

Equal Representation for Women: Why it is Unjust for Legislative Bodies Made Up  
Mostly of Men to Write and Pass Legislation Regarding Women's Reproductive Rights

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University of Colorado at Boulder

April 4<sup>th</sup>, 2016

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## Introduction

This thesis will outline four arguments that answer the following question: Is it just for a legislative body made up of a majority of men to write and pass laws regarding women's health care and reproductive rights? My answer to this question is no, it is not just for a legislative body that is made up of a majority of men to write and pass legislation concerning women's health care and reproductive rights. There are three main ethical questions to consider regarding abortion. First, is it morally acceptable to have an abortion? Second, should a state allow abortion? Third, who should be deciding laws that affect reproductive rights (which include abortion rights)? It is important to keep these three questions in mind throughout this thesis. For the purposes of proving my thesis is correct, I will focus only on answering the third question. In doing so, I will assume that it is both morally acceptable to have an abortion and a state should allow it. Having assumed those answers, I can emphasize the topics addressed within this thesis towards answering the third question.

Before I begin, I must clarify that I assume that reproductive rights (including the right to choose to have an abortion) are good for women. I argue that women must be equally represented in government for it to be just to write and pass legislation of this nature. Throughout this thesis, I consider reproductive rights as negative rights that aim to protect procreative liberty for women. Procreative liberty is the freedom for people to choose to either procreate or refrain from doing so. As a negative right, procreative liberty is the protection of a man or woman's ability to make the choice to procreate without interference from others or the government.<sup>1</sup> In this thesis, I provide four main arguments that support why it is imperative that women are

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<sup>1</sup> David Lemberg, M.S., D.C. "Procreative Liberty- Are There Limits." *Bioethics Today*. July 22, 2011. Accessed March 10, 2016. <http://www.amc.edu/BioethicsBlog/post.cfm/procreative-liberty-are-there-limits>.

<sup>2</sup> Elizabeth Anderson. "Feminist Epistemology and Philosophy of Science." *The Stanford Encyclopedia of*

equally represented in government in order for legislation concerning women's reproductive rights to be just.

This thesis is broken into four sections. Each section addresses either one main argument to support my thesis or is a response to an objection to my thesis argument. The first section of my thesis is dedicated to addressing the two bad consequences that occur when a legislative body made up mostly of male representatives write and pass laws concerning women's reproductive rights. These two bad consequences result in unjust consequences for women and therefore support my thesis.

The first bad consequence I address is one that results from the time consuming and complex legislative process itself. I argue that the legislative process has detrimental affects on the lives of women who require stronger reproductive rights. Specifically, the process by which a bill passes into law is time consuming and complex. So, if the bill ever does come to be law, many women will have suffered detrimental consequences because of how long this process takes. An example I offer is a woman might miss her window to access a safe and legal abortion if she is restricted by her state's harsh regulations while waiting for new legislation to pass. Furthermore, I blame the legislative process for the first bad consequence because the power structures in government that still dictate how bills are considered and if they pass favor male representatives over female representatives. Within this first bad consequence, I claim that two main issues are present. The first issue is whether a bill regarding women's reproductive rights will be considered. The second issue is if it is considered, then what will the vote look like on that bill.

Moving onto the second main bad consequence, I argue that legislation that results from such a legislative body will be bad for women. When a majority of male representatives write

and pass bills regarding women's reproductive rights, the legislation within that bill will be bad for women. I argue that legislation concerning women's reproductive rights will be bad legislation because men are not as qualified as women to represent women's needs. I support the claim that men are not as qualified as women by providing arguments from feminist standpoint theory, which is a sub view within feminist epistemology. I also discuss the importance of one's social identity within the feminist standpoint theory's view. From this, I end this section by highlighting conclusions from various studies that support my claim that it would be better for women if there were more female representatives in government.

In the second section of my thesis I argue that it is unjust for a legislative body made up mostly of male representatives to write and pass laws regarding women's reproductive rights because it exacerbates the continued subordination of women to men in our society. I claim that if men continue to represent the majority of decision makers in government who write and pass laws of this nature, then it continues to provide men more power over women. This also encourages a certain way of thinking. This way of thinking is that men are better suited to hold more power and women should trust the decisions men make because of this. This section differs from the first in a specific way. In the first section I am concerned with addressing how the situation is unjust because it is bad for women's health and livelihood. In this second section, I concern myself with addressing how it is bad for women's overall position in society (which includes their political and economic status). The lack of equal influence regarding their reproductive rights in government interacts with women's status in society. This is why it is imperative that men in society or government not subordinate women.

In the third section of my thesis, I respond to the objection that it is not unjust for legislative bodies that have a majority of male representatives to decide laws regarding women's

reproductive rights. This objection purports that it is not unjust because a government body that passes such legislation was voted into government through a democratic process. My response to this objection will argue that the democratic process by which legislative bodies are chosen is unjust because the election process that results in that government body is not a fair process. To support this, I highlight the reasons that lead to less female representatives in government. These reasons are the unfair factors that result in less women running for elected positions. By demonstrating how the experience of women within the democratic process is unfair, I conclude that the democratic process through which we elect candidates is unjust.

This section supports my thesis through my argument that if the political process is unjust, and therefore not truly democratic, then the decisions made by that legislative body should not be considered just simply because those decisions were rendered by a legislative body that was voted in democratically. To combat unjust decisions that result from unjust political systems, women should be at least represented equally to men so that a truly democratic body can consider women's issues. In this section I highlight principles of equality that support why equal representation is necessary for an election process to be considered democratic. From this, I conclude that because the process used to elect officials in the United States does not promote equality between men and women, and that women's experience in American political culture actually violates these principles, the election process in the United States is not just. Because the election process is not just, the government body that results is not democratic legislative body.

In the fourth and final section of my thesis, I argue that my thesis is right because legislation regarding reproductive rights does not proportionally affect men and woman equally. From this I argue that it is unjust that men (who are affected less) represent the majority opinion when writing and passing laws regarding women's reproductive rights. I cite two main reasons

that demonstrate how men and women are not affected equally. First, men are not exposed to the same risks as women. This is true prior to conception or after conception. I assume the definition of risk that means the exposure to potential harm, danger or loss. The second reason that legislation concerning women's reproductive rights affects men and women unequally is that women bear face many more potential burdens than men. I assume the definition of burden as something that adds difficulty or obligation to a person's life. I outline these risks and burdens separately in the fourth and final section.

Throughout my thesis, I address the relevant objections regarding each section of my thesis. By the end of my thesis, I will have successfully argued that it is not just for a legislative body to write and pass laws regarding women's reproductive rights, if that legislative body is made up of a significant majority of men.

## **I. Two Bad Consequences That Occur For Women**

Below I offer the first argument for my thesis. When a legislative body made up mostly of male representatives writes and passes laws regarding women's reproductive rights, it results in bad consequences for women. Here, I argue that two bad consequences occur. The first is that the legislative process takes a long time and is complex. This has detrimental affects for women. The time that it takes to pass laws affects women who are in urgent need of stronger reproductive rights or access to better health care and services. This is especially prudent for women who might require access to safe and legal abortions. In addition to the time the process takes to pass a bill into law, there is also a lack of urgency felt by a legislative body to pass good laws that do not affect the majority represented in that legislative body.

In the case of women's reproductive rights, male representatives represent the majority when considering laws that affect women, the underrepresented group in government. I argue that men are not as concerned as women when it comes to bills that involve women's issues. This results in an uphill battle for female representatives to try and get good bills passed concerning women's issues. In addition, I argue that if there were more female representatives in government, legislation of this nature would get passed more quickly because female representatives would work together to push this legislation through and ensure wide support for it.

The evidence presented to support that the first bad consequence occurs is based on both specific examples of bad consequences and the more general phenomenon that minorities suffer when they are underrepresented in both state and federal governments. I support my argument with examples of the experience of African Americans in the United States and further explore their symmetry to the experience of women. Both experiences have resulted in poor legislation.

The second bad consequence is that the laws that are will be bad laws for women. This is a product of the phenomenon that when a group of people is not suitably represented in their government, the laws written and passed by that government are typically bad for the minority group underrepresented. Although women are not considered a minority according to population in numbers, I still consider them a marginalized minority group throughout my thesis because they are underrepresented in government at both the state and federal level.

Specifically, legislation concerning women's reproductive rights will produce bad legislation because men are not qualified to represent women's reproductive rights. This is because they do not represent women's interests as well. Men do not represent women's interests well because men are not capable of understanding the position or situation of a woman in need

of stronger reproductive rights. By this I mean that men cannot get pregnant and therefore can never be in the same position as a woman who suffers due to bad legislation concerning reproductive rights.

I support my conclusion that men are not as qualified as women to represent women's interests by discussing views on epistemic theories. I restrict my discussion on knowledge to the concepts of feminist epistemology, feminist standpoint theory and the idea of social identity and how it affects epistemic credibility. The fact that men cannot know the experience of women (due to reasons I will bring to light through the theories mentioned above) renders them incapable of writing good legislation that promotes the experience of women. I will also address the objection to my argument that men can educate themselves on the necessities such legislation requires to be considered good laws for women and can then write good laws for women.

Before I begin, I must discuss the theories on knowledge I mentioned previously. I do this first so as to relate back to these concepts once I introduce the relevant examples that support my argument in this section. I will start with a brief overview of feminist epistemology, as it is the umbrella under which feminist standpoint theory stands. Feminist epistemology is the study of the ways that gender does and ought to influence people's conceptions of knowledge, the knowing subject, and practices of inquiry and justification.<sup>2</sup> Feminist epistemology theorists have identified various ways that the dominant conception of knowledge attribution and its subsequent justification results in the systematic disadvantage of women. One concept at the core of feminist epistemology is that of the situated knower. This means the knowledge reflects certain perspectives of the relevant subject or person. This naturally introduces my next topic on knowledge, feminist standpoint theory.

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<sup>2</sup> Elizabeth Anderson. "Feminist Epistemology and Philosophy of Science." The Stanford Encyclopedia of Philosophy. 2000. Accessed March 7, 2016. <http://plato.stanford.edu/entries/feminism-epistemology/>.



I will briefly outline feminist standpoint theory, which makes three main claims. The first is that knowledge is socially situated. The second is that marginalized groups are socially situated in ways that allow them to be aware of certain truths regarding their situation and leads them to ask questions that representatives of the majority opinion would likely not ask otherwise. The third is that scientific research should therefore begin with the lives of the marginalized.<sup>3</sup> I only consider the first two points for the purposes of demonstrating why my argument is correct. Nancy Harstock, a prominent feminist theorist known for her work in feminist standpoint theory, first introduced the idea that our society is organized through gender lines. The feminist perspective provides a truer picture of the patriarchal complex within which our society runs.<sup>4</sup> I purport that the first two principles of feminist standpoint theory provide support for my argument that laws written by men that affect women's reproductive rights will be bad. This is because men are not socially situated to understand certain truths regarding women's situation. Before I continue, I must explain the importance of understanding social identity within the epistemological view and why it supports my claim that laws would be better for women if the interest and opinion of women were equally represented in government.

In Linda Alcoff's article, *On Judging Epistemic Credibility*, she claims that most of our knowledge is testimonial by hearing and reading what other people tell us to be true. This deviates from the traditionally backed analysis in epistemology that knowledge stems from atypical scenarios of direct perception by an individual.<sup>5</sup> Alcoff continues by saying that non-

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<sup>3</sup> T. Howell. "Feminist Standpoint Theory." Internet Encyclopedia of Philosophy. Accessed March 20, 2016. <http://www.iep.utm.edu/fem-stan/>.

<sup>4</sup> Barbara L. Whitten. "Standpoint Epistemology in the Physical Sciences: The Case of Michael Faraday." In *Engendering Rationalities*, edited by Nancy Tuana and Sandra Morgen. 362. SUNY Press, 2011.

<sup>5</sup> Linda Martin Alcoff. "On Judging Epistemic Credibility: Is Social Identity Relevant?" In *Engendering Rationalities*, by Nancy Tuana and Sandra Morgen, 56. Albany: SUNY Press, 2001.

voluntary character of location and experience is important.<sup>6</sup> By non-voluntary I mean aspects of one's personal location or personal experience that cannot be chosen, such as gender, race, or socioeconomic class. To be clear, a social identity is a person's race or gender according to Alcoff.<sup>7</sup> This is the definition of social identity I use. One's social identity makes a difference in how one processes certain truths. In this way, knowledge is dependent on subjectivity, identity, and experience.<sup>8</sup> Social identity also correlates to objective knowledge and features of the social surroundings that are shared by a certain marginalized group. Alcoff goes on to then say that because of the specific features of a social identity, women and people of color are better able to understand that the special pedagogical difficulties they sometimes face have much more serious consequences than that group merely being misunderstood.<sup>9</sup> The consequences can present racist or sexist discrimination.<sup>10</sup> I use the conclusions made in Alcoff's article to support my argument because female representatives possess the necessary social identity to understand the needs of women and what legislation must look like to best support those needs.

Having outlined three concepts of knowledge, I can move onto my discussion of the bad consequences that result from a majority of male representatives writing and passing legislation regarding women's reproductive rights.. First, I discuss the bad consequence of complexity and time exhibited in the legislative process, and how it would be beneficial to have more female representatives to women working within this process. There is a framework that must be kept in mind when discussing the bad consequences resulting from the complex and time consuming process of passing bills into law. This framework applies two issues that are at play when considering the complex processes of passing legislation regarding women's reproductive rights.

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<sup>6</sup> Alcoff, "On Judging Epistemic Credibility", 62

<sup>7</sup> Alcoff, "On Judging Epistemic Credibility", 55

<sup>8</sup> Alcoff, "On Judging Epistemic Credibility", 65

<sup>9</sup> Alcoff, *Engendering Rationalities*, 66

<sup>10</sup> Alcoff, *Engendering Rationalities*, 66

The first issue concerns whether a bill will get considered and the second issue concerns the actual vote for that bill and what it will look like.

With this framework in mind, the overall concern can be evaluated. Again, this concern is the complex process of passing a bill on reproductive rights into law. Enacting new laws of any kind takes extensive planning and preparation by committees before being introduced to either the House of Representatives at the federal level, or either the House or Senate at the state level. At the national level, bills begin in the House of Representatives and must win a majority vote to move to the Senate, and then from there they are sent to the President. Whether discussing state or federal bills, this process takes months at the very least. The bureaucracy and power structures within government also heavily influence the process. Bills can be passed between both chambers many times if they are altered before being voted on again in that chamber. The final version of the bill must get a majority vote by both chambers after all alterations and amendments have been made before being given to the President to sign into law. Again, this process can extend the amount of time it takes to pass a bill into law. For women who suffer from restrictions and burdensome regulations regarding reproductive rights, this process forces them to remain under those conditions until bill is passed. While this process affects the efficiency of both male and female representatives to pass legislation, I explain below how the fact that men represent the majority in government—combined with the realities of this process—negatively affects women.

Beyond the formal process of producing new legislation, there are unofficial elements to the process that greatly influence whether the bill will be considered and what the vote will look

like.<sup>11</sup> There must be a majority vote to get a bill passed to advance to the next step in either chamber. In government, it is common that by the time the bill gets to the floor it barely resembles the bill it was in committee.<sup>12</sup> This is because representatives attach amendments to the bill in exchange for their vote. It is as if every representative wants a piece of the pie, and uses their vote as a way to ensure their piece. This promotes a culture in government that rewards the most powerful players. This is because there are certain representatives who sit on more influential committees and are in a position to influence whether the bill will be considered. Creating a bill that satisfies so many representatives' requirements takes effort and compromise on the part of the bill's sponsors. Yet, it is imperative to gain initial support and concurrence from these influential representatives to have the bill considered at all. Historically, it has been difficult to push women's issues through these legislative processes in government due to the fact that they have held less power than men. They have held less power because there are fewer women than men and fewer women in more influential positions.

One such powerful position is the chair of a committee. Committee chairs exert an enormous amount of influence on the legislative process. Typically, appointment to committee chair is based on seniority. Women tend to begin their political careers later than men, and so they are at a disadvantage when being considered for committee chair appointments. This is because they have historically devoted time to raising children prior to beginning political

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<sup>11</sup> This is the first issue mentioned in the framework that is to be kept in mind during my discussion of the bad consequences that result from the complex processes of passing a bill into law.

<sup>12</sup> A representative must first sponsor a bill. Once a bill is sponsored, it is assigned to a committee and its potential is studied. Only if it is released from committee is it then put on the calendar to be voted on. It can either be debated, or amended depending on the stages of the bill prior to the final vote. Then if the bill passes by a simple majority it can be moved to the Senate where it is assigned to a committee again. This process is then repeated until the bill is finalized.

careers.<sup>13</sup> This is changing as more women gain seats in government and begin to devote more time to their political careers early on, but as it stands, it has still been detrimental to the advancement of women's issues policies.

In addition to the lack of overall power women wield to get bills concerning women's issues voted into law, there is a second element that results in bad consequences for women within the framework regarding the time and complexity of passing a bill. This is the fact that male representatives are less likely than female representatives (of either party) to bring up women's issues in the U.S. House during floor speeches. Additionally, women in total spend more time speaking about women's health issues than men do.<sup>14</sup> Women are shut out from the influential roles they require to pass legislation that is important to them. Men who hold these positions are traditionally less inclined to put women's issues at the top of their agenda. Thus, they do not use their power to push women's issues legislation to the forefront of government. This prevents a quick passage of bills regarding women's issues. This is especially true for the most contentious of women's issues, which are the bills concerning reproductive rights. This supports my argument that the process results in bad consequences for women because of the arduousness and back door dealings of government where women wield less power. If there were more female representatives in government, they could harness their increased power and work together to ensure the passage of bills regarding women's reproductive rights.

An example of this was demonstrated in the Health Equity Act (1990). The Congressional Caucus, which is made of up representatives from both the Democratic and

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<sup>13</sup> Brigid C. Harrison, *Women in American Politics: An Introduction*. Belmont, CA: Wadsworth/Thomson Learning, 2003. 167.

<sup>14</sup> Colleen Shogan. "Speaking Out: An Analysis of Democratic and Republican Woman-invoked Rhetoric of the 105th Congress." *Journal of Women, Politics & Policy J. of Women, Politics & Policy WWAP* 23, no. 1 (2001): 129-46. doi:10.1080/1554477x.2001.9970960.

Republican parties, for Women Health Equity Act. This act allocated \$50 million towards addressing women's health problems. Female representatives who supported both the pro-life and pro-choice movements came together and passed legislation through this act that benefitted women.<sup>15</sup> This lays foundation for my claim that legislation is better for women when female representatives write it. It is better because of the views explained within feminist standpoint theory above.

The fact that male representatives are less concerned with women's issues policies than female representatives also greatly affects how the vote turns out for a bill.<sup>16</sup> As I have just explained, men hold more power than women in government because of the greater number of men appointed to committee chair positions. In this way, men do not use the influence they wield from holding those positions to affect the voting on such issues. If more women held more positions of power, they could utilize the gained influence to affect voting patterns on such issues.

An additional element regarding the first main issue (concerned with the process of passing a bill is the motivation, or lack thereof) felt by legislators is to pass or repeal laws concerning minority groups. I will discuss this issue in depth now. If legislators are not personally affected by certain legislation, then they do not feel the same pressure to pass legislation. This results in fewer representatives fighting to keep legislation relevant or the process of passing of the bill in motion. For example, it took 245 years of legal slavery to be abolished and it wasn't until 1868 that the 14<sup>th</sup> amendment was ratified, granting African Americans citizenship. It was just under 100 years after that when African Americans were granted the right to vote under the Voting Rights Act of 1965. My point here is that without

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<sup>15</sup> Harrison, *Women in American Politics: An Introduction*. 167

<sup>16</sup> What the voting on the bill actually looks like is the second issue within the framework I have placed this conversation regarding how the legislative process results in bad consequences for women within.

adequate representation in government, the process to gain equal status as citizens in the eyes of the law for African Americans was extremely difficult.

Not only was extreme racism present in the government and society preventing progress from occurring in a timely manner, but also the urgent need to do so was not expressed by representatives in government (at both the state and federal level) because there was nothing more than minimal representation of African Americans in government until the mid 20<sup>th</sup> century. From the 1940s to the 1960s, African American members of Congress began to finally attain more coveted committee positions and gained the necessary seniority to take on leadership roles.<sup>17</sup> Although African American representative's influence in government has only continued to grow since this influential period, African Americans still remain a largely marginalized group in the United State today.

The representatives were white males who did not need immediate access to the rights or liberties being fought for. While the issues were clearly important, the legislative body voting on such issues could only relate from an outside perspective. This was detrimental to the position of African Americans in the United States. I provide this example in order to show how arduous legislative bodies can be when the representatives (who have historically been mostly white men) are responsible for passing laws that dictate the future of a minority group the majority of representatives do not belong to or resonate with. I compare the experience of African Americans here to that of women in the United States.

To look at a specific example that shows the positive effect that greater minority representation can have on getting good legislation passed, I call upon Michiko Ueda's research

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<sup>17</sup> "Keeping the Faith: African Americans Return to Congress, 1929–1970 | US House of Representatives: History, Art & Archives." Keeping the Faith: African Americans Return to Congress, 1929–1970. Accessed April 1, 2016. <http://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Introduction/Keeping-Faith/>.

as outlined in her article, *Does Minority Representation Matter for Policy Outcomes? Evidence From The U.S. States*. The focus of her paper was to analyze policy outcomes to see whether the rise in minority representation lead to legislative outcomes that better reflect minority interests between 1970 and the late 1990s in the United States. When minority groups have different policy preferences and needs from the majority group, does the composition of the legislature matter for policy outcomes? Ueda focused on the allocation of state aid to school districts. The analyses supported the conclusion that higher political representation of minority groups was associated with a more equitable and higher allocation of state funds in districts with high minority representation.

Ueda based the decision to study school finance on two observations. The first of these being that nearly half of the revenues accessible to the public school districts came from state governments. This meant that education financial policies found at the state level are a highly influential area of political importance and affect the conditions of the schools and their students greatly. Secondly, there was an apparently clear funding disparity present between districts with low enrollment of minority students and districts with higher enrollment of minority students. This was important because the level of funds granted chiefly reflects property values in districts. School districts with a large number of minority students, particularly urban districts, often lack a tax base to provide adequate funding for the schools in those districts. Representing constituencies that face disadvantages in raising local funds, minority legislators may try to reduce the funding gap by allocating more state funds to minority or poor districts to supplement their scarce property tax incomes<sup>18</sup>. In other words, the legislators of minority background who are best qualified to represent those minorities will fight to allocate government state funds

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<sup>18</sup> Michiko Ueda. "Does Minority Representation Matter for Policy Outcomes? Evidence From the U.S. States." *Harvard Journal*, October 2005, 1-29.



towards the improvement of the historically ignored or poorer areas.

Ueda's results conclude that in the states where African Americans gained a greater amount of representation in government districts, there was a greater increase in state funded aid. This increase in state funded aid to districts where minority student enrollment experienced a greater representation of minority leaders in government was compared to those districts where minority student enrollment was not represented by an adequate number of African Americans in the state legislature. Accordingly, these underrepresented districts did not receive as much state funded aid. Representation must bring about actual change towards policy outcomes that reflect the interests of those traditionally underrepresented groups. Minority groups require substantive representation, not just descriptive representation. This means that a substantive leader takes action on behalf of the represented group (as an agent of that group). Comparatively, descriptive representation describes a representative who merely resembles those being represented.<sup>19</sup> If representation of a minority groups is not substantive, then the laws produced are less optimal for that group. This was shown through Ueda's research briefed above. Leaders must act accordingly for the people they represent, and this study confirmed that minority groups are best represented by leaders who understand their disadvantage and have a strong commitment to act on behalf of that underrepresented group.

Having completed my discussion of the first bad consequence for women, I will introduce the second bad consequence for women. This second bad consequence is that the legislation that is produced under the conditions outlined in my thesis will be bad legislation for women. Access to abortions was extremely limited until 1973. After the Roe v Wade decision in 1973, the Supreme Court set the precedent that abortion was a right to privacy issue. Although

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<sup>19</sup> Suzanne Dovi. "Political Representation." Stanford Encyclopedia of Philosophy. 2006. Accessed March 1, 2016. <http://plato.stanford.edu/entries/political-representation/>.

Roe was monumental in securing women's right to abortion, it did not suppress the motivations of the anti-abortion movement. Roe set the precedent that states had a vested interest in protecting all potential life. Since Roe, states have continued to employ restrictions, both on the mother and on practicing physicians who perform abortions that make safe abortions less accessible. The subsequent laws decided by many states have been bad for women (who I consider the minority group suffering in this case). This is because women have been sorely underrepresented in government and the men writing the laws are not socially situated to understand what is best for women (as the marginalized group). Fifty-one abortion restrictions were enacted in the first half of the year 2015 alone<sup>20</sup>. Currently, the Supreme Court is hearing a case, *Whole Women's Health v Hellerstedt*, which challenges a 2013 law in Texas (HB 2) that requires clinics to provide ambulatory services and that abortion providers possess admitting privileges at a local hospital.

I do not ignore the fact that there are many pro-life groups with large female membership in the United States; some are even led by women. For the purposes of answering my thesis question, however, I am only concerned with the representation of men versus women in government in this section. My answer to my thesis question being no, it is not just for legislative bodies made up mostly of men to write and pass laws regarding women's reproductive rights, only then requires that there be equal representation of both men and women to ensure that the legislation passed is just.<sup>21</sup> The current situation at the state and federal government levels does

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<sup>20</sup> "Laws Affecting Reproductive Health and Rights: State Trends at Midyear, 2015." Guttmacher Institute. 2015. Accessed February 2, 2016.  
<http://www.guttmacher.org/media/inthenews/2015/07/01/index.html?gclid=CI6r9IqApcsCFQoNaQodR8UJFQ>

<sup>21</sup> As this is not a thesis discussing the ethical arguments surrounding abortion, I do not need to defend my pro-choice point of view. This thesis does not require that I defend a pro-choice position, as I am concerned only with fair and equal representation of women in government regarding this issue. The evidence in this thesis

not represent this. Although I would consider legislation in of it itself just if it was produced under equal representation, regardless of it being more pro-life or more pro-choice, the evidence shows that legislation sponsored by women does lead to greater reproductive rights for women. This is because there is an understanding by female representatives that there are ways to satisfy aims of both the pro-choice and pro-life movement, just by enhancing women's access to healthcare and by increasing government interest in preventing unwanted pregnancies.

A general lack of knowledge for the science and procedures involved in abortions is another issue that leads to bad laws surrounding the issue of abortion. In an interview, Republican State Representative Dan Flynn was asked questions about the Texas anti-abortion law that he was one of the architects behind, HB 2. In the interview, Flynn made a statement regarding the invasiveness of a surgical abortion. He commented on the issue of how dangerous cutting into the mother is and that means the laws must ensure optimal health for the mother (further regulations on health clinics providing abortion services). The fact remains that abortions do not require cutting into the mother at all; the procedure is actually conducted through the cervix.<sup>22</sup> Flynn was unable to divulge any further personal knowledge of the medical procedure involved in an abortion.

Unfortunately, Flynn's lack of knowledge regarding the process and science involved in abortion is not uncommon. According to a survey conducted by Perry/Undem firm, Americans commonly overestimate the health risks associated with abortions. Most Americans assume that abortion is either less or the same in safety as women giving birth. This is incorrect. In reality,

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does support that legislation would be better for women overall if more female representatives sat in government, but it is not necessary that legislation always be pro-choice for my thesis to be right.

<sup>22</sup> Emily Crockett. "Watch Samantha Bee Embarrass a Texas Lawmaker Who Doesn't Know How Abortion Works." Vox. March 01, 2016. Accessed February 15, 2016.  
<http://www.vox.com/2016/3/1/11139022/samantha-bee-abortion-texas>.

childbearing results in more serious complications and death by either the mother or fetus than abortion does<sup>23</sup>.

When an almost equal representation of women is present women feel more empowered to ensure that the female perception of the issue is voiced. This was demonstrated during the hearing of the case, *Whole Women's Health v Hellerstedt* by the Supreme Court. In the case against the Texas laws, female justices on the bench took control and voiced justified concerns with the Texas law that places these restrictions mentioned above. Women's needs differ from men's in many ways. Justice Ginsburg said during the hearing, "What it's about is that a woman has a fundamental right to make this choice for herself,"<sup>24</sup>. The three female justices blew past Chief Justice Roberts' attempts to enforce the time limitations placed on each justice during a case's hearing. With the death of conservative Justice Scalia in February 2016, this case is extremely important because the Court currently represents a 4-4 split for women if one includes Justice Breyer as a representative of the feminist cause. For the first time in history, a decision that has imminent implications for a woman's ability to obtain an abortion in Texas will be decided with an equal representation of women on the bench.<sup>25</sup>

In addition to the securing of female perception's on issues being voiced, a larger female presence in government may be justified as a means of ensuring public policy implementation

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<sup>23</sup> Crockett, "Watch Samantha Bee Embarrass a Texas Lawmaker Who Doesn't Know How Abortion Works"

<sup>24</sup> David Maraniss and Robert Samuels. "Supreme Court Hears Arguments on Texas Abortion-clinics Case." Washington Post. March 2, 2016. Accessed March 2, 2016.  
[https://www.washingtonpost.com/politics/supreme-court-to-hear-arguments-on-texas-abortion-clinics-case/2016/03/01/521c828e-dffa-11e5-9c36-e1902f6b6571\\_story.html](https://www.washingtonpost.com/politics/supreme-court-to-hear-arguments-on-texas-abortion-clinics-case/2016/03/01/521c828e-dffa-11e5-9c36-e1902f6b6571_story.html).

<sup>25</sup> Dahlia Lithwick,. "How Three Fierce Female Justices Took Control of the Supreme Court." Slate. March 2, 2016. Accessed March 5, 2016.  
[http://www.slate.com/articles/news\\_and\\_politics/supreme\\_court\\_dispatches/2016/03/in\\_oral\\_arguments\\_for\\_the\\_texas\\_abortion\\_case\\_the\\_three\\_female\\_justices.html](http://www.slate.com/articles/news_and_politics/supreme_court_dispatches/2016/03/in_oral_arguments_for_the_texas_abortion_case_the_three_female_justices.html).

and spending is directed towards specific areas known to be associated with women's interests.<sup>27</sup> To support this, there is growing literature associated with examining the effects of increased numbers of female representatives in government, and also examining the effects of gender quotas in politics. In a study conducted by Rehavi (2007), she concluded that there is presently significant evidence that female policy makers make more pro-female choices in policy.<sup>28</sup> Rehavi found that the growth in women's involvement in government led to a growth in government health state spending in the United States, and a decrease in overall spending towards state prison system. In the last quarter of the 20th century, the growth in female representation accounted for approximately 15% of the total increase of state health spending during that period.<sup>29</sup> I use this to support my argument that there is a positive effect on women's issues agendas in politics when there is a greater representation of women in government

Separately, a study conducted by Chattopadhyay and Duflo (2004) researched female leaders in India. Researchers were allowed the ability to directly analyze the effects of female leadership because in single member jurisdictions like those in India, the village leader has the final say. So, the female leader was given the final say. The study looked at the districts of Rajasthan and West Bengal. The study by Chattopadhyay and Duflo (2004) identified gender specific goods through the requests made by the villagers to the village council. This showed how men and women differ in values and the most basic concepts of good policies. In West Bengal, for example, women are particularly responsible for gathering water in India and so

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<sup>27</sup> Audinga Baltrunaite, Piera Bello, Alessandra Casarico and Paola Profeta. "Gender Quotas and the Quality of Politicians." *Journal of Public Economics*. 118 (2014): 62-74. Web.

<sup>28</sup> Pande, Rohini, and Deanna Ford. "Gender Quotas and Female Leadership: A Review." *Harvard Journal*, April 7, 2011, 5.

<sup>29</sup> M. Marit Rehavi, "Sex and Politics: Do Female Legislators Affect State Spending?" *ResearchGate*, November 12, 2007, 4.

requests for cleaner water sources came from 31% of women and only 17% of men.<sup>30</sup> India implemented the reservation program in certain districts that temporarily reserved the leadership seats from those districts for women representatives. This study concluded that the reservation policy overall increased the rate of investment in good valued more greatly by women. This occurred in areas where the leadership role was reserved for female representatives, and thereby increased the overall substantive representation of women in those districts.<sup>31</sup> This also supports the idea that female leaders are more qualified to enhance the position of women in society and write legislation that better protects their needs.

An objection to this argument is that both state governments and the federal government have passed many laws that are not bad for women. This argues that it is acceptable for men to decide the laws in the majority because they can be impartial and set aside values possessed by their own social identities, as men. This can be done through discussion with female representatives and female constituents. The men are capable of passing good laws for women, and a government body will then be justified in passing legislation with a majority of men. This has been the case when states continue to protect abortion rights and secure further protections for physicians performing abortions in some cases. Therefore, it is not true that simply because a majority of men occupy representation in government there will be bad consequences for women.

My response to this objection is that according to feminist standpoint theory, the ideal of value neutrality on freedom from partiality serves to suppress the minority's nonstandard values

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<sup>30</sup> Rohini and Ford, "Gender Quotas and Female Leadership: A Review", 18

<sup>31</sup> Rohini and Ford, "Gender Quotas and Female Leadership: A Review", 19

and interests.<sup>32</sup> This means that dominant biases held by men will remain in place. This is because even when men try to remain impartial and set aside their own values, they cannot help but remain influenced by those values. In general, the majority opinion held in any group of people represents biases. While it might not be clear to that majority group that their beliefs are supported by biases, this remains to be true all the same. These biases become the standard view. So, while men might try to be impartial to their own social identity and think instead of the identity of women, they are not able to avoid the majority standard biases that are inherently associated with their social identity. This is because knowledge is dependent on subjectivity, identity, and experience as was explained through Alcoff's article on judging epistemic credibility.

To continue in my response to this objection, is not enough to argue that because there are examples of certain laws and protections enacted by state governments that benefit women, overall bad consequences do not occur for women when represented mostly by men. The fight for stronger reproductive rights is a continuous battle for women in every state as the legislation continues to change and expand its reach. While there are examples of positive outcomes for the position of women in the United States that stem from decisions made by men, the mere presence of such examples does not justify the way in which those decisions came to be. It is impossible to make any argument that covers all examples of laws due to the overwhelming amount of legislature relating to reproductive rights. Yet, in general, bad consequences can be mitigated when the minority who suffer from those bad consequences is better represented in government. The points articulated in feminist epistemology, feminist standpoint theory, and

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<sup>32</sup> Richard Campbell. "The Bias Paradox in Feminist Epistemology." In *Engendering Rationalities*, 201. Albany: SUNY Press, 2001.

specifically the importance of respecting the great weight one's social identity can bear on one's knowledge of a situation support this claim.

To conclude this section, I have offered examples that support the importance of equal representation for a minority group in government. In order for a marginalized group, such as women, to avoid suffering from the bad consequences discussed in this section, it is imperative that they have equal representation in government.

## **II. The Continued Subordination of Women to Men**

In this section, I offer the second argument for my thesis. A government body made up mostly of men who write and pass laws regarding women's reproductive rights is unjust because it exacerbates the continued subordination of women to men in our society. If men continue to represent the majority of decision makers who write and pass laws that affect women's reproductive rights, then it continues to give men more power over women to make such decisions. I will show that when this occurs in other areas of society where men still possess majority representation (and therefore power) over women, women remain marginalized. Because women remain marginalized, they are subordinated and their experience suffers compared to men.

By using the other areas of continued subordination to highlight the problems women face, I argue that the situation for female representatives in government is another area where men continue to subordinate women through means of wielding greater power and influence. Just like in other areas where women remain subordinate to men, the lack of equal representation in



government leads to the overall continued subordination of women because their interests are represented by a minority group of female representatives.

Women currently represent approximately 51% of the population, but hardly hold 51% of the power. I must emphasize here that in the previous section I focused on the bad consequences for women's health. In this section I focus on the overall position of women in society. This includes their political and economic status and how women lack influence over reproductive rights due to this subordinated status.

Additionally, the situation outlined above encourages a certain way of thinking that is unjust. Not only does the decision making power remain in the hands of men, but it reaffirms the notion that men know better than women when it comes to making such important decisions involving women's health and reproductive care. This is a cycle that must stop, as it is unjust for men to be perceived as knowing better than women how women should treat their bodies. Women still fight for self-determination and autonomy when it comes to their bodies. Both state governments and the federal government have passed legislation that borderline paternalistic sentiment. An example of such laws include waiting periods of 24 to 48 hours or more depending on the state from when a woman first goes to an abortion clinic to when she can come back to receive an abortion.

Women in the United States still struggle to achieve self-determination. This section of the thesis will evaluate the ways in which women still work to overcome the most prevalent areas of subordination. These areas leave women in uncontrovertibly unjust situations. It becomes harder to protect the interest of women when they are so severely outnumbered in both power and overall ability to make change. This supports my argument because the unequal representation of women in policy making is analogous to all other areas where women struggle

for self-determination. It is a situation of continued subordination that plays into the position of women in society at large.

Before I begin, I must briefly explain what subordination is. Subordination is the act of placing a person or group of people in a lower rank or position than others. The evidence I provide in this section demonstrates how women are subordinated under the definition provided above. There are many ways that women are still subjected to double standards and branded as the weaker sex in society today. The two areas I will focus on in particular are women in the workplace and women portrayed in media. Aside from these areas, I argue that reproductive rights fit into the conversation of the subordination of women through the importance of procreative liberty. I explained procreative liberty earlier in my thesis. Women's procreative liberty suffers when their reproductive rights are weakened. If women's interests are represented mostly by men, whose procreative liberty does not stand to suffer like women's procreative liberty might if women's reproductive rights are weakened, then women remain subordinate to men with regard to reproductive rights legislation.<sup>33</sup>

First I lay out an argument that supports how women in business are still largely discriminated against and therefore subordinated. The 1980s saw a huge wave of sexism that acted as a backlash to the progress the women's movement had made thus far. This backlash was detrimental for women that wished to advance in business. This occurred at all levels. Reasons for this new wave sexist thinking stemmed from stereotypical conclusions about a woman's place in society and her abilities to lead or perform certain jobs. Examples of such reasons included reinforcing ingrained attitudes about women's and men's 'proper roles', increased fear by men of losing status, power, or resources, and the continued institutionalization of sex

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<sup>33</sup> I discuss the ways in which reproductive rights legislation affects men more than women in the final section of my thesis.

inequality.<sup>34</sup> Without getting into too much detail regarding these three examples separately, the backlash overall proved effective and led to continued patterns of sex discrimination against women in the work place. First and foremost, the gender gap in employment in the 1990s demonstrated that women held only 7.5% positions of the 1,315 board members in the United States' top 100 companies. Additionally, of all 799 public companies in the early 1990s, less than .5% of women held the highest-paid officers and director positions. Today, there is still a large gender gap in employment in the United States.<sup>35</sup>

Women's experience in advancement in business and education has not led to a substantial increase in female representation at the highest levels of business. In the corporate sector, despite an increase that saw over 50% of women who currently work in high-paying management and professional positions in the United States, the percent of female CEOs in the Fortune 500 companies only increased from .2% in 1995 to 3% in 2009.<sup>36</sup> Furthermore, women account for 15% of board directors in the United States, and yet the overall percentage of female directors in the top Fortune 500 and FTSE 100 companies increased by less than .5% average per year over the last 10 to 15 years (statistic as of 2010).<sup>37</sup> With such little female representation, it is not fair to conclude that women have come to be considered equivalent to men in substantive leadership roles. Merely highlighting a few successful women to further the point that women have increased in prosperity in business at large (as people like to do) does not adequately support the claim that women as a whole are doing better in the workplace. Rather, it is possible that tokenism is at play.

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<sup>34</sup> Nijole Benokraitis, *Modern Sexism*. Prentice Hall. 1995. 14

<sup>35</sup> Benokraitis, *Modern Sexism*, 3

<sup>36</sup> Pande and Ford, "Gender Quotas and Female Leadership: A Review", 3

<sup>37</sup> "2010 Corporate Women Directors International Report: Women Directors in Largest Banks in Fortune Global 200." Corporate Women Directors International. Accessed January 20, 2016.  
[https://www.globewomen.org/CWDI/2010 Global/Key\\_Findings1.pdf](https://www.globewomen.org/CWDI/2010%20Global/Key_Findings1.pdf).

Tokenism is the usually displayed in companies as the unwritten and unspoken policy or newfound practice of hiring members of historically underrepresented groups including minorities, women, the elderly and the handicapped<sup>38</sup>. Female workers find themselves considered to be tokens in a large company more than other minority or under represented group. They are barred from any chance of upward mobility in many types of business, as the data above supports most women continue to work at low to mid level positions in large companies. Tokenism is often an intentional decision made by a company in order to avoid any charges of discrimination. So, the increased visibility of women in powerful positions shows that women do advance, but may still not be considered generally as qualified leaders as men. There is another aspect that supports the claim Tokenism is at play. That is the present salary gap between men and women in the work place.

Salary gaps between men and women, while shrinking since the 1990s, are still present and vary in size depending on the type of business. According to research conducted by Pew Research Center, finds that women earn 84% of what men earn as of April of 2015. This translates to a woman needing to work 40 extra days than a man to earn how much that man did the previous year<sup>39</sup>. This inequality is reduced from the 36-cent gap that was prevalent in the 1908s. As seniority and experience increase, the gap in pay between men and women increase as well. The top ten highest paid CEOs in the United States is a list compiled completely of men, with one exception being Marissa Mayer (CEO of Yahoo)<sup>40</sup>. This pay gap may result from

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<sup>38</sup> Benokraitis, *Modern Sexism*. 1995. P. 123

<sup>39</sup> Eileen Patten. "On Equal Pay Day, Key Facts about the Gender Pay Gap." Pew Research Center RSS. April 14, 2015. Accessed March 15, 2016. <http://www.pewresearch.org/fact-tank/2015/04/14/on-equal-pay-day-everything-you-need-to-know-about-the-gender-pay-gap/>.

<sup>40</sup> The Associated Press. "Top 10 Highest-paid CEOs in the US - The Boston Globe." BostonGlobe.com. May 26, 2015. Accessed February 05, 2016. <https://www.bostonglobe.com/business/2015/05/26/top-highest-paid-ceos/uyTpy7DgYeXFYR7uKCh3LN/story.html>.

inherent gender discrimination in the job market. Jobs predominantly held by women have historically earned less than jobs stereotypically held by men. Companies defend this inequality by claiming women are less qualified in education and experience. In reality, upon closer examination it appears that a proportion of the best-educated women have the worst earning relative to men. Salary gaps are not the only issue for women. Gender bias in many sectors of business result in lack of promotion opportunities, or training to then qualify for the promotions. Maternity leave also results in a woman missing out on valuable time to be at work, and so upon her return she is behind in the advancement of her career and might not qualify as quickly as she could have otherwise for the promotion.

These barriers present themselves as challenging hurdles for women in leadership positions. These barriers stem from gender discrimination and societal norms embedded deep in the way women (and men) are raised. Due to the higher rate of childbearing responsibility still placed on women as compared to male counterparts, it implies higher costs for first entering and then remaining in the work place for the company. The child bearing responsibility, whether by choice or not, results in a greater number of career interruptions for women and less overall work experience. This means when it comes time to pick a candidate for an available promotion, fewer female candidates remain as candidates because of these career interruptions<sup>41</sup>. In addition, the lack of example led by female leaders in high-ranking positions makes it appear as if a woman's aspiration to climb in rank in business is unfeasible. It demonstrates that business is not the place where women are usually successful in obtaining leadership roles.

After the Civil Rights Act of 1964 was passed with the inclusion of Title VII, women were given an important opportunity that provided them the means to fight back against

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<sup>41</sup> Pande and Ford, "Gender Quotas and Female Leadership: A review", 7

employment discrimination. While it did not necessarily begin that way, Title VII's ban on employment discrimination in private industry paved the way for women by including the word *sex*. While beneficial to women, it was not intended to be of any help of any kind. The word was added, as an amendment to the original wording in the hopes that it's inclusion would kill the bill all together. The United States did not yet take the equal protection of women in the workforce seriously. This was mirrored in the sentiments of a Wall Street Journal article that was published in June 1965. The article asked its readers to attempt to picture, " a shapeless, knobby-kneed male 'bunny' serving drinks to a group of stunned businessmen in a Playboy Club".<sup>42</sup> Many male legislatives and even members of the Equal Employment Opportunity Commission (EEOC) shared this sentiment. The first EEOC commissioners demonstrated indifference to, if not outright disdain for, their expected role in fighting sex discrimination in the U.S. The legislation to follow regarding sex discrimination set much precedent and enhanced the position of women and sometimes men as well to ensure equality between the sexes.

Aside from women in the workplace, women are still discriminated against through the portrayal of women in the media. This category includes the pornography industry. Women have been hyper sexualized by the mass media in countless ways. In the early 1990s, men's magazines such as Esquire, Playboy, Hustler, Maxim, etc. began to feature pieces on women's issues whose purpose was to discredit feminism. This occurred during the backlash to feminism mentioned above in the 1990s. These magazines represent the fantasy of masculine sexual domination over women. They employ images of women strictly to serve this proposed fantasy. Women are subordinated to the want and needs of men, and these magazines support the view that the rise of

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<sup>42</sup> Susan Gluck Mezey. *In Pursuit of Equality: Women, Public Policy, and the Federal Courts*. New York: St. Martin's Press, 1992. 41

feminism only leads to the downfall of the position of men<sup>43</sup>. This is a widely stipulated reason for the growth of the anti-feminist movement. In a patriarchal society (like the United States), the fear of women gaining power and moving into the positions so long held by men encourages anti-feminist sentiments to better protect the status quo.

Additionally, women were only recently allowed equal opportunity in sports. It wasn't until 1973 that the first woman, Katherine Switzer officially entered and ran the Boston Marathon. It was long assumed that women could not physically compete at the same level as men, and so were banned from running the marathon. Katherine proved this assumption false, but was still met with confrontations and was initially told she could not complete the marathon by the race director. Discrimination against women on a societal level is embedded in everyday life. Women are discriminated against based on their weight, height, age, correct use of socially dictated clothing, level of education and economic status. A woman may not be seen as valuable or worthwhile if she does not fit the collective representation of normal.

Beyond women's portrayal in the media, women working in media currently are still a marginalized group. The Women's Media Center produced the Status of Women in the U.S. Media 2015 report, and its findings were unfavorable. Between 2013 and 2014, only 1.3% more women generated the percent of the news presented to the public. This resulted in a total of all news being produced and reported by men at 62.1% in 2014.<sup>44</sup> Society benefits when the public is accurately reflected in the media. Beyond the numbers, the stories and bylines assigned to women commonly reiterate stigmatized roles for women in society. Very few females, according to the research done by the Women's Media Center, covered economics, sports broadcasting or

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<sup>43</sup> Kellie Bean. *Post-backlash Feminism: Women and the Media since Reagan-Bush*. Jefferson, NC: McFarland &, 2007. 21.

<sup>44</sup> Jill Filipovic,. "The Gender Gap in Coverage of Reproductive Issues." Women's Media Watch. 2016. Accessed March 5, 2016. [http://wmc.3cdn.net/3d96e35840d10fafd1\\_7wm6v3gy2.pdf](http://wmc.3cdn.net/3d96e35840d10fafd1_7wm6v3gy2.pdf). 9

news, tech, politics and other key areas where the majority of the United States looks for its serious news. Women were still mostly writing about issues in education, health and lifestyle during the last quarter of 2014. Also, women were mostly assigned to report on cultural and entertainment news. But, even within all of the most stereotypical categories to place female reporters, women still covered a smaller percentage of men in all categories.<sup>45</sup>

In conclusion of this section of my thesis argument, I strive to make this point clear. Even with all of the strides that women have taken towards being treated with equal respect and consideration both in the eyes of the law and the eyes of their peers, any rational human can see that we are still a society far away from the reaches of real equity between the sexes. By outlining this, I make the argument that because of the underrepresentation of women in these other areas, they remain subordinated to the men in those arenas. Whether it is in business, the media, or women's portrayal through more social outlets, they are the underdog when (or even if) they attempt to stand up to and act at the same level as the men in their field. This is because it is much harder to be considered of equal importance when the majority of those who surround you are convinced that the need to keep the power in the hands of those that it has always been held in is more important than the true equal treatment of the women in those areas. These other examples lay the foundation that demonstrates why government works in the same manner.

Men cannot understand the plight of the women being discriminated against in these fields, because they have never been in the situation and therefore cannot truly know the serious subconscious detriment such discrimination causes (feminist epistemic theory). As men cannot truly know this experience like women, they are not justified in representing the interests of women under such circumstances. Men can (and are encouraged to) support the various causes

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<sup>45</sup> Filipovic, "The Gender Gap in Coverage of Reproductive Issues." 11



of the women's movement, but are not qualified to be the leaders of it or stand at the forefront making decisions that affect it. This has been made clear in the experience of women in the other fields discussed above. It holds true for the experience of women in these fields, and I contend that it applies equally to the principle behind my argument against the unjust subordination of women to men through men representing the majority of the deciding body when it comes to reproductive rights. When men represent majority, women remain subordinated to them.

### **III. The Democratic Process is Inherently Unjust**

I will now bring the third section of my thesis. In this section of my thesis I offer an argument in response to the objection that it is not unjust for legislative bodies that have a majority of male representatives to decide laws regarding women's reproductive rights. It is not unjust because that government body that passes such legislation was voted into government via a democratic process. Furthermore, because the legislative body was voted into office democratically, the decisions that come out of that body are not unjust because the electoral processes that result in that legislative body are fair. Even if the outcomes produced do not seem favorable to minority groups, the legislative body should still be considered fair and the decisions it makes respected. Every eligible citizen who chooses to run for an open legislative position is allowed to run for that seat by organizing a political campaign. In the United States this process is regulated and candidates are expected to adhere to such regulations. In addition, every citizen who is of age and of appropriate legal status is allowed to vote. The process described is democratic legislative representation and in being a form of a fair democratic representation, one cannot claim that the decisions made by a legislative body made up mostly of

men are unjust. This is the objection in its most generalized form that I provide a response to in the section below.

In response to this objection, I claim that while the democratic process might appear fair to all citizens, it is not. The unfairness of the democratic process begins prior to the actual campaign process and election. In the section below I highlight ways in which women suffer in American political culture. This leads to less female candidates, and therefore less female representatives. Because there are negative factors that result in fewer women choosing to run for elected positions, I conclude that the democratic process is not fair because it does not promote equal representation of all citizens in the United States. By showing that the process is unfair, I demonstrate that it is undemocratic as well. I support this claim by briefly examining what constitutes fairness and equality in a democracy. Specifically, I examine fairness and equality in single member district representation (as this is the system used in the United States). By highlighting the experience of women in American politics, I show how the system does not promote female candidacy and therefore the democratic process by which legislative bodies are chosen is not truly just.

By showing the ways in which the unjust political culture in the United States is responsible for fewer female representatives in government than male representatives, I argue that the election process cannot therefore be considered a truly democratic process. If the election process does not reflect a just process, then one cannot make the argument that the government body was truly created democratically. In conclusion, a legislative body that is not created through a just democratic process cannot be considered to produce legislation that is just. This supports my thesis because the inherent inequity experienced by women in political culture in America is the reason responsible for the underrepresentation of women in government. It is

undemocratic that fewer women than men are running because there are persisting negative perceptions held by women regarding American political culture's attitude towards women. These perceptions act as barriers against women who might otherwise choose to run for office. These perceptions are barriers because women do not consider running for office and embody these negative perceptions. They negatively affect the mental state of women in this position. These barriers are unjust because there are no logically justifiable reasons for women not run for office. If a person decides not to run for office because they think they cannot raise enough funds, that person could change their mind and attempt to raise enough funds to run a campaign. This person does not find himself or herself in any morally unjust dilemma, they merely thought wrong about a situation and could later change that mentality. Comparatively, it is unjust for women because persisting concepts of fixed gender roles and norms in society create the illusion that becoming a candidate still offers limited potential for success for women. Women also face different factors than men when considering candidacy because of these societal gender norms. While the illusion depict different situation from the data, the societal norms and values are real and therefor women are justified in their perceptions.

I successfully support my thesis by demonstrating the democratic process is unfair towards women by discussing a few key principles of equality. In doing so I am free to refer back to them when explaining how the experience of women in politics violates these principles. The clear violation of these principles breaks down the foundation on which the objection above rests. If the experience of women in America violates the most basic principles that support democracy, then my thesis is supported through the claim that the election process in the United States is not truly democratic. And in finding that the election process does not represent true democracy, it is unjust for the resulting legislative body to write legislation regarding a group of

constituents (women) who are not equally represented in that legislative body due to reasons embedded deep in American political culture.

The first principle is the principle of equal representation. This principle holds that “each person ought to have an equal say in determining the common legal, economic and political institutions they live under.”<sup>46</sup> All people who are going to be effected by a decision should have equal consideration and be involved in that decision making process. There must be equal representation of all people involved in a decision when that decision is rendered. I consider this principle to be most important to the response offered to the objection in this section. Later I argue that women are not equally represented and therefor do not have an equal say in determining decisions that affect them.

In order for a democracy to hold true to the principle of equal representation, a government body must include members of various different groups. This is the only way a modern democracy can be genuinely representative. Furthermore, it is not enough to have a few member representatives of various different groups. Representation should attempt to be inclusive and proportional to the size of the group being represented. Ultimately, my point here is that it is not enough that there are some successful women in politics serving in federal and state legislative positions. If the process were truly democratic (i.e. promoted principles of equality), women would run for office more frequently and would be represented equally in government.<sup>47</sup>

The second principle I find violated is the requirement of fairness. I argue that is it unfair to women if they are treated differently for arbitrary reasons. People should be treated fairly regardless of one’s own subjective preferences. Aristotle in reference to Plato originally

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<sup>46</sup> Tom Christiano,. "Democracy." Stanford Encyclopedia of Philosophy. July 27, 2006. Accessed March 10, 2016. <http://plato.stanford.edu/entries/democracy/>.

<sup>47</sup> I come to this conclusion due to the fact that women make up roughly 50% of the population currently.

formulated this principle. In Aristotle's words, "treat like cases as like".<sup>48</sup> This principle most strongly stresses a moral principle of justice. Under this principle's conditions, a situation's most objective features should be those that determine the equal or unequal treatment of individuals.<sup>49</sup> If there is no other reason for the unequal treatment of a person besides subjective reasoning, then the unequal treatment of that person is unfair.

Third, the principle of equal dignity and respect requires explanation. Originally made popular by the stoics, this principle emphasizes the most natural interpretation of equality for all human beings. It's introduction set the stage for ideas of natural law and social contract theory. Both Rousseau and Locke's construction of liberty as expressed through these concepts are discussed below. More recent than the writings of Rousseau and Lock, a distinction purported by Dworkin advocates the consideration and treatment of all people as equals (with equal concern and respect) as opposed to the more implausible interpretation of this principle that might require treating all people equally.<sup>50</sup> I argue that this principle is violated because not all people (namely women) are treated with equal concern and respect in American political culture.

The fourth principle of equality I claim is violated by the political environment in America is the principle of presumption of equality. On this principle's view, any goods politically appropriate for the practice of public distribution are required to be equally distributed amongst the public. Under the realm of productive political distribution, goods and burdens can be divided accordingly. These goods and burdens can be divided into four categories: 1) civil liberties 2) opportunity for political participation 3) social position and opportunity 4) economic

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<sup>48</sup> Carina Fourie, Fabian Schuppert, and Ivo Wallimann-Helmer. *Social Equality: On What It Means to Be Equals*. 169

<sup>49</sup> Stefan Gosepath, "Equality." Stanford University. March 27, 2001. Accessed March 6, 2016. <http://plato.stanford.edu/entries/equality/>.

<sup>50</sup> Stefan Gosepath, "Equality."

reward.<sup>51</sup> More specifically, the possibility for political participation should be equally distributed amongst the citizenry. I argue that due to the political environment present today, the possibility for equal political participation is not truly enjoyed by women.

Separate from these overarching principles of equality, democratic theories offer many ways one can evaluate democracy. For the purposes of this proving my thesis, I am concerned solely with non-instrumental values of democracy. This means that in addition to theorists' ability to evaluate political institutions based on the outcomes the institutions produce, there are forms of decision-making that are morally suitable irrespective of those forms' outcomes. A variety of different approaches have been used to demonstrate the intrinsic value of democracy. The two most common democratic theories that I will address fall under the spectrum of either liberty or equality. I will briefly address each one separately below.

First I will address the liberty rubric for democracy. Libertarians argue that the most basic principles of democracy find substance in the claim that every person has a natural right to liberty. Within the domain of collective decision making, supporters of the liberty view argue that democracy best protects the libertarian ideal that every person should act as the master of his or her own life.<sup>52</sup> Furthermore, their surrounding social, legal and economic environment unavoidably affects each individual life. Insofar as each person has an equal voice and vote in the process of collective decisions making, then will each person have the most control over their own lives in relation to these surrounding environments.

One thinker who set the mold for the concept of liberty was Rousseau. Rousseau spoke about liberty in *The Social Contract* (1762). In his writings he claims that equality is the best condition necessary for the preservation of one's liberty. People can best preserve their personal

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<sup>51</sup> Stefan Gosepath, "Equality"

<sup>52</sup> Christiano, "Democracy"

liberty in a political union by being treated equally within that political union and becoming actively involved. Rousseau does not mean that everyone must be perfectly equal in circumstance, but that those with greater power do not abuse that power and people within that society are all respected equally. Rousseau favors a more direct democracy approach to enact the general will. He further purports that people must work cohesively in a collective effort to survive as a community. The problem of personal liberty persists, as he wonders how someone can put their own needs to survival with the rest of the collective effort to survive without harming his own interests in survival. He responds to this issue by stating that a form of association must be decided that unites the common force to simultaneously protect each individual's liberty and the common good.<sup>53</sup>

Locke, a proponent of limited representational government, wrote in *Two Treatises of Government* (1690) that government should exist only to protect life, liberty and property. If the government oversteps its bounds, then the populous possesses the right to overthrow the government. Locke asserts that every person possesses a natural right to self-ownership. Locke agreed with Rousseau that liberty was a natural state of affairs for individuals, i.e. that all people were free. He differed from Rousseau in that he allowed for limited power government to be created. Essentially, all human beings deserve equal treatment and are justly bound by civil laws (or a government system) if they have consented to such laws or government. I refer here to a key democratic idea and one that is recognized broadly in democratic theory.

I rely on Locke's interpretation of liberty and its considerations in democratic theory within this my thesis when referring to liberty later on (as his is the concept that influenced the formation of the government the U.S. has in place today). On Locke's view, having an equal

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<sup>53</sup> Jonathan Bennet. "The Social Contract." Early Modern Texts. December 2010. Accessed March 3, 2016. <http://www.earlymoderntexts.com/assets/pdfs/rousseau1762.pdf>.

voice and vote is required in order to best protect one's own liberty. From this view, personal liberty (the possibility to reserve the natural right of self-ownership) is best protected by the opportunity of equal voice and vote in the community. From this, supporters of the liberty rubric within democratic theory contend that through collective decision making processes, in a democracy, each person is given the best opportunity to take control of his or her own life.<sup>54</sup> Due to the inevitable truth that each person in a community is heavily affected by their legal, economic, and cultural surroundings, it is necessary that each person have an equal voice and vote in the collective decision making process in order to take control of their personal environments (surroundings). This is one reason provided by a theory of democracy as to why each individual requires an equal vote and therefore, equal representation.

The second non-instrumental democratic theory I call upon in my argument is equality based. When there is a good reason to impose an organized way of shared living amongst a group of people, democratic theorists support that democracy is the best way to treat each person in that group equally. Democracy results in equality for all when implementing organizational methods. This is important, especially when there is disagreement amongst that group concerning how best to implement an organizational method.<sup>55</sup>

According to Peter Singer in *Democracy and Disobedience* (1973), during times when members of the community disagree how to best organize matters properly each person claims a sort of right to act as dictator over their share of the communally shared life (the democracy). The argument continues that it is not feasible for all of these mini dictatorships to coexist peacefully. Democracy is the answer to this problem and provides peaceful compromise among

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<sup>54</sup> Christiano, "Democracy"

<sup>55</sup> Christiano, "Democracy"



the conflicting dictatorships that all attempting to rule simultaneously.<sup>56</sup> In other words, democracy best supports equal representation. In effect, democracy permits decision-making methods that respect each member of society's voice and opinion equally. Each person's viewpoint on matters concerning the common good is best heard through democratic decision-making, wherein each person receives an equal vote.

The theories stated above give reasons for why equality of voice, vote, and equal representation matter in democracy. While one is cemented in liberty and the other equality, both support the fulfillment of the principles of equality outlined prior to these theories. In this I have established the principles of equality that I consider to be violated by the current political environment and by highlighting two theories of democracy I have showed how both support equal representation and require adherence to the principles of equality above.

While no perfect system has been implemented in the past, there are means of democratic decision-making that have been implemented to best uphold the principles outlined above. Legislative representation is one such form of democratic governance. Legislative representation provides citizens the opportunity to participate in the democratic process but through the representation of elected officials or leaders. There are many debates surrounding the best types of relationships and leadership these representatives should embody.<sup>57</sup> The system in place in the United States is considered single member district representation. This results in the election of single representatives of certain predetermined geographically delineated districts that contain approximately equal populations to the legislature.<sup>58</sup>

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<sup>56</sup> Peter Singer. *Democracy and Disobedience*, Oxford: Oxford University Press, 1973. 32

<sup>57</sup> I refrain from discussing these debates here, but I consider representatives in America currently to embody the position of trustee rather than delegate. Trustees are actors that follow their own understanding of how best to vote on issues once voted in as a representative. Constituents are not always in agreement with the voting patterns of their elected officials.

<sup>58</sup> Christiano, "Democracy"

Next I discuss how political culture in America does not promote systems that adhere to the values promoted in either of the democratic theories above. In the section to come I will highlight the most prevalent reasons responsible for the disproportionately low number of women serving in election positions. I connect each of these reasons to a principle of equality and explain how that reason violates the principle above. This section will demonstrate the ways in which the democratic process is not truly inclusive and therefor does not promote equality in the way democracy should. Because it does not do this, it unjustly creates psychological and cultural barriers against women.

Women currently make up 50.4% of the people in America,<sup>59</sup> but as of 2016 only represent 19.4%, of the 535 seats in the 114th U.S. Congress, 20.0%, of the 100 seats in the Senate, and 19.3%, of the 435 seats in the House of Representatives. At the state level currently, 1,808 representatives or 24.5%, of the 7,383 state legislators in the United States are women.<sup>60</sup> These statistics highlight the extremely disproportionate number of female representatives in the United States government compared to the actual number of women currently living in the United States.

I will only focus on the experience of women because my thesis aims to prove that it is unjust for legislative bodies made up mostly of men to decide laws regarding women's reproductive rights. While the principles described above pertain to all people, and especially people from under represented groups in government, I focus only on women in this section.

The election process favors male candidates, but not in the way one might assume. Below I explore ways in which the democratic process *appears* more favorable to men. I use the word

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<sup>59</sup> "Population, Female (% of Total)." Population, Female (% of Total). Accessed April 1, 2016. <http://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS>.

<sup>60</sup> "Women in Elective Office 2016." Women in Elective Office 2016. Accessed February 30, 2016. <http://www.cawp.rutgers.edu/women-elective-office-2016>.

‘appear’ because these are ways in which women perceive their sex hinders their participation in the political process. It *appears* to women that men are already more successful in politics, and so if women wish to run for an elected position it *appears* to them that their sex acts as a disadvantage. According to a study conducted by Lawless and Fox, *Men Rule: The Continued Underrepresentation of Women in U.S. Politics* (2012) data gathered on this subject does not support such appearances. I will address the discrepancy between the perceived suffering felt by women and the reality of being a female candidate in the U.S. today. After I address the perceptions held by women that do not actually affect gender bias in the voting booth, I will address some bias that does exist against female candidates. This bias I will address is not held by the voters, but rather by political players who greatly affect the success or failure of a campaign. This is why I will address it separately.

Women suffer in the election campaign process. But, it is important to note that according to the study conducted by Lawless and Fox, when it comes to election day women are just as likely as men to win. So, the unfair disadvantage against women begins prior to the day of the election.<sup>61</sup> Voters, according to this study, do not discriminate against female candidates due to their gender. Rather, there are fewer female representatives than male representatives in government because women do not run as often as men. According to this study, there is a significant gender gap in political ambition. This gender gap means that statistically more men run for elected office than women overall. The study conducted by Lawless and Fox sought out explanations for this gender gap in political ambition. The study was conducted in 2011 and surveyed men and women across the country who worked in fields likely to enter into politics such as lawyers, business leaders, educators, and political activists.

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<sup>61</sup> Jennifer L. Lawless, and Richard L. Fox. "Men Rule: The Continued Under-Representation of Women in U.S. Politics." *Women & Politics Institute School of Public Affairs*, January 2012. Accessed January 4, 2016. <https://www.american.edu/spa/wpi/upload/2012-Men-Rule-Report-web.pdf>. 2

They found that women are still dramatically more inclined to perceive the electoral environment as highly competitive. The women interviewed in this study felt that women who ran in their districts would not fare as well as their male opponents. The fact that the empirical data does not support this conclusion tells us more about women's position in society today. Women still feel that society is more favorable to men during the election process. Even though the data found that this was not true upon the day of election, the women in the study were under the impression this was the case. This violates the principle of equal representation. While each person ought to be given an equal say in determining the shared legal, economic, and political institutions they live within and must abide by, women are not provided an equal say in this because they are not equally represented. I do not claim that the opportunities are not present for women to participate equally, because this would be indefensible. Rather, because women are justified in feeling unwelcomed by the political culture in America it is irrelevant whether or not the reality of an even playing field between men and women during elections is feasible. What I mean is that if women already assume that they suffer from a system biased against them due to the various factors being discussed here, then no matter how much empirical data is gathered it will remain meaningless in the face of the gendered perception through which women perceive their experience.

I must digress briefly to address an issue that arises once this discrepancy has been brought to attention. It is not enough to claim that because someone feels a certain way, then they are justified in feeling that way. It is possible that a person might claim they perceive something to be of a certain way, when in reality that is not how it is at all. An example might be a person who has an irrational fear of rabbits. This person might claim that the rabbit has the ability to cause grave bodily harm to them, perhaps even bite of a limb. To a rational person this

is clearly an unfounded fear that holds no potential aspects of truth and is not based on a realistic perception. In this case, the person with this irrational fear is to blame for feeling like they must avoid a countryside field for fear they might come across a rabbit. Alternatively, if there is tangible evidence that supports a person's perception of a situation (or in this case an entire group of people's perception) then it is not necessarily the case that they are wrong to feel such a way. I will show that because of the clearly identifiable factors that result in the political ambition gender gap in American politics, women are justified in their perceptions. This case is not synonymous to the fear of the rabbit, but rather provides the rationale behind women's perceptions (albeit false perceptions) regarding political culture and the democratic process.

The second factor found that deters women from running for elected office is the harms women worry they will suffer from by being exposed to greater media attention.<sup>62</sup> There are certain negative perceptions of women portrayed in the media that pose a larger concern to a female candidate than a male candidate. Lawless and Fox highlight the experiences of Hillary Clinton and Sarah Palin during the 2008 presidential campaigns. Approximately two-thirds of female potential candidates in the study felt that Hillary Clinton and Sarah Palin were unnecessarily subjected to sexist media coverage. This further aggravated women's perceptions of persisting gender bias in the election process.

In addition to the negative portrayal a woman might fear of herself in the media, women in the study were frustrated by the amount of time spent commenting on women's appearances in the media. Participants in the study felt that there was too much pressure placed on women to meet a certain standard. Specifically, they felt that too much time was spent focusing energy on Clinton and Palin's appearances during the 2008 presidential campaign. Much more time was

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<sup>62</sup> Lawless and Fox, "Men Rule: Report on Continued Underrepresentation of Women in U.S." Politics, 8

spent considering the female candidate's' appearance than male candidates appearances both in print and televised media.<sup>63</sup> This added emphasis on women's appearances compared to men's appearances further supports the conclusion that female candidates are subjected to sexist ideals. If women are convinced that regardless of the circumstance, they will still be judged primarily in the public eye on appearances rather than their other qualifications, then women are left with bleak expectations of what running for office might be like.

The unequal treatment of women in the media in the electoral arena violates the requirement of fairness outlined at the beginning of this section of my thesis. I argue that it is unfair to women to be treated differently for arbitrary reasons. Being treated differently than male candidates in the media purely based on sex is an arbitrary reason. Women saw that people passed judgments on both Clinton and Palin regarding their wardrobe, hair, and overall presentation in ways that Obama and McCain were not subjected to during the 2008 elections. People should be treated fairly regardless of anyone's own subjective preferences. Candidates in a true democratic process are treated fairly and not subjected to degrading or substantially different treatment based purely on arbitrary distinctions (such as gender).

Another reason women do not run is the underlying issue of personal taste. For some, personal taste is to blame for people who feel that leadership positions are better suited for men. Taste discrimination such as this is often rooted in strong underlying societal norms. These societal norms result in the underrepresentation of women in government.<sup>64</sup> Women themselves do not always necessarily internalize the norm that they cannot be leaders, but rather are not encouraged by the prospect that this societal norm is still prevalent. Based on the fact that personal taste in some areas of the United States supports male leaders, women in those areas

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<sup>63</sup> Lawless and Fox, "Men Rule: Report on Continued Underrepresentation of Women in U.S. Politics" 8

<sup>64</sup> Rohini, Pande and Ford, "Gender Quotas and Female Leadership: A Review", 7

reconsider running as it appears to be a waste of their time to fight against the strength of this norm. This is another unjust barrier that discourages women from attempting pursuit of their interests in government.<sup>65</sup> It is unjust because subjective personal opinions should not act as the foundation for the arbitrary unequal treatment of people. This too violates the principle of fairness.

Women in the study said they would not be taken seriously as a candidate compared to their male competitors. The research suggests that this would not be the case, as male and female candidates tend to fare comparably well at the voting booth. The fact that women perceive a disadvantage to running as a female candidate demonstrates one unfair aspect of the campaign process for women. Women conclude in advance that they will fare more poorly than men in an election. One reason the study participants felt they would fare less well was because in general the study found potential female candidates to be less competitive, less confident, and more prone to avoid risks than their male competitors. In addition, women are typically less likely to claim they have certain traits maintained as ideal in a candidate running in the United States. The fact that campaigning requires the candidate to rely on certain types of qualities gained in backgrounds usually reserved for men is an unfair disadvantage to women. This means certain skills that come from more entrepreneurial environments. These traits include being thick skinned, having entrepreneurial motivations, and the willingness to take risks. This is another part of the system that serves as a barrier to women.<sup>66</sup> It exacerbates the consequences of

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<sup>65</sup> Greg Murray, Ph.D. "When Do We Prefer Male Over Female Leaders?" Psychology Today. September 30, 2012. Accessed April 1, 2016. <https://www.psychologytoday.com/blog/caveman-politics/201209/when-do-we-prefer-male-over-female-leaders>.

<sup>66</sup> Jennifer L Lawless., and Richard Logan. Fox. *It Takes a Candidate: Why Women Don't Run for Office*. Cambridge: Cambridge University Press, 2005. 12

traditional gender roles “Men are at least 25 percent more likely than women to believe that they possess the political trait in question”.<sup>67</sup>

Self-doubt is important insofar as the study found that self-doubt plays a larger role in discouraging the notion of candidacy in a female study participant than it does in a male participant. To add insult to injury, men have long since occupied professions from which candidates tend to emerge may result in (or reinforce) higher levels of confidence about the possibility of entering the political arena.<sup>68</sup> So, women have less experience in professional occupations that tend to cultivate candidate qualities. These qualities were most attributed to higher levels of confidence, and so women historically have less exposure to opportunities that result in greater levels of confidence required to run.

In addition to this feature, it is more likely that men will be recommended by others to run for than women. Women do not receive as much encouragement from others to run for an elected position. “Sixty-seven percent of respondents who have been encouraged to run by a party leader, elected official, or political activist have considered running, compared to 33 percent of respondents who report no such recruitment”.<sup>69</sup> Women have advanced more recently in law, medicine, and business since they entered these workforces, but yet do not possess the same confidence in their abilities to advance at the same rate in politics. Women pursue promotions in all other fields, but in politics are still intimidated by the hardships they might face if they choose to enter the race in addition to a serious lack of motivation from others to attempt to run. This results in an ambivalent attitude towards running for office as it makes women feel as if society still does not hold the opinions or potential leadership qualities woman have to the

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<sup>67</sup> Lawless and Fox. “Men Rule: The Continued Under-Representation of Women in U.S. Politics” pg. 10

<sup>68</sup> As this thesis has made painstakingly obvious, the political arena in which men consider entering is also still a male dominated profession.

<sup>69</sup> Lawless and Fox. “Men Rule: The Continued Under-Representation of Women in U.S. Politics” pg. 12



same degree of respect as men. While again the data collected from Lawless and Fox does not support these assumptions, the political culture in America does.

Another difference between men and women American politics is that on average, women statistically know less about politics (although this is becoming less true) and are overall less interested than men in becoming involved in a leadership role in politics.<sup>70</sup> There are reasons that have led to this phenomenon. First, it was only in the last generation that women were raised to have an interest in politics. Historically, women were raised not to be politically aware.<sup>71</sup> The second reason given is that when it became more common for women to work outside of the home they became more aware of their political surroundings. But, this did not lead women to gain a newfound interest in politics overall. Because women's roles are still heavily connected to the role of primary care giver in the home, women who work outside of the home sometimes are too busy also caring for the home and children after work to become interested in politics.<sup>72</sup>

The last reason attributed to this lack of interest in politics overall is that young girls growing up today lack a sufficient number of female role models in politics to look up to. This leads young girls to have less political ambition than young boys. The political apathy begins with young girls because of this lack of role models. Young girls grow up to pursue other more common careers held by women (as women dominate in these areas and support gendered societal values as those areas being their intended places of work).<sup>73</sup> This is a vicious cycle that results in the unequal representation of women in government.

All human beings should be treated with equal concern and respect. But, women are not as often recommended to run for government as men are, men as leaders is still preferred over

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<sup>70</sup> Harrison, *Women in American Politics*, 44

<sup>71</sup> Harrison, *Women in American Politics*, 44

<sup>72</sup> Harrison, *Women in American Politics*, 45

<sup>73</sup> Harrison, *Women in American Politics*, 45

women (in some areas), women are still not equally encouraged to be interested in areas of politics, women are not expected to both work and remain primary caregivers in the home, women do not perceive the electoral arena as treating them as equals to their male counterparts, and these all result in there being less female representation in government that leads to young girls assuming politics is not a natural career for women. All of these realities result in the unequal treatment of women in society and therefore women are not treated with equal concern or respect as men are. These factors all represent situations that violate the principle of equal dignity and respect.<sup>74</sup>

Separately, incumbents are likely to raise the same amount of money regardless of whether they are female or male. The reason this is a disadvantage to women is that statistically speaking, the incumbent (as it stands) is more likely to be male. So, if a woman decides she does want to run for Congress, even after overcoming the previous hurdles I have described thus far, she is likely going to be the challenger. Therefore, she will be at a monetary disadvantage to the male incumbent.<sup>75</sup> Since the 1980s PACS were created with the sole purpose of getting female representatives into office. Many PACS are bipartisan, and are only concerned with female representatives regardless of their party affiliation because this issue is still so prevalent in the United States.

Now I will address the biases that are held against female candidates by members of the political arena. When an individual runs they must rely on the support of political institutions. Many political institutions in the United States happen to be run by men. These institutions tend to give to candidates that they resonate with. Men typically give to other male candidates

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<sup>74</sup> This principle calls for the equal consideration and treatment of all people (i.e. all people should be treated with equal concern and respect).

<sup>75</sup> Harrison, *Women in American Politics*, 79

for this reason. This crucial aspect of the process (for the most part) leaves women out.<sup>76</sup> In this way, women face a certain bias when they choose to run. But, it is not a bias that is supported by the general electorate. This bias is specific and held by primary actors in the political arena. So, up until this point the argument that women do not face gender bias if they run for election has been reserved to a lack of bias in the actual voting booth.

In addition to these issues, women who thought suffrage was going to result in full political equality to men were unfortunately misled. In both parties, tactics were used until the end of the last century to limit women's power. If Congress were to ever implement a 50/50 split between male and female representatives, it would gain a great sense of political legitimacy. This would be because it would accurately reflect the gender breakdown of the national population.<sup>77</sup> This would result in equal representation in government.

State legislatures were very slow to integrate women and their differing policies. Even if the assumption is made that men are now less biased towards women in government (or any other area where women work), years of traditional conceptions about candidate quality, eligibility and background persist today. Even if they want to be more inclusive of women, men in government still do not know how. As has been mentioned thus far, political systems today overtly encourage the emergence of men over women into political culture. The political culture in America continues to suppress women. This leads to a gendered psyche that means that patriarchal systems make women feel, 'secure, protected, valued,' and so politics today exist as the more reasonable career for men than for women.<sup>78</sup> These features of the American political culture violate the principle of presumption of equality. As Gosepath wrote, "Applied to this political domain, the presumption of equality requires that everyone, regardless of differences, should get an equal

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<sup>76</sup> Lawless and Fox, *It takes a candidate*, 10

<sup>77</sup> Lawless and Fox, *It takes a candidate*, 7

<sup>78</sup> Lawless and Fox, *It takes a candidate*, 11

share in the distribution unless certain types of differences are relevant and justify, through universally acceptable reasons, unequal distribution”.<sup>79</sup>

As was explained previously, the opportunity for equal political participation is a social good that must be distributed equally. Because of these biases, women are not offered equal opportunity to participate in politics. This violates the principle of equality, and inherently undermines the claim that the process that results in a legislative body is truly democratic. In order to remedy the issues outlined in this section, I claim that an overhaul in the way society continues to undermine women would need to take place. First, we must acknowledge that women have not come as far as we might like to think. These barriers I have described are very real, because women perceive the unfair attitudes towards female representatives and candidates to be based in real stigmas held in society. Once we acknowledge that women have not come as far as we might like to think, then we must educate younger women on the need for more female representatives in government. Eventually, young women would begin to run in larger numbers because the reality of the situation would be clear and the necessity would be understood.

#### **IV. Legislation Regarding Women’s Reproductive Rights Does Not Affect Men and Women Equally**

This final section of my thesis offers the fourth argument for my thesis. I argue here that my thesis is right because legislation regarding reproductive rights does not proportionally affect men and woman equally. Therefore, it is unjust that men (who are affected less) represent the

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<sup>79</sup> Gosepath, "Equality"

majority opinions writing these laws. I propose two main reasons that best demonstrate how men and women are not affected equally. First, men are not exposed to the same risks as women. This is true prior to a woman's conception or after conception. I assume the definition of risk that means the exposure to potential harm, danger or loss. The second reason I offer in support of the unequal affects of legislation regarding women's reproductive rights is that women bear many burdens compared to men. I assume the definition of burden as something that adds difficulty or obligation to a person's life. I outline these risks and burdens separately below.

The disproportionate affects of legislation concerning women's reproductive rights on women compared to men supports my thesis because it is not just for those who will be most affected by a decision to not play an equal part in influencing that decision. Therefore, it is not just for a legislative body made up mostly of men to write and pass legislation regarding women's reproductive rights because men are not as affected by this legislation. In order for the legislation to be considered just, women (the most affected group) must be represented at least equally to men.

My argument is supported by the principle of all affected interests. This principle states that any rational person whose vital interests will be affected by political decisions ought to have sufficient opportunities to influence that decision.<sup>80</sup> I assert in the previous section that women are underrepresented in government. The unequal representation of women in government violates this principle specifically with regard to reproductive rights legislation. The section below provides evidence supporting my claim that this principle is violated. Because women are affected most, one cannot deny the fact that women should have equal opportunity to influence legislation regarding reproductive rights. An essential feature of democracy is that any laws

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<sup>80</sup> Zoltan Miklosi, "Against the Principle of All Affected Interests." Against the Principle of All Affected Interests. Accessed March 26, 2016.  
[http://www.academia.edu/1342557/Against\\_the\\_Principle\\_of\\_All\\_Affected\\_Interests](http://www.academia.edu/1342557/Against_the_Principle_of_All_Affected_Interests). 1.

passed must be applicable to the representatives passing them. In violation of this principle, feminist lawyers purport the sentiment that, “every restrictive abortion law has been passed by a legislature in which men constitute a numerical majority”.<sup>81</sup>

This is a separate claim from those laid out in the previous section discussing the democratic process. The violations of the principles of equality in the previous section demonstrated how the democratic process is inherently unfair towards women and therefore the election process is not democratic. In this section, I use the violation of the principle of all affected interest to support my conclusion that women ought to be equally represented in government because they are most affected by legislation regarding women’s reproductive rights. I highlight the risks and burdens endured by women to show how such legislation disproportionately affects women negatively.

Before I discuss my main arguments below, I must quickly offer one example that violates the principle of all affected interests. This example does not pertain to the affects of the legislation being discussed, but does support my thesis by demonstrating an additional way women do not equally influence policy surrounding women’s reproductive rights. According to a study conducted by the Women’s Media Center, a severe gender gap in the coverage of women’s reproductive issues was discovered. Overall men wrote 52% of the stories covering reproductive issues, while women only wrote 37%.<sup>82</sup> Stories that covered contraception, abortion, and reproductive health in general were overpowered by male voices. According to the study, male journalists rely on male sources.<sup>83</sup> This study was conducted from August 2014 to July 2015.

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<sup>81</sup> Mark A. Graber. *Rethinking Abortion: Equal Choice, the Constitution, and Reproductive Politics*. Princeton, NJ: Princeton University Press, 1996. 34.

<sup>82</sup> Filipovic, "The Gender Gap in Coverage of Reproductive Issues."

<sup>83</sup> Filipovic, "The Gender Gap in Coverage of Reproductive Issues."

This violates the principle of all affected interests because the news and media outlets serve as a monumental platform used to sway public opinion and put pressure on the government. The fact that women are underrepresented here as well supports my argument that women do not play an equal role in influencing decisions regarding legislation that will affect them most.

In addition, I must make clear that this section does not concern itself with answering the following question: Should men and women in the United States have equal perfectly reproductive rights? I am only concerned with expressing why there must be equal representation of both the sexes in government in order to ensure that the decisions made by that government body are fair to all who will be affected by them. It is my argument that these decisions are only just when the group being affected most by the decisions are represented equally.

I will now outline the ways women are exposed to more risk than men. First and foremost, men do not bear the risk of getting pregnant. I have been referencing reproductive rights as negative rights that aim to protect procreative liberty for women throughout this thesis. Procreative liberty is the freedom for people to choose to either procreate or refrain from doing so. Others do not have the right to interfere with this choice.<sup>84</sup> Keeping in line with the sentiments of procreative liberty, one of the most important aspects of reproductive rights is access to safe and legal abortions. Men cannot get pregnant, and therefore will never have to decide for themselves whether to get an abortion or not. Along this line, men will never have to suffer through the growing restrictions placed on abortion and women's health clinics that make it increasingly more difficult for women to obtain an abortion. These laws vary state to state but no matter the regulations of that state, this is an experience reserved solely for women. I do not claim that all men choose to refuse supporting their partner or a woman in this position, but the

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<sup>84</sup> Lemberg, "Procreative Liberty- Are There Limits."

reality is that a man is not in the circumstance that requires ultimately making this decision or endure the frustrating process of obtaining an abortion (again, the degree of complexity depends on the state). Men can be empathetic to the situation of women and many men do support reproductive rights, but this does result in the legislation that mandates such restrictions equally affecting men and women (regardless of how supporting or empathetic a man might be).

The second risk that threatens women is the loss of their personal autonomy. As soon as a woman becomes pregnant, her rights and her concerns are opposed to the rights of the fetus. In the 1970's technological advancement in medicine made it possible to see the fetus for the first time. This was because of the widespread use of the new ultrasound. While the new technology gave greater control to women over their pregnancy, it also made it possible for others to control a woman's pregnancy as well.

A woman's body became transparent from this point onwards. What had once been an interior and private experience for the fetus and the mother became open for public viewing. The decision in *Roe v Wade* (1973) also posed a new risk for women. *Roe* is known as one of the most influential reproductive rights cases in the United States. The decision in *Roe* recognized the state's "important and legitimate interest in protecting the potentiality of human life".<sup>85</sup> This key part of the decision ensured the dominance of the state's vested interest in the fetus and the trimester framework was implemented. This decision laid foundation for the state to increase regulations on abortion under the guise of its vested interest in protecting the potentiality for human life. This continues to put women's personal autonomy at risk because a pregnant woman can be subjected to forced surgical procedures if a doctor deems that the fetus requires a certain procedure or surgery. The rights given to the fetus by the government supersede the pregnant

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<sup>85</sup> Cynthia R. Daniels. *At Women's Expense: State Power and the Politics of Fetal Rights*. Cambridge, MA: Harvard University Press, 1993. 23



woman's. Pregnant women are accountable for the fulfillment of fetal rights, while men never have to undergo such a conflict of rights, are not subjected to forced medical procedures and do not find themselves held to the same degree of responsibility as pregnant women.<sup>86</sup>

I argue the third risk for women is bodily harm to herself or the fetus. When women become pregnant they are expected to act in the best interest of the fetus. A pregnant woman can be arrested and jailed for consuming drugs while pregnant, or partaking in other acts that are mandated by the state as unsafe or unhealthy for the fetus. Drug or alcohol consumption is the extreme example of bodily harm to the woman or the fetus. But, there are many other ways women put their health at risk when becoming pregnant. Pregnancy in general can be dangerous and can result in disease or death on the part of the fetus or the mother. Even normal pregnancies result in discomfort for women, and the physical stress pregnancy causes the body is a commitment a woman is forced to keep for 9 months. Men do not have to make the choice to put their bodies through the same kind of trauma, nor are they at risk for the many complications associated with pregnancy. A man's personal autonomy will not be restricted in the same way a woman's, nor does he have to sacrifice his own comfort or health for the sake of the fetus.

Women also put their personal future happiness and job satisfaction at risk. Procreative liberty protected through reproductive rights is extremely important for women in today's culture. The advancement of women in fields previously monopolized by men is still a relatively new phenomenon. Many women must choose between advancing her career and having children, at least temporarily. Legislation regarding reproductive rights has great influence on whether or not a woman is able to make the best choice for her. Men mostly do not run the risk of having to halt their careers or pick between their career and becoming the primary caregiver like women

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<sup>86</sup> Rachel Roth. *Making Women Pay: The Hidden Costs of Fetal Rights*. Ithaca, NY: Cornell University Press, 2000. 3.

do. Granted, one can no longer generalize as men do sometimes choose to become stay at home fathers now. But, this is still not the norm and does not outweigh the apparent risks to a woman's future happiness and satisfaction.

I cite the many burdens unfairly endured more frequently by women than men as the second reason for the unequal distribution of the affects of legislation concerning women's reproductive rights. I will discuss these burdens in detail now. The first burden endured by women is the great financial burden of raising a child. Reproductive rights greatly dictate the future financial stability of women who wish to keep the baby and women who wish to abort their pregnancy. Single mothers or couples who are not financially capable of having a child require strong reproductive rights. It is imperative to the health of the mother and child that all women have access to prenatal healthcare if she chooses to keep the baby. Otherwise, in order for women to plan their lives according, women require access to birth control and other medical services for women they might not be able to afford otherwise. These are all services that are protected through strong reproductive rights. Men do not require services such as these wherein their facilitation or distribution is limited to clinics and requires the assistance of medical professionals.

If a woman is single, or becomes single during the pregnancy she then faces great financial burdens by herself. According to Morgan Stanley the average cost of raising a child to 18 years old in 2014 was approximately \$245,000.<sup>87</sup> To put this in comparison, the average income in 2012 for single mothers was \$25,493, which was just 31% of the average income of two parent family homes (\$81,455). Comparatively, single father's averaged an annual income

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<sup>87</sup> "Family Financial Planning: When Little Geniuses Have Big Dream." Morgan Stanley. January 04, 2016. Accessed April 03, 2016. <http://www.morganstanley.com/pub/content/msdotcom/en/articles/little-geniuses-big-dreams.html>.

of \$36,471. This was 45% of the total income that two-parent homes averaged in 2012.<sup>88</sup> According to a study conducted by Pew Research Center in 2013, “The number of single father households has increased about ninefold since 1960, from less than 300,000 to more than 2.6 million in 2011. The number of single mother households increased more than fourfold during that time period, up to 8.6 million in 2011, from 1.9 million in 1960”.<sup>89</sup>

Even though the decline of two parent households has become more commonplace, single mothers still far outnumber single fathers. Fetal rights also force women to accept all costs and liabilities that come from child rearing if a pregnant woman is unable to obtain an abortion. The financial burden is immense for single pregnant women who are often in need of socialized medicine and access to affordable and safe healthcare.<sup>90</sup> There are minimal programs that offer adequate emotional and physical support to women in this position. Since Roe, the changes in state policies and the restrictive regulations placed on women’s health care clinics throughout the nation make clear that such policies are motivated by political incentives and not technology.

An objection to this subsection of my argument is that men also suffer in a situation where state regulations and conservative political views prevent a woman from having access to an abortion. If a woman is not provided access to a safe abortion because regulations in her state have resulted in the closing of many abortion clinics, and she cannot afford to pay for one through private medical care, or travel far away to obtain one in a different state, then she could be left with no choice but to have the child. The father then might be forced to pay child support.

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<sup>88</sup> "Single Parenthood In The United States." Legal Momentum: The Women's Legal Defense and Education Fund. March 2014. <https://www.legalmomentum.org/sites/default/files/reports/SingleParentSnapshot2014.pdf>.

<sup>89</sup> Gretchen Livingston. "The Rise of Single Fathers." Pew Research Centers Social Demographic Trends Project RSS. July 02, 2013. Accessed January 14, 2016. <http://www.pewsocialtrends.org/2013/07/02/the-rise-of-single-fathers/>.

<sup>90</sup> Roth, *The Hidden Costs of Fetal Rights*, 5

This in turn infringes upon his ability to achieve greater self-determination and his personal liberty is diminished. So, on this view the father suffers both a financial burden and the emotional burden the stems from being forever responsible for supporting a child he might not have wanted or been able to financially support at the time. Essentially, it is unfair to assume that women's suffering and inequality always supersede that of the father.

I respond this objection my reinforcing my main argument provided in the section. It is not that men never suffer and women always suffer. Rather, women are more vulnerable to the risks and burdens outlined in this far in this section. This means that they are more affected by the legislation and should therefore influence the legislation equally. In a situation like the one depicted in the objection, I contend that the father should still be required to help support the child as the woman attempted an abortion and was unable to obtain one prior to viability. In this way her actions were not intentionally directed at violating the wishes of the father. The situation laid out in the objection above actually supports my claim that women must be equally represented in government in order to ensure those affected have equal opportunity to influence such decisions. It supports my claim because women in government tend to vote for reproductive rights and role-change legislation.<sup>91</sup> Additionally, in the 103<sup>rd</sup> Congress, votes addressing abortion and women's health issues showed significant correlation to the sex of the representative.<sup>92</sup> So, both the man and woman in the objection above would benefit from equal representation.

The second burden I call attention to is the burden of fetal rights (as opposed to the concept of fetal rights as risks discussed above). I discuss fetal rights here to highlight one

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<sup>91</sup> Noelle Norton. "Uncovering the Dimensionality of Gender Voting in Congress." *Legislative Studies Quarterly* 24(1): 1999. 71

<sup>92</sup> Michele L. Swers. "Are Congresswomen More Likely to Vote for Women's Issue Bills than Their Male Colleagues?" *Legislative Studies Quarterly* 23: 1998. 435

manner in which women bear an extremely great burden. Women must navigate the murky waters of fetal rights legislation, while men are free from this responsibility if they choose to be. Men have no physical connection to the fetus while the mother is pregnant, and he is free to remove himself from her life. The rights of the mother are opposed to the rights of the fetus, while the rights of the father never face such opposition. I discuss later the debate concerning rights of the father. At this time I remain focused on the opposition of the mother's rights to rights of the fetus.

Fetal rights transform the fetus into a patient and citizen at the same time. Over time, this resulted in the notion that the fetus was to be considered separately from the pregnant woman. This conception resulted in a crisis that called into question the value of the mother's right to self-sovereignty, to advance her career, and to due process under the law.<sup>93</sup> Fetal rights do not supersede men's rights in the same manner as women's. The opposition of fetal rights and the rights of then mother initially occurred because of the fetus' new consideration as a fully-fledged autonomous person in the 1970's.<sup>94</sup> This burden results in women not being treated as equal citizens while pregnant. This is because there is a separate autonomous person attached to her that competes with and eventually overrides her personal autonomy.

The third burden heavily endured by women is the stigma still prevalent surrounding abortion. A stigma is an attribute that is considered deeply discrediting by others.<sup>95</sup> Abortion stigma is a secret stigma, as a woman can hide that she has had an abortion in the past if she chooses to. Many women in the United States comply with the societal norm of secrecy if they

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<sup>93</sup> Daniels, *At Women's Expense*, 1

<sup>94</sup> Roth, *Making Women Pay*, 3

<sup>95</sup> Goffman (1963, p. 3), <https://www.guttmacher.org/sites/default/files/pdfs/pubs/journals/Abortion-Stigma.pdf>

have had an abortion in the past.<sup>96</sup> These societal norms indicate that women ought to keep quiet about their abortion, as if it were something unpleasant no one wished to discuss at the dinner table.<sup>97</sup> “Recent research indicates that two out of three women having abortions anticipate stigma if others were to learn about it; 58% felt they needed to keep their abortion secret from friends and family.”<sup>98</sup> Various religious beliefs, characteristics of woman’s conception of herself, cultural values and norms, and a woman’s socioeconomic status dictate the experience of stigma a woman might encounter.<sup>99</sup> Abortion stigmas evolve within communities in response to previously believed conception of abortion. No matter the level of abortion stigma, men are not the subjects of such stigma. There are men who are subjected to stigmas concerning the medical practice of abortion. I refer here to men who work in clinics that might provide abortions, or doctors and medical professionals who provide abortion services. While these stigmas are also unjust, the burden here is not endured equally by men and women overall.

In *Planned Parenthood v Casey* (1992), the Supreme Court reconsidered the decision handed down in *Roe v Wade* (1973). Instead of allowing the previous viability framework to remain in place, the Court implemented the undue burden framework. This meant that the Court recognized that the states all had a reasonable interest to protect all human life and so gave the states greater leeway to interpret this new framework and decide how to best implement it.<sup>100</sup> The undue burden framework This change in policy moved away from scientific and philosophical debate (as many leading critics of *Roe* rejected the claim that a fetus possess a constitutional right to life), and replaced the motivations for restrictive legislation with the claim that the state’s

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<sup>96</sup> Alison Norris, Danielle Bessett, Julia R. Steinberg, Megan L. Kavanaugh, Silvia De Zordo, and Davida Becker. "Abortion Stigma: A Reconceptualization of Constituents, Causes, and Consequences." *Women's Health Issues* 21, no. 3 (2011). doi:10.1016/j.whi.2011.02.010. 4.

<sup>97</sup> Norris, "Abortion Stigma: A Reconceptualization of Constituents, Causes, and Consequences.", 4

<sup>98</sup> Norris, "Abortion Stigma: A Reconceptualization of Constituents, Causes, and Consequences.", 4

<sup>99</sup> Norris, "Abortion Stigma: A Reconceptualization of Constituents, Causes, and Consequences.", 4

<sup>100</sup> Roth, *Making Women Pay, The Hidden Costs of Fetal Rights*, 21

interest in “political personhood is a sufficient legislative justification for outlawing that procedure in the absence of any constitutional clause that affirmatively protect the right to terminate pregnancy”.<sup>101</sup> This decision paved the way for conservative political agendas and preferences to dictate abortion laws state by state. This diminished the personal and political autonomy of only women; men do not suffer comparably from stricter regulations.

State legislation that deals with these issues being discussed vary widely. Laws that put the rights/needs of the fetus above the mother’s before the point of viability deprives the pregnant woman of various physical liberties, medical privacy, her legal right to due process, etc.<sup>102</sup> Liberal feminism purports at the heart of the issue that a woman’s personal and political autonomy are of the utmost concern. This includes the freedom for women to help decide the direction of the political community and laws regarding their bodies. Certain considerations must be remembered when deciding the most just course of action for future legislation. One such consideration is that the mother and fetus should never be considered as two separate things. The fetus (prior to viability and barring any health complications) cannot live outside of the mother’s body.

Fetal rights rhetoric does just the opposite. It contains language that separates the mother and the fetus. By doing this it reduces the role of the pregnant woman to that merely of an incubator, or host for this separate human life whose rights tend to conflict with the interests of the pregnant woman. We cannot separate the two, as the biological and socio-economic connection between the pregnant woman and the fetus are inherently impossible to truly separate while the woman remains pregnant.

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<sup>101</sup> Graber, *Rethinking Abortion*, 22

<sup>102</sup> Janet Gallagher, “Prenatal Invasions & Interventions: What's Wrong with Fetal Rights”, 10 *Harvard Women's Law Journal* 9, 37, 57 (1987).

A second objection posed against my argument of burdens as a concept of unequal affects of women's reproductive rights legislation asks what if the father wants the mother to go through with the abortion, but after the mother sat through the mandated counseling session prior to the waiting period, she changed her mind and did not want the abortion. What then? Should the father still have to pay child support even if the choice was not his to keep the baby and he did not wish to become a father at that time? This objection concludes that the mother's rights then supersede the father's rights and in this way men bear burdens equal to those of women and therefore women do not fall victim to unequal affects of legislation regarding women's reproductive rights.

In response to this objection, I claim no, in this case it does not represent unfair affects of such legislation for men. The argument made in the objection claims that because a man does not give consent to be a father before hand, he should not be forced to support the child if the woman decides to keep the child. I will draw a parallel to the logic employed here to the position the women are in regarding consent. Regarding consent, a woman does not give consent to get pregnant every time she has sexual intercourse. Just like the man in the case did not give consent to be a father, she did not consent to provide her body as a vessel for creation every time she has sex. Seems fair to say it is unjust when men do not have the option to coerce women to have an abortion and are then forced to pay child support if the mother does have the baby.<sup>103</sup>

My response to this objection is that women's reproductive choices involve their bodies after conception if they choose to keep the child (or cannot obtain a legal abortion. Men do not involve their bodies in the decision making once conception has occurred. Men also do not incur the further disadvantages a woman might have to in order to raise the child. The physical,

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<sup>103</sup> Elizabeth Brake, "Responsibility, Paternity, and the Costs of Rearing Children: Do Abortion Rights Undermine Child Support Obligations?" in Proceedings of the 21st IVR World Congress. Lund, Sweden, 12-17 august, 2003 ed. Aleksander Peczenik. P. 210



emotional, monetary, and timely toll raising a child has on a woman in this scenario is a much larger burden than that of a man paying child support. As has been discussed previously, the long-term effects are detrimental to women as well. Women typically take time off to spend time rearing children (or the child in this case), and therefore their career might suffer. Even when she goes back to work, she will be behind her peers and will have missed opportunities to become better qualified and attractive as a candidate for promotional opportunities. Women also typically work the lower paying jobs in most sectors, and so with her opportunities for upwards mobility fleeting and her pay grade not what it could have been had she not had the child, child support from the father is not a comparable burden for men to bear. The choice to have an abortion is not simple, and there might be religious beliefs at play that prevent her from electing an abortion.

Because of the severity of the decision to have an abortion, it is incomparable to claim that the level of suffering is equivocal between a woman electing to undergo an abortion (which I concede does end a potential human life), where she will subject herself to physical and mental trauma, and potential stigma for the rest of her life and that of asking a father to support a child monetarily.

## **Conclusion**

In conclusion, my thesis outlined four arguments that answered the following question: Is it just for a legislative body made up of a majority of men to write and pass laws regarding women's health care and reproductive rights? My answer to this question was no, it is not just for a legislative body that is made up of a majority of men to write and pass legislation concerning women's health care and reproductive rights. I supported this conclusion with four main sections. These sections each focused on a different argument or response to an objection that

supported my thesis. In the first section of this thesis I discussed the bad consequences that result when a legislative body that writes and passes laws concerning reproductive rights is made up mostly of men. I argued it was unjust due to two main bad consequences that I addressed individually.

The first bad consequence I addressed was that because the legislative process takes a long time and is complex, it leads to detrimental affects on the lives of women who require stronger reproductive rights. Specifically, because of the power structure that still dictates how bills are considered and if they pass favors men I blamed the process for this first bad consequence. Within this first bad consequence I brought to light that there are two issues at play. The first issue is whether a bill regarding women's reproductive rights will be considered. The second issue is if it is considered, then what will the vote look like on that bill.

Regarding the second bad consequence, I argued that the legislation itself would be bad for women. When a majority of male representatives write and vote on bills regarding women's reproductive rights, the legislation itself will be bad legislation. I argued that legislation concerning women's reproductive rights will be bad legislation because men are not as qualified to represent women in this matter as women are. I supported the claim that men are not qualified within the views on feminist standpoint theory within feminist epistemology and the importance of one's social identity within feminist standpoint theory. In this section I used conclusions from various studies that support the fact that it is better for women when more women are represented in government.

In the second section of my thesis I provided an argument that the decision making process represented in a government body made up mostly of men with regard to reproductive rights is unjust because it exacerbates the continued subordination of women to men in our

society. I made the claim that if men continue to represent the majority of decision makers in government who write and pass laws of this nature, then it continued to provide men more power women to make such decision. This also encourages a certain way of thinking, which is that men are better suited to hold more power and women should trust the decisions they make because of this. In the second section, I addressed how it is bad for women's overall position in society (which includes their political and economic status). The lack of equal influence regarding their reproductive rights interacts with women's status in society, and this is why it is imperative that men in society or government not subordinate women.

In the third section of my thesis, I responded to the objection that it is not unjust for legislative bodies that have a majority of male representatives to decide laws regarding women's reproductive rights. This objection claimed that it is not unjust because that government body that passes such legislation was voted into government via a democratic process. My response to this objection argued that the democratic process by which legislative bodies are chosen is unjust because the election process that results in the government body making such decisions is not a fair process. To support this, I highlighted why there are less female representatives in government due to factors that are unfair towards women. By demonstrating how the experience of women within the democratic process is unfair, I concluded that the democratic process by which we elect candidates is unjust.

This section supported my thesis through the argument that if the political process is unjust, and therefore not truly democratic, then the decisions made by that undemocratic body are not just. To combat unjust decisions that result from unjust political systems, women should be at least represented equally to men so that a truly democratic body can consider women's issues. In this section I utilized various principles of equality that support why equal representation is

necessary in a truly democratic government body. From this, I concluded that because the process does not promote equality between men and women, and that women's experience in American political culture actually violates these principles, the way by which a legislative body comes to be in America is not just.

In the fourth and final section of my thesis, argued my thesis is right because legislation regarding reproductive rights does not proportionally affect men and woman equally. From this I argued that it is unjust that men (who are affected less) represent the majority opinion when writing and passing these laws. I discussed two main reasons that best demonstrate how men and women are not affected equally. First, men are not exposed to the same risks as women. This is true prior to conception or after conception. The second reason I offered in support of the unequal affects of legislation regarding women's reproductive rights is that women bear many more potential burdens than men. I addressed each of these issues separately.

Throughout my thesis, I responded to the relevant objections regarding each subsection as they became relevant. I concluded that it is not just for a legislative body to write and pass laws regarding women's reproductive rights, if that legislative body is made up of a significant majority of men.

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