

The Persuasive Power of Africa’s High Courts: Evidence from Tanzania

Salma Emmanuel^a Donald P. Green^b Dylan W. Groves^c Constantine Manda^d
Beatrice Montano^e Bardia Rahmani^f *

November 28, 2024

Abstract

Do rulings by high courts influence social attitudes and perceived norms? Evidence from outside of industrialized democracies is scarce. This paper investigates the influence of a recent Tanzanian high court decision that laws permitting marriage for girls under the age of 18 are unconstitutional. We begin by showing that just 8% of rural Tanzanians had heard about the ruling one year after it was made. We then report the results of a lab-in-the-field experiment to test whether media reports about the court’s decision influence attitudes, perceived norms, and intentions to report early marriage to authorities. We randomly assigned 1,950 respondents in rural Tanzania to hear a radio news story about the ruling or to a control condition. Respondents who heard the report were 8 percentage points more likely to reject early marriage and 5 percentage points more likely to say they would report early marriage to authorities, but no more likely to believe their rural community rejects early marriage or to volunteer to speak out publicly against early marriage. The effect of the report attenuated but did not disappear when it included the information that Tanzania’s Attorney General disagreed with the court decision. We conclude that high court rulings can influence public opinion, but these effects depend on dissemination and framing by news media.

Keywords: Sub-Saharan Africa; judiciary; human rights; women’s empowerment

*a. Makerere University. 7062 University Rd, Kampala, Central Region, Uganda. salmaemma004@gmail.com.
b. Columbia University. 420 W. 118th Street. New York, NY 10027. dpg2110@columbia.edu.
c. Corresponding author. Lafayette College. 730 High St, Easton, PA 18042. dylanwgroves@gmail.com.
d. University of California at Irvine. 3151 Social Sciences Plaza, Irvine, CA 92697. constantinemanda@gmail.com.
e. Columbia University. 420 W. 118th Street. New York, NY 10027. brr2126@columbia.edu.
f. Columbia University. 420 W. 118th Street. New York, NY 10027. bm2955@columbia.edu.

We thank the implementing partner, UZIKWASA, led by Novatus Urassa. We are grateful to the entire research team at Innovations for Poverty Action, with special thanks to Martin Zuakulu, Rachel Jones, Rachel Steinacher, Zachary Isdahl, Neema Msechu, Robert Mwandumba, Gilbert Loshook, Cosmas Sway, Zinabu Omary, Fatuma Yahaya, Frank Simon, Fadhili Mashaka, Stephano Kizigo, and Saulo Mwakisongo. We thank Mark Marchant and Vera Pieroth for thoughtful comments on the survey instrument and research design and Anna Wilke and Jasper Cooper for their contributions to the research design. We thank Kate Baldwin, Karisa Cloward, and Summer Lindsey for helpful comments. This study was supported by the Wellspring Philanthropic Fund, which bears no responsibility for the content of this report, and approved by Columbia University’s Institutional Review Board (protocol IRB-AAAR5582) and Tanzania’s Commission of Science and Technology (protocol 14528).

1 Introduction

The story of progress towards social equality in industrialized democracies is often told through victories won in their highest courts. For example, folk wisdom holds that rulings by the United States Supreme Court have been both catalysts and crowning achievements for movements to end discrimination against racial minorities (*Brown v Board of Education*), women (*Reed v Reed*), homosexuals (*Obergefell v. Hodges*), and transgender persons (*Bostock v. Clayton County*). At the same time, contemporary observers have wondered whether Supreme Court decisions to roll back existing rights (e.g. *Dobbs v Jackson Women’s Health*) will have a conservatizing effect on the public. However, disentangling the persuasive effect of court rulings from pre-existing cultural trends is notoriously challenging, and scholars of American politics have long debated whether rulings by high courts induce, hinder, or merely reflect changes in social attitudes and norms (Dahl 1957; Franklin and Kosaki 1989; Rosenberg 1991). In recent years, scholars of European politics have also debated the social influence of the European Court of Human Rights (Madsen et al. 2020).

Despite the vibrant literature investigating the social influence of high courts in industrialized democracies, almost no scholarship addresses the public opinion leadership of courts in other contexts. The sole exception of which we are aware is Gibson et al. (2003), who conducted pre-post tests of the effect of court rulings on South Africans’ acquiescence to speech by political opponents. The absence of research on judicial opinion leadership in low-income and non-democratic settings is particularly surprising in light of the important role that judiciaries play in theories of human rights diffusion and democratic consolidation. Canonical theories of human rights diffusion draw on the untested assumption that constitutional court rulings galvanize changes in public opinion and social norms, especially in places and times when the formal powers of the judiciary are limited (Risse et al. 1999; Sikink 2011; Simmons 2009). Similarly, studies of “third wave” democratization emphasize the importance of an independent judiciary that can shape public opinion and leverage public legitimacy (Staton 2010; Widner 2001). If court rulings fail to influence mass publics, or if they inspire a reactionary backlash, important assumptions underlying theories of human rights diffusion and democratic consolidation are undercut.

This study investigates judicial opinion leadership outside of industrialized democracies by tracing the effect of an internationally heralded ruling by the Court of Appeal of Tanzania – Tanzania’s highest court – that laws permitting marriage for girls under the age of 18 are unconstitutional. Early marriage

is common in rural areas of Tanzania and is frequently justified on religious and cultural grounds despite concerns about its negative impact on the health and well-being of young girls (Hodgkinson 2016; Mbaku 2020). On October 29, 2019, the Court of Appeal of Tanzania ruled in *Rebeca Gyumi v Attorney General* that Tanzania's Law and Marriage Act violated girls' constitutional right to non-discrimination by making them eligible for marriage at 15 years old, three years before boys. The ruling was the culmination of a decades-long campaign by women's and children's rights groups against the Tanzanian government and was celebrated by both the Tanzanian and international human rights community as a key step towards gender equality (Mbaku 2020). However, little is known about whether the ruling influenced Tanzanian public opinion and social norms about early marriage, especially in the rural, conservative communities where early marriage is most common.

Our study was embedded in a survey of 1,950 respondents in rural communities of the northeastern Tanga Region. Because the study was conducted shortly after the *Rebeca Gyumi v Attorney General* ruling was announced and before Tanzania's parliament officially reformed the marriage law, we are able to hone in on the unique contribution of *hearing about the court ruling* to changes in public opinion and social norms (rather than downstream consequences of changes to the law itself). We use this opportunity to answer three questions. First, to what extent are Tanzanian citizens even aware of major court rulings on salient social issues? Second, how does learning about court rulings on civil rights issues from local media affect social attitudes, behavioral intentions, and perceived norms? Finally, how is the persuasive influence of judicial institutions affected by countervailing signals from other branches of Tanzania's government? To answer the second and third questions, we partnered with the Tanga radio station *Pangani FM* to develop radio news reports about the ruling based on the station's own 2019 broadcasts, and experimentally varied which respondents heard the reports.

We present evidence for both the promise and limitations of judicial public opinion leadership in Tanzania. The most basic limitation is that the reach of knowledge about major court rulings is quite limited: one year after the Court of Appeal ruling in *Rebeca Gyumi v Attorney General*, just 7% of respondents in rural Tanzania reported having heard anything about it. On the other hand, when directly presented with a news report about the ruling in the context of a survey experiment, respondents were about 8 percentage points more likely to reject all justifications for early marriage, 5.4 percentage points more likely to say they would report incidents of early marriage to authorities, and almost twice as likely to refer to courts or law to justify their opposition to early marriage. However, these persuasive effects did not extend to

perceived social norms or willingness to speak publicly against early marriage, and changes in attitudes were significantly smaller when the news report included information about the Attorney General of Tanzania's opposition to the ruling. Taken together, the results suggest that progressive court rulings can influence social attitudes, but their persuasive power depends on whether the media communicates them to the general public and whether the rulings are perceived as consonant with the other views within the ruling regime.

These results represent among the first pieces of experimental evidence on the social influence of constitutional court rulings outside of industrialized democracies and contribute to a rapidly growing literature on comparative judicial politics (Bartels et al. 2021; Bartels and Kramon 2020; Choi et al. 2022; Shen-Bayh 2018; Vanberg 2015). Nonetheless, we are quick to point out the shortcomings of our approach. We did not re-measure changes in public opinion over an extended period of time, so the awareness of court rulings may emerge more slowly than our design allows us to capture. Our research design is also subject to a range of challenges common to survey experiments of its kind: we could not measure the persistence of attitude changes or whether attitude changes translated into behavioral change, and we must be wary of the potential for respondent desirability bias. Nonetheless, the results suggest that the social influence of constitutional courts in developing countries offers a fruitful line of further inquiry.

In the following section, we briefly review the rich literature on judicial opinion leadership and the role of courts in human rights diffusion and progressive social movements. We then discuss the design of the study, present the primary results, and conclude by considering the implications of the study for theories of legal institutions, human rights diffusion, and processes of cultural change in developing countries.

2 Background

2.1 Institutional Opinion Leadership by High Courts

In Federalist 78, Alexander Hamilton articulated a fundamental skepticism about the influence of constitutional courts that still has a foothold in political science scholarship today: "the judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither *force* nor *will*, but merely judgment."

Scholars have long debated whether and how the "judgement" of high courts might still affect social and political outcomes. Responses to Hamiltonian skepticism typically focus on the unique symbolic power

of high courts. [Max Lerner \(1937\)](#) famously argued that “the support of the judicial power lies largely in the psychological realm; its roots are in the minds of the people” (p 1292), a point later echoed by [Robert Dahl \(1957\)](#): “[the court] possesses some bases of power of its own, the most important of which is the unique *legitimacy* attributed to its interpretations of the Constitution” (p 563). Perhaps, this line of thinking goes, constitutional courts affect society through what has been termed *institutional opinion leadership* ([Bartels and Mutz 2009](#)): leveraging the unique position that they occupy in the popular imagination to persuade the general public about what is morally desirable and socially accepted. A parallel line of argument holds that even when constitutional courts do not directly persuade the public, they may at least convince those who disagree to acquiesce to their decisions ([Gibson and Nelson 2014](#)).

Skepticism about the persuasive power of high courts has engendered a robust empirical literature ([Baas and Thomas 1984](#); [Hoekstra and Segal 1996](#); [Marshall 1987](#); [Mondak 1990](#); [Murphy and Tanenhaus 1968](#); [Rosenberg 1991](#)). Early studies by scholars of American politics tended towards Hamiltonian skepticism, finding that the public was neither sufficiently aware of court rulings ([Adamany 2000](#); [Murphy and Tanenhaus 1968](#)) nor sufficiently favorable towards the judiciary ([Murphy and Tanenhaus 1968](#)) to be swayed by its symbolic power alone. This skepticism was bolstered by findings from longitudinal studies that suggested that public opinion shifted minimally, if at all, in response to prominent United States Supreme Court rulings, and some evidence that prominent rulings generated backlash ([Klarman 2014](#)). [Gerald Rosenberg \(1991\)](#) famously labeled the United States Supreme Court a “hollow hope” for progressive movements because litigation swallows time and resources without meaningfully advancing social equality.

However, subsequent experimental studies have generally told a more optimistic story. When experimental subjects are told directly about Supreme Court rulings, their attitudes tend to move in the direction of the ruling relative to control subjects ([Bartels and Mutz 2009](#); [Clawson et al. 2001](#); [Gibson and Nelson 2014](#); [Mondak 1990](#)). The proliferation of experimental studies of court influence has also allowed scholars to more carefully examine the mechanisms that inhibit or engender judicial opinion leadership. Two findings are especially relevant for the present study. First, recent scholarship has emphasized that judicial opinion leadership depends crucially on decisions by media about whether and how to cover court rulings ([Gibson and Nelson 2014](#); [Linos and Twist 2013, 2016](#); [Slotnick and Segal 1998](#)), supporting classic findings from political psychology about the importance of framing effects ([Druckman 2001](#)).

A second important insight about the mechanisms of judicial opinion leadership comes from [Tankard](#)

and Paluck (2017)'s extraordinary study of the United States Supreme Court's decision in *Obergefell v. Hodges*. Tankard and Paluck distinguished between the court's influence on *social attitudes* towards gay marriage and its influence on *perceived social norms*. They posit that while attitudes about controversial issues are usually stable and difficult to change, court rulings may be more successful at influencing perceptions of prevailing social attitudes. They leverage both longitudinal public opinion data and survey experiments to show that while the *Obergefell* ruling did not influence attitudes about the acceptability of gay marriage, it did influence perceptions about whether other Americans approve.

2.2 Judicial Opinion Leadership Outside of Industrialized Democracies

The voluminous research on judicial opinion leadership in the United States and Europe has yet to be matched by a parallel interest in the social influence of high courts in low-income, and non-democratic countries (Dudziak 2003). This gap is curious for two reasons. First, the study of the judicial politics in developing countries has enjoyed a rapid resurgence in recent years (Bartels et al. 2021; Bartels and Kramon 2020; Choi et al. 2022; Shen-Bayh 2018; Staton 2010). This body of scholarship argues that judiciaries play an important role in the political economy of developing countries. However, their direct influence on public opinion remains untested.

The absence of scholarship on judicial opinion leadership outside of industrialized democracies is also surprising in light of the important role that court victories play in canonical theories of human rights diffusion and democratic consolidation. In seminal research, Risse et al. (1999) developed a "spiral model" in which rights abusing states are gradually socialized into rights-compliance through a combination of material incentives, persuasion, capacity building, and coercion. In parallel research, Simmons (2009) has argued that human rights treaties improve domestic rights protections in part by engendering grassroots litigation against human rights abuses. However, as Snyder (2022) emphasizes and both Risse et al. (1999) and Simmons (2009) acknowledge, these canonical models of human rights diffusion are insufficient when applied to rights issues characterized by decentralized rule implementation, where abuses are the result of individual rather than state practices and are sustained by powerful cultural attitudes and perceived social norms. The challenge of moving from *de jure* legal changes to the *de facto* realization of human rights protections is especially acute in areas where communities are resistant to external cultural pressures or the reach of state is limited. While Simmons (2009) concedes that "the question remains whether litigation is an effective way to achieve real improvements in rights practices" because courts do not have the resources to enforce their decisions, she nonetheless concludes that "a favorable ruling by an authoritative judicial

body carries a great deal of weight in many countries.” However, rigorous evidence about precisely how much weight judicial bodies carry is in short supply.

Gibson and Gouws (2003) and Gibson and Caldeira (2003) are the only studies that directly evaluate judicial opinion leadership in developing countries. Focusing on the role of constitutional courts in South Africa, these studies compare respondents’ attitudes towards free speech controversies before and after they are informed of a hypothetical court decision on the topic. They find that courts rarely change underlying attitudes about contentious social issues, but do make citizens more likely to acquiesce to policies with which they otherwise disagree. In addition to adopting a between-subjects randomized research design, this study builds on Gibson and Gouws (2003) and Gibson and Caldeira (2003) by stepping outside of the important but unique context of racial politics in post-Apartheid South Africa and into a substantive social issue area confronting a wide range of post-colonial states: the adoption and implementation of policies to promote gender equality.

2.3 Study Context

2.3.1 Judicial Institutions in Tanzania

Our study evaluates the influence of the Court of Appeal of Tanzania, Tanzania’s highest judicial authority.¹ The Court of Appeal of Tanzania offers a promising candidate for judicial opinion leadership because the judiciary in Tanzania is among the most trusted in all of Sub-Saharan Africa (Afrobarometer 2019). In her seminal work on the development of judicial institutions in post-colonial Sub-Saharan Africa, Widner (2001) argues that the status accorded to the Tanzanian judiciary is the legacy of Frances Nyalali, the Chief Justice of the High Court of Tanzania from 1976 until 2000, who played an instrumental role in the development of Tanzania’s judiciary akin to United States Chief Justice John Marshall in the United States (Widner 2001). To bolster the legitimacy and autonomy of the Tanzanian judicial system, Nyalali emphasized the importance of public support for, understanding of, and engagement with the courts (Dudziak 2003). To this end, Nyalali collaborated regularly with the media, encouraging judges to write opinion columns and appear on radio and television to explain their opinions to the public (Widner 2001). Prominent rulings in family and gender law were especially important for strengthening the public reputation of the courts because rulings on family and gender issues were directly relevant to the everyday lives of the Tanzanian public (Widner 2001).

¹The Tanzanian judiciary is separated into four tiers: The Court of Appeal of the United Republic of Tanzania, the High Courts for Mainland Tanzania and Tanzania Zanzibar, Magistrates Courts, and Primary Courts. The Court of Appeal is the highest judicial authority in Tanzania.

Early efforts to fortify the legitimacy and autonomy of the Tanzanian judicial system are reflected in public perception of Tanzania's courts today. In the 2019 Afrobarometer survey, 66% of Tanzanians said that they trusted courts of law in Tanzania "somewhat" or "a lot", ranking second only to Botswana. Tanzanians' reported levels of trust in courts was roughly equal to their reported levels of trust in the legislature and ruling party, though lower than their reported trust in the President (71%) and military (80%). Similarly, 76% of Tanzanians said they agreed with the statement that "courts make binding decisions" on the Tanzanian executive, suggesting that they perceive the judiciary to have authority independent from the executive branch and ruling party.

However, while Nyalali's early public relations efforts have had a long-term influence on the legitimacy of the judicial system, they did not result in lasting public awareness of the Court's members or its activities. Although the Court of Appeal is regularly covered by Tanzania's national news media when it rules on controversial economic, social, and political issues (Mbaku 2020), our survey in rural Tanga revealed much lower levels of name recognition for Court justices compared to officials in other branches of government. Only 19% of respondents could correctly identify the Chief Justice, Ibrahim Juma, compared to 73% who could identify President Samia Hassan (who was Vice President at the time of the survey) and 76% who could identify Prime Minister Kassim Majaliwa. Furthermore, just 7% of respondents reported having heard about the Court of Appeal's ruling on early marriage 14 months after it was made.

2.3.2 Early Marriage in Tanzania

Tanzania also offers an apt context for studying evolving cultural attitudes around early marriage. 36% of women in Tanzania between 20 and 24 were married before the age of 18. Rates of early marriage are especially high in low-income rural villages, the focus of the present study (MoHCDEC 2017). The prevalence of early marriage in Tanzania reflects broader trends in the developing world: the United Nations estimates that under current trends, more than one billion women will have married before the age of 18 by 2030 (Hodgkinson 2016). Early marriages have well-documented deleterious consequences for the autonomy, health, and economic well-being of young girls (Cloward 2016; Hodgkinson 2016). Girls who are married before the age of 18 are substantially more likely to experience intimate partner violence and health complications from pregnancy and substantially less likely to finish secondary school and exercise decision-making power in the household (Parsons et al. 2015). While an international campaign against early and forced marriage has successfully induced many governments to formally outlaw early marriage and require brides' consent, 18% of countries still permit marriage under the age of 18, and 30% provide

for exemptions when the bride is younger than 15 years old (Arthur et al. 2018).

Although the fundamental drivers of early marriage in Tanzania are variegated and complex, two explanatory factors are especially relevant for this study: permissive social norms and a permissive legal environment. First, while most Tanzanians oppose early marriage in general, many are accepting of early marriage under specific circumstances, such as financial hardship of the girl's family, the threat of misbehavior by the girl, or exemptions granted by the girl's religion or culture (Green et al. 2022). Moreover, in recent public opinion surveys in Tanzania, the strength of the perceived norm against early marriage is much weaker than private held attitudes, which means that social pressure against the practice is limited (Montano 2022).

Second, legal protections against early marriage are generally both seldom understood by Tanzanian citizens and poorly enforced by Tanzanian authorities. Although the Tanzanian government has ratified all relevant international treaties concerning early and forced marriage, the 1971 Law and Marriage Act still permits marriage for girls between the ages of 15 and 18. Section 13 of the Law and Marriage Act states: "*No person shall marry who, being male has not attained the apparent age of eighteen years or, being female, has not attained the apparent age of fifteen years.*" Prior to the court ruling described in this study, just 7% of surveyed Tanzanians reported awareness of laws about early marriage and fewer than 3% of Tanzanians reported ever hearing about a child marriage being prevented by police or government authorities (MoHCDEC 2017).

Since 2010, the international human rights community has increasingly focused on early marriage as a central obstacle to equality and well-being of young girls. In 2016, the United Nations Children's Fund and the United Nations Population Fund announced a global initiative to combat early marriage. A cornerstone of their strategy has been support for domestic policy advocacy and litigation to bring national marriage laws into compliance with international treaties banning early marriage (Hodgkinson 2016; Mbaku 2020).

2.3.3 *Rebeca Gyumi v Attorney General*

The Court of Appeal in Tanzania's decision in *Rebeca Gyumi v Attorney General* was a widely heralded achievement of the international campaign against early marriage. The case began in 2016 when Rebecca Gyumi and the *Msichana Initiative*, an international women's rights group, filed suit against the Attorney General of Tanzania. Gyumi argued that the Law and Marriage Act, by establishing different minimum marriage age and consent requirements for men and women, violated articles Article 12 of the Tanzanian Constitution, which guarantees non-discrimination, and Article 13, which explicitly protects against dis-

crimination on the basis of sex. The Attorney General's response focused on the claim that litigation is an inappropriate avenue for addressing issues rooted in cultural and religious beliefs in society.

The Court of Appeal of Tanzania ruled in favor of Gyumi on October 29, 2019. The Government of Tanzania was directed to amend or repeal sections 13 and 17 of the marriage law within one year. At the time of data collection in November 2020, legislation had been written but not yet introduced to the Tanzanian parliament (in 2021, the Prime Minister indicated that a vote on the legislation was being delayed until the Government could consult with local stakeholders). A vote in parliament is scheduled for this year (2022). Although the ruling against early marriage was widely discussed in Tanzanian newspapers, television, and national radio, it is less well known how deeply the news of the ruling penetrated low-income, rural, and socially conservative communities where early marriage is most common.

3 Research Design

3.1 Intervention

The focus of this paper is how hearing about the decision of the Court of Appeal of Tanzania to ban marriage for girls under the age of 18 affects social attitudes and norms towards early marriage. To deliver information about the court ruling, we developed a radio news clip in collaboration with the community based organization UZIKWASA, which operates the community radio station *Pangani FM*.

The radio news clips were designed to mimic the public affairs bulletins that *Pangani FM* aired on its morning news program *Sauti Yangu* in the immediate aftermath of the ruling. A radio presenter introduces himself and says he is going to share an important national news item. He then reads one of two scripts. The first script describes the ruling by the Court of Appeal of Tanzania. The second script describes the ruling but includes the information that the Attorney General argued against the ruling. The English translations of the two clips are as follows:

Clip one (Appeal Court only): *In 2019, the Court of Appeal in Tanzania delivered a judgement on the legal issue of child marriage, ruling that it is a legal offense for a girl to marry under the age of 18 years. This means that even if a girl's religion or culture allows it, the marriage is still illegal.*

Clip two (Appeal Court and Attorney General Response): *October 2019, the Tanzanian Court of Appeal, Tanzania's highest court, ruled that a girl cannot legally be married until she is*

18 years old. The Attorney General of Tanzania argued that banning marriage before 18 interferes with cultural and religious traditions, but the Court said the early marriage is illegal in all cases.

We designed the randomization procedure to assign respondents to the control condition with 40% probability and each treatment arm with 30% probability. The clips were played as part of the survey by enumerators using tablet devices. In rare cases where the respondent was unable to hear or process the entire clip, the enumerator played the clip a second time. Following the clip, the enumerator asked a series of questions to measure changes and perceived norms discussed below.

3.2 Respondent Sampling

This study was implemented as part of a survey conducted in 30 villages in Tanzania's northeastern Tanga Region in December 2020 and January 2021 (see [Appendix G](#) for details). The survey was a 1.5 year follow-up survey to assess the extent of spillover effects of a larger field experiment reported in (*Withheld for anonymity*) and (*Withheld for anonymity*). Villages were excluded from the sample if they intersected with a primary or secondary road or lay within 8km of a major town. [Appendix A](#) shows some individual-level characteristics of the resulting sample and how they compare to rural respondents from 2019 Afrobarometer surveys in Tanzania and across Sub-Saharan Africa. The sample considered in this paper has a higher proportion of Muslims and respondents with a primary school education than average, but is broadly similar on a range of measures of demographic characteristics, gender equality attitudes, political participation, and assets. [Appendix B](#) also confirms that randomization was successful; of 30 pre-treatment covariates, just one (3%) shows differences between treatment and control groups that is significant at the 5% level and just two (6%) show differences significant at the 10% level.

3.3 Outcome Measures and Hypotheses

3.3.1 Outcome Measures

Before testing the effect of media reports about the Tanzanian Court of Appeal ruling, we asked 1,200 respondents about whether they were aware of the court's decision. Enumerators asked "The Tanzanian Court of Appeals ruled last year that the legal age of marriage is 18. It is illegal even if early marriage is allowed by the woman's tradition or religion. Are you aware of the recent decision by Tanzania's Court of Appeal on the legal age of marriage?"

We then tested the effect of media reports about the Court of Appeal of Tanzania ruling on four categories of outcomes: attitudes towards early marriage, intentions to report incidents of early marriage,

perceived social norms about early marriage, and willingness to speak out publicly against early marriage. To measure attitudes towards early marriage, we asked three questions. We first asked respondents “Imagine that a girl in your village was offered a very good marriage, but she was less than 18 years old. Do you think it would be acceptable for the girl to be married?” Respondents could answer that they thought that the marriage would be always, sometimes, or never acceptable. We coded responses as 1 if respondent said the marriage was never acceptable, and zero otherwise.² We followed up with two questions about common justifications for early marriage. Enumerators introduced the questions by saying “Now, I am going to provide some situations in which families in Tanzania sometimes allow their daughters to marry before they are 18. Please tell me if the situation makes marriage before 18 always acceptable, rarely acceptable, or never acceptable.” The first scenario was “If the marriage is allowed by her religion and tradition?” The second scenario was “If the family is facing economic hardship and the marriage will help the family with money issues?” Once again, we coded the responses as one if the respondent said that marriage in the specified scenario was never acceptable and zero otherwise.

Turning to intentions to report early marriage, we presented respondents with a hypothetical scenario and asked how they would respond: “Imagine in your village, a father is going to marry their 16 year-old daughter off. Is that something you would report to the village leader, or would you prefer to keep out of it because it is outside your own family?” Responses were coded as one if the respondent said they would report the situation to a village leader and zero otherwise.

To measure perceived social norms, we followed up the question about approval of early marriage in general and the question about willingness to report early marriage by asking respondents: “What do you think others in your community think about this issue?” Both the answer choices and the coding rules are in line with the questions outlined above.

Finally we sought to measure respondents’ willingness to speak publicly about early marriage. After asking the preceding attitudinal and norms questions, enumerators asked respondents, “We are collecting statements from the community what people think is the right age for girls to get married. We can keep your message completely anonymous if you would like. Would you be willing to record a message?” If the respondent answered yes, they were invited to share any message (up to 2 minutes long) about their views on early marriage. Surveyors then coded whether the message was in favor or opposed to early marriage,

²The number of respondents who said that early marriage is “always” acceptable was never more than 5% for any question.

and whether the respondent included their name in the message. Finally, enumerators asked respondents one of two randomly selected questions: “If you would like, we can share your message along with other messages from your community with the District Councilor of your District, so she knows how his/her community feels about this issue. Would you like us to include your message?”, or “The radio station Pangani FM would like to share the opinions of some citizens on its programs. If you want, we can give them your recording and they might select your recording to share on the radio. Would you like us to share your message with Pangani FM?” For purposes of this paper, we coded responses as 1 if the respondent recorded a message opposed to early marriage and chose to share it with either the District Councilor or Pangani FM, although our results are similar across a variety of alternative coding strategies.

In addition to coding *whether* respondents chose to record and share a message, we also investigated the reasoning expressed in the message itself. In collaboration with the automated language processing firm Uliza, we converted the Swahili recordings (about 8.5 hours of audio) into text. The research team then hand-coded each respondents’ answer based on argument or reason given for their opposition to early marriage: the girls’ health, the girls’ maturity, religious reasons, social acceptability, the importance of education, or references to legality/law. We coded the “legal reasons” outcome measure as 1 if the respondent referred to courts or law in their recording and 0 otherwise. Unlike the previous outcome measures, this outcome was not a part of the original pre-analysis plan because we were unaware that the opportunity for automated Swahili audio-to-text would be available.

3.3.2 Hypotheses

Before data collection, we pre-registered one-tailed tests for two groups of hypotheses (see Online Appendix). First, we hypothesized that hearing about the court ruling would make respondents more likely to reject, report, speak out against, and think that their community rejects early marriage. Second, we hypothesized that this effect would be attenuated when the message included a countervailing signal from the Attorney General of Tanzania.

3.4 Estimation

We estimate the effect of media reports about Court of Appeals rulings using ordinary least squares regression. Let Y_i denote the survey outcome for subject i , and let T_i denote this subject’s assigned treatment. The regression model

$$Y_i = \beta T_i + \gamma Survey_i + u_i$$

expresses the outcome as a linear function of the randomly assigned treatment and indicator variables for each of the k survey conditions (partner survey or friends survey), and an unobserved disturbance term u_i . The key parameter of interest is β , which represents the Average Treatment Effect.

In keeping with our pre-analysis plan, our analysis of substantive outcomes also reports LASSO-selected covariate-adjusted regression results. The LASSO procedure selects prognostic covariates from a set of variables collected prior to the introduction of the treatment in the survey, as well as dummies for village and enumerator. These variables are listed in [B](#). Due to the similarity across experimental groups at baseline, the estimates after adjustment closely resemble estimates without adjustment across all analyses.

4 Results

4.1 Awareness of Court Decision

For the Court of Appeals ruling to have significantly influenced views about early marriage in rural communities, rural citizens needed to have heard about it. However, when we asked respondents whether they were aware of the Court of Appeals ruling, just 8% said that they had. Men were 2 percentage points more likely to report having heard of decision than women, and those who listen to the radio were 5 percentage points more likely to have heard of the decision than those who had not. In short, it is unlikely that the court decision exerted a significant effect on social attitudes in rural communities because news about the court decision was widely disseminated. In what follows, we investigate what effect news reports *might have generated* in rural areas if they had been more widely broadcast.

4.2 Effects of Media Reports

4.2.1 Attitudes and Reporting Intentions

We begin our discussion of experimental results with the primary outcome measure, attitudes towards early marriage. We first asked respondents whether it is generally acceptable for a girl to get married before she is 18 years old. When the question was posed in the abstract, fewer than one in ten respondents said that early marriage is sometimes or always acceptable. Hearing the news clip about the Court of Appeals ruling cut remaining acceptance of early marriage nearly in half: on average, respondents who listened to the radio message were 3.7 percentage points less likely to say that early marriage is ever acceptable. The p -value for the result is 0.004.

But what if the girl's religion permits early marriage or her family is facing economic hardship? When presented with specific justifications, respondents were more likely to accept early marriage: 24% of control

group respondents said that early marriage could sometimes or always be justified for religious reasons, and 21% accepted early marriage if the girl's family was in a dire financial situation. How did hearing about the Court of Appeals ruling affect these views? Given that the ruling specifically targeted customary and religious exemptions for early marriage, it is not surprising that hearing about the decision substantially influenced respondents' attitudes towards religious justifications for early marriage. The treatment increased the proportion of respondents who rejected early marriage permitted by the girl's religion by 7 percentage points ($p = 0.001$). However, the treatment's effects on attitudes towards early marriage justified by financial hardship, which were already illegal and therefore were not discussed in the radio message about the court ruling, were small and not statistically significant (ATE = 1.6 percentage points, $p = 0.222$).

To aggregate these results, we created two indices of early marriage attitudes: one index that averages across the three questions about the acceptability of early marriage (control group mean = 0.82) and one index that takes the value one if the respondent rejected early marriage across all three questions and zero otherwise (control group mean = 0.67). Hearing about the court ruling increased average rejection of early marriage by 4 percentage points and increased the proportion of respondents who rejected early marriage in *all* circumstances by 8 percentage points. The p -value for both results is between 0.003 and 0.001. Taken together, the results suggest that the news report about the Court of Appeals ruling changed respondents' attitudes towards early marriage, although the size of the effects are not dramatic.

Next, we consider whether changes in respondent attitudes are mirrored by changes in respondents' willingness to report early marriages to local authorities. Surveyors provided respondents with a hypothetical situation in which they find out about a father in their community marrying off his 16-year-old daughter and asked respondents if they would report the issue to village leaders. 62% of control group respondents indicated they would be willing to report the issue, roughly equal to the proportion of respondents who rejected all justifications for early marriage. On average, respondents who heard about the Court of Appeals ruling were significantly more likely say they would report early marriage to a village leader ($p = 0.022$). The ATE of 5.4 percentage points represents about half of a village-level standard deviation.

4.2.2 Perceived Norms

Taken together, the preceding results suggest that learning about court rulings influences social attitudes. What about perceived social norms? Respondents were much more likely to say that other members of their community would sometimes or always accept early marriage (control group mean = 38%) than

Table 1: **Attitudes and Reporting Intentions** - “Court Only” Treatment

	Attitude Indices				Attitude Components						Reporting	
	Reject EM Index		Reject All EM		General		If Religion Permits		If Needs Money		Would Report	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Court Rejects EM	0.045***	0.040***	0.085***	0.080***	0.039***	0.037***	0.072***	0.069***	0.024	0.016	0.051**	0.054**
Standard Error	0.016	0.015	0.026	0.024	0.013	0.014	0.023	0.021	0.023	0.021	0.028	0.027
<i>p</i> -value	0.002	0.003	<0.001	<0.001	0.002	0.004	0.001	0.001	0.147	0.222	0.034	0.022
Hypothesis	+	+	+	+	+	+	+	+	+	+	+	+
Control Mean	0.82	0.82	0.67	0.67	0.92	0.92	0.76	0.76	0.78	0.78	0.62	0.62
Village SD	0.06	0.06	0.09	0.09	0.04	0.04	0.08	0.08	0.08	0.08	0.11	0.11
DV Range	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]
Controls	No	43	No	47	No	37	No	41	No	47	No	39
Adj- <i>R</i> ²	0.00	0.15	0.01	0.17	0.00	0.05	0.01	0.13	-0.00	0.18	0.00	0.08
Observations	1,304	1,304	1,304	1,304	1,304	1,304	1,304	1,304	1,304	1,304	1,285	1,285

Note: All regressions include controls for survey (partner or friend survey) and other overlapping survey experiment. Variable questions and coding are available in Online Appendix.

to say that they accepted early marriage themselves (control group mean = 8%). Similarly, just 40% of respondents in the control group said that their community would report early marriage to local authorities, compared to 60% of respondents in the control group who said that they would report early marriage themselves.

We find no evidence that learning about court rulings affects these perceived social norms: relative to the control condition, respondents who heard the radio message were 2.1 percentage points less likely to think that their community members rejected early marriage, and the results are not statistically significant at conventional levels. We also observe no meaningful change in respondents’ perception that their community would report early marriage to local authorities, and note that the estimate is not even stable across different specifications. To the degree that the court ruling influence public opinion in Tanzania, it appears to have done so by directly changing individual beliefs rather than shaping rural citizens’ views about their community.

This finding runs contrary to recent research by [Tankard and Paluck \(2017\)](#), which found that United States Supreme Court rulings shape perceived social norms but not personally held attitudes. Our findings suggest that rural Tanzanians think that rulings by the Court of Appeals signal what is *intrinsically morally correct*, while many Americans think that rulings by the Supreme Court signal what is *socially accepted*. In other words, Tanzanians do not view the Court of Appeals decisions as representative of their community’s views, but rather an indicator of what their community’s views ought to be. [Tankard and Paluck \(2017\)](#) argue that perceived social norms, rather than attitudes, are more predictive of changes in behavior. While a direct test of this view is beyond the scope of this paper, we do find that changes in attitudes are associated with changes in respondents’ behavioral intentions to report instances of early marriage, even

Table 2: **Perceived Norms** - “Court Only” Treatment

	Community Would Reject		Community Would Report	
	(1)	(2)	(3)	(4)
Court Only Message	-0.019	-0.021	-0.004	0.005
Standard Error	0.029	0.027	0.028	0.027
<i>p</i> -value	0.749	0.774	0.555	0.434
Hypothesis	+	+	+	+
Control Mean	0.62	0.62	0.39	0.39
Village SD	0.10	0.10	0.10	0.10
DV Range	[0-1]	[0-1]	[0-1]	[0-1]
Controls	No	59	No	46
Adj- R^2	-0.00	0.13	0.00	0.13
Observations	1,271	1,271	1,269	1,269

Note: All regressions include controls for survey (partner or friend survey) and other overlapping survey experiment. Variable questions and coding are available in Online Appendix.

in the absence of changes in perceived social norms.

4.2.3 Speaking Out

Our final outcome measure is respondents’ willingness to share a message against early marriage. Respondents were randomly assigned to be asked whether they would be willing to record an audio message to be shared with Pangani FM or with the Pangani District Commissioner. We also coded whether the recorded message referred to courts, laws, or government. Overall, respondents were much less likely to share an audio message about their opposition to early marriage than to state their opposition in the context of a private survey. In the control group, just over 53% of respondents recorded a message opposing early marriage, and fewer than 28% included their name in the message.

Respondents who heard the report about the early marriage law were 3.3 percentage points more likely to record an message about early marriage for local radio and 4.1 percentage points *less* likely to record a message for the District Commissioner. Neither result is statistically significant at conventional levels. Apparently, changes in attitudes about early marriage did not translate into an increased willingness to speak out publicly about the subject. One possibility is that, as [Tankard and Paluck \(2017\)](#) suggest, perceived social norms around a topic are a more important determinant of public speech and action than personally-held attitudes. In line with this finding, [Montano \(2022\)](#) finds that directly providing information to respondents about widespread societal disapproval of early marriage *does* change Tanzanian respondents’ willingness to share messages about early marriage publicly.

Our second measure related to speaking out draws on the *type of reasoning* that respondents used when they recorded their early marriage messages. We hand coded the types of reasoning included in each message. The most common reasons respondents offered centered around a woman’s maturity (9.7%),

Table 3: **Speaking Out** - “Court Only Treatment”

	Share Message with Media		Share Message with DC		Message Mentions Law/Courts	
	(1)	(2)	(3)	(4)	(5)	(6)
Court Only Message	0.036	0.033	-0.018	-0.041	0.030**	0.028**
Standard Error	0.040	0.035	0.042	0.038	0.013	0.012
<i>p</i> -value	0.187	0.177	0.661	0.865	0.012	0.012
Hypothesis	+	+	+	+	+	+
Control Mean	0.50	0.50	0.52	0.52	0.04	0.04
Village SD	0.12	0.12	0.10	0.10	0.04	0.04
DV Range	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]
Controls	No	38	No	39	No	38
Adj- <i>R</i> ²	-0.00	0.25	-0.00	0.21	0.00	0.06
Observations	674	674	612	612	1,304	1,304

Note: All regressions include controls for survey (partner or friend survey) and other overlapping survey experiment. Variable questions and coding are available in Online Appendix.

followed closely by concerns about the physical health of girls who marry before the age of 18 (9.2%). References to legality (4.6%) and moral rules (3.27%) were comparatively less common. The high court message increased the share of respondents who specifically mentioned legal rules in their message from 4% to 7% ($p = 0.012$), suggesting that while the court ruling did not influence *whether* respondents spoke up about early marriage, it did influence *how* respondents spoke about the issue.

Some examples of messages illustrate the types of reasoning that the treatment made more common. Some respondents recorded simple messages that directly referred to the law. One respondent said, “I am [name redacted], and I resist child marriage because girls should be limited by age to marriage. Legally the age can be no less than 18.” Other respondents complemented more nuanced reasons about a girls’ well being with references to the authority of the government. For example, another respondent recorded, “Peace be with you, I am [name redacted]. For child marriage, I do not agree with it because you have the rest of your life goals that you have to achieve, so [people who engage in child marriage] have committed a crime unacceptable even to our government.”

4.3 Countervailing Regime Signals

We now turn to the question of whether countervailing signals from the ruling regime undercut the persuasive power of high court rulings. The second treatment arm (“Court + Attorney General”) includes the same factual information – that the Court of Appeals of Tanzania ruled that early marriage is illegal – but includes the fact that Tanzania’s Attorney General opposed the decision. This treatment arm was designed to test whether Court of Appeals rulings were influential *independent* of competing signals about the preferences of Tanzania’s ruling regime. We hypothesized that countervailing regime signals would reduce the influence of court rulings on social attitudes and norms. However, we were agnostic about

whether the net effect would be positive or negative relative to the pure control condition. If court rulings are influential merely because they are a proxy for the views of the ruling party, then we should expect the effect of the court ruling to dramatically diminish or even backfire when presented alongside countervailing elite signals. However, if courts are perceived as credible independent of their relationship to the ruling party, then the effect of the report should remain positive even when it includes information about the Attorney General's opposition.

We begin by examining the effect of the "Court + Attorney General" report on attitudes towards early marriage. We find that respondents assigned to the "Court + Attorney General" condition were significantly less likely to reject early marriage in all cases relative to respondents who only learned about the Court ruling. Including information about the Attorney General's opposition to the court ruling diminished the effect of hearing about the court ruling by 5.9 percentage points ($p = 0.008$). The net effect of hearing about the Court of Appeal ruling and the Attorney General's opposition relative to the pure control condition remains positive but falls short of conventional levels of statistical significance under the pre-specified two-sided test (see C).

On the other hand, the countervailing Attorney General message did not diminish the effect of the court ruling on respondents' willingness to report instances of early marriage when they are observed. Evidently, countervailing regime signals undermine judicial opinion leadership about what is *morally permissible*, but not necessarily about what ought to be *legally enforced*.

Turning to perceived social norms, hearing about the Attorney General's opposition did not influence respondents' perceptions of social norms. Relative to the "Court Only" treatment, the "Court and Attorney General" treatment had no significant effect on respondents' perceptions that their community rejects early marriage or their perception that their community would report instances of early marriage when they occurred. Together with the null effects of the "Court Only" treatment, these results suggest that respondents do not believe that either the Court of Appeal *or* the Attorney General represent the views of other rural Tanzanians in their community.

Finally, we do not observe a statistically significant effect of hearing about the Attorney General's position on whether respondents were willing to record an anti-early marriage message for either a local radio station (-5.2 percentage points, $p = 0.077$) or District Commissioner (-3 percentage points, $p = 0.227$). Relative to respondents in the pure control condition, respondents in the "Court + AG" condition were 6.7 percentage points less likely to record a message for the District Commissioner, although the

Table 4: **Attitudes, Reporting, and Perceived Norms** - “Court + AG” vs “Court Only” Treatment

	Attitudes				Reporting		Perceived Norms About...				Share Message With			
	Reject EM Index		Reject All EM		Would Report		Reject EM		Report EM		Radio Station		Ptix Leader	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Court+AG vs Court	-0.023*	-0.022*	-0.066***	-0.059***	0.005	0.002	0.004	0.004	0.011	-0.000	-0.040	-0.052*	-0.043	-0.030
Standard Error	0.015	0.015	0.026	0.024	0.028	0.027	0.029	0.028	0.029	0.028	0.041	0.037	0.043	0.040
<i>p</i> -value	0.065	0.064	0.006	0.008	0.568	0.528	0.553	0.554	0.648	0.495	0.163	0.077	0.158	0.227
Hypothesis	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.
Control Mean	0.86	0.86	0.75	0.75	0.67	0.67	0.60	0.60	0.39	0.39	0.53	0.53	0.49	0.49
Village SD	0.06	0.06	0.09	0.09	0.11	0.11	0.10	0.10	0.10	0.10	0.12	0.12	0.10	0.10
DV Range	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]	[0-1]
Controls	No	41	No	47	No	36	No	59	No	46	No	35	No	40
Adj- <i>R</i> ²	0.00	0.18	0.01	0.17	-0.00	0.13	0.01	0.13	-0.00	0.14	0.00	0.24	0.00	0.24
Observations	1,195	1,195	1,195	1,195	1,175	1,175	1,165	1,165	1,154	1,154	620	620	557	557

Note: All regressions include controls for survey type (partner or friend survey) and overlapping survey experiment. Variable questions and coding are available in Online Appendix.

difference also falls short of statistical significance at conventional levels ($p = 0.098$). This offers suggestive but inconclusive evidence that introducing disagreement between the judiciary and other branches of government makes respondents less likely to engage their political leaders about those issues directly.

5 Discussion

The literature on judicial opinion leadership is substantively, theoretically, and methodologically rich, but has yet to broaden beyond industrialized democracies (Gibson and Caldeira 2003). Meanwhile, research on comparative judicial politics has flourished in the past decade, but has yet to directly engage the topic of judicial persuasion (Bartels et al. 2021; Bartels and Kramon 2020; Choi et al. 2022). This paper joins the study of judicial opinion leadership with the study of comparative judicial institutions by investigating public responses to a celebrated ruling by the Tanzanian Court of Appeal, *Rebeca Gyumi v Attorney General*, which declared laws allowing marriage before the age of 18 unconstitutional.

Our results demonstrate both the promise and limitations of judicial public opinion leadership outside of industrialized democracies and highlight the crucial role that media plays in determining *whether* and *how* the public hears about high court rulings. In the rural Tanzanian communities where early marriage is most common, a vast majority of citizens have never heard of the Tanzanian Chief Justice, much less the 2019 Court of Appeal ruling on early marriage. Even as *Rebeca Gyumi v Attorney General* garnered attention and acclaim in the international press, Tanzanian media and civil society did not successfully convey news of the ruling to the communities the ruling was meant to affect.

Upon hearing about the high court ruling, rural Tanzanians became more likely to reject early marriage, more likely to say they would report incidents of early marriage to authorities, and more likely

to draw on arguments about the law when they spoke out about early marriage. The influence of even short media reports about *Rebeca Gyumi v Attorney General* on public opinion point to media and public awareness campaigns as potentially useful vehicles for translating *de jure* legal decisions into the *de facto* realization of human rights and social equality. This finding affirms the views of Tanzania's former Chief Justice Francis Nyalali, who predicted that the Tanzanian judiciary's ability to use mass media to shape public opinion and attract public support would be fundamental to its ability to affect social change and survive as an independent, legitimate branch of Tanzanian government (Widner 2001). The finding also has important implications for the diffusion of human rights; it suggests that constitutional courts, in collaboration with civil society and mass media, have the potentially to meaningfully affect social progress even in the absence of legislation and executive enforcement.

However, hearing about the Court of Appeal ruling did not influence respondents' perceptions of social norms or willingness to speak out publicly against early marriage. These results suggest that rural Tanzanians do not view the Court of Appeal as representative of the views of their community, and they are not inspired by court rulings to speak to either their political leaders or fellow citizens about their views. Moreover, the persuasive power of the Court of Appeal ruling was sharply reduced when news reports about the ruling included the information that Tanzania's Attorney General opposed the decision. This suggests that judicial opinion leadership in Tanzania is fragile, and is potentially compromised by alternative messages from the ruling regime. Even in Tanzania, where public opinion surveys show that citizens regard their judicial system as highly legitimate and independent relative to other Sub-Saharan African countries, the high court's ability to send persuasive messages about social issues *independent* of the ruling regime is limited.

Nonetheless, both the methodology and results presented here highlight the potential for a research program focused on judicial opinion leadership outside of industrialized democracies. Future research should complement experimental research of this kind with longitudinal studies to track public opinion change before and after major court rulings. Experimental research should seek to provide information about court rulings in more naturalistic settings, and should examine a wider variety of outcome measures, possibly behavioral ones, over longer periods of time. Our preliminary investigation of respondents' *reasoning* process about early marriage offers another promising avenue for further research using new tools for automated transcription and natural language processing. The proliferation of court rulings on crucial questions around human rights, political freedoms, and social equality in low and middle-income coun-

tries will provide ample opportunity to improve our understanding of the persuasive power of high courts around the world in the years to come.

References

- Adamany, D. (2000). Law and Society Legitimacy, Realigning Elections, and the Supreme Court†. In *The Supreme Court In and Of the Stream of Power*. Routledge.
- Afrobarometer (2019). Afrobarometer Data. Technical report, Tanzania.
- Arthur, M., Earle, A., Raub, A., Vincent, I., Atabay, E., Latz, I., Kranz, G., Nandi, A., and Heymann, J. (2018). Child marriage laws around the world: Minimum marriage age, legal exceptions, and gender disparities. *Journal of Women, Politics & Policy*, 39(1):51–74.
- Baas, L. R. and Thomas, D. (1984). The Supreme Court and Policy Legitimation: Experimental Tests. *American Politics Quarterly*, 12(3):335–360.
- Bartels, B. L., Horowitz, J., and Kramon, E. (2021). Can Democratic Principles Protect High Courts from Partisan Backlash? Public Reactions to the Kenyan Supreme Court’s Role in the 2017 Election Crisis. *American Journal of Political Science*, n/a(n/a).
- Bartels, B. L. and Kramon, E. (2020). Does Public Support for Judicial Power Depend on Who is in Political Power? Testing a Theory of Partisan Alignment in Africa. *American Political Science Review*, 114(1):144–163.
- Bartels, B. L. and Mutz, D. C. (2009). Explaining Processes of Institutional Opinion Leadership. *The Journal of Politics*, 71(1):249–261.
- Choi, D. D., Harris, J. A., and Shen-Bayh, F. (2022). Ethnic Bias in Judicial Decision-making: Evidence from Criminal Appeals in Kenya. *American Political Science Review*, page 55.
- Clawson, R., Kegler, E., and Waltenburg, E. (2001). The Legitimacy-conferring Authority of the U.S. Supreme Court: An Experimental Design. *American Politics Research*, 29(6):566–591.
- Cloward, K. (2016). *When Norms Collide: Local Responses to Activism against Female Genital Mutilation and Early Marriage*. Oxford University Press, New York, 1 edition edition.

- Dahl, R. A. (1957). Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker. *Journal of Public Law*, 6(2):279–295.
- Druckman, J. N. (2001). The Implications of Framing Effects for Citizen Competence. *Political Behavior*, 23(3):225–256.
- Dudziak, M. L. (2003). Who Cares About Courts? Creating a Constituency for Judicial Independence in Africa. *Michigan Law Review*, 101(6):14.
- Franklin, C. H. and Kosaki, L. C. (1989). Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion. *American Political Science Review*, 83(3):751–771.
- Gibson, J. L. and Caldeira, G. A. (2003). Defenders of Democracy? Legitimacy, Popular Acceptance, and the South African Constitutional Court. *The Journal of Politics*, 65(1):1–30.
- Gibson, J. L., Caldeira, G. A., and Spence, L. K. (2003). Measuring Attitudes toward the United States Supreme Court. *American Journal of Political Science*, 47(2):354–367.
- Gibson, J. L. and Gouws, A. (2003). *Overcoming Intolerance in South Africa: Experiments in Democratic Persuasion*. Overcoming Intolerance in South Africa: Experiments in Democratic Persuasion. Cambridge University Press, New York, NY, US.
- Gibson, J. L. and Nelson, M. J. (2014). The Legitimacy of the US Supreme Court: Conventional Wisdoms and Recent Challenges Thereto. *Annual Review of Law and Social Science*, 10(1):201–219.
- Green, D. P., Groves, D. W., Manda, C., Montano, B., and Rahmani, B. (2022). A Radio Drama’s Effects on Attitudes Toward Early and Forced Marriage: Results from a Field Experiment in Rural Tanzania. *Working Paper*.
- Hodgkinson, K. (2016). Understanding and addressing child marriage. *Amsterdam Institute for Social Science Research*, (1):76.
- Hoekstra, V. J. and Segal, J. A. (1996). The Shepherding of Local Public Opinion: The Supreme Court and Lamb’s Chapel. *The Journal of Politics*, 58(4):1079–1102.

- Klarman, M. J. (2014). *From the Closet to the Altar: Courts, Backlash, and the Struggle for Same-Sex Marriage*. Oxford University Press, Oxford, UK ; New York, NY, reprint edition edition.
- Lerner, M. (1937). Constitution and Court as Symbols. *The Yale Law Journal*, 46(8):1290–1319.
- Linos, K. and Twist, K. (2013). Endorsement and Framing Effects in Experimental and Natural Settings: The Supreme Court, the Media and the American Public. SSRN Scholarly Paper ID 2223732, Social Science Research Network, Rochester, NY.
- Linos, K. and Twist, K. (2016). The Supreme Court, the Media, and Public Opinion: Comparing Experimental and Observational Methods. *The Journal of Legal Studies*, 45(2):223–254.
- Madsen, M., Mayoral, J., Strezhnev, A., and Voeten, E. (2020). Sovereignty, Substance, and Public Support for European Courts. *SSRN Electronic Journal*.
- Marshall, T. R. (1987). The Supreme Court as an Opinion Leader: Court Decisions and the Mass Public. *American Politics Quarterly*, 15(1):147–168.
- Mbaku, J. M. (2020). International Law and Child Marriage in Africa. *Indonesian Journal of International & Comparative Law*, 7(2):103–244.
- MoHCDEC (2017). National Survey on the Drivers and Consequences of Child Marriage in Tanzania. *National Report on Child Marriage*, (Tanzanian Ministry of Health, Community Development, Elderly and Children Report):192.
- Mondak, J. J. (1990). Perceived legitimacy of Supreme Court decisions: Three functions of source credibility. *Political Behavior*, 12(4):363–384.
- Montano, B. (2022). Incentives to Advocate: Social norms and speaking up against early marriage in rural Tanzania. *Working Paper*.
- Murphy, W. F. and Tanenhaus, J. (1968). Public Opinion and the United States Supreme Court: Mapping of Some Prerequisites for Court Legitimation of Regime Changes. *Law & Society Review*, 2(3):357–384.
- Parsons, J., Edmeades, J., Kes, A., Petroni, S., Sexton, M., and Wodon, Q. (2015). Economic Impacts of Child Marriage: A Review of the Literature. *The Review of Faith & International Affairs*, 13(3):12–22.

- Risse, T., Ropp, S. C., and Sikkink, K., editors (1999). *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press, Cambridge.
- Rosenberg, G. N. (1991). *The Hollow Hope: Can Courts Bring About Social Change? Second Edition*. American Politics and Political Economy Series. University of Chicago Press, Chicago, IL.
- Shen-Bayh, F. (2018). Strategies of Repression: Judicial and Extrajudicial Methods of Autocratic Survival. *World Politics*, 70(3):321–357.
- Sikkink, K. (2011). *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. W. Norton & Company, New York, 1st edition edition.
- Simmons, B. A. (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press.
- Slotnick, E. E. and Segal, J. A. (1998). *Television News and the Supreme Court: All the News That's Fit to Air?* Cambridge University Press, Irvine, CA, 1st edition edition.
- Snyder, J. (2022). *Human Rights for Pragmatists*. Princeton University Press.
- Staton, J. K. (2010). *Judicial Power and Strategic Communication in Mexico*. Cambridge University Press, Cambridge.
- Tankard, M. E. and Paluck, E. L. (2017). The Effect of a Supreme Court Decision Regarding Gay Marriage on Social Norms and Personal Attitudes. *Psychological Science*, 28(9):1334–1344.
- Vanberg, G. (2015). Constitutional Courts in Comparative Perspective: A Theoretical Assessment. *Annual Review of Political Science*, 18(1):167–185.
- Widner, J. A. (2001). *Building the Rule of Law: Francis Nyalali and the Road to Judicial Independence in Africa*. W. W. Norton & Company, New York, N.Y. u.a.

Supplemental Materials for

The Persuasive Power of Africa’s High Courts

‡

November 28, 2024

Contents

1	Introduction	2
2	Background	4
2.1	Institutional Opinion Leadership by High Courts	4
2.2	Judicial Opinion Leadership Outside of Industrialized Democracies	6
2.3	Study Context	7
2.3.1	Judicial Institutions in Tanzania	7
2.3.2	Early Marriage in Tanzania	8
2.3.3	<i>Rebeca Gyumi v Attorney General</i>	9
3	Research Design	10
3.1	Intervention	10
3.2	Respondent Sampling	11
3.3	Outcome Measures and Hypotheses	11
3.3.1	Outcome Measures	11
3.3.2	Hypotheses	13
3.4	Estimation	13

-
- *a. Makerere University. 7062 University Rd, Kampala, Central Region, Uganda. salmaemma004@gmail.com.
 - b. Columbia University. 420 W. 118th Street. New York, NY 10027. dpg2110@columbia.edu.
 - c. Corresponding author. Lafayette College. 730 High St, Easton, PA 18042. dylanwgroves@gmail.com.
 - d. University of California at Irvine. 3151 Social Sciences Plaza, Irvine, CA 92697. constantinemanda@gmail.com.
 - e. Columbia University. 420 W. 118th Street. New York, NY 10027. brr2126@columbia.edu.
 - f. Columbia University. 420 W. 118th Street. New York, NY 10027. bm2955@columbia.edu.

We thank the implementing partner, UZIKWASA, led by Novatus Urassa. We are grateful to the entire research team at Innovations for Poverty Action, with special thanks to Martin Zuakulu, Rachel Jones, Rachel Steinacher, Zachary Isdahl, Neema Msechu, Robert Mwandumba, Gilbert Loshook, Cosmas Sway, Zinabu Omary, Fatuma Yahaya, Frank Simon, Fadhili Mashaka, Stephano Kizigo, and Saulo Mwakisongo. We thank Mark Marchant and Vera Pieroth for thoughtful comments on the survey instrument and research design and Anna Wilke and Jasper Cooper for their contributions to the research design. We thank Kate Baldwin, Karisa Cloward, and Summer Lindsey for helpful comments. This study was supported by the Wellspring Philanthropic Fund, which bears no responsibility for the content of this report, and approved by Columbia University’s Institutional Review Board (protocol IRB-AAAR5582) and Tanzania’s Commission of Science and Technology (protocol 14528).

‡

4	Results	14
4.1	Awareness of Court Decision	14
4.2	Effects of Media Reports	14
4.2.1	Attitudes and Reporting Intentions	14
4.2.2	Perceived Norms	15
4.2.3	Speaking Out	17
4.3	Countervailing Regime Signals	18
5	Discussion	20
A	Sample Characteristics Comparison	28
B	Balance	29
C	Coefficient Plots	30
C.1	“Courts Only” vs Control	30
C.2	“Courts + Attorney General” vs Control	30
C.3	“Attorney General + Courts” vs “Courts Only”	30
D	Data Collection Map	31
E	Ethics	32
F	Pre-Analysis Plan	32
G	Relationship to Broader Field Experiment	32

A Sample Characteristics Comparison

Table A1: **Sample Characteristics**, Compared to Afrobarometer

Variable	Sample		TZ Rural		SSA Rural	
	Mean	N	Mean	N	Mean	N
Demographics						
Age	37.58	1,925	38.29	1,560	37.94	25,285
Female	0.52	1,925	0.50	1,560	0.50	25,306
Muslim	0.67	1,925	0.29	1,560	0.33	25,280
Completed primary school	0.79	1,109	0.73	1,555	0.54	25,180
Gender Equality Attitudes						
Women have equal right to work	0.75	1,302	0.64	1,548	0.55	24,950
Genders should share HH labor	0.75	816	0.56	1,546	0.38	24,962
Men should not beat their wives	0.77	1,923	0.90	1,559	0.72	25,123
Women are equally good leaders	0.79	1,925	0.75	1,551	0.71	25,028
Political Attitudes and Participation						
National ID as strong as Tribal ID	0.94	1,304	0.92	1,517	0.85	21,850
Engaged in collective action	0.66	1,304	0.53	1,555	0.54	25,105
Voted last election	0.79	1,304	0.86	1,553	0.72	25,178
Assets						
Personally owns radio	0.48	816	0.57	1,557	0.52	25,182

Note: Data is taken from the 2019 Afrobarometer survey. Columns 3 and 4 show the sample mean and sample size for respondents classified as "rural" in Tanzania. Columns 5 and 6 show the sample mean and same size for respondents classified as "rural" across all Sub-Saharan Africa.

B Balance

Table A2: **Balance**

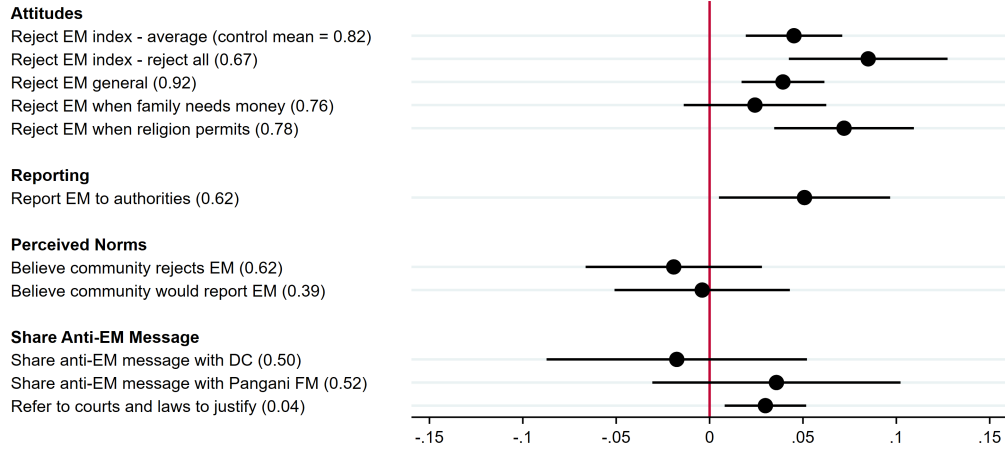
	Treatment Arm Mean			Observations	<i>p</i> -value
	Control	Court Only	Court + AG		
Pref. rank justice	3.716	3.604	4.060	1,900	0.001
Married	0.803	0.836	0.850	1,925	0.058
Hours listen to radio/day	0.739	0.621	0.567	1,907	0.100
Feeling thermo. - tribal other	60.530	60.954	63.069	1,827	0.163
Pref. rank roads	6.047	6.108	5.862	1,900	0.168
Pref. rank sanitation	6.058	5.933	5.829	1,900	0.215
Female	0.501	0.530	0.538	1,925	0.368
Feeling thermo. - religious other	66.169	67.203	68.200	1,840	0.376
TZ over tribe	0.564	0.578	0.539	1,925	0.386
Heard national leader on radio	0.791	0.774	0.762	1,907	0.431
Marriage prejudice index	0.731	0.736	0.748	1,862	0.436
Ideal age for kids	19.974	20.167	20.053	1,925	0.444
Reject forced marriage	0.885	0.902	0.903	1,925	0.459
Pref. rank health	5.515	5.684	5.624	1,900	0.481
Respondent age	37.907	37.148	37.597	1,925	0.518
Conformity is good	0.318	0.334	0.340	1,923	0.669
Time in village	23.822	23.030	23.829	1,107	0.688
Pref. rank agriculture	4.784	4.726	4.845	1,900	0.695
Reject forced marriage (long)	2.552	2.584	2.586	1,925	0.707
Ideal number of kids	4.995	4.915	4.948	1,922	0.719
Muslim	0.668	0.679	0.660	1,925	0.770
Pref. rank education	6.213	6.302	6.248	1,900	0.779
Pref. rank EFM	4.354	4.318	4.265	1,900	0.798
Neighbor prejudice index	0.423	0.425	0.431	1,862	0.820
Religious school	0.518	0.533	0.519	1,924	0.841
Listen to news on radio	0.536	0.551	0.545	1,904	0.857
Ever listen to radio	0.657	0.647	0.643	1,904	0.863
Pref. rank crime	3.385	3.355	3.326	1,900	0.888
Know others in village	2.598	2.619	2.608	1,109	0.936
Pref. rank electricity	4.928	4.970	4.941	1,900	0.962

Note: *p*-values are the result of a grouped F-test across both treatment groups.

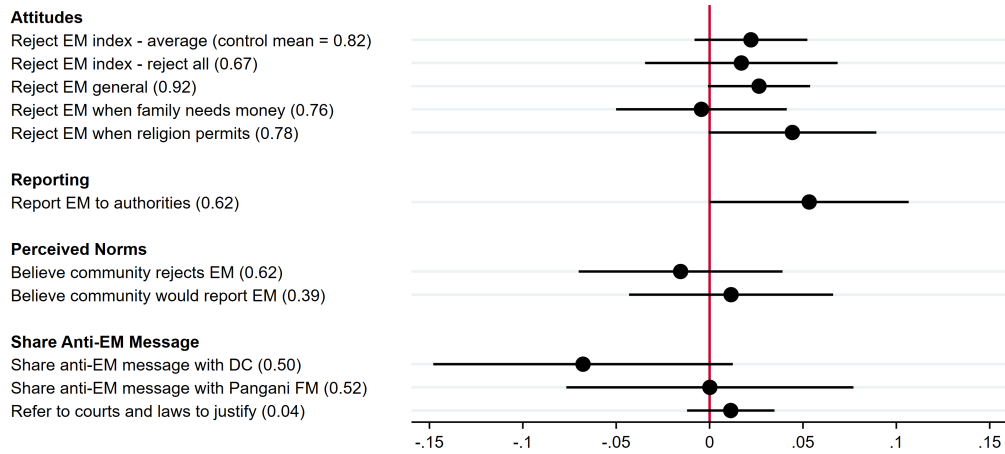
C Coefficient Plots

Note: all variables have been standardized to a 0-1 scale.

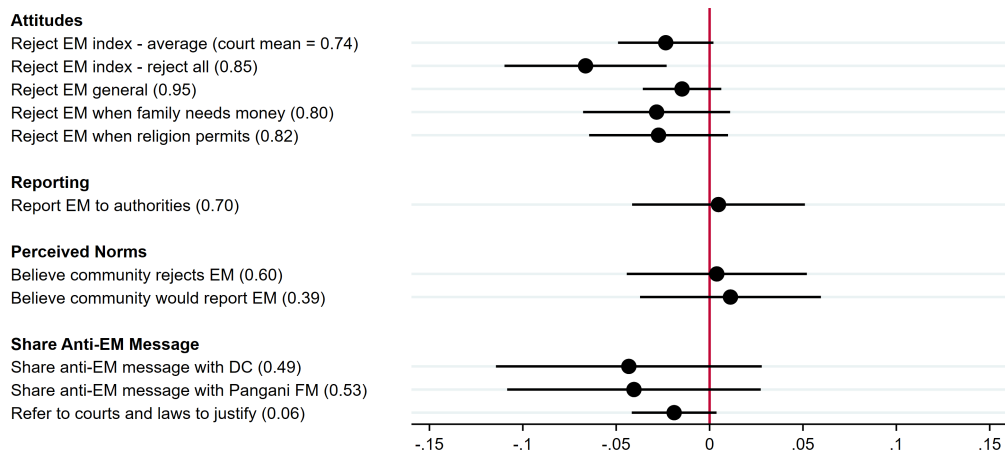
C.1 “Courts Only” vs Control



C.2 “Courts + Attorney General” vs Control

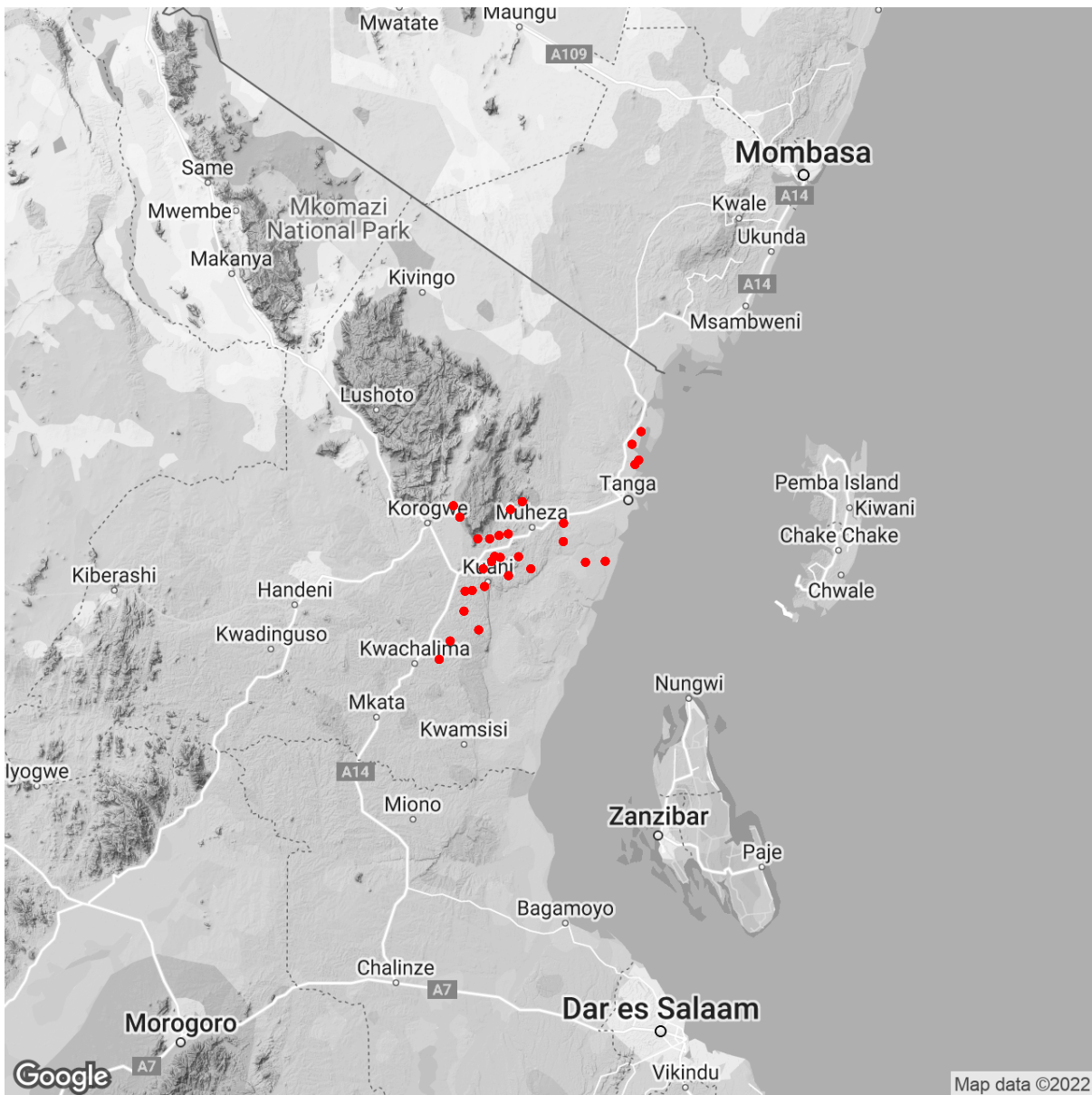


C.3 “Attorney General + Courts” vs “Courts Only”



D Data Collection Map

Figure A1: Village Sample



E Ethics

This project was implemented and data were collected in the midst of the COVID-19 pandemic. The research team took special precautions to protect subjects and staff. We obtained approval from [redacted] University and Innovations for Poverty Action COVID-19 review board to carry out the data collection, and designed transportation and data collection procedures with COVID-19 risks in mind. Special precautions were taken by enumerators, staff, and drivers to prevent the spread of COVID-19. Data collection teams lived and ate in isolated quarters and took daily temperature readings. Interviewers wore masks during interviews, which were conducted outside at appropriate distances. Respondents were offered masks but not required to use them. Before moving between Districts, the survey team spoke with District officials and health care workers to find out whether COVID-19 cases had been identified in the area; on one occasion, data collection was paused and the data collection schedule was re-organized to respond to concerns of a potential COVID outbreak. Thankfully, no cases of COVID-19 were reported among survey staff or in participating villages during the data collection period.

F Pre-Analysis Plan

This study was pre-registered using the Open Science Foundation registry on December 7, 2020, before the experiment was implemented. The full pre-analysis plan can be viewed (*withheld for anonymity*) and the Online Appendix.

G Relationship to Broader Field Experiment

The current experiment is embedded in a larger field experiment reported in (*Withheld for anonymity*) and (*Withheld for anonymity*). The field experiment used a placebo control design to evaluate the effect of two radio dramas: *Wahapahapa*, a nationally-syndicated radio drama that addresses issues around HIV/AIDS disclosure, or *Tamapendo*, a regional audio drama focused on issues around early and forced marriage. The original field experiment randomly sampled 40 respondents (20 males and 20 females) in 30 villages in 2019 and invited them to attend a community audio screening. 18 months later, the survey team returned to the 30 villages to survey the original participants as well as their spouse and one randomly selected friend (out of three provided by the respondent). The present study was embedded in these spouse ($n = 816$) and friend ($n = 1,109$) surveys.