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# Framing same-sex marriage: Media constructions of California's Proposition 8



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### ABSTRACT

Legislation regarding the legalization of same-sex marriages has been advocated for and opposed across distinct states in the United States. Claims makers on either side of the issue have attempted to have their voices heard in local and national newspapers. Newspaper personnel determine how to frame the issue, deciding which meanings associated with same-sex marriage will be highlighted and which will go unrepresented. This paper analyzes the media framing of Proposition 8 in California, a voter initiative prohibiting same-sex marriage, comparing frames across three newspapers: one local to California, the *San Francisco Chronicle*, and two national, the *New York Times* and the *Washington Post*. The paper illustrates shifts in frames from May 2008 to August 2010, a time period extending from the vote on the initiative through two court challenges. Overall, the results indicate that these newspapers more frequently frame same-sex marriage as a civil rights issue and that those attempting to block same-sex marriage do so as a function of discrimination. Less frequently, they frame same-sex marriage as a threat to heterosexual marriage. The findings show that the frequency with which the frames appear shift across newspapers as well as the time period of study.

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Issues directly affecting lesbian, gay, bi-sexual, and transgender (LGBT) individuals in this country have garnered substantial media and political attention. Since 2008, 14 states have moved to validate same-sex marriage. Additionally, the United States (U.S.) Supreme Court in June 2013 struck down the Defense of Marriage Act (DOMA), which had restricted the federal government from recognizing same-sex marriages legalized in individual states. On a national level, a [Pew Research Report \(2013\)](#) finds that attitudes toward same-sex marriage have shifted dramatically in the past 10 years, with only 32% of people favoring same-sex marriage in 2003, rising to 51% in 2013. Thus, the issue of same-sex marriage continues to be salient,

holding strong significance to a substantial portion of the U.S. population. This paper is an analysis of media frames as interpretive frameworks ([Goffman, 1974](#)) of California's Proposition 8, a recent milestone event in the continuing struggle over same-sex marriage. The paper adds to the literature by examining the ways distinct newspapers across different time periods frame same-sex marriage when covering Proposition 8.

Proposition 8 was a voter-initiated ballot measure seeking to amend California's state constitution to define the parameters of legal marriages as those solely between males and females. The measure passed in November 2008 with 52% of the voters supporting it, and subsequently it became the subject of a series of court challenges. The California Supreme Court upheld Proposition 8 in May 2009 in *Strauss v. Horton*. That decision was appealed to the U.S. District Court for the Northern District of California, which overturned Proposition 8 in August 2010 with *Perry v.*

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*Schwarzenegger*. The issue then went to the U.S. 9th Circuit Court of Appeals in February 2012 (*Hollingsworth v. Perry*), which upheld the District Court's decision. Proposition 8 finally advanced to the U.S. Supreme Court in June 2013 where it was decided that the plaintiffs had no standing to appeal the former court's decision, effectively overturning Proposition 8 in California without addressing the constitutionality of same-sex marriage in general.

Measures similar to Proposition 8 had been introduced in several other states since 2000. However, California's initiative gained considerable national attention not garnered by other states' measures. This enhanced attention may be due to several factors. A similar bill passed in California banning same-sex marriage in 2000 (*McVeigh & Diaz, 2009*). The California Supreme Court later issued a decision in May 2008 declaring that the state's constitution safeguarded the right of same-sex couples to marry, voiding the 2000 legislation. Roughly 18,000 same-sex couples embraced that decision by getting married in the state between May and October 2008 (*Miller, 2009*), so the passage of Proposition 8 in November of that same year represented a redefining of marriage in California. Secondly, Proposition 8 coincided with an historic election of the first African American president of the U.S. Some commentators presented this event as a stark social and political contradiction, the championing of racial minorities in concurrence with the oppression of sexual minorities. Thirdly, it was seen by claims makers beyond California as a bellwether event in the overall struggle over same-sex marriage. Finally, as a California initiative, Proposition 8 attracted celebrities and the attention they tend to generate.

This paper is an analysis of the media presentations of Proposition 8 between May 1, 2008 and December 31, 2010 in three newspapers: *New York Times*, *San Francisco Chronicle*, and *Washington Post*. The research questions are: (1) What are the dominant frames in discussion of same-sex marriage; (2) How do frames manifest across time; and (3) How do frames manifest across type of news entry? The results indicate that media framing of same-sex marriage is dominated by a civil rights framework, whereby same-sex couples are framed as targets of unequal treatment and opponents are portrayed as discriminatory. Opposition to same-sex marriage is framed within a context of protecting heterosexual marriage and respecting the vote of the people. Additionally, the frequency of frames varies across newspapers and time periods. This reflects a variation in the success of claims makers in advancing their respective positions, as well as a variation in the salience of the struggle geographically over same-sex marriage.

## 1. Review of the literature

Same-sex marriage is an important national issue to stakeholders on both sides of the debate, as marriage has come to hold special significance in the U.S. Marriage brings with it a higher social status (*Barclay & Fisher, 2003*) and the reputation of being a more reliable citizen (*Card, 1996*). Individuals who are married experience better physical health and a longer life (*Waite & Lehrer, 2003*). They enjoy benefits granted by the state, including the right to spousal

benefits such as health and life insurance, various inheritance rights, the right for one's non-American spouse to be granted citizenship, and the right to alimony following a divorce (*Eskridge, 1996*). Additionally, rights safe-guarding children of same-sex marriage following divorce or the death of a spouse makes the legalization of marriage an important issue for many LGBT individuals (*Bernstein, 2006*).

Research on attitudes about same-sex relationships finds that people who respond negatively tend to be male (*Battle & Lemelle, 2002; Herek, 2002; Kite & Whitley, 1998*), Black (*Battle & Lemelle, 2002*), religious (*Sherkat, Powell-Williams, Maddox, & Magtias de Vries, 2011*), politically conservative (*Schwartz, 2010*) and have fewer years of education (*Schulte, 2002*). Conversely, people who believe that sexuality is biological (*Haider-Markel & Joslyn, 2013; Perry, 2013*) and those who have dated someone of another race or ethnicity (*Perry, 2013*) are more likely to support same-sex marriage and civil unions. Importantly, research indicates that media presentations of the issue have an influence in shaping these attitudes. *Johnson's (2012)* research finds that during time periods where media frame same-sex marriage as an equality issue, negative attitudes toward same-sex marriage decrease, whereas increases in framing same-sex marriage as immoral predict increases in negative attitudes toward same-sex marriage.

### 1.1. Media framing and same-sex marriage

Examining framing of same-sex marriage is an important avenue for understanding what messages media consumers receive regarding the issue. The term frame is rooted in the work of *Goffman (1974)* and refers to the conceptual schema used to make sense of social phenomena. The media are sites where people actively frame social phenomena, whereby they highlight certain ideas and facts while simultaneously choosing what information will be sidelined (*Entman, 1993*). The media are also sites in which social movement groups attempt to get their messages heard by the general public.

*Snow and Benford (1988)* identify three social movement framing activities: diagnostic, prognostic, and motivational framing. In diagnostic framing, people identify the social problem and the causes of the problem, whereas in prognostic framing they identify solutions. Finally, social movement groups engage in motivational framing where they provide a rationale that prompts members into action (*Snow & Benford, 1988*). How well the frame resonates with the belief systems of potential members determines whether or not people align with the movement and engage in protest activities (*Snow, Rochford, Worden, & Benford, 1986*). Social movement organizations engage in frame amplification, where the importance of particular values is highlighted to invigorate involvement (*Snow et al., 1986*). In some instances, organizations draw from master frames that are more broad and generic, such as injustice (*Gamson, 1992*) or, as *Berbrier (2004)* observed with gay, deaf, and white separatist movements, civil rights. A common component of social movements' prognostic framing involves getting media to present an issue from the frame of the social

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