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Women in State Legislatures and State-Level Abortion Restrictions

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Women in State Legislatures and State-Level Abortion Restrictions

Abstract

This research paper explores the relationship between women in state legislatures and state level abortion restrictions. This relationship is explored, and then tested against the amount of democratic legislators, the conservatism, of the public, and the religiosity of the public using a linear regression. While the findings are complex, they show that women do have an impact on state level abortion restrictions in some instances.

Keywords

politics, women, abortion, state legislatures

Disciplines

American Politics | Political Science | Women's Studies

Comments

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Women in State Legislatures and State-Level Abortion Restrictions

Introduction

In recent years, the number of restrictions on abortion passed by state legislatures has increased significantly. Restrictions on abortion can include mandatory wait times, parental involvement for minors, restrictions on public funding, and mandatory counseling. A lot can contribute to these restrictions, one of the biggest contributors being a conservative and religious public. However, this isn't the only variable that can determine a state's restrictiveness on abortion, there are other factors involved such as the makeup up the states legislature. Makeup of state legislatures can be analyzed by sex, race and ethnicity, or party. All of these things can contribute to the likelihood of different legislative efforts, but one of the most interesting demographics to study when it comes to abortion legislation is women in state legislatures, and how they affect the states legislation on abortion.

This brings forth the question, to what extent do female state legislators have an effect on the states restrictiveness on abortion? The goal of this question is to discover if women in state legislatures lower the amount of restrictive legislation on abortion, despite the influence of the morality of the public. I hypothesize that in a comparison of states, those with a higher percentage of female legislators will have less restrictive abortion legislation then those with a lower percentage of female legislators. I also hypothesize that in a comparison of states, those with a higher percentage of female legislators will have a moderating effect on the impact of a religious and conservative public on the restrictiveness of abortion legislation compared to states with a lower percentage of female legislators. For my first hypothesis, I include a control for the

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percentage of state legislators who are democratic, to test if this has an impact on the amount that the percentage of female legislators effect the restrictiveness of abortion legislation.

I test these hypotheses using variables form the states 2016 dataset. This data set includes variables about the percentage of women in the state legislature in 2017, the percentage of state legislators who are Democrats 2017, the number of abortion restrictions per state in 2017, an overall index of religiosity per state in 2016, and the percent of the mass public that is conservative in 2016. These variables give a fairly comprehensive overview of the amount of female state legislators, restrictiveness on abortion, religiosity, and conservatism in each of the 50 states from 2016-2017, and they are therefore good variables to analyze and compare for this study.

Literature review

Women's effect in State legislative bodies:

Overtime, and in all forms of government, the amount of female participation and leadership in government has increased. However, the effects of this increase are even more noticeable in state governments, because there are many more people present in state governments to begin with. In 2017, the average percentage of women in a state legislative body was 25.032% (STATES 2016), while the percentage of women in the United States congress at the same time was only 19.6 percent (Rutgers, 2020). The abundance of data on state legislatures and the higher percentage of women in state legislatures makes them a good place to study the effects that women have on the policy and functions of the legislative body.

Women's impact in state legislative bodies is often divided into two forms of representation, descriptive representation and substantive representation. Descriptive representation of women

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refers to the number of women actually present in a legislature, while substantive representation of women refers to the actual outputs of the legislature that favor and support women, such as policy and legislation (Cowell-Meyers and Longbein 2009; Bettes 2015). The link between these two things, in theory, is the idea that women in legislatures will support women-friendly issues, therefore accomplishing both descriptive and substantive representation. This connection is complex however, because there are many other factors involved.

One of the most important factors to consider when studying women in state legislatures is the idea of a critical mass. Cowell-Meyers and Longbein (2009) defines critical mass as “a kind of threshold percentage that is predicted to increase the likelihood of women’s policy representation, below which women will be too small a minority to have sufficient influence on behalf of women” (494). Cammisa and Reingold (2004) discusses that according to critical mass theory, when women comprise 15 percent or less of a state legislative body, they will have much less of an effect and be more likely to conform, but once they reach 20-30 percent of the legislature, they will have a substantial effect. There is significant evidence that as the number of women in state legislative bodies increase, there is a higher priority given to legislation on women’s issues (Bettes 2015). However, there are many limitations and problems with the critical mass theory. There is research that suggests that as women in legislative bodies increase, it can sometimes create a problem of diminishing returns, and that small groups of women in state legislatures can still have a substantial effect (Cammisa and Reingold 2004). There is also evidence that when more women are added to a state legislature, it creates a sort of backlash effect from the men in the legislature, who were used to a vary male dominated environment (Cammisa and Reingold 2004; Cowell-Meyers and Longbein 2009).

Another factor that can influence women’s participation in state legislatures is the level of

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professionalism in the legislature. There is evidence that a more professional state legislature can create a better environment for women to affect the way the legislative body operates, as well as support women's issues (Cammisa and Reingold 2004). There is also evidence, however, that a more professional legislature leads to a greater amount of polarizing legislation, which includes some women's issues like abortion (Bettes 2015).

So, to what extent do the presence of female legislators have an effect on the states investment and legislation on women's issues? Wittmer and Bouché (2013) studies the effects of higher percentages of women in state legislatures and higher percentages of women sponsoring bills and initiatives related to human trafficking, on the states investment on human trafficking issues. They found significant evidence that states were much more likely to pass legislation on human trafficking both when women made up a higher percentage of the legislature, and there was strong female sponsorship on the bills. Another study, Tolbert and Steuernagel (2008) studies the effects of women in the legislature on nine forms of legislation related to women's health issues, and found that while there were significant differences between states and the amount of women's health legislation that was present, there was no significant evidence that the number of women in the legislature had an effect in this. These two studies show that there are some issues and instances where women in the legislature can have a substantial effect on legislation, but this isn't true for all legislating relating to women's issues. The findings of Cowell-Meyers and Longbein (2009) back this up with their study on women in state legislatures and feminist policies, finding significant evidence that only 5 out of the 34 feminist policies they studied were significantly effected in a positive way by the presence of female legislators.

Women's effect on abortion legislation:

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More specifically, there is also literature dealing with women's effect on state level abortion legislation. There is evidence on all sides of the argument that democratic women in state legislatures have an impact on state abortion policy, making the issue very complex. Medoff (2002) found significantly less abortion restrictions in states with higher percentages of female legislators, as well as states with higher percentages of democratic female legislators. Berkman and O'Connor (1993) found in their study on parental notification restrictions as well as public funding restrictions that women in state legislatures had a significant impact on legislation regarding parental notification for abortions, but not on legislation regarding public funding for abortions. Kreitzer (2015) studied specifically democratic women, and found that democratic women have a significant effect on some state policies on abortion, but not all of them. On the flip side of the argument, Bettes (2015) concluded in its study on women in state legislatures that there was no significant link between women legislators and state abortion policy, because abortion policy is a partisan issue in state legislatures, not a gendered issue.

Many argue that women's effect on state abortion policy is more complicated than just the numbers. One major example of this is the strategic participation of women on committees. There is evidence that regardless of the percentage of women in state legislatures, they can place themselves on certain committees and block pro-life legislation (Berkman and O'Connor 1993). It is also the case that the work women do blocking pro-life bills is more substantial in very conservative pro-life states, where anti-abortion legislation is very abundant to begin with (Berkman and O'Connor 1993).

Determinants of state abortion policy:

There are many other factors involved that impact and determine states policies on abortion. Medoff (2002), along with women and democratic women, studied the effects of NARAL pro-

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choice membership, career women as an interest group, Catholic population, party competition in the legislature, and ideology of the public on state-level abortion restrictions. Their findings suggest that NARAL pro-choice membership in a state significantly decreases the amount of abortion restrictions, and a higher catholic population in the state significantly increases the amount of abortion restrictions, while party competition in the legislature, white-collar women, and ideology of the public did not have a significant effect.

Because abortion is an extremely partisan issue, abortion legislation is also heavily affected by the party makeup of the state legislature (Bettes 2015). While Camobreo and Barnello 2008 found that government and elite attitudes towards abortion have become less important predictors of abortion legislation overtime, Kreitzer (2015) shows that having a democratic governor has a significant effect on some, but not all abortion policies in the state. The findings of Bettes (2015) also show that partisan influence is much more important than women's influence when it comes to state abortion policy.

Religiosity, conservatism, and public ideology on abortion:

Contrary to some of the findings of Medoff (2002), there is a lot of evidence to suggest that the ideology, conservatism, and religiosity of a state's public have a very significant effect on the states policies on abortion. Kreitzer (2015) studies both public attitudes on abortion and the religious adherence rate of a state, and finds statistically significant evidence that both of these things have a major impact on state abortion legislation, specifically finding that there is a positive correlation between both the publics anti-abortion opinion and the publics amount of religious adherence to the amount of restrictive abortion policy in a state. Camobreco and Barnello (2008) studies the effects of the publics conservative abortion attitudes on abortion legislation overtime, finding that while conservative public attitudes towards abortion were not

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strong indicators of abortion policy in 1983, they have steadily increased to become very strong indicators of abortion policy in 2003.

Constituents opinion and influence:

Constituent input and opinion can in many cases have a significant effect on the decisions and policy outputs of legislatures, and abortion policy is no exception (Arceneaux 2002).

Constituents have an effect on their states policies in multiple ways, including electing their representatives, voicing their opinions, and participating directly in the form of initiatives and referenda.

The findings of Kreitzer (2015) and Camobreco and Barnello (2008) suggest, along with religion and conservatism heavily effecting abortion legislation, that there is strong evidence that state legislatures effect their constituent's values when it comes to abortion policy. However, Medoff (2002) found no significant evidence that ideology of the public was a good predictor of state abortion policy. Similarly, in a case study on abortion restrictions in south Dakota, Healy (2009) found that there was a very weak correlation between legislators votes on abortion restrictions and their constituents opinion on abortion restrictions. While contradictory, these findings show that the ways in which constituent opinion influences abortion policy are varying and complex.

More clarity is found when looking specifically at the effects of state initiatives and referenda. There is a considerable amount of evidence that in states where initiatives and referenda are used, the policies of that state towards abortion more accurately effect the publics opinion towards abortion (Arceneaux 2002; Berkman and O'connor 1993). These findings show that in states where citizens participate directly and voice their opinions on issues through a vote,

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the legislators are more likely to understand and reflect the opinions of their constituents through legislation, when it comes to abortion.

Causal Explanation and Hypotheses

There is a wide variety of factors that can influence a state's legislation on abortion, including makeup up the state legislature by both gender and party, interest groups, a morally conservative and religious public, and constituent opinion. However, based on the literature available there is a considerable amount of disagreement as to if, and to what extent all of these things actually impact the states policies on abortion.

More specifically, there is a lot of disagreement and conflicting information on the topic of female state legislators and state abortion restrictions. Some evidence points to female legislators having no effect on state abortion legislation (Bettes 2015), while other studies show effects when it comes to some abortion restrictions but not all of them (Berkman and O'connor 1993; Kreitzer 2015), and some studies found significant effects across the board (Medoff 2002). There are two key issues with the current literature – firstly, there is very little consensus on the extent to which female legislators impact state level abortion restrictions, and secondly, there is not an abundance of recent data on the subject.

This study seeks to mitigate these two problems by testing female legislators impact on all forms of state abortion restrictions, taking into account the impact of both the party makeup of the legislature and the morality of the public, using data ranging from years 2010-2017, to answer the question to what extent do female state legislators have an effect on the states restrictiveness on abortion? For this study, my first hypothesis is as follows:

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1. In a comparison of states, those with a higher percentage of female legislators will have less restrictive abortion legislation than those with a lower percentage of female legislators

As discussed, another major influence on state abortion policy is the morals, religiosity, and conservatism of a state's public. Given that there is significant agreement regarding the impact of this factor, it is important to take this impact into account when assessing the impact that women legislators have on abortion policy. Therefore, my second hypothesis is as follows:

2. in a comparison of states, those with a higher percentage of female legislators will have a moderating effect on the impact of a religious and conservative public on the restrictiveness of abortion legislation compared to states with a lower percentage of female legislators

Research Design Introduction

In order to test my hypotheses, I examined the data from the States 2016 dataset. These data include responses from all 50 states in the United States of America. I selected these data because they include variables that are effective for testing my hypotheses. This dataset includes variables from many years, ranging from around 2007 on the low end to 2017 on the high end, but I am only using variables with data from the years 2016 and 2017, in order to produce current and accurate results. I am using variables that measure both the makeup of the state's legislatures, as well as the makeup of a state's public.

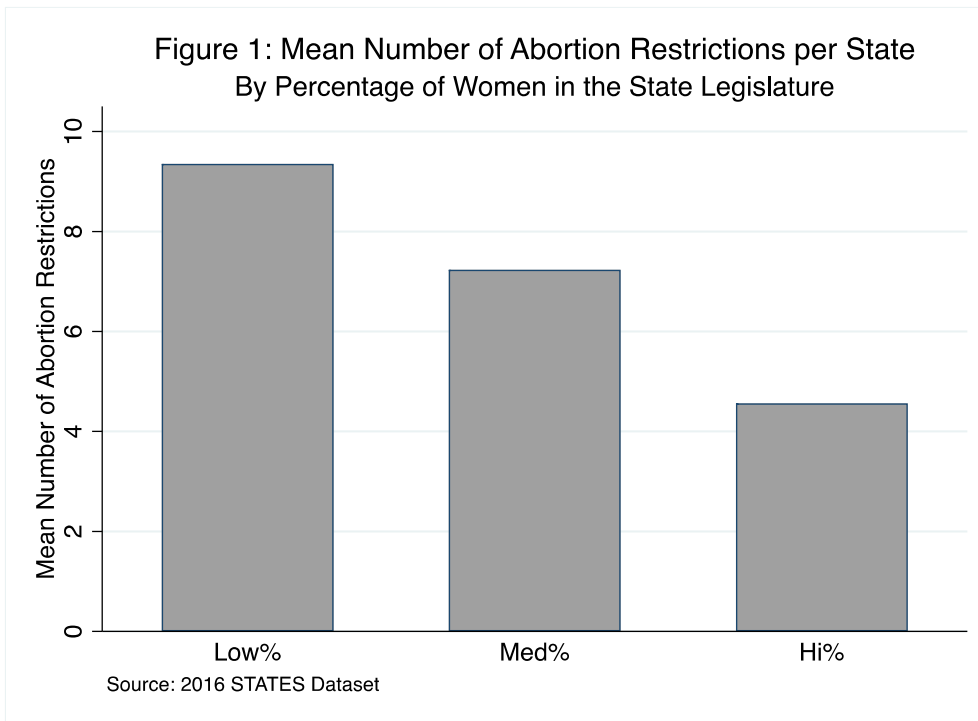
Variable Measurements

In order to operationalize the restrictiveness of a state’s abortion legislation, I use the `abortlaw2017` variable. This variable describes the amount of abortion restrictions present in each state in 2017. This is an interval level variable, and includes responses ranging from 0 restrictions to 13 restrictions. The mean number of abortion restrictions per state is 7.1, the most common number of abortion restrictions per state is 10, with 10 states having 10 restrictions, and the median number of abortion restrictions per state is 8.

In order to operationalize the percentage of women who are state legislatures in each state, I use the `womleg_2017` variable, which is an interval level variable that describes the percentage of women who are legislatures in each of the 50 states in 2017. The mean percentage of women in a state legislature is 25.032, and the median percentage is 24.6. Below there is a graph outlining the mean number of abortion restrictions per state by three quantiles of the percentage of women in the state’s legislature, as well as a table that includes these means with 95% confidence intervals.

Table 1: Mean Number of Abortion Restrictions per State by % of Women in the State Legislature

Percentage of Women in the State Legislature:	Mean:	Standard Deviation:	95% Confidence Interval:	
Low %	9.352941	.5140752	8.319868	10.38601
Med %	7.235294	.7402772	5.747651	8.722937
Hi%	4.5625	.6452955	3.26573	5.85927



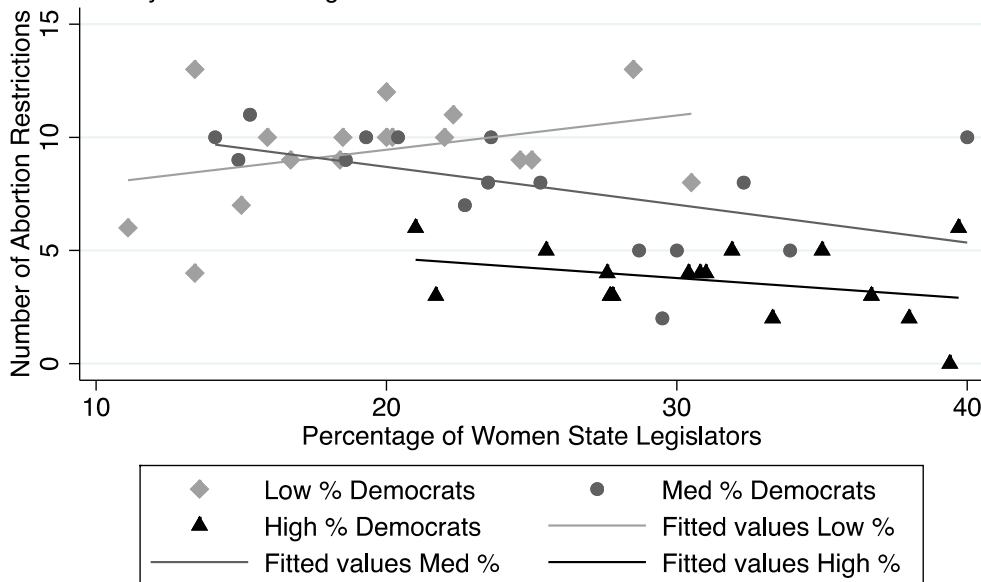
In order to operationalize my control variable for my first hypothesis, the percentage of state legislatures who are democratic, I use the `demstate_2017` variable, which is an interval level variable that describes the percentage of democratic legislatures in each state in 2017. The mean percentage of democratic state legislatures is 42.59388, and the median percentage is 38.5.

Below there is a table outlining the mean number of abortion restrictions per state by both the three quantiles of the percentage of women in the state legislature, and three quantiles of the percentage of Democrats in the state legislature. There is also a scatter plot of the number of abortion restrictions per state by the percentage of women in the legislature, separated into the three quantiles of the percentage of Democrats in the legislature.

Table 2: Mean Number of Abortion Restrictions per State by % of Women in the State Legislature and % of Democrats

	Low % Democrat	Med % Democrat	Hi % Democrat	Total
Low % Women	9.0909091	9.8333333	N/A	9.3529412
Med % Women	10.4	7.6	4	7.125
Hi% Women	8	6	3.5	4.5625
Total	9.4117647	7.9375	3.6875	7.0612245

Figure 2: Number of Abortion Restrictions per State
By % of State Legislators who are Women and % who are Democrats



Source: 2016 STATES Dataset

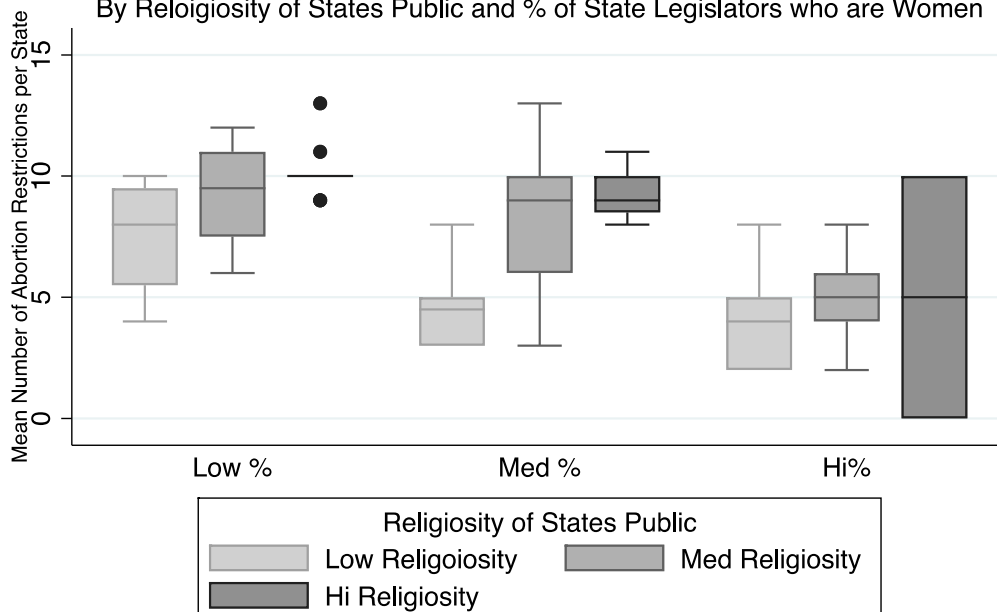
In order to operationalize the religiosity of the public in each state for my second hypothesis, I use the relig_import_2016 variable. This ordinal level variable is an overall index of religiosity in each state, calculated using four individual measures of religiosity. A higher number means that the state has a higher amount of religiosity. The mean number is 54.7, while

the median, and most common number, is 54. Below is a table outlining the mean number of abortion restrictions per state by three quantiles of the religiosity of the state’s public, and the three quantiles of the percentage of women in the state legislature, as well as a box plot displaying these means with confidence intervals. There is also a scatter plot of the number of abortion restrictions for each state by the religiosity score for each state, separated into the three quantiles of the percentage of women in the state legislature.

Table 3: Mean Number of Abortion Restrictions per State by Religiosity of the State’s Public and % of Women Legislators

	Low % Women	Med % Women	Hi % Women	Total
Low Religiosity	7.5	4.6666667	4	5.0588235
Med Religiosity	10.4	8.2857143	5	7.3529412
Hi Religiosity	10.222222	9.25	5	9
Total	9.3529412	7.23529413	4.5625	7.1

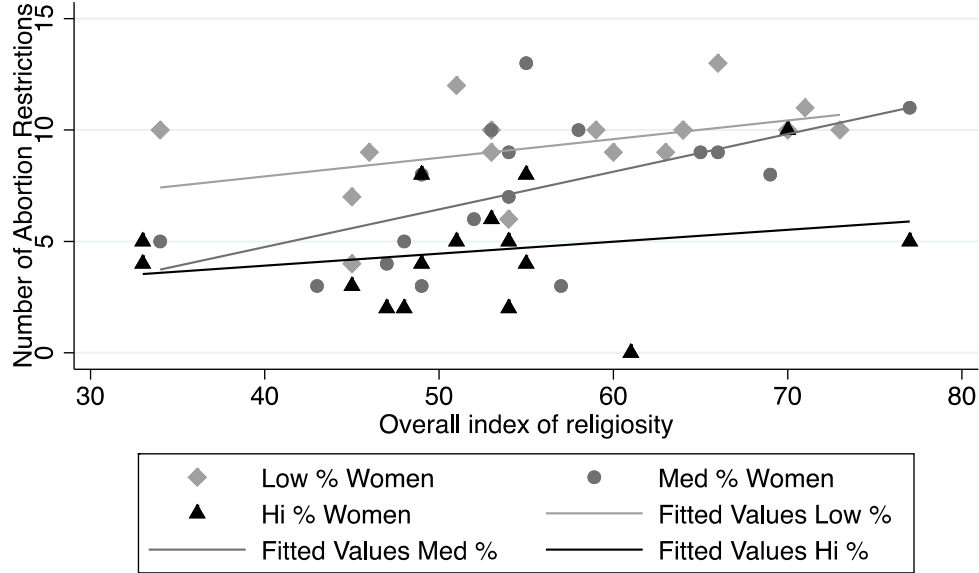
Figure 3: Mean Number of Abortion Restrictions per State By Religiosity of States Public and % of State Legislators who are Women



Source: 2016 STATES dataset

Figure 4: Number of Abortion Restrictions per State

By Religiosity of the States Public and % of Women in the State Legislature



Source: 2016 STATES Dataset

In order to operationalize the conservatism of each state, also for my second hypothesis, I use the `conpct_m` variable, which is an interval level variable that measures the percent of the mass public in each state that is conservative. The mean percentage is 33.97269, and the median percentage is 33.62688. Below is a table outlining the mean number of abortion restrictions per state by three quantiles of the percent of the state’s public that is conservative, and the three quantiles of the percentage of women in the state legislature, as well as a box plot displaying these means with confidence intervals. There is also a scatter plot of the number of abortion restrictions for each state by the percent of the state’s public that is conservative, separated into the three quantiles of the percentage of women in the state legislature.

Table 4: Mean Number of Abortion Restrictions per State by Percent of the State's Public that is Conservative and % of Women Legislators

	Low % Women	Med % Women	Hi % Women	Total
Low % Conservative	9	4	3.7	4.1176471
Med % Conservative	7.25	8.5714286	6	7.3529412
Hi % Conservative	10.083333	9.75	N/A	10
Total	9.3529412	7.23529413	4.5625	7.1

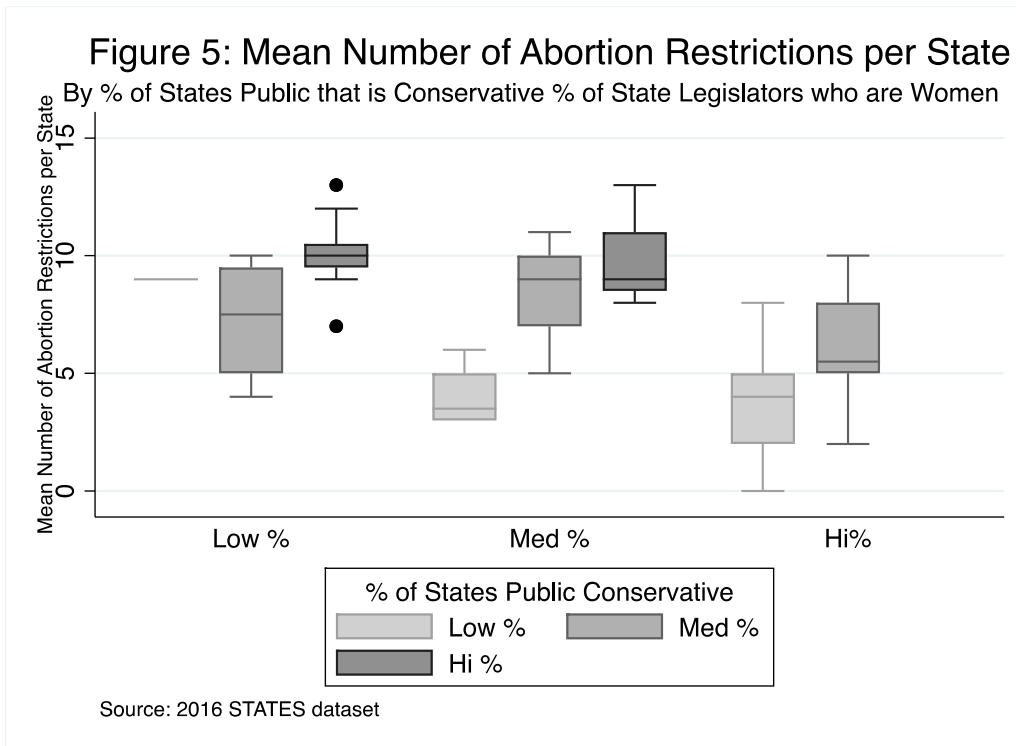
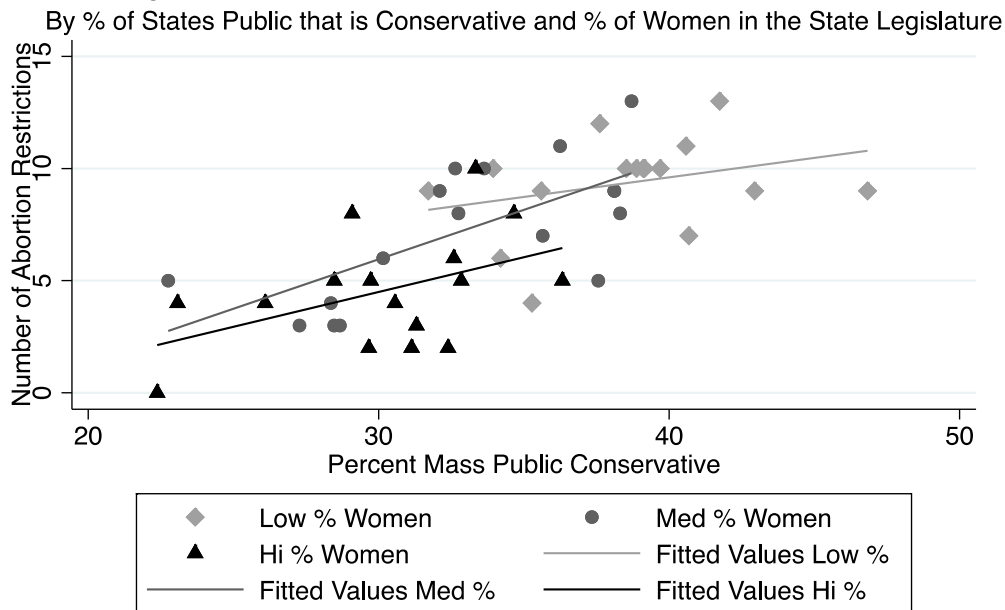


Figure 6: Number of Abortion Restrictions per State



Model Estimation

I chose to execute a linear regression to test both of my hypothesis. For my first hypothesis, I ran a regression testing the dependent variable, the number of abortions restrictions per state, against the independent variable of women in the state legislature, controlling for Democrats in the state legislature. For my second hypothesis, I ran four separate regressions with the dependent variable of abortion restrictions, two for the independent variable of conservatism of the public, and two for the independent variable of religiosity of the public. I ran a regression for each of these variables both with the addition of women in the legislature, and without it, and then compared their coefficients using a 95% confidence interval.

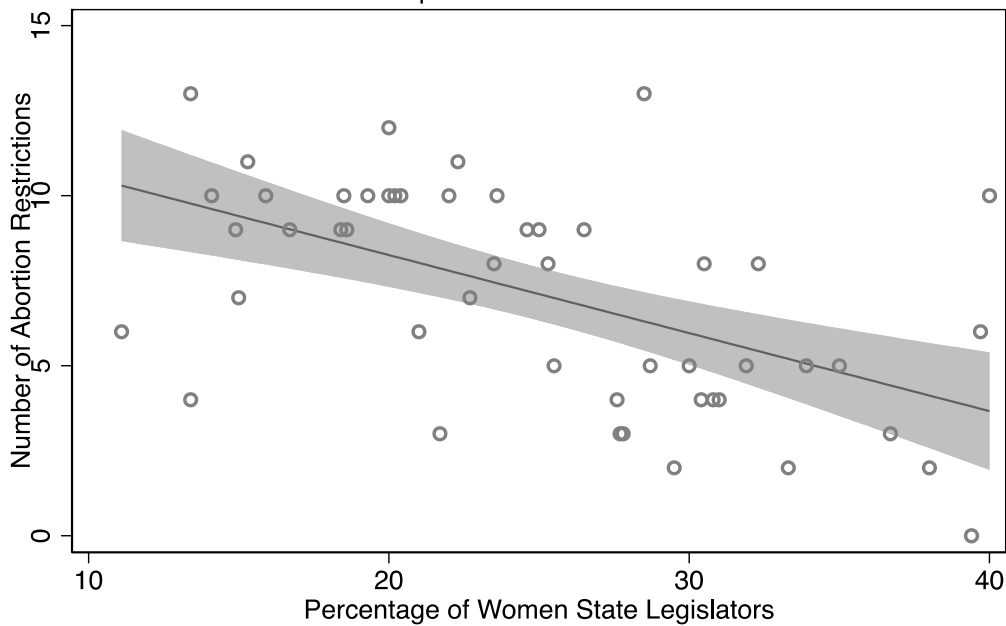
Results

Model 1:

Table 4: Linear Regression for Number of State Abortion Restrictions	
Variables	Abortion Restrictions
Women Legislators	-0.110** (0.0521)
Democratic Legislators	-0.0952*** (0.0221)
Constant	13.86*** (1.170)
Observations	49
R-squared	0.501

Standard Errors in Parentheses
 *** p<0.01, ** p<0.05 * p<0.1

Figure 7: Number of Abortion Restrictions per State By % of Women State Legislators with 95 percent confidence intervals



Source: States Dataset 2016

These results show that after controlling for Democratic legislators that women legislators still have a statistically significant impact on the number of abortion restrictions that a state has. This significance is to the .05 level.

Model 2:

Table 5: Linear Regression for Number of State Abortion Restrictions	
Variables	Abortion Restrictions
Religiosity	0.131*** (0.0390)
Constant	-0.0731 (2.174)
Observations	50
R-squared	0.190
Standard Errors in Parentheses *** p<0.01, ** p<0.05 * p<0.1	

Table 6: Linear Regression for Number of State Abortion Restrictions	
Variables	Abortion Restrictions
Religiosity	0.101*** (0.0346)
Women Legislators	-0.200*** (0.0486)
Constant	6.558** (2.483)
Observations	50
R-squared	0.404
Standard Errors in Parentheses *** p<0.01, ** p<0.05 * p<0.1	

These results show that, because they 95% confidence intervals of the coefficients from each regression overlap, even though the coefficient is weaker in the second regression, women legislators do not have a statistically significant impact on the effect of religiosity on the number of state abortion restrictions. The significance level for the effect of religiosity on state abortion restrictions is at the .01 level in each regression.

Model 3:

Table 7: Linear Regression for Number of State Abortion Restrictions	
Variables	Abortion Restrictions
Conservatism	0.422*** (0.0624)
Constant	-7.236*** (2.146)
Observations	50
R-squared	0.488
Standard Errors in Parentheses *** p<0.01, ** p<0.05 * p<0.1	

Table 8: Linear Regression for Number of State Abortion Restrictions	
Variables	Abortion Restrictions
Conservatism	0.349*** (0.0756)
Women Legislators	-0.0952*** (0.0529)
Constant	-2.601 (3.526)
Observations	50
R-squared	0.515
Standard Errors in Parentheses *** p<0.01, ** p<0.05 * p<0.1	

These results, similar to model 2, do not demonstrate statistically significant evidence that women legislators have an effect on the impact of conservatism on state abortion restrictions. Also, as in model 2, the coefficient is lower in the second regression, but the 95% confidence intervals still overlap, and the significance remains at the .01 level in each regression.

Discussions and Conclusions

These findings are all interesting, because overall, they show that many things have significant impacts on the number of abortions restrictions that a state has. This supports what I found in my literature review, which is that the causes of abortion restrictions are complex and multilayered. The same goes for the impact women have on state legislators – it is not clear cut. Many things are influenced a women’s decisions and impact as a state legislator, and abortion is only the beginning.

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My findings show statistically significant evidence that female legislators have an impact on the number of abortion restrictions that a state has. This is interesting, because it supports the idea that women will support women's issues through legislation, accomplishing both descriptive and substantive representation, a concept I focused on in my literature review. It also seems from the graphs that women have a larger impact in more moderate states, as supposed to states where one party is in control. This is fascinating because it shows that when it is not clear which way a state legislature will choose to go on an issue, women in the legislature can be a deciding force.

While I expected women to have a significant impact on the correlation between both conservatism and religiosity of the public on state level abortion restrictions and found no evidence for this, it was still interesting to see how powerful that effect of these two variables are. They both held .01 significance, even after controlling for women legislators, which is very high. This shows that even though women have a significant impact on state abortion restrictions, they do not weaken the effect of these other two variables, religiosity and conservatism.

I think some interesting further research can be done on the impact of women on state level abortion restrictions, mainly through studying committees. As I discussed in my literature review, women's impact is not as simple as the number of restrictions, sometimes their impact happens behind the scenes, through their presence on committees and through what they are able to block. It would be interesting to do more specific research on this and discover how big this impact is.

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