one of personal (ir-)responsibility, but out-of-wedlock childbearing,
especially for teenage mothers (i.e. a lack of child marriage) is also indicated as a ‘problem’ of
welfare, education, and economy all at once, marking an intersection of policy “specialisms”. This aspect is significant, as Bacchi’s WPR approach encourages us to engage in “cross-border” analysis of governmentalities, challenging traditional distinctions between policy fields, such as national and international policy or education and welfare. Such analysis shows that in fact, problem representations and governmentalities flow across boundaries and interconnect between policy ‘areas’ (Bacchi, 2009, p. 157f).

The representation of child marriage as an individual (ir-)responsibility problem relates to out-of-wedlock sexuality and pregnancies, to which child (or “minor”/“juvenile”) marriage is formulated as a solution. This can be seen based on the exceptions based on pregnancy (Tahirih Justice Center, 2018), the objections to raising the marriageable age above the age of consent, and the focus on abortion, which all function to construct non-marital sex (or the lack of marriage upon pregnancy) as a problem. The ‘solution’ is presented as the exceptions which allow for marriage under the age of 18—argued to be favorable to abortion, and in line with protecting cultural and religious customs (PBS, 2017; NJ Local, 2017).

Furthermore, the welfare policies which seek to encourage marriage and discourage single motherhood frame the lack of marriage as welfare and labor problem, especially in the case of teenage motherhood. Single motherhood—and a father’s absence—are related to ‘evidence’ in the congressional findings indicating that such situations are harmful. For the mother, this is in terms of statistical risk of lacking education, unemployment, and her resulting dependency on welfare services, while the child is said to suffer in relation to their health, social wellbeing and education (U.S. House of Representatives, 2019). Beyond the individualized effects, single motherhood’s relationship to welfare expenditure also signals “negative consequences” on “the society”, naming the public cost of supporting such women and their families, and linking out-of-wedlock births to criminality (in neighborhoods as well as individuals) (ibid.). The conclusion that the provided evidence represents “the crisis in our Nation” and that therefore “prevention of out-of-wedlock pregnancy and reduction in out-of-wedlock birth are very important Government interests” implies a combination of the above problem representations (ibid.). Thus, it can be seen that the problem representation in national policy results in child marriage acting as a solution rather than the problem itself, as it would ‘solve’ individual (education/health/irresponsibility) and larger societal (economic/welfare) ‘problems’ that single motherhood poses.
Contrary to this, foreign policy represents child marriage as the ‘problem’, engaging in diverse problem representations: child marriage is represented to be a health problem, an economic problem, and an educational problem—all relating to human rights. In addition, the ‘problem’ is explicitly gendered and related to patriarchal culture.

Not shying away from the term child marriage, in fact including it under the larger grouping of CEFM (Child, Early and Forced Marriages), the problem dimensions of health and education are presented with ‘evidence’ on the statistical risks child marriage carries for brides under the age of 18 (U.S. Department of State, 2016, p. 57).

The economic dimension of the problem representation is also central, as the ‘problem’ of child marriage is seen as an obstacle to economic benefit: “Educating and investing in adolescent girls is not only about equity, it’s also about macroeconomics. It can truly change growth paths and poverty rates at the national level. That is why MCC supports activities that help girls become educated, healthy, productive members of their community and society.” (Hyde quoted in U.S. Department of State, 2016, p. 56, emphasis added). Through representing adolescent girls as instrumental to economic and societal growth (“an often overlooked, but fundamental, population for achieving development goals and unlocking the full human potential of societies” (ibid., p. 37)), the problem representations also suggest a specific understanding of the role of girls in these societies.

Foreign policy’s problem representation of child marriage treats the ‘problem’ as an explicitly gendered issue, affecting girls specifically, although boys and men are mentioned as needing to be part of the solution (U.S. Department of State, 2016, p. 21). The “harmful patriarchal beliefs that value girls less and confine them to traditional roles of motherhood and domestic labor” (U.S. Department of State, 2016, p. 5) are seen as a cultural problem—and although this is not explicitly said, it seems to be represented as a foreign culture problem, as the US holds the role of guiding the education in communities about these harmful norms and practices (ibid., p. 15).

As such, child marriage in foreign policy is represented as the ‘problem’, relating to many fields, ultimately functioning as an opportunity to save girls from this ‘problem’ through developmental programs relating to education and delay of marriage (ibid., p.11). This construction of saving girls/women from their culture relates to the post-colonial feminist ‘Third World Woman/Girl’, which will be elaborated in Chapter 6.2.2.
US immigration policy contains certain aspects of both of the above discourses in its problem representation, with child marriage functioning as a ‘foreign’ culture ‘problem’ related to forced marriages and a ‘problem’ of inconsistency with US regulations.

Even though marriage under the age of 18 is seen critically in the initial report, the clear focus is “forced marriage”, which constitutes a “human rights abuse” (Committee on Homeland Security and Governmental Affairs, 2019, p. 5). The real ‘problem’ are forced marriages, which do not seem to concern US national policy—the short chapter on national child marriage cases downplays the legislation, indicating that marriage in the US often requires a showing of consent and noting that there are few available estimates on forced marriages in the US (ibid.).

The problem of child, but mostly forced, marriage is therefore represented to be one of inconsistency or lack of application of US state marriage laws. Loopholes allowing child marriage without parental or judicial consent are represented as a problem not because of child marriage as such, but because these marriages escape regulations present in the US, and therefore might “[create] the opportunity for adults to exploit immigration benefits for the purposes of forcing children into marriage” (Committee on Homeland Security and Governmental Affairs, 2019, p. 7).

The implication that the victims and perpetrators of child marriage belong to ‘foreign’ cultures is also consistent, representing the problem as one that stems from outside of the US, arising from people being able to take advantage of the “loophole” in the immigration system (Committee on Homeland Security and Governmental Affairs, 2019, p. 7).

Consequently, US policies are not problematized but reaffirmed, while simultaneously representing the problem as a ‘foreign culture’ problem. The proposed ‘solution’ is merely to necessitate a marriage certificate, parental or judicial consent, in order to provide “probative evidence” for the child’s consent and more importantly, align immigration policies with the state policies on child marriage.

In conclusion, the problem representations in national, foreign and immigration policy represent child marriage as either a ‘solution’ to the a personal irresponsibility and welfare ‘problem’, or as an obstacle (and foreign culture ‘problem’, relating) to education, health and participation ‘problems’. While human rights play a central role in the problem representation

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2 Interestingly, this is also the only time human rights is mentioned in the report (Committee on Homeland Security and Governmental Affairs, 2019).
of foreign policy, immigration policy does not place much emphasis on human rights (mentioning the term but once), and national policy does not consider them at all.

6.2 Underlying presumptions: The Child in Production and Reproduction

The following chapter of this analysis is guided by the second question of the WPR approach, which requires an exploration of the assumptions underlying the problem representations (presented in the previous chapter). This is done by identifying binaries, categories and key concepts, while keeping in mind possible commonalities between logics across fields. In this spirit, the binaries and concepts will be related to a wider context—identified along common underlying presumptions relating to reproduction (sexuality) or production (economy).

Just as the problem representations mirror each other in a complementary fashion, so do their underlying assumptions. While the policies seem to target different people categories for example, they revolve around presuppositions in relation to production and reproduction. In both cases, the choices relating to the body become important for the population, and child marriage becomes either the solution to a population ‘problem’, or the ‘problem’ itself, implying a specific relationship between the body of the individual and the population.

6.2.1 Production: Responsibility for the Self and Economy

Arendt identifies labor as a central activity to the human as a species being. Labor (as opposed to work or action) is a “natural metabolism of the living body”, a process which sustains and reproduces the human life process itself (through production and consumption)\(^3\) (Arendt, 1958, p. 100). By connecting labor to sustenance of not only the individual human, but also to its life as a species, Arendt’s work provides a basis for approaching the theme of production (or economy) in relation to the problem representations of child marriage.

If labor is essential to not only the individual but also the population, then the obstruction of this process becomes a ‘problem’ relating to different levels of governmental focus; on one hand, it becomes a disciplinary ‘problem’ relating to the body, represented as a lack of certain orientations and capacities brought about by ‘incorrect’ socialization, or as a biopolitical ‘problem’ concerning the population, relating to economic and welfare ‘problems’ which necessitate regulation (Foucault, 2003, p. 249).

\(^3\) It is important to note that Arendt does not consider labor as relating solely to economic production, but also reproduction of the species (Arendt, 1958, p. 106), which blurs the lines between the categories of production and reproduction of this analysis. This will not be engaged with further due to lack of space, but is an interesting aspect to note and possibly investigate further.
This can be seen in the case of the problem representations of child marriage, as the problem is represented as one that targets the individual child as well as being phrased as a concern for the population, no matter whether it functions as a solution to the ‘problem’ (as in national policy), or as an obstacle to the desired economic success (in foreign policy). In both cases, the relationship between the individual and the population is inseparable, relating the disciplining of individual choice (of child marriage) to the larger concern of regulating the population. Therefore, when considering the assumptions these problem representations imply, which are the key concepts of education, (labor market) participation and health, we must understand their neoliberal implications and how these relate to the body or the population.

The concept of education plays an important role in understanding the logic which underpins child marriage-related problem representations. Where it is cited in national and foreign policy, education is presumed to be an important step in the development of a child because it is connected to securing employment in the future: in the case of national policy, this is emphasized in relation to its role in fostering independence from state support, as the latter is represented as a ‘problem’; for foreign policy, education is represented as instrumental in growing both the foreign country’s economy and that of the US. Through this representation, both national and foreign policy identify entry into the labor force as equivalent to having a better life individually, but more importantly, it is represented as an important biopolitical interest for the country’s economy. This problem representation not only assumes “individuals as primarily responsible for their lives” (which Bacchi identifies as the dominant style of problematization in policy) (Bacchi, 2009, p. 7), but extends the individual responsibility beyond the self, to the wellbeing of the population, effectively privileging the population as “the ultimate end of government” (Foucault, 2002, p. 216).

On an individual level, the implication that education—and in the future, employment—constitute an improvement in girl’s and women’s lives, reinforces not only the neoliberal idea of needing to increase ones human capital\(^4\), but also privileges certain life-choices or forms of participation over others.

\(^4\) This seems to represent a rise in interest in the investment in human capital, a feature which is characteristic to neoliberal approaches to education and health, and treats the individual as an enterprise or economic investment in itself (Foucault, 2010, p. 229ff).
Such ‘problem’ representation frames child care and other household work as less valuable, especially considering these policies center on girls and women and represent their lack of participation in the formal economy as a ‘problem’.

In national policy, this logic underlies the assumption that single mothers’ dependency on the state is a ‘problem’, although interestingly, marriage (even in the case of teen motherhood) is seen as a solution in this problem representation, as it is regarded as moving away from state dependency through dependency on a husband/second parent. Still, the labor involved in raising a child is not seen as legitimate on its own, posing a burden to the welfare system, with the ‘solution’ being ‘real’ employment and/or marriage. Following similar logic, foreign policy explicitly notes how the “informal economy […] presents greater instability than the formal economic sector and offers no health or retirement benefits”, concluding that therefore women should be included in this sector (U.S. Department of State, 2016, p. 4). In both cases, it is taken for granted that the lack of access to the labor market is the ‘problem’, when one could also see the ‘problem’ as a lack of value or benefits assigned to certain life-choices of girls and women, especially those relating to reproduction.

This creates binaries which pin certain subject positions against each other, such as framing the single mother against the married one in national policy, or the married girl-child against the unmarried one in foreign policy. In both cases, education, health, and participation as concepts are tied to the ‘preferable’ life-paths associated with labor market participation and economic gain. How these binaries constitute dividing practices will be discussed further in Chapter 6.3 in relation to the binary of empowered and disempowered girls.

Critical evaluation of policy claims which seem to have ‘common-sense’ value may help see how certain assumptions held within problem representations can be problematic. Contrary to the underlying assumption that education and employment are positive goals to aspire towards, especially for girls and women, their lives are not necessarily improved by increased labor market participation, nor do all women find this liberating (Bacchi, 2009, p. 207f). Bacchi points to how the “long-standing and familiar narrative of education as the key to economic growth and international competitiveness” has dominated western industrialized views about education, with many policies linked to this narrative (ibid., p.209). Consequently, such logic fails to question what kind of education and work is deemed viable in the first place, and whether being employed does constitute an improvement in girls’ and women’s’ lives, and
instead, reinforces presumptions that tie girls’ empowerment to neoliberal narratives about education (Khoja-Moolji, 2017, p. 54).

Health as a concept functions similarly to education and participation, playing a central role in national, foreign and immigration policy, as it reinforces the binary of married/unmarried girl in favor of whichever subject position is linked to preferable biopolitical results. As health is valued, and national policy emphasizes how marriage can aid the health of the girl’s (younger) child, the married girl is in a privileged position. However, as child marriage in foreign policy is linked to health problems, here the married girl inhabits the negative end of the binary opposition. Similarly to how Foucault observed the role of the parents as one of “preservation, upkeep, and conservation of the ‘labor force’”, the concern with children’s health is maintained by this binary, although national policy sees the child worth protecting as the girls’ future offspring, while foreign policy aims to protect the girl-child from her direct health risk of child marriage (Foucault, 2002, p. 95ff). This showcases how health is situated between the body and the population, affecting both levels and therefore implying both disciplinary and regulatory effects (Foucault, 2003, p. 252), as the body itself must be kept ‘healthy’, but this also implies biopolitical effects on the population.

The use of medical ‘knowledges’ from professional fields is worth noting in these representations. ‘Knowledge’ in the form of statistics serves to present evidence-based support for ‘problem’ representations on most policy levels. In national welfare policy, this can be seen through the presentation of the consequences of single motherhood on her child’s health: “Children born out-of-wedlock have a substantially higher risk of being born at a very low or moderately low birth weight. […] Children born out-of-wedlock are more likely to experience low verbal cognitive attainment, as well as more child abuse, and neglect.” (U.S. House of Representatives, 2019). Not only does this invoke medical knowledge in order to encourage marriage, but it also carries the presupposition that protecting the child’s health is an important parental (in this case, the mother’s) responsibility. In this case, risks of low birth weight or abuse are tied to non-marriage, representing marriage as a solution to a health risk.

In the realm of foreign policy, health statistics focus on the health risks associated with child marriage “delaying marriage can improve the health of girls” (USAID, 2015, p. 5), and indicate that overcoming this obstacle is favorable: “Empowered, educated, healthy, and safe adolescent girls possess a better complement of tools to make the transition into adulthood and engage productively in the economy as adults.” (U.S. Department of State, 2016, p. 9).
Immigration policy does not mention health concerns beyond stating the risk of “devastating repercussions” CEFM might entail (Committee on Homeland Security and Governmental Affairs, 2019, p. 5).

While national policy functions to “[promote]” marriage, including for teenage girls (U.S. House of Representatives, 2019), and foreign policy deters it (USAID, 2015, p. 5), both represent health as desirable, indicating that health can be determined by certain factors, and that the statistical probabilities of developing certain health ‘problems’ due to single motherhood or child marriage (respectively) supports a policy against these phenomena. Though the above documents rely on knowledges in similar fields and situations (relating to children, health and marriage), statistics and ‘health’ as a concept, function to provide different ‘solutions’ to the ‘problems’ depending on the representations they assume.

Considering how health as a biopolitical concern functions to regulate the population and place disciplinary controls onto individuals (especially families), the use of medical ‘knowledge’ to support policies deserves to be seen critically. The inconsistent idea of what results from evidence-based health promotion in relation to youth, pregnancy and marriage is worth noting, as evidence-based approaches may come with a number of issues. Such problems include that possible bias in selection of evidence along with the diversion from the focus on what is made to be seem as the ‘problem’ (Bacchi, 2009, p. 137). The problematic nature of using ‘health’ in policy deserves deeper analysis but must be omitted due to the constraints of this thesis.

In conclusion, beyond the mere individual, the assumption that a child (as a future worker-citizen) has a role to fulfill based on what is good for the population, is central to these problem representations and carries neoliberal implications. Whether it is in relation to education, health, or economic participation, the productive assumption that a child must develop in order to contribute in a way deemed ‘beneficial’ to society plays a part in these representations. This can be seen in both national and foreign policy in how the child as a future sovereign subject must be socialized into being a part of this process, and how certain life-paths are not merited in the same way as they are not recognized as labor in and of themselves. ‘Incorrectly’ choosing

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5 This inconsistency is further exemplified by the difference between approaches on a national level: other ‘professional’ fields, e.g. school counselling, have long advised the opposite of what can be seen in the welfare policy, citing the risks in advocating for teen marriage (Morrison & Jensen, 1982; Smith, 1981). This deserves further research but must be omitted.

6 This falls in line with Arendt’s discussion on the emancipation of laboring activity, which signifies the process through which most activities have come to revolve around the necessity of “making a living” (Arendt, 1958, p. 126f).
to become a single mother, dependent on state support, or a child bride, inactive in the economy, constitutes a ‘problem’: these subject positions are assumed to have lower value (related to lesser human capital, or ‘participation’/‘education’/‘health’) and therefore not ‘contributing’ in the way they could be to a biopolitical goal. In this way, health and education become important disciplinary points at which intervention at the point of the body can affect biopolitical regulatory goals, and of the two, health is closer to population concerns given its positioning as closer to the ‘social body’.

6.2.2 Reproduction: Childhood and sexuality

Foucault notes how the heightened discourses on sexuality of the 18th and 19th centuries prompted increased concern with (among other things) children’s sexuality (Foucault, 1978, p. 38) as well as a “separation of grown-ups and children” (ibid., p. 46), which brought along with it many forms of familial and institutional disciplinary controls aimed at children’s bodies. In expanding on Foucault’s work, Stoler points to how children could be found on both sides of the concern over sexuality, implying both “endangered and dangerous sexuality” (Stoler, 1995, p. 141). Through their position as “heirs to the national patrimony”, their sexuality was a distinct focus, functioning as “a target and an instrument of power […] precarious, dangerous and to be watched over constantly” (ibid., p. 144). Thus, the position of children in relation to sexuality is complex and often contradictory, a theme which can also be observed in modern US child marriage policies.

The key concept of childhood is central to the problem representations focusing on reproduction, and it relies on the distinct binary of the child versus the adult. In this binary, childhood is represented as being devoid of sexuality, and when children are sexual, the representations shift to problematize such subject positions and create ‘solutions’ on the level of the body as well as the population.

US national policy seems to operate under the assumption of childhood as devoid of sexuality, and following this, the ‘problem’ of ‘irresponsible’ child sexuality, resulting in single teenage motherhood, can be ‘solved’ through child marriage. The presence of pregnancy allows for children to marry, and the sexual children who are no longer referred to as children, but as ‘minors’ or ‘juveniles’, assume quasi-adulthood in the eyes of the law. In these cases, pregnancy serves to represent a physical indication of sexuality, legitimizing the ability to marry because of the presumptions relating sex to adulthood. This logic can also be seen in the
resistance of policy makers to raise the minimum marriageable age beyond the age of (sexual) consent, as these are often represented as belonging equally to the realm of adulthood.

In an alternate reading of the problem representations in national policy, one could see the adultification of the pregnant girl-child as a result of the fear for the ‘real’ child. In this case, rather than the pregnancy standing for sexuality alone, it allows the policy to presume the pregnant girl-child’s ‘adulthood’ due to the seemingly more important concern of protecting her unborn child. Following such an interpretation, child marriage would serve as a ‘solution’ to the perceived risk of single motherhood on a child, which can be seen in the welfare policy’s focus on health risks this poses for the child.

Following either interpretation, the non-normative nature of child sexuality as well as single motherhood may contribute to an urge to ‘correct’ this behavior and to create what is perceived to be a traditionally normative family constellation through allowing for child marriage. This problem representation constructs two-parent heterosexual families as ideal, and implies the need to rectify the ‘risky’ sexual behavior of children with child marriage. Such assumptions can be likened to the figure of the Malthusian couple (Foucault, 1978, p. 104). As the parents take responsibility for the socialization of the child, and behavior indicating failed socialization is pathologized and forms a ‘problem’, this might explain the concern for the girl-child’s ‘‘risky’ sexuality” in national policy (Barcelos, 2014). The girl-child threatens to assume the figure of the masturbating child or hysterical woman (Foucault, 1978, p. 105f), whether as an improperly socialized child turned sexual, or a threat to the socialization of her future child as a woman.

Thus, the assumption of child marriage as a ‘solution’ carries the assumption of child sexuality as a ‘problem’ (and childhood as non-sexual), no matter whether the ‘problem’ is one of girl-child sexuality, or a ‘problem’ of improper socialization of the future child through single motherhood (both of which present biopolitical concerns).

In the case of foreign policy, the adult/child binary reproduces itself in a similar way, in which children, but especially girls, are seen as needing to be ‘saved’ from the ‘premature’ entry into adulthood characterized by sex and marriage, as “childhoods are cut short by marriage” (USAID, 2015, p. 82). Hence, the same distinction is reinforced as in national policy, but instead of representing the child as an already existing problem in relation to sexuality, children in foreign policy are to be protected from the sexuality that is deemed a risk to their childhood (and to ‘normal’ socialization).
Once again, the mirrored character of the problem representations becomes apparent, as the child in national and foreign policy come to represent either side of the dangerous and endangered sexuality dichotomy. On the latter end, foreign policy infantilizes children through the implicit subject position of the Third World Girl rather than the single mother/pregnant teenager.

The Third World Girl is represented as asexual, innocent, and victimized by her culture which urges her to marry early, while brown boys and men imply the hypersexual and violent threat. Child marriage is represented as the ‘problem’, which stands in the way of childhood: as childhood is related to innocence/non-sexuality, Third World Girls are understood as necessitating protection from adult sexualities to ensure their growing into a ‘productive’, rather than pathological, citizen.

By linking childhood to non-sexuality, and therefore sexuality and marriage to adulthood, foreign policy represents all child marriages as forced, relegating certain life choices to “empowered” and others to “disempowered” subjectivity. The “empowered” choices are defined by (as discussed above) education, health, and participation, but if a girl does not fit these expectations, engaging in “disempowered” behavior (Khoja-Moolji, 2017, p. 71f; Bent, 2013), her sexuality/marriage, lack of education, or domesticity is “marked as tribal, backward, traditional, or infant-like” (Khoja-Moolji, 2015, p. 43). Thus, the ‘problem’ of child marriage is represented as solvable by assuming ‘acceptable’ or “empowered” (neoliberal) life-path. Considerations that some girls may choose to have sex or get married, and may not benefit from such policy ‘solutions’ (as discussed previously) are missing from this problem representation.

Immigration policy also reinforces the same child/adult binary, incorporating aspects of both national and foreign policy. On one hand, replicating the Third World Girl subjectivity, child marriage is framed as a foreign threat brought about by their families, from which unnamed brown girls must be protected (Committee on Homeland Security and Governmental Affairs, 2019, p. 7). Here, the concern with sexuality is more apparent through the representation of

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7 Khoja-Moolji’s observation of such choices being read as child-like require further examination, as the infantilization of “disempowered” girls through equating choices that do not correspond to liberal ideals also follows the tension which Stoler discusses between the “savage as child” and “child as savage” (Stoler, 1995, p. 141). This must be omitted due to lack of space, but is worth noting as it shows that infantilization does not necessarily mean lack of sexuality, but can also relate to racist and Orientalist representations of the “savage”, which can be linked to dangerous or unproductive sexualities.
incorrect socialization of the family, who despite the existing legal structures within the US, would fail to protect their child from sexuality and cause harm due to traditional expectations.

On the other hand, “minors” who “consent” to the marriage, as proven by “a marriage certificate, court decree or parental consent” are not problematized as long as the marriage complies with the marriage laws of the state where the couple resides (U.S. Citizenship and Immigration Services, 2019). Thus, while the former representation reinforces the infantilization of Third World Girls by distancing childhood from sexuality, the latter representation is rather concerned with “proving” that the choice made by the child (or “minor”) can be vouched for by an adult. As marriage is connected to adulthood and not childhood, this representation of the problem assumes that although they are under 18, the “minor” can give consent as long as this choice is deemed reasonable by adults.

The final aspect worth considering when it comes to the assumptions in relation to reproduction is the issue of abortion. Both national and foreign policy relate the problem representations around child marriage to abortion, although the way this is done differs.

On a national level, the concern about abortion is explicit in the discourse around child marriage, as the issues are consistently related to one another. Fear and resistance over raising the minimum marriageable age are framed around the age of (sexual) consent laws and abortion—insisting on the child/adult binary, it becomes unimaginable that a child could consent to sex but not a marital contract, and it is feared that abortions will become the alternative once marriage is no longer an option.

Meanwhile, foreign policy speaks of greater sexual education, and access to modern contraceptive methods, encouraging girls to “make healthy choices about their own sexual health” (U.S. Department of State, 2016, p. 65). However, abortion as a contraceptive choice (which one could argue would be in the interest of these girls’ education, health, and participation) remains inaccessible due to the Helms Amendment and Mexico City Policy.

Child marriage thus serves to ‘respond to’ the threat of sexuality and/or abortion in national policy by ‘solving’ the ‘problem’ of single motherhood and abortion, while foreign policy frames child marriage as the ‘problem’ alongside sexuality and abortion, which represent threats to the childhood of the Third World Girl (and to the economy of her country).

In conclusion, the assumptions around the concepts of health, education and participation cross over from the theme of production into concerns about reproduction. The policies surrounding
child marriage frame the ‘problem’ of girl-children’s sexuality, fertility (abortion) and motherhood around the wellbeing of the society and economy.

Thus, while the focus on reproduction has disciplinary effects on girls’ bodies, these issues are consistently related to greater biopolitical concerns through the underlying assumptions about sexuality negatively affecting the population through its perceived biopolitical risks.

This produces an inherent link between the assumptions regarding the economic and reproductive roles that are projected onto girls, whether in national or foreign policy. These assumptions are less visible in immigration policy due to the lack of available documents, but similar assumptions can also be seen on that level. Even though human rights were part of the initial problem representation, the way they are drawn upon uses the rights to education and health in a way relates to human capital and welfare of the population, whether in terms of productivity or reproductivity.

6.3 Limiting Discourses and Producing Subjectivities

The fifth question of the WPR method invites us to look at three interconnected and overlapping types of effects to be found in the problem representations: discursive, subjectification and lived (material) effects. This chapter explores these effects with a focus on the dividing practices which can be found in the problem representations.

Discursive frames make certain subject positions available while others remain hidden, and can even encourage what Foucault calls “dividing practices” (Foucault, 2002, p. 326), which set categories of people against each other. In the discourses on child marriage we have examined, binaries of child/adult, responsibility/irresponsibility, and empowerment/disempowerment are connected to the categories of Third World Girls as well as to single/married mothers. These translate into dividing practices when the assumed positive characteristics of certain binaries are attributed to some subject positions and not others, creating preferable or ‘problem’ subjectivities. On a national level, the subject positions of single mothers and married mothers are contrasted through dividing practices in welfare policies, and as discussed previously, the former pose a ‘problem’ for their children and the state, while the latter are represented as better for the labor market as well as their children. In foreign policy, the subject position made available is that of the Third World Girl, and the dividing practice can be observed through the constructed “oppositional girlhoods”, which imply the position of the “disempowered” versus the “empowered” girl (as discussed above).
Immigration policy also plays into the Third World Girl through its representations, but dividing practices do not become as clear.

Through encouraging certain subject positions (that are “empowered” or married), the larger subjectification effect creates the individual girl as responsible for her own wellbeing, for her child and the economy. This puts the responsibility to ‘fix’ the ‘problem’ on the individual, in this case, the girl whose body and life choices pose an opportunity or a risk to society depending on whether she engages in or abstains from child marriage.

The emphasis on the self-regulation of girls in both national and foreign policy points to governmentality through norms, which “can be applied to both a body one wishes to discipline and a population one wishes to regularize” (Foucault, 2003, p. 253). In normalizing certain subjectivities while pathologizing others, the individual is increasingly inclined to self-regulate based on what is ‘normal’— if girls fail to self-regulate and conform to policy ideals, they can then be blamed for reinforcing economic problems, or even the system that oppresses them (in the case of Third World Girls) due to lack of participation or ‘correct’ life choices. As Khoja-Moolji notes, choosing alternate life paths also comes with a certain level of surveillance, and girls “who are unable to enact this valorized girlhood due to structural disadvantages […] are marked as ‘at-risk’ […] and folded into an intricate apparatus of surveillance, which includes school personnel, psychologists, social workers, etc.” (Khoja-Moolji, 2015, p. 43). This characterization of the lived effects aligns with Foucault’s view of sexuality as a matter of “individualizing disciplinary controls that take the form of permanent surveillance” (Foucault, 2003, p. 251).

Such normative pressures as well as disciplinary measures could result the lived effects of girls feeling pressured to conform to specific life paths concerning sex, marriage, and pregnancy, and shamed if they fail. The representation of girls who choose these paths being the ‘problem’ is especially risky for lower-class and non-white people in the US, as they have been especially vulnerable targets for ‘problem’ representations when it comes to single motherhood, early pregnancy and welfare benefits. This can be seen through the stereotype of the welfare queen for example, where these characteristics are interpreted as purposeful and malicious abuse of the ‘generous’ welfare system, which targets black women (Cammett, 2014).

However, the discursive and subjectification effects may go beyond a solely individual assumption of responsibility: the role of the US in its foreign policy is interpreted by some to
imply the subject position of Third World Girls as one of helplessness, wherein US aid is required to ‘save’ them from the ‘problem’ that their culture poses to their wellbeing (Bent, 2013, p. 8).

Even if one does not interpret the subject position of Third World Girls as fully devoid of responsibility or choice, this indicates an important discursive effect in how the role of the US is constructed. By representing the US as a critical tool in reaching ‘empowerment’ (by providing the access to education, health and participation), foreign aid is represented as a benevolent program to help the helpless, restricting the way such policies are thought about.

Both the focus on individual responsibility through self-regulation, but also the effect of framing the US as part of the ‘solution’ reinforces the simplification of problems that are much more complex. The first reduces child marriage and economic success to individualized choices instead of addressing the issue of child marriage as a complex social phenomenon, and the latter prevents consideration of the ways in which the US government may be complicit in the existing systems which encourage or enable child marriage. This further reasserts the status quo by not calling US policies on child marriage into question, allowing child marriage in the US to act as a non-problem on its own, and relegating child marriage as a term to a problem that pertains to foreign cultures or immigrants who import these cultures. Not only does such representation limit the discursive possibilities as it prevents self-criticism and encourages dividing practices, but it also assumes who is engaging in the practice—erasing the possible role of white US adults who may engage in soliciting children to marry in exchange for the benefits of citizenship, which is not mentioned in the immigration report, and reinforcing the gendered and colonial image of ‘white [people] saving brown [girls] from brown men’ through existing policies.

In limiting the discursive framing around child marriage to a ‘foreign’ problem, an important discursive component must be considered as well: the use of human rights in selective contexts pertaining to child marriage. As shown in the problem representations, human rights play a role only in foreign policy on child marriage, and are minimally included in immigration policy in reference to forced marriage. The lack of consideration of human rights in the case of child marriage within national contexts allows, for one, a lack of self-criticism of the existing US policies. The role of human rights in the United States is already difficult to place given their lack of ratification of human rights conventions relating to child marriage (see Chapter 5.1), which indicates resistance to be held
accountable to international standards. However, when these standards are employed not inward, but towards other countries, this becomes increasingly problematic, especially in the case of the US, as their selective use of human rights is reminiscent of the concept of “American exceptionalism” (Ignatieff, 2005).

While it may be statistically more likely that a child will be married in countries where US foreign policy is applied, selective use of human rights principles threaten to undermine the intended universality of the framework. US child marriage discourses reinforce the limited idea that the practice of child marriage relates to ‘foreign’ cultures and not ‘Western’ states. Although the rates of child marriage are different, representing certain cases as ‘problems’ and not others could threatened children’s human rights in the US, and make their use of human rights in relation to child marriage more susceptible to accusations of replicating colonial structures, especially in projects relating to foreign aid.

In conclusion, the problem representations underlying child marriage discourse imply dividing practices between the subject positions of empowered and disempowered Third World Girl, and the married and unmarried mother/girl. In doing so, this creates a normative pressure to self-regulate by putting responsibility on the individual girl, which may result in a pressure to conform to the norm rather than being able to choose their life-paths freely. In addition, the discursive frames of the problem representations allow for the US to position its foreign policy as a beneficial tool for empowerment, while remaining uncritical towards its own policy. The selective use of human rights in this framing of the problem can further exacerbate colonial associations of ‘saviorism’ and possibly undermine the legitimacy and universality of human rights, as well as the human rights of US girls.

7. Conclusion
The problem representations relating to child marriage in the US differ based on the policy field, but also mirror each other. On one hand, national policy represents child marriage as a solution to the ‘problem’ of individual irresponsibility, education, health and welfare brought about by ‘risky’ sexualities, but especially child pregnancy and single motherhood. On the other hand, foreign policy represents child marriage as the ‘problem’ itself, and as an obstacle to education, health, participation and economic success. Immigration policy situates itself between the two representations, representing child marriage as a rare but ‘foreign’ culture ‘problem’ as it can allow forced marriages through its loopholes. However, the ‘solution’, to child marriage is simply aligning the immigration policies to state policies in order to have
formal confirmation that an adult accepted the marriage (through a marriage certificate or judicial/parental consent).

By exploring these representations, it becomes clear that their underlying assumptions relate to the themes of production and reproduction: the first implies a focus on the problem based on the economic contribution or obstacle, in which the concepts of health, participation and education are tied to economic value or human capital; the second theme, that of sexuality, shows how representations of child marriage relate to concerns about individual sexuality as well as larger worries about the reproduction of the population (again, referring to the concepts of education, participation and health). Assumptions about production and reproduction in child marriage discourse therefore tie the individual body and the disciplining of its functions to larger biopolitical concerns of regulating the population.

The problem representations also make available subject positions which are posed against each other, on one hand, those of the empowered and disempowered Third World Girl, and on the other hand, the single and married mother (as a result of ‘risky’ teen sexuality).

The individual effects on subjects include the pressure to self-regulate based on what subject positions follow the ‘norm’, as well as the assumption of responsibility for the self and the population. On a larger scale, the effects of such problem representations include discursive limitations on how US policies are considered, affirming national policies while problematizing other countries’ child marriage policies. In the process, human rights as a framework for international standard threatens to be undermined through selective application and/or concern child marriage, and colonial ‘savior’ narratives may be reinforced.

Although this analysis echoes previous research in the identified subject positions, this research contributes to a small but growing field of analysis which combines contemporary policy programs with post-modern and post-colonial theories, showing in what ways both biopolitical and colonial assumptions do not escape either national, immigration nor foreign policy plans, no matter how ‘benevolent’ they may seem.

This is especially relevant for the use of human rights, as concepts such as ‘education’, ‘health’ and ‘participation’ can evoke common-sense agreement but may harbor implicit assumptions about how these concepts are to be understood. Given the intense focus on child marriage as not only a ‘foreign’ culture problem, but as a ‘problem’ that concerns itself with managing girls’ sexualities in favor of ‘favorable’ life-paths, policies aimed at girls as instruments of change must be through of critically rather than accepting seemingly feminist buzzwords such as ‘empowerment’.
In addition, the application of human rights through states must be considered—should we demand consistency from a state in their stance towards human rights conventions on all policy fields? What does it mean when states which do not allow themselves to be held to these standards use human rights to advance their policy goals in foreign countries? While I have not answered these questions, I hope to have contributed to showcasing in what way such a human rights tension exists today in the US in the issue of child marriage.

Aside from these opportunities for further research, I see a vital opening in further work concerning agency and children—despite the representation of children’s life choices as important to biopolitical concerns in child marriage discourses, it seems that the subject positions made available to children do not include the possession of agency over their lives and their bodies. Studying this further may help elucidate the nature of positioning children as ‘agents of change’ alongside the lack of space to make decisions concerning their own bodies (whether because of vulnerability or ‘risky’ sexuality).
Bibliography

Primary Sources

**Governmental Sources:**

[Accessed 8 April 2019].

[Accessed 4 April 2019].

[Accessed 9 April 2019].

[Accessed 8 April 2019].

[Accessed 8 April 2019].

[Accessed 21 April 2019].

[Accessed 24 May 2019].

[Accessed 20 April 2019].


Newspapers:
CNN, 2018. Sherry Johnson was raped, pregnant and married by 11. Now she's fighting to end child marriage in America. [Online]


Other Internet Sources:


Secondary Sources


