

# **A Glimpse into America's Liberal Democracy – Stunting Womens' Personhood**

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## **INTRODUCTION**

Personhood, as examined by Martha Nussbaum, is defined as “autonomy, self respect, and a sense of fulfillment and achievement” (Nussbaum 56). In this paper, we extrapolate this definition of personhood to modern conceptions of democracy. Hence, democratic personhood would be defined as autonomy, self-respect, and sense of fulfillment through the representative means of political representation and equal economic opportunity. With a liberal feminist lens, ideally, democratic personhood can be achieved. But is this the reality of our current political and social institutions?

In this paper, we contend that without full political and equality of economic opportunity, women cannot achieve the full sense of personhood that is championed in liberal democracy. Rooted in philosophical ideals and current events, we will examine the link between women and democracy through an economic, political, and philosophical lens. Along with other relevant data, we will use the recently passed *Dobbs v. Jackson Women's Health Organization* decision, which overturned the landmark case *Roe v. Wade*, to examine how this case adversely affects and hinders women economically. For the political lens, we will examine the role that women of color and Black women in particular play despite targeted voter oppression, since voting is a quintessential part of democracy. Finally, we will run through philosophical assumptions this paper is built upon and examine their potential objections. Ultimately, through this exploration

with an economic, political, and philosophical framework, we aim to demonstrate how women's personhood within the scope of American democracy is significantly limited.

## **ECONOMIC LENS**

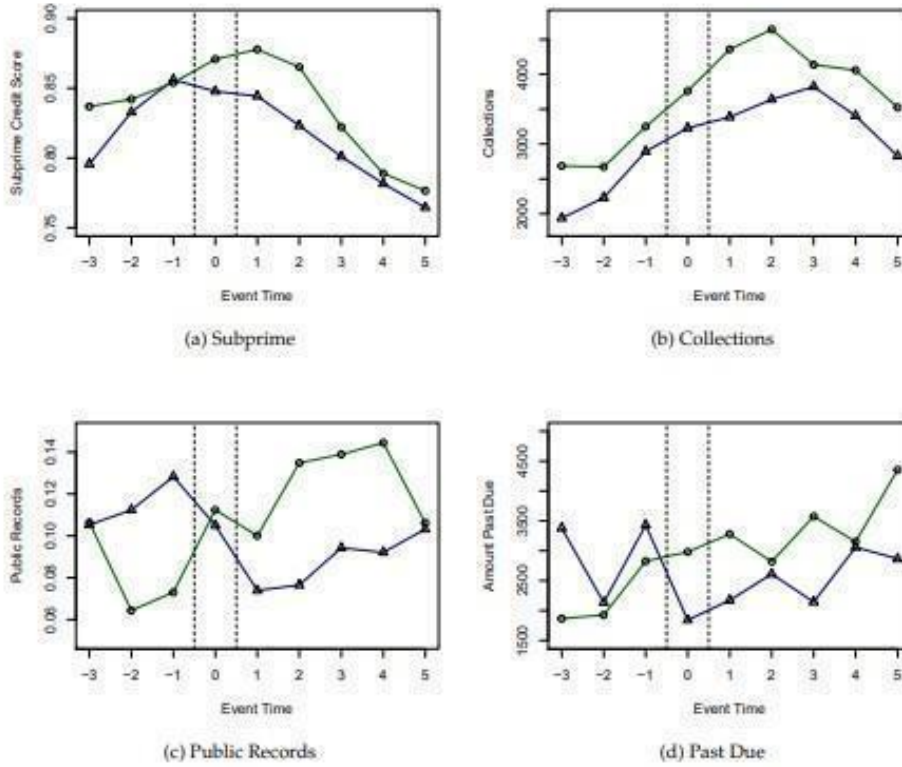
Abortion is largely a personal choice but has political, economic, and social ramifications. While economic opportunity need not account for 'choices,' abortion is a unique case in which it unjustly burdens the women rather than the men involved in conception, spurring the need for a critical eye. With the recent overturning of *Roe v. Wade* through *Dobbs v. Jackson Women's Health Organization*, Justice Stephen Breyer pointed out in his dissenting opinion of the *Dobbs* case that "respecting a woman as an autonomous being, and granting her full equality, meant giving her a substantial choice over this most personal and most consequential of all life decisions," (Supreme Court). Here, Justice Breyer is echoing the idea of democratic personhood, or that in order to be a fully 'autonomous being in society,' abortion is necessary. Since the definition posed of democratic personhood is "autonomy, self respect, and a sense of fulfillment and achievement," we will explore how the violation of equality of economic opportunity that restricting abortion access provides consequently violates the autonomy needed for democratic personhood.

The quantifiable aspects of this decision are its economic consequences. *The Turnaway Study* is an unparalleled longitudinal study that focused on the effects of abortion on women's finances and can provide key data on why restricting abortion hinders economic opportunity. In this study, Dr. Diane Greene Foster, a professor and researcher in reproductive health, collaborated with abortion clinics to create two groups. These clinics were chosen because they had the latest gestational limit, or the time within abortion is permitted, within a 150-mile. Women who were up to 3 weeks over the gestational period were called the "Turnaway group,"

as they were ‘turned away’ when seeking an abortion. Women who were within 2 weeks before the limit were the “Near Limit” group. The Near Limit group acted as the control, while the Turnaway group was the experimental. They surveyed these women over a period of five years and through a further study, “The Economic Consequences of Being Denied an Abortion,” by Dr. Sarah Miller, Dr. Laura Wherry and Dr. Diane Greene Foster, the authors linked the results of the study to credit report data.

“The Economic Consequences” found that “being denied an abortion has large and persistent negative effects on a woman’s financial well-being” (Miller et al). For the women as analyzed through credit scores “unpaid debts that are 20 or more days past due more than double in size, and...negative events such as evictions and bankruptcies increases substantially” for the Turnaway group (Miller et al). Below, this can be seen graphically. With zero on the x-axis representing the moment the Near Limit group got an abortion, or the Turnaway group being denied one, the effects on the financial statuses over the next 5 years are displayed. In graph D for example, it seems that the Turnaway group, who is already in a worse financial situation than the Near Limit group, has past due debts that are exacerbated when being denied an abortion.

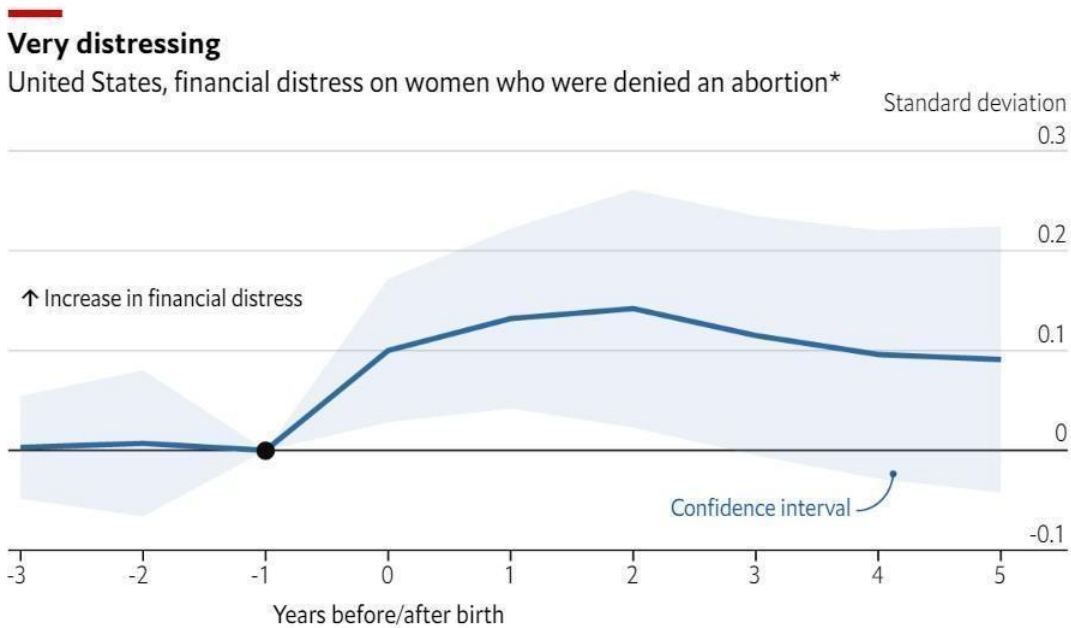
**Figure A4:** Financial Distress Component Outcomes Relative to Event Time, for the Turnaway Group (Green) and Near Limit Group (Blue)



Note: This figure plots average outcomes relative to event time for the Turnaway group (green with circle points) and the Near Limit group (blue with triangle points).

*The Economist* took these results

shown above, and but them succinctly put it in a visual:



Source: "The economic consequences of being denied an abortion", by S. Miller, L. R. Wherry and D. G. Foster, *American Economic Journal: Economic Policy*

\*Compared to the year immediately prior to birth

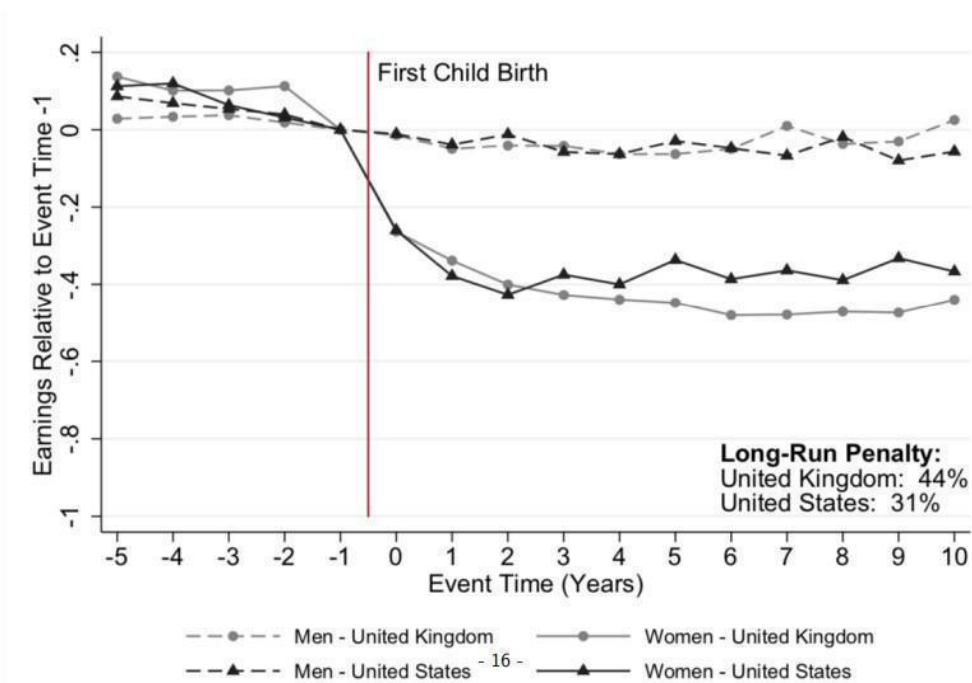
Prominent economists, such as Secretary of the Treasury Janet Yellen, have already spoken out about the lack of economic equality women face as a result of this study. Secretary Yellen commented that “ ‘eliminating the right of women to make decisions about and when and whether to have children would have very damaging effects on the economy,’ ” (“Being Denied”). Wherry, one of the authors of the study, said that America “ ‘should expect to see more women in financial distress’ ” should *Roe* get overturned (“Being Denied”). Two weeks later, it did. While some economic disparities are closing for women, abortion is just one of many barriers that are remaining unchanged or getting worse for women in having full economic opportunity, and therefore personhood, in American democracy.

There is also a plethora of data outlining the continuing economic challenges for women that are integral to their autonomy needed to achieve full democratic personhood. More women are enrolled in four-year colleges, yet they disproportionately share less of the income wealth (Kochhar). Additionally, an intersectional perspective must be kept in this discussion, as Black

and Indigenous women make significantly less than White and Asian women, but all groups make less than white men (Kochhar). Further, many ‘pink collar’ jobs, or jobs traditionally worked by women such as teaching or nursing are vastly underpaid for their work (Ranciere).

Outside of the workplace, familial responsibilities upon women also result in what is known as the “child penalty,” or the amount of income lost due to women having children. This phenomenon largely does not affect men, as shown below. Showing both incomes for men and women in the United States and United Kingdom, it is evident that the gap between the lines representing men and women exemplifies the gender gap.

Figure 2: Child Penalties in Earnings in English-Speaking Countries



Unless women’s work can be valued to the same amount as their male counterparts, women will not have the equal economic opportunity needed to achieve personhood in a healthy democracy.

Without having the same economic opportunity as men, women cannot fully achieve the

autonomy needed for personhood, but could also contribute to other aspects of personhood as defined by Nussbaum, such as self respect or sense of achievement.

There are policy solutions that are proposed to combat these disappointing data points. Some countries have introduced a ‘paternity leave’ in addition to maternity leave to encourage men to have a more active role as fathers and improve the chances of mothers returning to the labor market (Canaan).

The authors of *The Turnaway Study* also suggest other actions by policymakers. Before the overturning of *Roe*, the authors suggested relaxing the gestational limits already in place. Now, they may need to advocate for the allowance of abortion at all first. Other common barriers include travel and procedure costs. Making care more available by increasing the number of clinicians or having insurance cover the cost of the procedure could minimize these obstacles. The challenge of cost is furthered by legislation such as the Hyde Amendment, which dictates medical funds, like Medicaid, cannot be used on abortion. Thus, those that need federal healthcare and cannot afford an abortion are expected to be able to afford a child (“Access Denied”). Lastly, policymakers can craft legislation that are preventative in nature, such as quality sex education and widespread access to healthcare resources and contraceptives.

Justice Stephen Breyer once again writes in the dissenting opinion of the *Dobbs* case that “at the moment of fertilization, a woman has no right to speak of” (Supreme Court). His quote shows the saliency of policymakers following the prescriptions made in this paper to remedy the gap between the economic opportunity between men and women, and uphold their commitments to democracy to ensure full democratic personhood for women.

## POLITICAL LENS

Women stand as a key interest group within the context of liberal democracy. The legislative and judicial system can be utilized as instruments to subvert incremental reform that favors women, like those already discussed in the *Dobbs* case. Catherine MacKinnon, a prominent feminist and political activist, poses further questions about the role of the state and their respective powers within the realm of feminism. Are women fairly represented in legislative and judicial decisions? How, if at all, are certain voting policies curtailing personhood among women of color? With an intersectional frame in mind, we aim to show how social and political structures reduce personhood and the dynamic role that women of color play in supporting a liberal democratic system.

MacKinnon answers some of these questions on her own. She observes that women share problems of “mobilization and representation, exit and voice, and sustaining incremental gains and losses” (MacKinnon 642). She attributes this to the design of the state and law which becomes a “legitimi[z]es ideology, [and the] use of the legal system [as] a form of utopian idealism or gradualist reform, each apparent gain deceptive or co-optive, and each loss is inevitable” (MacKinnon 642). When a legal system does not embody an ideology that is cognizant of intersectional feminist concerns, it can impinge on the democratic personhood of women. Recalling Nussbaum’s definition of ‘autonomy, self respect, and sense of achievement and fulfillment,’ if the legal and electoral system does not fairly account for women’s votes, it deteriorates their autonomy and self respect as a voter, and their sense of fulfillment in regards to the efficacy of their vote.

One example of how the current electoral system is not cognizant of women’s votes is through the election of and by women, especially Black women, who are leading the fight in



democracy and liberalism to ultimately provide a comprehensive space to develop personhood. Despite the United States's legacy of discriminatory voting practices, Black women and other women of color consistently mobilize to vote in their own self interest, unlike their white counterparts; they are an electoral powerhouse. Black women are one of the most active voting blocs in the electorate (Solomon et al 2019). Black women also continue to vote at some of the highest rates and are the "largest and most politically active demographic of women of color voters" (ibid). They are more likely than any other ethnic group of women to encourage paths of legal status and favor stricter gun violence prevention measures (ibid). Despite voter turnout and organizing, we must ask: Why are the results consistently not favoring women of color, and what dominating structures in place perpetuate the losses?

Data points to high voter suppression or gerrymandering that hinders the representative Black vote. At the local and state legislative levels, "under-representation of [black people] is almost entirely due to the under-representation of black women (Darcy 2008). Remnants of voter suppression tactics remain, from social and political institutions based in white supremacist culture: pay-to-vote, long waiting periods, photo ID enforcement, provisional ballots, or even the electoral college process (Laroche 2022). The vast majority of twenty-seven states with voter ID laws have "Republican-controlled state legislatures that have argued for stricter laws [have the] intent and effect of diluting minority votes and weakening minority political power (Shah et al. 2021). The barriers to entry especially for individuals with an incarcerated history perpetuate the challenges to accessing voting. Black women make up about 29 percent of incarcerated women, despite only making up 13 percent of women in the United States (Mason). With these statistics in mind, the policies of these political institutions are disenfranchising rather than protective.

Finally, the erosion of voter confidence points to the cultural distrust in the legal system, political process, voting, and government aid (Laroche 2022). The outcome of distrust and suppression develops a sense of legal estrangement where the law and its enforcement “signals to marginalized groups that they are not fully part of American society– that they are not imbued with all the freedoms and entitlements that flow to other Americans, such as dignity, safety, dreams, health, and a political voice” (Laroche 2022).

With an intersectional and political lens in mind, it is clear that women, black women in particular, have a stunted representative voice due to current biased frameworks and policies in place. Because the Black vote, and therefore women’s vote is often stunted from antiquated policies, they do not enjoy the same and equal political power that is promised in a democracy. Consequently, the conception of democratic personhood, or ‘autonomy, self-respect, and sense of achievement and fulfillment’ is eroded. There is no autonomy when a vote is deliberately erased, and there is no self-respect or achievement when efforts to mobilize, voter, and policymakers are intentionally stunted.

### **PHILOSOPHICAL OBJECTIONS**

While this paper functions under the assumption that changing detrimental policies may start remedying the discrimination in the political and economic opportunity that is essential to the concept of democratic personhood, some feminist philosophers believe that it may not be the panacea that some make it out to be.

The radical feminist ideology believes that institutions themselves are too entrenched in patriarchal notions, so that any reform short of redoing the bases of these institutions would be ineffective. So, suggestions such as paternity leave, for example, would not solve the question of

women in the labor market so long as the market is held up by social and cultural standards and the subsequent laws that are made through those standards.

Others critique the idea of liberalism itself, and whether it is compatible with feminism. One challenge against liberalism is that it is too individualistic and “unfairly subordinates the value to be attached to community and to collective social entities such as families, groups, and classes” (Nussbaum 58). In an ideal situation, individualism along with liberalism would be a positive for feminists; it would advocate for self-sufficiency and agency. Instead, the tenets of liberal democracies are being used for valuing women “primarily for their contribution as reproducers and caregivers rather than as sources of agency and worth in their own right women are valued” (63). This is shown as the act of choice is removed for women and a state regulation of the body is implemented as demonstrated by the *Dobbs* decision.

These confrontations against liberalism are inherently connected to the defects of liberalism promoting women’s issues. In the interest of progress, can liberalism and democracy actualize the goals of personhood and feminism? It appears that the response can arguably be negative, and would contend that the challenges against liberalism as explored in Nussbaum hold validity.

## **CONCLUSION**

Through analyses of personhood in democracy, it is clear from a political and economic lens that current policies do not honor the expectations in a full democracy like the United States. Additionally, not all discrimination is equal. Through the lens of intersectionality, it is clear that some, like Black and Indigenous women, are more disadvantaged than others due lived experiences. In the political right to vote in a democracy, voter suppression occurs, targeting women of color disproportionately. Further, while abortions and other economic policies affect

all women, studies document increased rates of high school graduation, college attendance and employment for Black women during times of increased abortion access (Miller et al). It thus stands to reason that with the recession of these policies, they would also stand much to lose.

The ideology of liberal feminism is one that advocates for political activism in order to make democracies be more equitable between all people. Of course, liberal feminism is just one of many branches of feminism, some of which disparage the institutions that liberal feminists want to use to inspire change. As this paper is in support of democracy and ensuring that feminism has a role, it utilizes the ideals of liberal feminism when recognizing the inequities in policy today and suggesting remedies for a more equitable future. But perhaps it is naive to think that one day American democracy can actually deliver on its promises of the right for “life, liberty, and the pursuit of happiness” for all. Or perhaps Mill is correct when he states that “the generality of the male sex cannot yet tolerate the idea of living with an equal” (Mill 67).

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