Gender Polarization: The Institutional and Discursive Roots of Gendered Partisanship in U.S. State Politics, 1975-2020

By

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ABSTRACT

Gender inequalities in contemporary U.S. politics are increasingly structured by dynamics of partisanship. *Gender polarization* – or the binary representation of state citizens in a two-party system that associates Republicans with masculinity and Democrats with femininity – is a characteristic of modern American politics that leads to material inequalities in the democratic process. In this dissertation, I examine when, where, and how gender polarization developed in U.S. politics between 1975 and 2020. I advance a multi-level explanation for this contemporary phenomenon. First, gender polarization is produced at the structural level as competing state parties fight for legislative power in a context of shifting political opportunity structures. Second, gender and partisanship are co-constructed discursively by state party leaders' in the practice of governance. I consider the consequences of gender polarization on political representation by focusing on contested state-level governance of the 2020 pandemic as an exemplary case.

Chapter 2 uses state-level data to examine when gender polarization emerged, how its emergence varied among individual states, and how conditions of state partisanship are associated differently with Republican and Democratic women legislators' representation in three time periods. In a marked reversal from the 1970s and 90s, Republican Party control of state assemblies is negatively associated with Republican women's representation in the 2010s. State Democratic Party control, which in the 1970s predicted fewer women of that party, became positively associated with Democratic women's representation in the 2010s. The degree of party competition predicts higher rates of representation for Democratic women since party control regimes began to change in the 1990s. Overall, dynamics of state partisanship became a strong predictor of women's presence in politics when parties changed their strategies of recruitment

and retention to manage reversals in party fortunes, giving a gendered meaning to partisan representation in this now polarized political context. The outcome of this process is a "partisan ceiling" on women's U.S. political representation.

Chapter 3 asks how partisanship and gender are co-constructed through routine legislative speeches and how party leaders' performances of gendered partisanship have changed. Drawing on 82 floor speeches by party leaders in the Colorado and Wyoming House of Representatives between 1991 and 2019, I analyze how gender gives meaning to partisan political discourse using a combination of topic modelling and qualitative textual analysis. I find that gender ideology and gendered metaphors inform legislators' notions of state identity, their understandings of political leadership, and parties' issue priorities for the upcoming session. The salience of gender in political speech is contested and is shaped by state party regimes and critical events in states' political histories. As party leaders vie for power in a polarized climate of many state assemblies, we should expect to see gender become increasingly woven into partisan discourses on both sides.

Chapter 4 interrogates the contemporary effects of gender polarization in state politics by examining gender contests in governance of the COVID-19 pandemic. I ask how partisan political actors deploy gendered ideas to argue for and against emergency state public health orders in states where executive authority was challenged by the legislature. Based on a discourse analysis of five legal cases, I find divergent gendered arguments used by conservatives, who cast women leaders as antidemocratic, and by progressives, who defend their authority using masculinized, objective arguments. Conservative and progressive discursive approaches simultaneously paint governing as masculine and in so doing exclude women from images of democratic authority.

Taken together, these empirical studies advance scholarship on party polarization, political representation, and gender, and call for further research on the impact of intersectional diversity on representational outcomes. First, this dissertation provides a sociological lens on research about party polarization that has largely been gender-neutral and attitude-based. Party polarization is comprised of social relationships that produce and reproduce systems of gender inequality. Second, these studies reveal the institutional barriers to numerical representation of women in the polarized US party system, as well as the relationship between numerical and discursive representation. Women in political leadership face discursive resistance that is amplified by the current state of gender polarization in US parties. Third, these chapters capture remarkable change in gender power over the past forty years, even in the face of new forms of resistance to gender inclusion in politics. As political representatives become more diverse in terms of gender, race, and class, future research should attend to how the party system works to reorganize power and how intersectionally diverse representation matters for democratic outcomes in contexts of divisive partisanship.

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I was inspired to study state legislative politics because of my mother's experiences as a New Hampshire state representative in the early 2010s. Even before her election to the NH House, I accompanied her as a child to meetings of the school board, town selectboard, planning and zoning commission, chamber of commerce, and women's leadership groups. She was often the youngest leader and in some cases the only woman in the room. From my vantage point (often on the floor, doodling with some crayons), I gained a great deal of respect for people who serve their communities through elected, appointed, employed, and volunteer positions. I can only hope that my public service approaches the value of my mother's.

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CHAPTER 1: INTRODUCTION

In July 2016, Hillary Clinton accepted the Democratic nomination for President of the United States, making her the first woman to top a major party's ticket in the country's history. The following five years were marked by struggles over the meaning of partisanship in which gender was central: from Donald Trump's assertions of masculine domination in his 2016 campaign speeches (Lamont, Park, and Ayala-Hurtado 2017); to feminine political resistance in the form of annual Women's Marches in 2017 and later years (Lawless and Fox 2019; McKane and McCammon 2018), which resulted in a Democratic-driven "Year of Women" in the 2018 election cycle (Dittmar 2018); to political fights over masks and emasculation in the 2020 elections (Neville-Shepard 2021). Gender was mobilized in these struggles to distinguish the Democratic and Republican parties, with the people leading parties representing the parties' values (Ferree 2020). The highly visible gender contests over party meaning that played out between 2016 and 2021 are part of a longer historical process of gender polarization in state politics.

Gender polarization describes a process in which the two US political parties became aligned with a binary representation of gender in their elected membership, with the Democratic Party moving towards gender equity and the Republican Party becoming increasingly gender-exclusive with tokenized and therefore often highly visible exceptions. Previous scholarship has debated the potential effects of party polarization – the process of increasing ideological differences between parties, which has created the kind of animosity that is visible in the above-mentioned struggles over party meaning – on democratic politics. From a functionalist perspective, polarization stimulates political engagement (Abramowitz 2010). However, party polarization, and particularly the two-party brand of polarization in the U.S., arguably moves

away from the ideal of political pluralism and reduces trust in political institutions (Baldassari & Gelman 2008; Binder 2006; English, Pearson & Strolovitch 2019). The racial and class realignments of the parties that contributed to this polarization of the parties has been well-documented (e.g., Carmines and Stimon 1989; Gelman et al 2007; Manza, Hout, and Brooks 1995; Schlozman 2015). However, gender polarization appeared later in American political history than class and racial polarization, and cannot be explained by many of the mechanisms that explain them.

The agenda of this dissertation is to explain the development of gender polarization and analyze its contemporary effects on governance. I advance a multi-level explanation: First, competing state parties produced gender polarization as they fought for legislative power in a context of shifting political opportunity structures. Second, state party leaders co-constructed gender and partisanship discursively in the practice of governance. I consider the consequences of gender polarization on political representation by analyzing contested state-level governance of the 2020 COVID-19 pandemic.

US Gender-Party Representation in Global Perspective

Gender inequality in political representation is a global social problem. The world average percentage of women in national parliaments is 25.5 percent in 2021; regionally, the share of parliamentary power women hold ranges from a high of 44.5 percent in Nordic countries to a low of 18 percent in countries in the Pacific (IPU 2021). Racial minority women legislators are underrepresented in national legislatures, although the extent of this inequality varies geographically (Hughes 2013). Women serve as elected heads of state or government in only 21 countries in 2021. Policies restricting women's full and equal participation as citizens free from violence are in effect in hundreds of countries worldwide (UN Women 2019).

The United States ranks 67th in the world in terms of the proportion of women in Congress in 2021 (IPU 2021). In state legislatures, which serve as pipelines to higher elective offices (Mariani 2008), women's political representation has been persistently low since the turn of the millennium. Between 2000 and 2017, the percent of state legislative seats held by women across the country did not exceed 25 percent. Legislative seats held by women of color increased from 3.7 percent in 2000 to just over six percent in 2017. While women of color are overrepresented as a proportion of women in some states (Scola 2006), they continue to be underrepresented as a proportion of U.S. residents where they make up nearly 20 percent of the total population.

When a record number of women were elected to legislative offices in 2018, the increase in women state representatives was driven largely by the electoral performance of a single party. In 2021, Democratic women comprise 20.5 percent of all U.S. state legislators (n=7,383); Republican women fill only 10 percent of all seats in state assemblies and senates, although the Republican Party controls a majority (62 percent) of legislative chambers. An overwhelming majority of legislators of color – men and women – are affiliated with the Democratic Party (CAWP 2021; NCSL 2021). By 2020, women's political representation in the U.S. depends less than ever on small-d democracy and more than ever on big-D Democratic electoral outcomes.

Although left parties worldwide are more gender-equitable in their numerical representation than right parties, the share of women representatives has generally increased – albeit at times slowly – across nations' party continua (Caul 1999; Matland and Studlar 1996; O'Brien 2018). Right-leaning parties in diverse contexts – from the UK Conservative Party under David Cameron to Islamist Parties in the Middle East and North Africa region – have strategically advanced women candidates and women's organizations to signal modernity and

attract electoral support (Campbell and Childs 2015; Childs and Kittilson 2016; Tripp 2019). Even radical right parties, which have been considered *Männerparteien* or men's parties, have recently changed their electoral strategies to include women candidates to compete within the changing institutional and social frameworks of their countries (Blee and Deutsch 2012; Erzeel and Rashkova 2017). Republican parties in American state legislatures are therefore unusual in their numbers of women members *declining*, on average, since the 1990s. In short, the degree of gender inequality in the United States and the specific institutional disparities that have developed between the US Democratic and Republican parties demands explanation.

The Historical and Institutional Context of US Gender Polarization

Institutional and ideological changes in US political parties that occurred throughout the twentieth century provide an important backdrop to the process of gender polarization. Below, I provide a brief overview of the historical dynamics that precipitated the gender-party realignments that this dissertation explains.

Political parties, from their founding and throughout their history, are gendered institutions (Acker 2006; Brush 2003; Hawkesworth 2003; Kenney 1996). In the late 19th century, disenfranchised women formed extra-party organizations and strategies of activism to influence the masculinized party and patronage machines of that period (Clemens 1993). After white women achieved suffrage in 1920, their inclusion in party politics was overwhelmingly limited to either supporting party men (Andersen 1996), or influencing party politics through nonpartisan alliances of voluntary associations whose diverse and conflicting goals could not achieve representation of a "bloc" of heterogeneous women (Cott 1990). Women's political activism for progressive goals after suffrage was stymied by conservative women, as well as party men. Women social reformers, who were perceived as vulnerable to communist

propaganda, were undercut by counter-movements of women anti-radicals in the years leading up to the New Deal (Delegard 2012). Through the mid-20th century, women's political behavior was viewed as more conservative than men's, and was presumed to be informed to a greater extent by Christian influences (Duverger 1955).

The mid-1900s was a critical period of party transformation in the U.S., as electoral politics became increasingly candidate – rather than party – centered and parties-in-government therefore weakened (Aldrich 2011). Facing a decline in influence, the Democratic Party lead a series of institutional reforms by establishing the McGovern-Fraser Commission. These reforms institutionalized national parties and required approximately proportional representation of minority groups in each state's convention delegation (Burrell 1993). Observing national party conventions between 1976 and 1984, Jo Freeman (1986) linked these post-New Deal reforms to differences in the organizational styles of the pluralistic, confrontational Democratic party (that historically reflects the split racial politics of urban Northern and rural Southern white supremacist wings) and the closed, consensual Republican party. Unlike in many European unitary democracies, the locally-controlled system of candidate selection in the United States federation is resistant to formal commitments to proportional representation of minority groups in electoral politics through quotas (Baldez 2006; Paxton & Hughes 2015; Vickers 2011).

The Democratic and Republican parties resisted taking strong positions on gender issues in the mid-1900s. As late as the 1970s, neither party was a reliable proponent of women's rights (Sanbonmatsu 2002; Wolbrecht 2000). By the 1980s, priorities on gender issues began to show partisan alignments. For the first time since the 1930s, the Republican Party platform omitted support for the Equal Rights Amendment (ERA), estranging pro-choice and pro-ERA moderate party members like former RNC co-chair Mary Crisp (Rosenfeld 2018). The Democratic Party,

which in and after the New Deal pioneered social programs, became more supportive of cohorts of women whose participation in the paid labor force increased after the 1960s (Campbell 2018). While both liberal and conservative political discourses became critical of the "dependency" of working women in the 1980s (Fraser & Gordon 1994), Republican Party leaders capitalized on a discourse of pathologized dependency to mobilize a conservative political base.

The changing institutionalization of gender dynamics in parties between the 1920s and 1980s has had longstanding impacts on policy. In particular, the Republican Party's reversal of support for progressive issues such as reproductive rights and the Equal Rights Amendment, and the relative weakness of the Democratic Party since 2000, explain an absence of legislative action to advance gender equality. The U.S. remains one of only seven UN member-states that have yet to ratify the Convention of Elimination of All Forms of Discrimination Against Women (Baldez 2014). It is also the only industrialized country with no federally mandated paid family leave or minimum standard for vacation and sick days (Collins 2019). Moreover, these years of party change laid the groundwork for a pernicious process of gender polarization over the course of the following four decades.

Theorizing Partisanship as a Social Structure

Analyzing gender polarization requires a theory of political parties that recognizes how they operate at multiple levels to shape social life and organize dynamics of power. In *The Politics of Presence*, Anne Phillips claimed that "it is in the relationship between ideas and presence that we can best hope to find a fairer system of representation, not in false opposition between one or the other" (1995, 25). Viewing partisanship as a social structure that operates through dispersed ideas, interactions, and institutions provides a framework for linking the complex dynamics between ideological and institutional change.

Social structures constrain and enable individual behavior and are simultaneously shaped by human actions and reactions (Giddens 1984; Burt 1982). My approach is informed by feminist sociologists and critical race scholars who developed social structural theories of gender and race to explain inequalities in access to power. R.W. Connell (1987) lays out one such structural theory of gender that incorporates the multiple gender regimes of institutions and focuses on changes introduced by human practice (historicity). Building on Connell's framework, Risman (2004) elaborates a theory of gender as social structure that operates at the micro, meso, and macro levels of analysis. These multidimensional schemas capture complex recursive relationships between levels of social life. Partisanship – like gender and race – is best understood as continuously constructed through relations of power (Matthews 2019).

Partisanship takes on meaning at the micro, meso and macro levels of social life. In Green, Palmquist & Schickler's (2002) micro-level approach, partisanship is a personal identification with a party label. Partisan identities carry emotional and symbolic meaning for individuals (Mason 2015). Looking across social groups, there are marked differences in how group members understand their partisan identities at a single moment and across time. In this way, partisan identities can be viewed as a liberal to conservative continuum whose multiple dimensions are understood differently by minority and majority groups (Philpot 2017). Roll call voting behavior demonstrates how gender has shaped the meaning of partisanship among policy makers across periods in U.S. political history. Between 1972 and 1980, women members of Congress held more liberal positions than Republican and Democratic men, based on roll call votes (Welch 1985). At the state-level, women legislators' partisan voting behavior has polarized, with Democratic women becoming more liberal and Republican women becoming more conservative than their male co-partisans (Osborn, Kreitzer, Schilling & Clark 2019). Such

change at the ideational level is critical to understanding the shifting demographics of the Democratic and Republican parties.

At the meso level, partisanship encompasses party caucuses and partisan organizations in political institutions. Party caucuses have distinctive cultures that are shaped by their demographic base and their organizational priorities. In her classic study of national political parties, Jo Freeman (1986) demonstrates how differences in the cultures of the U.S. Democratic and Republican parties contributes to disparities in representation of women and ethnic minorities in party organizations. Her research shows that the organizational styles of the parties are key to understanding differences in their constituencies: On one hand, the open and confrontational style of the Democratic party facilitates the incorporation of multiple groups. On the other hand, Republican party leaders enforce a closed and consensus-oriented organizational style among more homogenous party members. While party's cultures and priorities constrain the options for collective action available to legislators, legislative caucuses can resist and restructure organizational dynamics. For instance, women's caucuses exist in about one-half of state legislatures across the United States – in states with Republican and Democratic majorities – and have highly diverse objectives that reflect their varied political contexts (Mahoney 2018). These non-partisan legislative caucuses facilitate collaboration of co- and cross-partisan women legislators, even in increasingly polarized legislative institutions (Holman & Mahoney 2018).

At the macro level, partisanship shapes political action through how partisan institutions interact. This is particularly evident in the United States, where two major parties dominate in a first-past-the-post system, aside from intermittently disruptive minor parties and factions (Eidlin 2016; Hirano & Snyder 2007; Skocpol & Williamson 2012). Legislators' institutional positions, and therefore their influence on policy, is constrained by their majority or minority party status

(Swers 2002). The binary US party system contrasts with multi-party systems in many other countries. The particular institutional arrangement of partisanship in the U.S., with its binary structure and its system of federal and state-level parties, makes it a distinctive national case for studying gender polarization.

Overview of Chapters

Chapter 2 uses state-level data to examine when gender polarization emerged and how conditions of state partisanship are associated differently with Republican and Democratic women legislators' representation in three historical periods. There were fewer Republican women lawmakers in Republican-controlled state assemblies in the 2010s, a marked reversal from the 1970s and 90s when Republican control was associated with more women lawmakers. Democratic control, which in the 1970s predicted fewer women legislators of that party, became positively associated with Democratic women's representation in the 2010s. Both parties now elect more women in the context of intense competition. Overall, dynamics of state partisanship became a strong predictor of women's presence in politics when parties changed their strategies to manage reversals in party fortunes, giving a gendered meaning to partisan representation.

Chapter 3 asks how partisanship and gender are co-constructed through routine legislative speeches and how party leaders' performances of gendered partisanship have changed. Drawing on 82 floor speeches by party leaders in the Colorado and Wyoming House of Representatives between 1991 and 2019, I analyze how gender gives meanings to partisan political discourse using topic modelling and qualitative textual analysis. I find that gender informs legislators' notions of state identity, their understanding of political leadership, and parties' issue priorities for the upcoming session. The salience of gender in political speech is contested and is shaped by state party regimes and critical events in states' political histories. As

party leaders vie for power in the polarized climates of many state assemblies, we should expect to see gender become increasingly woven into partisan discourses on both sides.

Finally, chapter 4 interrogates the contemporary effects of gender polarization in state politics by examining gender contests in governance of the COVID-19 pandemic. I ask how partisan political actors deploy gendered ideas to argue for and against emergency state public health orders in states where executive authority was legally challenged by the legislature or legislative caucuses. Based on a discourse analysis of lawsuits in which the legitimacy of governors' public health orders was challenged, I find divergent gendered arguments used by conservatives, who cast women leaders as antidemocratic, and by progressives, who used masculinized objective arguments to defend their authority to enact emergency orders. Conservative and progressive discursive approaches simultaneously paint governing as masculine and in so doing exclude women from images of democratic authority.

Taken together, these empirical studies advance scholarship on party polarization, political representation, and gender, and call for further research on the impact of intersectional diversity on representational outcomes. First, this dissertation provides a sociological lens on research about party polarization that has largely been gender-neutral and attitude-based. Party polarization is comprised of social relationships that produce and reproduce systems of gender inequality. Second, these studies reveal the institutional barriers to numerical representation of women in the polarized US party system, as well as the relationship between numerical and discursive representation. Women in political leadership face discursive resistance that is amplified by the current state of gender polarization in US parties. Third, these chapters capture remarkable change in gender power over the past forty years, even in the face of new forms of resistance to gender inclusion in politics. As political representatives become more diverse in

terms of gender, race, and class, future research should attend to how the party system works to reorganize power and how intersectionally diverse representation matters for democratic outcomes in contexts of divisive partisanship.

CHAPTER 2

EXPLAINING GENDER POLARIZATION: HOW THE PARTISAN OPPORTUNITY STRUCTURE SHAPED WOMEN'S POLITICAL REPRESENTATION, 1975-2019

ABSTRACT

Contemporary US politics is highly polarized and conspicuously gendered. While the mappings of social structures of race and class onto increasingly divided parties have been studied, how partisan politics became marked by a binary notion of gender is not as well-understood. Leveraging within-country variation in gender representation across US states, this paper analyzes when and how gender changed in significance through periods marked by different institutional dynamics of party control and competition. In a marked reversal from the late 1970s and 90s, Republican Party control of state assemblies is negatively associated with Republican women's representation in the 2010s. State Democratic Party control, which in the 1970s and 90s predicted a smaller share of women of that party, became positively associated with Democratic women's representation in the 2010s. The degree of state party competition predicts higher rates of representation for Democratic women in state legislatures, but adversely affects numbers of Republican women when party control regimes changed in the 1990s. Overall, women's representation went from being a party-neutral matter in the 1970s, to being a regionally contested aspect of state realignments in the 1990s, to a signal of party position on polarizing gender issues by the 2010s, giving a gendered meaning to partisan representation in the contemporary polarized political context.

INTRODUCTION

Gender meanings today are attached to the two national U.S. parties in a binary way. Since the 1980s, American voters have associated Democratic Party members with feminine traits while the Republican Party is coded as masculine (Winter 2010). Political candidates increasingly marshal gender, as well as race, class, and sexuality, in their campaign speeches to construct political boundaries and perform partisanship (Lamont, Park, and Ayala Hurtado 2017). This implicit association of gender with U.S. political parties has shaped the actual representation of women in elective offices, from Congress to state legislatures. While polarizations of class and race have been well-documented in the US context (e.g., Carmines and Stimson 1989; Brooks and Brady 1999), the gendering of US partisan politics is a more recent historical process that is likely a result of different mechanisms. This paper argues that the overlapping of gender and partisanship in subnational politics is, in part, a result of dynamics of state party control and competition in which gender was mobilized not only to distinguish the parties in terms of their approaches to issues, but also to elect representatives to stand in as emblematic of their values.

This paper uses state level data to examine how today's *gender polarization* – the socially divided elected membership of parties, with women nearly equitably represented among Democratic legislators and consistently under-represented among Republican legislators – developed. It argues that the competition between state parties for legislative power made gender significant in the context of changed political opportunity structures. State legislatures are important sites for political representation: State assemblies are considered the first major elected position in pathways to higher office (Mariani 2008). Moreover, over 100,000 bills are introduced in state legislatures each year (Erickson 2017), and which bills receive a floor vote

and the outcome of votes depends on who holds power. In these ways, the numerical and substantive representation of women in state legislative offices are interrelated (Mansbridge 1999; Patton and Fording 2020; Young 2000). Furthermore, as other studies of gender and politics suggest, numerical political representation at any level of office is an indicator of democracy and social equality (e.g., Bolzendahl 2014; Charrad 2001; Paxton, Kunovich, and Hughes 2007).

This paper addresses two questions: First, under what conditions did gender polarization emerge across the individual states? Second, how are the conditions of state parties in different eras associated differently with Republican and Democratic women legislators' representation during the late 1970s, 1990s, and 2010s? Drawing on regression models of gender representation in state party caucuses in these three time periods, I show how gender polarization is a process in which gender diversity changed its political meaning: state Democratic parties embraced women legislators to increase their competitive advantage while state Republican parties did not support women representatives in politically competitive states. This shift has created an effective ceiling on women's political representation, particularly when the more gender-exclusive party controls a majority of legislative chambers. When women's electoral success is linked to a single party, especially in a two-party system, gender itself becomes contested. As parties compete for power, the dual polarizations of gender and party reproduce relations of inequality that ensure white men's overrepresentation in decision-making.

POLARIZATIONS OF CLASS, RACE, AND GENDER

Polarization is both a status and a process (DiMaggio, Evans and Bryson 1996), which occurs at multiple levels of governance and manifests in party divisions in public opinion and elite political behavior. Although the presence and effects of mass polarization is debated,

polarization scores based on lawmakers' roll call votes leaves no question about elite polarization (Hetherington 2001), with almost no legislators voting across party lines on controversial issues in the late 2010s. The new millennium is distinguishable by extraordinarily high levels of party polarization in the United States (Baldassari and Gelman 2008). This paper focuses on polarization as a process that entrenches social inequalities in access to power.

Political parties, like other institutions, are comprised of "inequality regimes" that reproduce gender, class, and racial inequalities (Acker 2006; Hawkesworth 2003; Kenney 1996). Social polarization describes how social divisions in politics have been organized along party lines (Mason 2018). Below, I summarize the existing literature on how class and racial polarization emerged. The narratives of how class and racial polarization entered into US politics provide models for deconstructing the specific processes that apply to gender polarization. While the gender-party link has been well-documented descriptively, its emergence is under-theorized, with a notable focus on individual choice rather than institutional mechanisms. After describing the current status of US gender polarization, I advance an institutional explanation for this gender polarization process that moves beyond micro-level theories of candidate choice.

Class Polarization

Class polarization among the general public has been documented by a substantial literature on "class voting." Studies conducted at the turn of the millennium found a consistent association between class and partisanship in voting behavior, with more affluent voters more likely to vote for Republican candidates (Brooks and Brady 1999; Manza, Hout, and Brooks 1995). Debates over the paradox of partisanship in "red" and "blue" states in the early 2000s initially questioned the conventional wisdom about class voting in America, as richer states increasingly supported Democrats in the early 21st century. However, Gelman et al (2007) find

that richer voters still consistently vote Republican overall, although income appears to matter more at the individual-lever in poorer states. More recently, sociologists and political scientists have explored the apparent shift in rural working-class support for Republican candidates (Cramer 2016; Hochschild 2016). While shifts in the class-party alignment may be occurring in some places, it is clear that, to quote Manza, Hout, and Brooks (1995), "the vote is never independent of class in national elections."

Patterns of class polarization have been attributed to two institutional mechanisms. The first explanation for the class-party association is the strategic coalitions formed between the Democratic Party and labor interests in the 20th century. The New Deal was a turning point in the class/party alignment: While Democratic political leaders, and most visibly Democratic president Franklin D. Roosevelt, supported workers in the economic recovery following the Great Depression with jobs programs, conservative politicians resisted treating WPA workers as employees, instead emphasizing their dependent status as "reliefers" (Goldberg 2007). Liberal Democratic Senator Robert Wagner was a key broker in uniting the Democratic party with labor interests. The Wagner Act of 1935 supported unions by codifying in law workers' rights to organize for the first time and established the National Labor Relations Board. The Taft-Hartley Act of 1947, passed by a coalition of Republicans and Southern Democrats, later weakened labor's position (Schlozman 2015). Democratic efforts to support workers and unions in the early 20th century created a longstanding coalition between labor and the Democratic Party, and co-opted independent left third parties as part of the national Democratic party's broad and multiple coalitions (Eidlin 2016).

The second mechanism of class polarization is the geographic shift in the voting bases of the parties. Nixon's "Southern Strategy" grew Republicans' power in the previously Democratic

South and West (the ‘Sunbelt’) while Democrats gained strength in the Industrial Northeast and Midwest (the ‘Rustbelt’). The parties’ positions on economic issues shifted to align with the dominant interests of those regions. For instance, Congressional Democrats previously in support of liberal trade policies became more protectionist after the 1970s to maintain their labor coalition in Rustbelt States (Karol 2009). By the 1990s, welfare reform efforts emphasized the divergent economic priorities of the parties. Although the Clinton administration made many conservative concessions in welfare reforms, Democratic leaders overall supported workfare workers’ rights under the Fair Labor Standards Act, while the Republican congressional majority did not.

Racial Polarization

Racial divisions are also clearly defined in contemporary partisan politics. Over 80 percent of racial and ethnic minority US Congress members are Democrats in 2021 (Schaeffer 2021), elected by an overwhelmingly Democratic-leaning base of non-white voters. Racial polarization is particularly clear for Black Americans: In the 2010s, even most ideologically conservative Black voters identified with the Democratic Party (Philpot 2017). The alignment of Black Americans with the Democratic Party marks a dramatic shift in American history, a shift that scholars have documented over the course of a century.

Black Americans’ political allegiances were with the Republican Party from the Reconstruction Period through the 1930s. Freed people mobilized to claim rights through the Freedmen’s Bureau and Black men were disproportionately affiliated with the “Party of Lincoln” in the late 1800s and early 1900s (Goldberg 2007, ch. 2). Although the series of Reconstruction Acts did not extend suffrage to Black women, Black men and women were supportive of state Republican parties (Glenn 2002, 95). Republican party bosses in cities such as Chicago

capitalized on the support of Black men who moved into their districts during the Great Migration. As St. Clair Drake and Horace Cayton describe in *Black Metropolis*: "Each new wave of [Black] migrants was recruited by the precinct captains… Most of the migrants were closely attached to the Republican party, or, because of their southern background, were at least predisposed toward the party of Lincoln and Frederick Douglass" (1945, 343).

Black voters began to transfer their political allegiance to the Democratic Party under President Roosevelt's administration in the 1930s. As with class polarization, one of the explanations for the shifting race-party alignment is New Deal-era coalition-building. New Deal policies such as the Works Progress Administration (WPA) expanded employment opportunities for African Americans (Drake and Cayton 1945, 353-355; Goldberg 2007). The Democratic Party included strong contingents of anti-racists for the first time after the New Deal (Karol 2009, 104). State Democratic Parties in the Midwest, in particular, were forced to confront racial issues and establish new alliances to swing Black voters in favor of labor-supported candidates. Notably, these strategically racialized partisan appeals often fell short of real change in political representation, and local and state "Jim Crow" laws enacted by elected representatives continued to enforce racial inequalities.

Although the race-party alignment began to shift after the New Deal, many scholars attribute the bulk of racial polarization to strategic actions by Democrats and Republicans to develop their voting bases during the 1960s. On the Left, the Democratic Party became notably more racially progressive. In the years leading up to 1964, the national Democratic Party cautiously supported civil rights under President Kennedy. After Lyndon Johnson assumed the presidency, he made the Civil Rights Act of 1964 a top legislative priority (Carmines and Stimson 1989). On the Right, the Republican Party gambled on gaining support from a white,

racially conservative base and formed new coalitions with the emerging Christian Right. In response to President Johnson's leadership on the Civil Rights Act, Barry Goldwater's racial conservatism at the 1964 Republican National Convention and Richard Nixon's Southern Strategy in 1968 appealed to white anti-civil rights forces (Carmines and Stimson 1989). Racialized contests over IRS rules regarding the tax-exempt status of segregation academies in the South, such as the Christian academy founded by Jerry Falwell in Lynchburg, politicized white churches and reinforced Republican party ties with the "Moral Majority" (Schlozman 2015). Racialized neoliberal policies expanded under Ronald Reagan's administration (Omi and Winant 2015), which resulted in a legacy of racialized partisan redistribution policies in the U.S. (Hancock 2004; Soss, Fording, and Schram 2011).

Racial polarization has continued to be reinforced by both party leaders' strategic actions and electoral rules that favor the voting power of rural white Americans. Racial divisions in U.S. party politics increased in the 2008, 2012, 2016, and 2020 general elections. Contests over voting rights have been prominent in these election cycles and often have focused on urban areas, where Democrats have geographically concentrated support bases of racial minority voters (Chen and Rodden 2013). Such institutional changes have resulted in consistently divergent party support among white and nonwhite voters, especially evident at top-of-ticket races since 2000 (Ansolabehere, Persily, and Stewart 2012-13; Abramowitz and McCoy 2019; Lamont, Park, and Ayala-Hurtado 2017). Symbolic of this strategic racial polarization, the Democratic Party is the only party to have nominated and elected a Black man for President and a woman of color Vice President.

While the processes of class and racial polarization solidified by the 2000s and are well documented, the remapping of gender and partisanship that began in the 1980s transformed the

political representation of gender in different ways. A "gender gap" in voting, with women on average preferring Democratic candidates, appeared in the 1980s and continued to develop through the turn of the century (Manza and Brooks 1998; Mueller 1991). "Years of Women" in federal politics in 1992 (Cook, Thomas, and Wilcox 1994) and in 2018 (Kurtzleben 2018) in which the small shares of women in Congress jumped upward were driven by Democratic women candidate's gains that followed contentious Supreme Court nomination hearings in which sexual assault was a focus of debate. Notably, gender polarization appeared later in American political history than class and racial polarization, and cannot be explained by the same mechanisms. For instance, gendered bodies are not geographically sorted across states and rural and urban regions as with race and class, although gender norms vary geographically.

Gender Polarization

Gender polarization describes a comparable institutional process in which the two US political parties became aligned with a binary representation of gender in their elected membership, with state Democratic parties moving towards gender equity and state Republican parties becoming increasingly gender-exclusive with tokenized and therefore often highly visible exceptions. Below, I first summarize what we know about gender polarization: when representation gaps appeared and the changed relationship of party politics to gender equality issues that are intersectionally entwined with the social polarizations previously discussed. Then, I summarize the existing supply-side and demand-side explanations for changes in gender representation, which overall provide a limited window into how party membership became so strikingly divided by gender in the US context.

Emergence and Issues

The Democratic and Republican parties were slow to adopt positions on gendered issues. As late as the 1970s, neither party would have been considered a reliable proponent of women's rights (Baldez 2014; Sanbonmatsu 2002; Wolbrecht 2000). The events leading to sex discrimination's inclusion in Title VII of the 1964 Civil Rights Act demonstrates this. Southern Democratic opponents of the act proposed the amendment banning sex discrimination in employment as a "poison pill" meant to undermine the bill. However, National Women's Party members and congresswomen of both parties capitalized on this opportunity to prohibit sex discrimination in employment (Brauer 1983). The absence of gender in national party priorities at this time contrasts with the strategic partisan appropriation of class and racial issues after the New Deal and the Civil Rights era (Carmines and Stimson 1989; Goldberg 2007; Philpot 2017).

However, issues like the Equal Rights Amendment and abortion rights were strategically politicized in national parties during the 1980s, marking the start of gender polarization in US politics. In 1980, for the first time since the 1930s, the Republican Party omitted support for the Equal Rights Amendment (ERA) from its platform, estranging moderate pro-ERA party members like former Republican National Committee co-chair Mary Crisp (Costain 1991; Rosenfeld 2018). Abortion, which was not a partisan issue prior to the 1980s, was taken up as a rights-based wedge issue that divided religiously-identified activists from both parties and sorted the Religious Right into the Republican Party (Adams 1997; Ferree and Hess 2000; Lewis 2017).

Specific issues contested during the 1990s likely contributed to gender polarization, although scholars disagree about the quantitative evidence of opinion polarization on those issues. Struggles over "family values" and abortion rights featured prominently in what Pat Buchanan declared as a "culture war" at the 1992 Republican National Convention (Fiorina &

Abrams 2008). While some scholars find evidence of growing differences in opinion on abortion during the 1990s (DiMaggio, Evans, and Bryson 1996), others dispute these findings about mass polarization based on ordinal opinion measures, while acknowledging other evidence of heightened division over abortion rights, such as picketing and incidents of violence against abortion providers (Mouw and Sobel 2001). Federal welfare reform efforts enabled by a new Republican Congressional majority elected in 1996 involved dismantling needs-based social support programs that were particularly crucial for supporting mothers (Stryker and Wald 2010). Racialized and gendered stereotypes of "welfare queens" were used effectively in these debates that ultimately reorganized the relationship between families and the state (Hancock 2004). Women's equality politics also became strategic in Clarence Thomas's Supreme Court confirmation hearings, in which changing norms about sexual harassment gave gender increased salience.

After gender inclusion in American politics apparently stalled in the 2000s, the 2010s saw the most significant progress in gender representation in decades, although all gains in women's share of seats came from Democratic electoral victories. Gender salience was heightened in 2016 as Hillary Clinton accepted the Democratic presidential nomination. The election of Donald Trump spurred a feminist backlash, highlighted by Women's Marches across U.S. cities and record numbers of Democratic women running for office in 2018 (Lawless and Fox 2019; McKane and McCammon 2018). The election year following this mobilization resulted in a "pink wave" with a distinctly blue hue (Dittmar 2018); while record-breaking numbers of Democratic women were elected in 2018, the number of Republican congresswomen and state legislators *declined*.

Overall, these three political periods point to strategic choices by parties as spurring the process of gender polarization. The late 1970s preceded either party taking a clear stance on gendered issues, although gender politics is clearly contested. The late 1990s marks the first period in which the national parties could be recognized as taking distinctive positions on issues of gender equity. By the late 2010s, partisan alignments on gender issues were used in competitive national races and the parties represented women and men in distinctly different proportions in elective offices. It is this indicator of gender polarization, political representation, that this paper examines across these critical periods in which a gender and party connection was institutionalized.

Existing Explanations for Gender Polarization

Explanations for gender inequalities in political representation fall into two broad categories. Supply-side explanations focus on diverse candidates' individual availability and ambition to run for office. In contrast, demand-side explanations are used for comparative analyses to identify structural advantages in the rules for races affecting who is supported as a candidate and wins elective office. Demand-side explanations have been shown important in explaining cross-national variation in gender representation, particularly in countries that implement quota policies and where parties control ballot access for candidates. In line with demand-side approaches, I propose that more attention needs to be paid to how the political opportunity structure in the US is shaped by and for partisan purposes, and affects party demand for inclusive representation of women as well the more familiar interests of race and class representation, particularly in today's increasingly polarized US two-party system.

Supply-side explanations attribute gender inequalities in representation to a lack of women in pipelines to elected offices. One familiar explanation attributes this to gender

differences in political ambition (Lawless and Fox 2010), suggesting that although women tend to win when they run for political offices, many do not want the job. Focusing on partisan differences in gender representation specifically, Thomsen (2017) argues that moderate women began to opt out of candidacy for federal elective offices when they no longer saw themselves "fitting" in parties once the meaning of partisanship became more exclusive. Scholars have recently called for a more nuanced treatment of the supply-side dynamics of candidate emergence as a gendered process, rather than a matter of individual choice (Piscopo and Kenny 2020).

Another supply-side explanation interrogates the structural conditions that facilitate women's participation in politics. Social and economic factors, such as education, labor force participation, and occupation, shape opportunities for individual women to access political power. Evidence from international studies of gender in politics find that greater district-level economic development is associated with more women parliamentarians, as in the case of post-communist Romania (Dubrow 2006). In the US context, Smith, Reingold, and Owens (2012) have found higher shares of women city councilors in cities where more women are college educated, are entrepreneurs, and have higher median incomes. Notably, explanations for gender representation reliant on education may be less useful in the U.S. context today since higher education completion rates among women now exceed men. Parties can be especially critical in facilitating access to resources, and scholars have found disparities in parties' financial support for women, and especially women of color, candidates (Brown and Dowe 2020; Carroll and Sanbonmatsu 2013). Finally, Thomsen and King (2020) draw attention to gender disparities in occupations that typically form the pipeline to elective offices (such as law and business) to

explain the continued underrepresentation of women, and especially Republican women who comprise a much smaller share of the candidate pool than Democratic women.

While supply-side explanations focus on candidate emergence, demand-side explanations consider how factors like political cultures and features of the electoral system shape demand for women as political representatives. Some studies suggest that regional political cultures and attitudes partly explain variation in women's legislative representation among U.S. states. Women legislators' representation in late-20th century New England has been seen as driven by moralistic political cultures and coalitions of moderate Republican women that disintegrated by the early 2000s (Elder 2013). In contrast, Southern states have historically overrepresented wealthy white men in political affairs (Glenn 2002). A study comparing North-South differences among women legislators finds that Southern women lawmakers must signal more conservative views to be viewed as credible (Ford and Dolan 1995). Building on this body of scholarship, more recent research emphasizes differences in constituent attitudes, suggesting variation in state-level gender role attitude scores explains variation in states legislatures' share of women members (Arceneaux 2011). Women who succeed in getting elected may still face barriers to accessing power in legislatures as increasingly divisive caucuses gate-keep key positions of power (Matthews 2021).

In studies of gender variation in representation cross-nationally, it appears that features of the electoral system and elected bodies also strongly shape demand for women candidates. In the comparative politics literature, there is consensus that whether the electoral system is proportional or not (Kittilson and Schwindt-Bayer 2012; Paxton and Hughes 2015) and the democratization process can greatly inhibit or enhance women's political representation (Fallon, Swiss and Viterna 2012). Affirmative action measures, or gender quotas, can also increase

demand for women candidates (Dahlerup 2018). In the U.S., where there is little variation among states in the first-past-the-post representation system, chamber size was historically of some interest as its diluted prospects for legislative impact was once positively associated with women's political representation (Diamond 1977; Rule 1981).

These supply- and demand-side approaches provide some important explanations for variations in women's representation, although the explanatory power of demand has barely been considered in the American context. Teele (2019) argues that the Americanization of comparative politics has over-emphasized behavior (supply-side) theories. Likewise, the robust international literature on feminist institutionalism offers limited insight into the majoritarian, polarized two-party US system. I advance the demand-side approach by examining how two features of the US political opportunity structure – party control and competition – shape women's representation by party across state legislatures in the three eras that characterize the strategic considerations in the process of gender polarization.

HOW THE POLITICAL OPPORTUNITY STRUCTURE SHAPES GENDER POLARIZATION

Parties are "coalitions… seeking to control the governing apparatus by legal means" (Downs 1957, 24-25). Attention to variation in how parties do that state-by-state has been neglected in comparative analyses of institutional demand for women candidates in the US. When parties use gender to differentiate themselves, I expect that dynamics of party dominance (e.g., what party is in control and whether or not parties have reliable state-level control) shape the gender composition of legislative bodies. Since both parties need support from both women and men voters, using candidate sex to signal their agenda needs to go beyond presenting women candidates as representatives of women voters' concerns. In order to tease out the party-specific

dynamics of institutional gender representation that led to the current polarization of the parties on gender lines, I consider how dynamics of control and competition impact the percent women in the Republican and Democratic state house delegations in the late 1970s, 90s, and 2010s.

Women legislators' presence in state party politics depends on the partisan opportunity structure and how parties view the numerical representation of women as affecting party interests in their state. Party control of legislative bodies is not stable and U.S. parties have undergone dramatic realignments since the 1980s, changing the opportunity structures they face (Schlozman 2015). Previously, Elder (2008) suggested that regional partisan realignments – particularly in the South and Northeast – contributed to the gender gap in Congress. I expect these gender dynamics to vary across states and over time, since electorally successful parties can take more chances in moments of realignment. As U.S. parties claimed positions on gender issues at the national level in the changing "culture war", I expect the extent to which state parties chose women candidates to represent their "brand" should vary. Using representation as a symbolic expression of issue ownership, this realignment would affect how state parties see advancing women candidates as an electoral threat (for Republican Parties) or an opportunity (for Democratic Parties). Thus, I propose two hypotheses about party control's effect on Democratic and Republican women's representation in state parties:

> *H1: The direction of Democratic Party control's effect on Democratic women's representation will change from negative to positive between the 1970s and 2010s as signaling gender equity became a competitive advantage.*
>
> *H2: The direction of Republican Party control's effect on Republican women's representation will change from positive to negative between the 1970s and 2010s as signaling opposition to gender equity became an electoral opportunity.*

Party control is a crucial tipping point of power that state parties aim to achieve, but the stability of control varies with degree of party competition. The influence of party competition

on women's representation has received little scholarly attention. A few international studies do suggest that party performance shapes representation. Women in parliamentary democracies are more likely to initially achieve leadership positions in opposition parties and retain their positions if their parties are electorally successful (O'Brien 2015). Case studies of Latin American cabinets (Escobar-Lemmon and Taylor-Robinson 2005) and Swedish municipal councils (Folke and Rickne 2016) look at how party competition, measured in terms of the percent of seats in the legislature, affects the share of seats women hold. Both studies find that more party competition is associated with better numerical representation of women overall and a smaller gender gap in representation between parties.

However, electoral systems in Europe and Latin America differ greatly from the U.S., so the effects of party competition should be expected to vary across time periods as polarization and issue ownership change. In the U.S. context, some evidence suggests within-party competition (primaries) is greater for women candidates and partly explains their under-representation (Lawless and Pearson 2008). Although "primarying" disfavored candidates within a party may play a role in decreasing representation of women, the non-US studies stress competition's potentially positive effects. In the US, Fraga and Hassell (2020) do find that party competition leads to increased support of Democratic women candidates between 2006 and 2014. However, I expect party competition heightens the differences between the two parties rather than just being helpful to women politicians across the board. As O'Brien (2015) has shown with longitudinal evidence from parliamentary democracies, women are more likely to enter leadership in failing minority parties; however, signaling gender diversity as a value might be a risk or a competitive advantage depending on the context and the party. Considering

changing dynamics of parties since the 1970s, I advance the following hypotheses about how parties' competition for power matters:

> *H3: Party competition becomes more negatively associated with Republican women's state legislative representation when state Republican Parties become electorally competitive (e.g., in the 1990s).*
>
> *H4: Party competition becomes more positively associated with Democratic women's state legislative representation after state Democratic parties lose control of state legislative power, and therefore raise the stakes for party success (e.g., in the 2010s).*

Party realignments across U.S. political institutions precipitated shifts in state legislative majorities that solidified in the 2010s. Parties became more ideologically distinctive and partisan legislators became more clearly distinguished in their voting behavior (Hetherington 2001; Thomsen 2017). This *party* polarization became manifest as a *gender* polarization as state parties mobilized gender politics to distinguish themselves in terms of their issue priorities and their elected representation. I show how these state parties' competition for power in a changing political environment precipitated an uneven country-wide pattern of gender polarization. Variation in the timing and degree of gender polarization in the universe of partisan state legislatures from 1975 to 2019 helps explain the binary course that U.S. parties took as they realigned. Because of this internationally and historically unusual mapping of gender onto party, there are now unparalleled obstacles as well as opportunities for women to exercise political authority in the U.S. system.

METHODS

Consistent, comparable data on gender and partisanship in state legislatures was first collected by two centers founded in the 1970s – the Center for American Women and Politics at Rutgers University and the National Conference of State Legislatures. I combine data from these organizations to analyze the changing association between state party dynamics and women's

representation in state assemblies. First, I conduct a longitudinal analysis of parties' representation of women in all 49 partisan state assemblies to examine the timing of gender polarization in the universe of state legislatures. Then, based on multiple regression models in three time periods spanning the realignment of the parties (1975-79, 1995-99, and 2015-19), I show how dynamics of party control and party competition in these three different political environments predict variation in Republican and Democratic women's legislative representation across states, independent of other explanations.

The time periods selected for the regression analysis capture distinct eras in U.S. party politics that shaped the opportunity structure for women's representation. By grouping years into theoretically meaningful periods, rather than considering change a linear trend, it is possible to measure party control meaningfully. The late 1970s represents a period of hegemonic Democratic control of state legislatures. The late 1990s was a time of ideological change and partisan realignment. Rising influence of the religious New Right following the election of President Reagan and political contests over a "culture war" declared by Pat Buchanan in his 1992 RNC speech began to delineate the political parties more clearly with respect to gender and race, and to connect these "identity" issues (Fiorina and Abrams 2008). Finally, the late 2010s is a period when hegemonic Republican control of state legislatures re-contextualized party competition. This contemporary period is marked by divisive partisanship at the national and state levels, party-led consolidation of structural advantages for Republican-leaning rural voters, and a Trump administration whose gendered style of leadership as well as race and gender policies were contested by Women's Marches and #MeToo activism.

Dependent Variable

Data on women's numerical representation in state parties comes from the Center for American Women and Politics (CAWP) Women Elected Officials Database. The share of political power held by Republican and Democratic women state representatives in partisan state house caucuses is the outcome of interest. State assemblies (or state houses) are typically larger than state senates and historically include more women members. Variation in the share of parties' seats held by women in assemblies is therefore more likely to reflect change in theoretically-relevant factors rather than exit or entrance of individual lawmakers. Since size and composition of legislative chambers vary, I measure women's legislative representation as a percent of parties' seats in each chamber. Descriptive statistics for dependent and independent variables are given in Table 2.1.

Independent Variables

The theoretical focus is on two measures of state legislative partisanship. *Democratic or Republican-leaning House control* indicates what party holds a majority of seats in a partisan legislative chamber over three consecutive legislative sessions (all states have partisan legislatures except Nebraska, so n=49) in the relevant period. A party control score of 0 indicates three sessions of Republican control and a score of 1 indicates three sessions of Democratic control. Across each time period (e.g., 1975-79, 1995-99, and 2015-19), states were coded as Democratic-leaning if the state house had a Democratic majority in at least two of the three sessions in that period (or a three-year average score of 0.66 or greater), and vice versa for Republican-leaning control.

Table 2.1 Descriptive statistics of quantitative variables by period

	1975-79	1995-99	2015-19
Dependent Variables			
% Women of D State Representatives	10.9	25.4	39.2
	(6.5)	(10.6)	(11.7)
% Women of R State Representatives	12.2	20.4	19.5
	(8.1)	(8.8)	(8.4)
Independent Variables			
Democratic-Leaning House Control	0.78	0.51	0.35
Republican-Leaning House Control	0.22	0.49	0.65
	(0.42)	(0.51)	(0.48)
State House Party Competition	60.7	73.8	68.2
Controls			
State Assembly Size	113.8	112.6	112.0
Female Labor Force Participation Rate	49.5	61.2	57.9
Real Per Capita Income (Thousands)	24.6	34.5	51.7
Percent Urban Population	67.0	71.7	73.6
	(14.5)	(15.1)	(14.7)

Sources: CAWP; NCSL; State Policy Correlates Project; US Census Bureau; US Bureau of Labor Statistics

Note: Only partisan state legislatures (n=49) are included.

Party competition, or House margin of majority, is a quantitative measure of the partisan competitiveness of a state legislature expressed as a three-session-year average. It is calculated by taking the absolute value of the percent of Democratic House members subtracted from one. I have recoded this measure of competition to be logically ordered, such that a value of 0 indicates no competition (for instance, an all-Republican or all-Democratic state assembly) and 100 indicates perfect competition, or equal representation of parties in the assembly. Party competition is independent of party control: In 2019, the mean party competition score is 66 in Democratic-controlled legislatures and 69 in Republican-controlled legislatures. As such, competition captures variation in an organizational dynamic that party control alone does not.

Both partisan measures were constructed from the National Conference of State Legislatures (NCSL) Party Composition Tables.[1]

To isolate effects of partisanship, I control for the regional, socioeconomic, and institutional measures existing research suggested. *Geographic region* is a categorical variable defined by the U.S. Census Bureau. *Female labor force participation* is based on 1977, 1997, and 2017 estimates from the Bureau of Labor Statistics. *Real per capita income,* measured in thousands for the years 1979, 1999, and 2018, is drawn from the State Policy Correlates Project dataset. *Percent urban* is a quantitative measure of the state population living in urban areas based on decennial estimates from the U.S. Census Bureau (1980, 2000, and 2010). Finally, *assembly size* is a count of the number of seats in the state assembly in 1979, 1999, and 2019.

Analytic Strategy

I first examine the overall distributions of women as percentages of legislators in the Democratic and Republican state parties and levels of state party control for each session-year between 1975 and 2019. Then, I constructed separate regression models for the percent women in the Republican and Democratic Parties' caucuses that include controls for state-level covariates in each of the three periods in which control and competition are measured. These models reveal how the direction and size of party control and party competition's effects on women's political representation changed in the late 1970s, 1990s, and 2010s. Quantitative models based on inferential statistics can be usefully applied to analyze data on full populations, such as the state-level measures used in this study, although metrics of "statistical significance"

[1] John Mahoney at the National Conference of State Legislatures graciously shared the partisan composition tables.

do not carry the same meaning that they do for sample data. My interpretation of these models therefore focuses on effect sizes for the variables of interest.

GENDER POLARIZATION IN STATE LEGISLATURES, 1975-2019

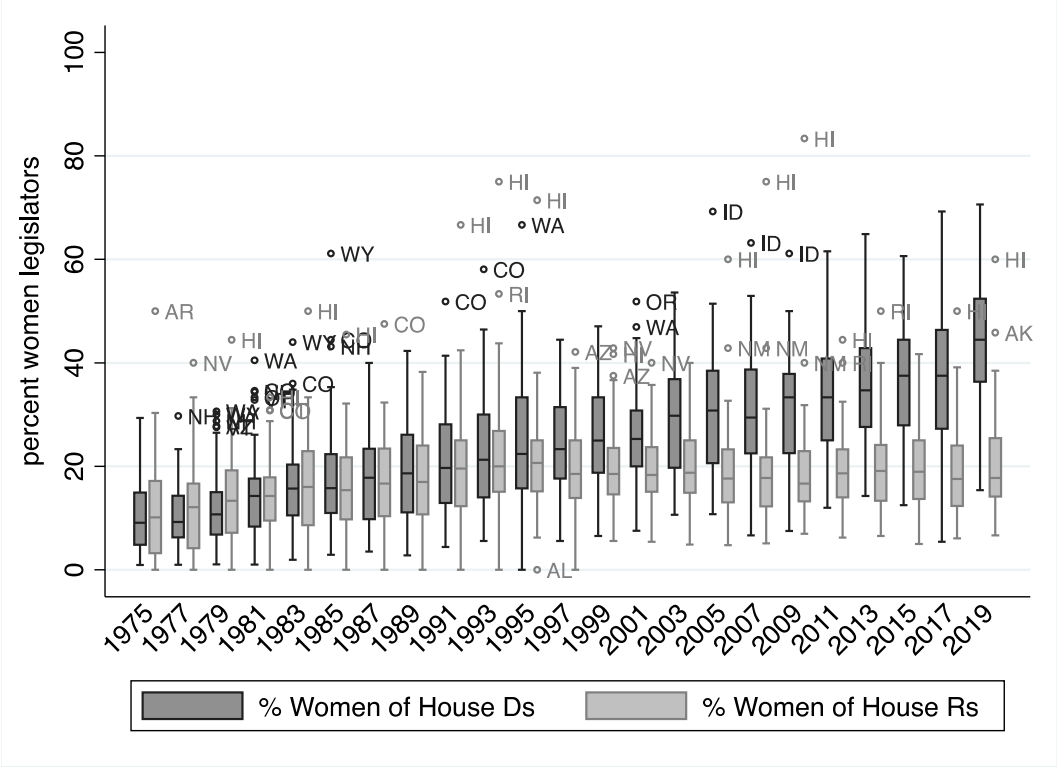
Figure 2.1 shows the distribution of the percent women legislators in states' Democratic and Republican House caucuses in all legislative sessions between 1975 and 2019. The boxes in each year represent the middle fifty percent of state house parties and the median percentage is indicated by the line crossing the box. State parties with an unusually low or high percent of women legislators in a given year are shown in the tails of the plots. From at least 1975 to 1979, women legislators were slightly better represented by the median Republican state party compared to the median Democratic party. From 1981 until 1995, state parties did not differ substantially in how underrepresented women were in them. The median share of women state representatives in both parties increased from about 15 percent in 1981 to just over 20 percent by 1995.

Evidence of gender polarization in state parties' elected representation first becomes visible in 1997. Gender polarization's emergence is driven primarily by the median share of Republican women legislators declining while the median share of women among state legislative Democrats continues slowly to rise. The 1997 state legislative sessions followed two contentious federal election cycles, Bill Clinton's elections in 1992 and 1996, and divisive federal-level welfare reform efforts. The Republican focus on defining Bill and Hillary Clinton as corrupt reflected a shifting partisan landscape around "morality" defined by debates about gay rights, abortion, and welfare, which seems to have affected political outcomes at the state-level. A news article reflecting on masculinity in politics and the changing Republican issue priorities after 1994, which has been called the "year of angry white men," claimed "women have played a

key role in bringing the swaggering Republican Party to its knees."[2] Polarizing effects of Republican party leaders' coordinated efforts across the country included the new "Contract with America" promulgated in 1994 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. These issue realignments organized partisan policy impact according to gender and race (e.g., Hancock 2004; Stryker and Wald 2009), and changing issue priorities of state parties began to be reflected in the representation of women in their delegations.

Figure 2.1 Distributions of percent women state representatives by party, 1975-2019

Note: All partisan state assemblies (n=49, excludes Nebraska) are included in each year.

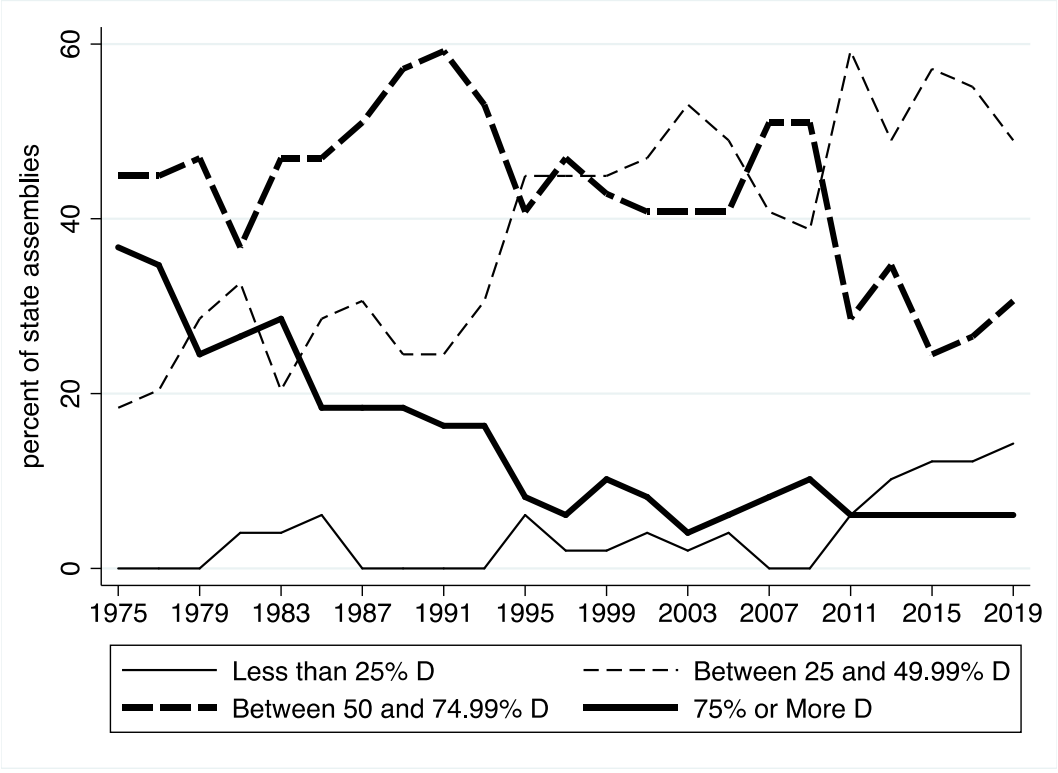


The process of gender polarization accelerated through the 2000s as the "ceiling" of women's representation in state Democratic House caucuses rose and the "floor" remained low for Republican women. In Republican-majority states, such as Idaho, the share of Democratic

[2] "Women Leading Their Way Through Gender Muddle, Politics," *Austin American-Statesman,* October 1, 1996.

women legislators for the first time far exceeded half of the Democratic delegation (e.g., 12 of 19 in ID in 2007). Idaho's share of Democratic women legislators was no longer unusual by the 2010s, when many state Democratic parties achieved gender equity in their representation (at least 50 percent women), including in Republican-majority state assemblies such as AZ, GA, ID, MT, ND, and WI and Democratic-controlled assemblies in CO, IL, NV, OR, VT, and WA. Meanwhile, women's share of Republican legislative seats fell precipitously in several Northeastern and Southern states. Women comprised less than five percent of Republican delegations (2003 and 2005) in the Democratic-controlled state of Alabama where the Republican Party was becoming more competitive – and would eventually gain the majority. By 2019, the median Republican State House caucus had about the same percent of women legislators as the least gender-inclusive Democratic state legislative delegation.

Figure 2.2 Percent Democratic legislators in state assemblies, 1975-2019
Note: All partisan states (n=49, excludes Nebraska) are included in each year.



These trends in gender polarization correspond with shifting patterns in state parties' control of legislative seats since the 1990s. Figure 2.2 shows the percent of state assemblies with strong or competitive Republican control (i.e. less than 25 percent Democratic legislators or between 25 and 49.99% Democratic legislators, respectively) and strong or competitive Democratic control (i.e. 75 percent or more Democratic legislators or between 50 and 74.99 percent Democratic legislators, respectively) from 1975 to 2019. Overall, Democrats controlled a majority of state houses between the 1970s and early 1990s, although the share of state assemblies with strong Democratic majorities declined over this period. The 1994 General Election marks a turning point in state parties' overall legislative control. The legislative session following this election saw a drop in the percent of states with strong Democratic majorities and an increase in the percent of state legislatures with competitive Republican assembly control.

On the whole, Republicans' share of state legislative seats grew after 1995, as previously uncompetitive Democratic state houses became highly competitive between 1994 and 2008. The share of states with competitive Republican legislative majorities (indicated by the line "Between 25 and 49.99% Democrats" on Figure 2.2) increased between 1995 and 2003. After two cycles of Democratic electoral success up-and-down ticket in 2006 and 2008, the percent of state assemblies with competitive and strong Republican majorities increased after the 2010 "red wave" election. Since 2010, a new dynamic of strong Republican majorities has defined state legislative politics. It is in this transition – from hegemonic Democratic legislative majorities in the 1970s, to high party competition in the 1990s, to hegemonic Republican legislative majorities in the 2010s – that gender becomes enlisted as a symbolic representation of each party as parties compete to control state houses in these different political contexts.

DYNAMICS OF STATE PARTIES' GENDER REPRESENTATION

How did these changing contexts of party control at the state level affect each party's representation of women between the 1970s and late 2010s? I turn to a regression analysis of Democratic and Republican women's representation in three periods of state party change to answer that question. Women's representation in these state party caucuses show divergent paths of gender-party representation as the parties managed distinct political opportunity structures in these three time periods.

Table 2.2 presents models for the average percent Democratic state assemblywomen in the three periods of interest. Two models of women's partisan representation are given for each period: a partisan model including party control and competition, and a full model including alternative explanations based on states' geographic region, percent urban population, size of the political institution, and socioeconomic factors.

Democratic women's representation is strongly tied to their party's legislative control and competition initially. In the 1970s, Democratic-leaning party control is associated with five percentage points fewer Democratic assemblywomen on average, controlling for party competition (Table 2.2, model I). Many of the states with consistent Democratic Party control at this time were in the South, led by white men political leaders who were the target of Nixon's Southern Strategy. Each 10-percentage point increase in party competition is associated with almost a one-percentage point increase in the state's percent of Democratic assemblywomen in the same model. These two party factors together explain over one-third of the variation in Democratic women's state legislative representation during this time period. These effects remain meaningful when other explanations are added as controls (model II). At this time, Democratic women are better represented in states with higher per capita income and smaller

urban populations. They are also better-represented in the West and Midwest relative to the Northeast, where women were included in moderate Republican parties, as other research has shown (Elder 2008).

Table 2.2 Three-year average models of Democratic women's state assembly representation in three periods

	1975-79			1995-99		2015-19
	I	II	III	IV	V	VI
Democratic-Leaning Control	-5.07**	-4.89**	-4.85	-0.39	3.21	6.93
	(2.05)	(2.02)	(3.02)	(2.52)	(3.54)	(4.33)
Party Competition	0.09***	0.05	0.04	-0.05	0.06	0.09
	(0.03)	(0.05)	(0.08)	(0.07)	(0.09)	(0.08)
Assembly Size		0.02		0.08***		0.06*
		(0.01)		(0.02)		(0.03)
Region[A]						
Midwest		5.79**		-4.33		-6.79
		(2.22)		(4.10)		(5.78)
South		0.69		-9.96**		-5.31
		(3.07)		(4.62)		(5.06)
West		6.27***		11.99***		6.03
		(2.08)		(3.56)		(4.55)
Female Labor Force Participation Rate		0.20		-0.13		1.41**
		(0.18)		(0.36)		(0.53)
Real Per Capita Income (1k)		0.78**		1.53**		-0.81***
		(0.37)		(0.57)		(0.29)
Percent Urban Population		-0.18***		-0.14		0.24*
		(0.06)		(0.12)		(0.12)
Constant	9.28***	-10.72	25.16***	-14.01	33.90***	-32.71
	(3.14)	(10.84)	(6.58)	(22.41)	(6.48)	(31.48)
Observations	49	49	49	49	49	49
R^2	0.354	0.601	0.063	0.567	0.029	0.476

Standard errors in parentheses
* $p < .1$, ** $p < .05$, *** $p < .01$

A. The reference category for region is the Northeast.

Both the effect sizes and explanatory power of party variables on Democratic women's representation decline from the late 1970s to the 1990s. The effect of Democratic-leaning control is still negative, although the effect size is smaller (Table 2.2, model III) and is close to zero when accounting for controls (model IV). The effect of party competition is also close to zero in the late 1990s. Democratic-leaning control and party competition only explain six percent of the variation in Democratic women's representation during this time of party regime changes. Region and financial resources are better explanations for Democratic women's representation at this time: their political inclusion is especially notable in Western states, and increased since the 1970s in Northeastern states where Democratic women are now better-represented compared to Southern and Midwestern states. Furthermore, each one thousand dollar increase in state per capita income is associated with a 1.5 percentage-point increase in Democratic women's representation, on average and net of other factors, suggesting the importance of access to financial resources to achieve elective office at this time.

By the late 2010s, the effect of co-partisan control on Democratic women's representation in state legislatures reverses, supporting hypothesis 1. Democratic women are better-represented by over three percentage points in state legislatures where state Democratic parties tend to control the legislature (Table 2.2, model V). The effect of party competition changed little between the 1990s and 2010s, although the effect of competition is now consistently positive, even after accounting for controls, suggesting modest support for hypothesis 4 (model VI). Notably, the explanatory power of party factors on Democratic women's representation is very small by the 2010s ($R^2 = 0.03$); Democratic women are ubiquitously well-represented by this time period (note the high constant of 33.9 in model V), even in states where the Democratic party tends to be in the minority. Instead, the most important

explanations for variation in the percent Democratic women legislators are socio-economic resources: each percentage-point increase in women's labor force participation is associated with a 1.4 percentage-point increase in the percent Democratic state assemblywomen. There are persistent regional differences in Democratic women's representation, with the West and Northeast leading the country in their political inclusion.

While party dynamics became less important predictors of Democratic women's representation across these time periods, Republican women's representation has become increasingly contingent on state partisanship. Table 2.3 presents regression models for Republican women's representation over the same three time periods. In the late 1970s, there was a modestly higher (three percentage-point) share of Republican women in states where their party held consistent control, and party competition had a negligible effect on their representation (Table 2.3, model I). State party dynamics explained almost none of the variation in Republican women's representation ($R^2 = 0.02$). States with more women in the labor force had more Republican women legislators at this time; each percentage-point increase in states' female labor force participation was associated with 0.75 percentage-points more Republican assemblywomen in otherwise-similar states. Western states, where women in Republican strongholds achieved early suffrage (Teele 2018), led the country in Republican women's representation at this time.

Republican women's advantage in Republican-controlled states begins to falter in the 1990s as state politics became more competitive. The effect size of co-partisan control attenuated. Meanwhile, in support of hypothesis 3, party competition is negatively associated with Republican women's representation during the late 1990s when state Republican parties were fighting for control under circumstances of increased party competition and realignments in

party control. Each percentage-point increase in party competition is associated with a 0.12 percentage-point decline in the percent of Republican women, on average (Table 2.3, model III). Although the explanatory power of party dynamics remained small, the R^2 more than doubled, from 0.02 to 0.07. Of the other explanations, the most notable change is the sharp decline in Republican women's representation in Southern states relative to Northeastern states, regions which were the focus of strategic party realignment leading up to the late 1990s.

State Republican parties, particularly in Southern and Midwestern states, became more electorally competitive after the 1990s and had secured majorities in almost two-thirds of state houses by the late 2010s. However, this new hegemony of Republican legislative control is associated with a *decline* in Republican women's share of these seats. Republican women make up over seven percentage points fewer seats in Republican delegations in Republican-controlled state houses compared to state houses with Democratic-leaning control, supporting Hypothesis 2 (Table 2.3, model V). In this time period in which many Republican-leaning states have secured consistent majorities through redistricting, the effect of party competition on Republican women's representation is once again negligible. Republican women are best-represented in states where state Republican parties have less chance at controlling the legislature and where women are numerically well-represented in politics overall: in Democratic-led state legislatures. Party dynamics account for more variation in Republican women's representation than in previous periods, explaining 19 percent of variation in their representation. By contrast, the effect sizes of socioeconomic factors such as state per capita income and female labor force participation attenuated, and accounting for other explanations of gender representation does not quite double the R^2 (from 0.19 to 0.36, in models V and VI).

Table 2.3 Three-year average models of Republican women's state assembly representation in three periods

	1975-79		1995-99		2015-19	
	I	II	III	IV	V	VI
Republican-Leaning Control	3.16	1.61	1.32	-2.40	-7.64***	-5.37
	(3.15)	(3.36)	(2.50)	(2.25)	(2.34)	(3.45)
Party Competition	-0.03	-0.07	-0.12*	-0.09	0.00	0.03
	(0.05)	(0.08)	(0.07)	(0.06)	(0.06)	(0.06)
Assembly Size		0.01		0.00		-0.01
		(0.02)		(0.02)		(0.03)
Region[A]						
Midwest		4.32		1.20		-2.35
		(3.69)		(3.66)		(4.60)
South		-0.50		-5.15		-2.93
		(5.15)		(4.12)		(4.03)
West		4.49		3.35		5.26
		(3.46)		(3.18)		(3.62)
Female Labor Force Participation Rate		0.75**		0.41		0.12
		(0.31)		(0.32)		(0.42)
Real Per Capita Income (1k)		-0.47		-0.50		0.10
		(0.61)		(0.51)		(0.23)
Percent Urban Population		0.02		0.26**		-0.02
		(0.10)		(0.11)		(0.10)
Constant	13.60***	-13.73	28.87***	1.93	24.30***	10.77
	(3.23)	(18.62)	(5.08)	(19.92)	(4.59)	(25.38)
Observations	48	48	49	49	49	49
R^2	0.023	0.295	0.070	0.500	0.190	0.363

Standard errors in parentheses
* $p < .1$, ** $p < .05$, *** $p < .01$

A. The reference category for region is the Northeast.

Note: During 1975-79, there were 0 Republicans in the Alabama State House, which is why only 48 observations are included in models I and II.

As the contrasting models of Democratic and Republican women's numerical representation in these three periods illustrate, gender polarization emerged from a dynamic process of state party change over the last four decades. State Republican parties were relatively gender-inclusive in their representation compared to state Democratic parties that held majorities in most state legislatures in the 1970s. However, as states that were once uncompetitive (especially in the once-Democratic South and Midwest) became competitive in the 1990s, state Republican parties began to advance fewer Republican women as party representatives. In the late 2010s, when many states were once again uncompetitive but now under regimes of Republican control, Republican women's representation is not furthered when their party is in power and party competition in these states only modestly increases women's representation. Meanwhile, state Democratic parties across the U.S. became more gender-inclusive in their representation as they strategically targeted resources to gain new majorities in states like Colorado that previously had supported women's political rights under Republican leadership. While party competition is positively associated with women's representation in both parties in the late 2010s, Democratic parties see a greater competitive advantage by advancing women as their representatives.

CONCLUSIONS AND DISCUSSION

This article shows how gender polarized party meanings developed unevenly across the United States in response to shifting regimes of party control around the turn of the century. Women's representation went from being a party-neutral matter in the 1970s to being a regionally contested aspect of state realignments in the 1990s and becoming a signal of party position on polarizing gender issues by the 2010s. By analyzing the party-specific ways that dynamics of legislative control and party competition shaped the opportunity structure for

women in subnational politics over three distinct time periods in the 1970s, 1990s, and 2010s, I show how gender inequalities in political representation are part of the dynamics of state parties, and polarization of party meanings around gender issues at the federal level led to polarizing women's representation in state legislatures over time. This study finds that party control and competition for power shape gender inequalities in representation, as previous scholarship has found in higher levels of office and other political contexts (Elder 2008; Escobar-Lemmon and Taylor-Robinson 2005; Folke and Rickne 2016). In the distinctively binary US system, women's representation was polarized as a partisan issue beginning in the 1990s, and in turn the meaning of "party" is now defined by gendered understandings of whom parties represent (Winter 2010). This represents a significant historical change, no less than the realignments of the parties around class and race earlier in the 20th century.

Drawing on insights from the more robust class and racial polarization literatures, this paper points to partisanship's role in institutionalizing disparities in the demand for women as political representatives. Explanations for gender representation that focus on the individual choices of candidates (e.g., Lawless and Fox 2010), which are most relevant to the US context where parties do not control candidate lists (Piscopo and Kenny 2020), do not account for parties' active roles in signaling diversity as a priority and allocating resources to support those priorities as they manage shifting contexts of political opportunity and risk. In analyzing how the partisan opportunity structure shaped Democratic and Republican women's representation in these three time periods, other demand-side factors also stand out in their significance, especially the longstanding regional regimes of gender inequality, which women from both parties better-represented in Western and Northeastern states. Additional research is needed to examine why these regional disparities persist.

The overlap between gender polarization and party conflict puts a practical ceiling on women's representation since available evidence suggests Republican-majority state legislatures are becoming less inclusive of women *from both parties*, especially in the Midwest and South. This means that women's participation in lawmaking at the state level is capped effectively by the partisan binary, leaving Republican-dominated states out of the trend toward gender inclusion seen even in right-leaning governments in other parts of the world (Campbell and Childs 2015; Childs and Kittilson 2016). However, since increasing party competition does appear to affect the percent of women elected to both parties' state legislative delegations, there is a possibility for more gender equitable democracy if conditions affecting the balance of partisan power change – as they did in 2020. The competitiveness of party control in some states and the need for women's votes may also put a limit on Republican parties signaling their opposition to gender equality by not nominating women representatives at the state level, though it may continue to place stronger demands on Republican women to exceed the average level of conservatism of their male colleagues. Insofar as states gerrymander their legislatures away from competition, however, the chances of women gaining more seats would seem to decline. Regional differences in gender polarization informed by regimes of party control (e.g., with the South becoming a Republican stronghold) produce a democratic deficit across states. Social rights of citizenship vary to a large degree based on which party controls the state legislature and how aligned issues are on the binary gender-party axis. In states where minority party women legislators achieve elective office, they face steep uphill battles in terms of representing their constituents substantively as partisan and obstructionist legislative practices become ubiquitous (Eilperin 2007; Pacewicz 2015; Thomsen 2017). Republican women in strongly Democratic Party dominated states like Hawaii and Democratic women in strongly Republican controlled

states like Idaho are doubly minoritized and may become tokens rather than effective representatives of their constituents' legislative interests.

This study extends a recent wave of scholarship that locates the social underpinnings of elite party polarization by highlighting the gender dynamics of representation as parties have operated in a two-party majoritarian system. Viewing parties in government as race-gendered organizations that shape the opportunity structure for men and women as political actors helps to understand the course that reproduction of inequalities in political representation takes (Bolzendahl 2014; McCammon et al 2001). Closer attention to racialized representation of both women and men, to the discursive work that parties undertake to show their race-gendered priorities, and to how diversity matters in the practice of legislative politics should be a focus of future research.

CHAPTER 3

THE DISCURSIVE CONSTRUCTION OF GENDERED PARTISANSHIP IN POLITICAL SPEECH: THE CASES OF COLORADO AND WYOMING

ABSTRACT

Partisanship and gender are constructed through routine performances and public displays. Are the performativity of party and gender in state legislative settings co-constitutive, and if so, how have party leaders' performances of gendered partisanship changed over time? Drawing on 82 floor speeches by party leaders in the Colorado and Wyoming House of Representatives between 1991 and 2019, I analyze how gender gives meanings to partisan political discourse using a combination of topic modelling and qualitative textual analysis. I find that gender ideology and gendered metaphors inform legislators' notions of state identity, their understanding of political leadership, and parties' issue priorities for the upcoming session. The salience of gender in political speech is contested and is shaped by state party control regimes and critical events in states' political histories. As party leaders vie for power in an increasingly polarized political climate, we should expect to see gender woven into partisan discourses on both sides.

INTRODUCTION

Media coverage of recent high-profile elections and political activism indicate gender is meaningful in partisan political discourse. Answering a 2012 presidential debate question about pay equity, Mitt Romney claimed that his gubernatorial staff had "binders full of women" to fill his cabinet. In 2016, media outlets circulated a video of Donald Trump saying "[Women] let you do it, you can do anything, grab 'em by the pussy." This video was incorporated into a broader #MeToo campaign against sexual violence and the pussy image was repurposed as a symbol of resistance in the form of the iconic "pussy hats" worn by protesters in the Women's Marches following the 45th president's inauguration (McKane and McCammon 2018). During the 2020 election season marked by a global pandemic, conservative commentator Tomi Lahren chided presidential candidate Joe Biden by saying he "might as well carry a purse with that mask" (Kurtzleben 2020). These examples illustrate how gender is woven into contemporary national partisan politics. However, it is less clear when gender began to give meaning in the performance of partisanship and if the meaning it gives has changed over time in the everyday work of state elected officials.

Naming and framing political problems and priorities is an interactive process among differently positioned actors and informed by their institutional contexts (Ferree 2012). Such discursively produced meanings help to create and sustain material realities (Fraser 1989; West and Zimmerman 1987). In the context of representative politics, those realities are that people and their interests are unequally included in and served by the process of democratic governance. Subnational politics is an especially important context for analyzing gendered political representation: state legislatures make decisions on far more bills each year than Congress does (over 100,000 bills are introduced in US state legislatures annually) and serve as pathways to

higher elective offices. Gender dynamics of partisan governance in state legislatures shapes the contours of state policy and impacts federal politics to the extent that these levels of governance dynamically interact.

This article is an effort to understand the multiple and contested ways that gender enters into state party leaders' rhetorical construction of party priorities and party divisions in the Colorado and Wyoming House of Representatives since 1991. These states diverged markedly in their political histories in ways that permit a contextually rich analysis of how gender informs state-level political discourse. Both states were early leaders in women's political rights. Wyoming, which is nicknamed the "Equality State," was the first territory in the U.S. to grant women full voting rights. Along with geographically adjacent Colorado, it was the first state to grant women the right to vote prior to the 19th amendment (Teele 2018). Through the mid-1990s, both states were national leaders in women's political representation, consistently exceeding the national average percent of women serving in state legislatures under regimes of Republican control. After the turn of the millennium, Wyoming remained a Republican stronghold and numbers of women serving in its legislature declined dramatically. Meanwhile, Colorado became a national leader in women's legislative representation under a Democratic majority that took control in 2005. Colorado's Democratic Party ascended in a context of state population changes and backlash to a voter-approved amendment to Colorado's state constitution that prohibited city and state agencies from recognizing sexual minorities as a protected class, for which Colorado was named the "Hate State." Responses to Amendment 2, which was ruled unconstitutional in *Romer v. Evans*, were divided along party lines and reinforced divisions between the state's parties in the following years.

In short, these states are cases in which gender politics has been contested by party leaders facing diverging opportunity structures of state partisanship. In Wyoming, party leaders' discourse reflects and shapes gender and party contests in a state that has maintained its Republican party dominance. Colorado shows how party leaders negotiate the meaning of party and gender politics in a state that underwent a significant change in party power from Republican to Democratic legislative control. In both states, I ask how party leaders discursively constructed changing meanings of partisanship in their opening-day speeches for biennial legislative sessions and how gender was leveraged by party leaders in this meaning-making.

PERFORMATIVITY OF POLITICS AND GENDER

Politics is both expressive and instrumental (Alexander 2011; Edelman 1985). Cultural theories of power focus on the meanings actions convey within the political field. In *The Symbolic Uses of Politics*, Murray Edelman described how what political leaders do and say takes on cultural significance: "Political acts, speeches, and gestures involve mass audiences emotionally in politics while rendering them acquiescent to policy shifts through that very involvement" (1985:15). Feminist scholars, using cultural theories of politics, have demonstrated the symbolic meaning of political events and processes, from elections – such as Rosalie Wahl's election as the first woman on Minnesota's State Supreme Court (Kenney 2010) – to policy reforms like the adoption of women's rights measures in Arab autocracies (Tripp 2019). Consistent with these cultural theories of politics, I view partisanship as a system that political actors give meaning in their performance of it.

In a similar vein, gender is performative, contested, and is given meaning anew in the practice of politics. In the words of Candace West and Don Zimmerman, "Doing gender involves a complex of socially guided perceptual, interactional, and micropolitical activities that cast

particular pursuits as expressions of masculine and feminine" (1987:126). Gender is constructed discursively through repetitive actions at the individual and interactional levels and articulates relations of power in institutions (Connell 1987; Risman 2004). Performativity, by Judith Butler's definition, is the "reiterative power of discourse to produce the phenomena that it regulates and constrains" (1993:2). Gender's performativity – in work organizations (e.g., Barber 2016; Schilt 2006), in nations and rights of citizenship in those nations (e.g., Nagel 1998; Longo 2018), and in electoral and state politics (e.g., Cadena-Roa 2002; Ferree 2020; Sperling 2015) – is ongoing and leaves open possibilities for change.

Political parties are *made* and *remade* at regular gatherings, such as the legislative sessions' opening days that are the focus of this paper. At such events, party leaders give rousing speeches and define what it means to be a Democrat or a Republican (Fine and Bean 2014). Parties are constituted as gendered in these contexts, since here gendered actors perform partisanship and articulate their understandings of parties' relationships with other gendered institutions.

POLITICAL SPEECHES AS SOCIOLOGICAL ARTIFACTS

What can political speeches tell us about changing meanings of partisanship? Party leaders' speeches convey substantive and symbolic meanings. Representatives' speeches map out their "problem definitions" (Bacchi 1999), their substantive legislative agendas, and reflect their party's values at a specific moment in time. Along these lines, scholars have drawn on elected officials' and candidates' speeches to measure explicit party issue priorities and latent concepts like political ideology (Bonikowski and Gidron 2015; Coffey 2005; Dowding et al 2010). Political speeches also reflect how leaders make sense of major historical events – including tragedies and commemorations (Simko 2012; Slavícková 2013) – and how parties

respond to them. It is notable that all of these speeches – the texts and the delivery of them in time and space – are jointly performances of party and gender politics.

Gender structures political discourse and has been mobilized in the changing "brands" of parties throughout American political development. For instance, the Prohibition Party institutionalized women's participation by casting prohibition as a moral issue that women were "naturally" equipped to support (Andersen 2011). Modern Democrats tend to emphasize civil rights issues and Republicans are known for their advocacy on issues related to social (dis)order (Petrocik, Benoit, and Hansen 2003). The contemporary partisan ownership of civil rights and social issues was strategically constructed over the course of the mid-1900s as the parties fought to incorporate new coalitions in them (Schlozman 2015). Changing party orientations to gender ideology and party allegiances on social issues in which gender is contested can be traced in speech-acts. Political candidates commonly deploy gender ideology in their speeches to attract votes, as presidential candidate Donald Trump did in his 2016 campaign speeches (Lamont, Park and Hurtado 2017). Congressional debates over the Violence Against Women Act (VAWA) included gendered frames and intersectional feminist discourses that varied by the speaker's party (Whitter 2016). Discursive disputes over definitions of sex and gender have featured in recent Supreme Court nomination hearings, such as when Senator Marsha Blackburn asked Judge Ketanji Brown Jackson to define the word woman in relation to lawsuits over school admission policies and sports eligibility.[3]

Speeches are artifacts of political leaders' ideas and values in a historical moment. In the current moment of nationalized politics, studies of political discourse often take a top-down approach by focusing on heads of state and federal politics. This literature has yielded important

[3] "A demand to define 'woman' injects gender politics into Jackson's confirmation hearings," *New York Times*, March 23, 2022.

insights about the politicization of gender. For instance, Valerie Sperling's (2015, Ch. 2) analysis of Russia's President drawing on media sources as artifacts shows how masculinity is deployed to legitimize Vladimir Putin's power. While some scholars – often relying on national quantitative datasets – claim that "all politics is national" (Abramowitz and Webster 2015), there is a case to be made for the everyday, local processes that underlie national political patterns, like the gendering of US partisanship (Elder 2013; Matthews 2020a; Thomsen 2017). In order to consider the local dynamics of gendered partisanship, this study turns to the cases of Wyoming and Colorado to analyze the way the ideas in political speeches respond to historical events and advance an agenda that reflects – and actively create – the meaning of partisanship and gender relations in state parties.

DATA AND METHODS

This study relies on 82 opening day speeches given by party leaders in the Colorado and Wyoming State Houses between 1991 – the earliest year digital archives of these speeches are available – and 2019 (Appendix A). Opening day floor speeches are ritualistic, performative addresses in which House leaders aim to set the agenda and tone for the new legislative session. These speeches are addressed to the legislative body as the primary audience. However, they are also public speeches and many state residents attend the opening ceremonies including legislators' families, friends, retired public servants, and school groups. Reporting of session-opening events in news media distributes their content beyond the walls of state capitols. Floor speeches are given by the Speaker and Minority Leader (in Colorado) as well as the Speaker Pro Tempore and Majority Leader (in Wyoming). Since both of these states have part-time legislatures, meaning state representatives receive relatively low pay and have small legislative staff, these speeches are likely to have been written by the legislators themselves; in several

cases, the speech-givers reference their personal efforts writing the address in the text of the speech.

Speeches in this dataset were given in 15 consecutive legislative sessions and allow longitudinal analysis of change in party leaders' performative discourse over three decades. The range of session-years encompasses substantive changes in the makeup of the states' representation. Over this period, Colorado became more gender-inclusive and changed party control while Wyoming remained governed by an increasingly gender-exclusive Republican party. All speeches in the dataset are published in Colorado and Wyoming House Journals, a record made possible by movements for government transparency and legislative professionalization. These archives were digitized by the Colorado General Assembly and University of Colorado's Wise Law Library and Wyoming's State Library.

Addresses by Colorado House leaders (n=30, total words = 60,285) are longer, on average, and represent women and minority-party legislators better as a proportion of all speech-givers than Wyoming House leaders' speeches (n=52, total words = 55,010). The median length of Colorado speeches is 1,970 words. There is more variation in Wyoming speeches' length, where leaders' addresses ranged from 100 to 4000 words; the median speech by WY legislators is 735 words. About one-quarter (7 of 30) of the Colorado speeches were made by women legislators compared to just over one-sixth (9 of 52) in Wyoming. Colorado minority leaders gave speeches following the House Speaker's address every year between 1991 and 2019. In Wyoming, the practice of minority leaders giving floor speeches that were published in the official records was not institutionalized until 1999.

Analytic Strategy

I use machine-driven topic modeling and human coding methods of textual analysis. Combining these strategies maximizes the both the benefits of automated inductive analysis of a large body of textual data (a total of over 115,000 words) performed by a computer and the insights of a rich contextualized analysis conducted by an expert human coder. Deploying the computational grounded theory approach advanced by Nelson (2020), the analysis proceeds in two steps: pattern identification using LDA topic modeling and pattern refinement using a textual analysis based on deep reading and content analysis of the speeches in Atlas.ti.

Topic modeling uses machine learning to inductively reveal themes in large corpora. This paper uses Latent Dirichlet Allocation (LDA) to identify twelve topics in start-of-session speeches in Colorado and Wyoming. LDA treats texts as a "bag of words," in which each term is considered equivalent (except for predetermined exclusions, such as articles and conjunctions). LDA models assume a human-specified set of topics in the documents, identified as a distribution over a vocabulary, which are featured to varying degrees across the documents (DiMaggio, Nag and Blei 2013). The output of the LDA analysis, which I performed using the Mallet Topic Modeling Tool developed by David Newman and Arun Balagopalan at the University of California-Irvine,[4] includes the top 100 words most distinctively associated with each topic and the proportion of words in each document associated with the topics.

I named the topics identified by the topic modelling tool by reading the top texts associated with each theme. Similar to the procedure Hoffman (2019) employs for identifying patterns in political texts read by 18th century American elites, I used the content of these representative speeches alongside the list of distinctive words to understand why the topic-words

[4] The graphic user interface (GUI) for the Mallet Topic Modeling Tool developed by David Newman and Arun Balagopalan is available on GitHub: https://github.com/senderle/topic-modeling-tool.

were grouped together. For instance, the words “vision,” “courage,” and “leaders” are associated with one topic that I identified as “leadership” based on my reading of the five speeches in which words associated with this topic most frequently occur.

Line-by-line coding of each speech in the qualitative analysis software Atlas.ti complements the machine-driven analysis. With the computer-identified topics in mind, I analyzed these themes in the context of the speeches. In my close reading of the addresses, I also coded instances where legislators use explicitly gendered language (such as sex-specific titles or gendered metaphors) and center gender with respect to their policy agendas. This is a novel approach to analyzing issue priorities because it does not consider issue categories as being a priori gendered. Instead, it analyzes the way in which gendered legislators discursively construct their policy agendas, use gender to define the significance of the policies regardless of the issue type, and give gendered meaning to politics and policy. I supplemented my analysis of the legislative speeches with a purposive reading of news coverage (n=48 articles) of the start-of-session activities in each state gathered from LexisNexis Uni for additional context.

RESULTS

Table 3.1 presents the output of a 12-topic model of legislative leaders’ speeches in Colorado and Wyoming between 1991 and 2019. The model was specified to identify the 100 most characteristic words per topic based on 400 passes over the documents; the top 30 characteristic words are presented in the table for brevity, however the full list was used to identify appropriate topic labels. Topics are listed from top to bottom based on their overall prevalence in the corpus. There is no constraint that topics be independent, and there are meta-categories of topics, such as financial and social issues, which I later combine for the purposes of analyzing change over time.

Table 3.1 Topic labels based on the 30 most characteristic words

No.	Topic	Characteristic Words
1	Citizens	State people work make today year session education time children care family public health school business issues life system support money economy history energy tax good future hard government place
2	Wyoming	Wyoming state legislature members great house years speaker time people majority minority future serve citizens leader floor states mineral legislators session continue issues honor body process constituents friends legislative love
3	Finance (jobs & economy)	Work state opportunity people speaker government great leader education budget continue family good working job opportunities economy economic high challenges house build small majority create serve times day recognize businesses
4	Legislative Process	Legislature bill justice remember process water session hope elected legislative issue county office system continue good committee bills chief law congress forget current legislators vote point manner branch important conduct
5	Social Disorder	Growth welfare government representative assembly amendment house respect colorado vote term citizens remember public general population crime reform prison clean important society united trust laws election november committed day juvenile
6	Finance (resources)	Budget government republicans business gas members individual constitution support rights coal transportation insurance system regulations rules oil natural front free amendment money businesses areas healthcare nation economy resources industry year
7	Colorado	Colorado coloradans members chamber rural jobs assembly class forward energy bridges students middle bipartisan clean thousands families representative kids child reach affordable small aisle find general prosperity renewable unemployment college
8	Leadership	House speaker leadership vision election courage promised leaders governor day easy fulfill heroes colleagues possess cross moved influence agenda king medical spoken finance madam words principles lobbyists standard regular usual
9	Finance (decisions)	Development budget tax states task spending governments priorities house litigation million force due legislation conference revenues supplemental western improvement revenue special experiences relief sister wind account innovative energy federal executive
10	Social Identities	Gay home imagine including knew women generation professor loved town pretty made kid ready back thankful run girl friendly car son violence relationships murder importantly ran marshall govern paid products
11	Support & Service	Service house young god build oldest temporary partner bless day natrona casper minerals predecessor university capitol decorum love united history give youngest left chambers lost mom dream finish built experienced
12	Social Inclusion	Community side opportunity challenge counties cattle youth inclusiveness neighborhood granted woman representing interns born preserving plains supreme college hours county transitory church lady lusk glad storms intended credit fabric examples

Since legislative speeches are highly structured – at times even including headings to organize the speech – many of the topics inductively derived from the model reflect actual policy areas identifiable by a human reading of the texts (see topics 3, 5, 6, 9, 10, and 12). For instance, "The Budget" is a heading in multiple House Speakers' opening day addresses. However, the models also distinguish topics that are not overt policy areas in the speeches. Citizens are a dominant theme throughout the speeches (topic 1), as the speakers are addressing their constituents as well as their legislative colleagues and they are laying out their priorities for addressing what they see as state citizens' needs. Legislative leaders also talk at length about their states (topics 2 and 7), choosing triumphs to celebrate and tribulations to lament. Finally, setting the tone for the upcoming session, leaders convey implicit meanings about how state representatives accomplish the work of legislating (topics 4, 8, and 11).

Gendered ideas are central to many of the speech topics, in line with the notion that gender structures partisan legislative discourse. The citizen and state-focused topics are populated with words such as family, children, love, and care that denote implicitly gendered social relationships. Social issue topics are discursively associated with femininity, indicated by the grouping of explicitly gendered social identities such as woman, girl, and gay among their characteristic topic words.

Party leaders paint a curated picture of the most pressing issues the legislature will address in the session in ways that reflects partisan priorities and the position of their party in the regime of state party control. Table 3.2 presents the average prevalence weights of topics in each state under regimes of Republican and Democratic party control (in Colorado, before and after 2005) and in periods with different degrees of masculinized polarization (in Wyoming, before

and after 2003). Several topics are nonpartisan in their frequency (not in their content) across party leaders' speeches, including themes of states' citizens and the states legislators represent.

Issues on party leaders' agendas tended to distinguish parties in the frequency of words speech-givers devoted to the topics. Words characteristic of financial issue topics make up a large portion of Republican and Democrats' speeches, although they make up a larger share of Republican leaders' oratory overall. Since almost all policy issues have some budgetary relevance, it makes sense that this would be a consistent topic. The budget or budget crises are the first issues raised in Wyoming and Colorado Republican leaders' speeches in 2009, 2011, and 2013. In the words of Colorado's Speaker McNulty in 2011: "For us all, job creation and economic recovery must be our focus with all proposed legislation."

Social issue topics are polarized in their discursive representation in party leaders' speeches across the periods in Table 3.2, although the form polarization of social issues took in the agenda-setting speeches depended on the context of party control. Social issue topics made up the largest share of Colorado Democrats' speech-words in the years their party was in the minority (1991-2003 and 2011). In the years after Democrats took control of the House, Colorado leaders from both parties have discussed social issues with similar frequency (although the topic of social inclusion is emphasized by Democrats and social disorder is emphasized by the Republican minority since 2005). In Wyoming, social issues and social disorder were discussed in greater length by Republican party leaders through 2001; these topics now appear more frequently in speeches by contemporary Democratic minority leaders in this state (although notably, the first recorded opening day speech by a Wyoming Democratic minority leader was in 1999, and therefore it is not possible to compare partisan topic ownership in Wyoming prior to that).

Table 3.2 Average prevalence weights of each topic in Colorado and Wyoming speeches, by period and party

Colorado

	1991-2003, 2011		2005-9, 2013-19		
topic	D	R	D	R	distinct group?[A]
citizens	24.941	34.599	43.310	34.497	-
colorado	2.137	0.510	25.853	11.052	state
wyoming	4.823	5.014	2.334	3.684	state
legislative process	8.618	8.081	1.475	0.983	-
leadership	12.074	3.121	1.958	0.923	D
service	0.344	0.007	0.449	0.007	D
social issues	3.657	0.048	0.859	0.933	D minority
social disorder	17.294	29.833	1.501	5.853	R minority
inclusion	3.940	0.007	3.033	0.007	D
finance (resources)	1.135	5.000	0.900	20.671	R
finance (jobs)	21.023	13.722	18.321	21.380	-
finance (decisions)	0.016	0.059	0.007	0.009	R majority

Wyoming

	1991-2001		2003-2019		
topic	D[B]	R	D	R	distinct group?
citizens	27.917	24.831	35.640	24.013	-
colorado	0.066	0.512	0.456	0.132	state
wyoming	46.457	32.955	32.587	38.422	state
legislative process	2.890	16.589	1.404	4.944	R
leadership	0.053	0.314	2.729	0.870	Past R, Present D
service	0.032	1.153	0.350	4.429	R
social issues	0.026	0.084	10.926	0.776	Past R, Present D
social disorder	0.116	0.983	1.589	0.658	Past R, Present D
inclusion	1.020	0.143	0.084	2.141	Past D, Present R
finance (resources)	0.435	1.750	0.969	4.632	R
finance (jobs)	20.117	16.165	12.680	15.437	-
finance (decisions)	0.871	4.521	0.586	3.545	R

Note: Prevalence weights are the percent of words associated with each topic in the 12-topic model; all percents total 100 by column. Gray column shading indicates the party in power.

A. This column qualitatively categorizes differences in the share of topic-words by social groups across state, party, and time period, suggesting that the topics are used to distinguish them in the speeches.

B. The first speech by a WY Minority Leader was in 1999, therefore this column captures the years 1999-2001.

This initial computer-assisted inductive analysis – what Nelson (2020) calls the "pattern detection" step – reveals differences in how party leaders make meaning of legislative work and divergences in the policy issues party leaders place at the forefront of their agendas over time. Both parties' leaders deploy gender to convey meaning in their speeches. Words denoting gendered social relationships and identities appears as characteristic words for topics such as social issues that distinguish parties, but also about broadly addressed ideas regarding the state and its citizens. Since the topic model removes the words from their semantic context, a deeper contextualized reading – or a second "pattern refinement step" (Nelson 2020) – is needed to analyze how party leaders use gender ideology to inform the meanings and agendas they lay out in these performative speeches. The next section takes up this task by employing a complementary human content analysis of how party leaders use gender to inform the themes of state identity (from Table 3.1, topics 1, 2, and 7), legislative leadership (topics 4, 8, and 11), and issue priorities (topics 3, 5, 6, 9, 10, and 12).

Party leaders' oration about three themes are central in the production of parties' gendered logics: their understanding of the state, their understanding of legislative leadership, and the issue priorities parties advance.

Gendering State Identity

Just as feminist scholars find in the U.S. national context (e.g., Collins 2001; Nagel 1998), gender is central to party leaders' construction of state identity in their start-of-session addresses. In Wyoming, leaders from the longstanding-majority Republican Party feminize the idea of their state by using rhetorical strategies of personification and through discourses of environmental protectionism and historical heroines. While ideas about "traditional" gender roles pervade Wyoming Republicans' discourse about the state, these ideas have been contested in

recent years by Democratic minority leaders that question the "Equality State" moniker. In Colorado, a more inclusive notion of state identity is expressed by Democratic majority-party leaders as the state became more progressively Democratic-leaning and grappled with its sexist history after 1992.

Republican party leaders in Wyoming personified their home state as a woman. This rhetorical strategy masculinizes the role of legislators as guardians of the state and "her" resources. "I want to speak today to my dreams for Wyoming, and Wyoming's dream for herself," is how Speaker Fred Parady prefaced his goals for the future of Wyoming in his 2003 address, which included "a state that is built on better jobs… where our kids can go to school, grow up, go to work, and raise their families." Meeting these policy goals in the state of Wyoming is contingent on revenues primarily from the state's mineral wealth. As Parady noted in his 2001 speech as Republican Majority Leader, "Wyoming's economy is counter cyclical to the United States'. The current boom – a minerals boom once again – is this generation's opportunity to redefine Wyoming's future, to change the shape of our children's lives, to assert Wyoming's vision of her future." Using similar rhetorical devices to feminize Wyoming, Majority Leader Roy Cohee defended his support for investing wealth from the 2005 economy boom, saying, "That is my statement for additional and substantial contributions to the Permanent Wyoming Mineral Trust Fund, which will one day prove to be Wyoming's second most valuable asset, after her people." As the above quotes suggest, Wyoming's environmental resources are central to the state's identity.

Themes of feminized state resources and masculinized protection of those resources are prevalent in Wyoming Republican's oratory. Republican speakers employed gendered notions of beauty, purity, and sexual violence to prioritize the issue of Wyoming's natural landscape. In

Speaker Luthi's 2005 speech, he ended his remarks with a quote from Rob Quist's *Western Odyssey* that displays this language most plainly:

> Her wild and natural beauty, it will take away your breath,
> Oh, but take her for granted, it could easily be your death.
> She's slow to grant her favors to come lately, new faces
> To longtime suitors, she reveals her hidden, secret places
> And yes, there are those who come with schemes and ways to use her,
> To sell her body like a harlot, to cheapen and abuse her
> If you've sworn your love to her, revere her, respect her
> If you are ones with honor, you must cherish and protect her.

These masculinized ideas of "honor" and protection mobilized in the name of conservation are common. Republican leaders' association of femininity with fragility in their discussions of protecting their state's natural landscape uses gender to convey the importance of guarding the state's natural assets.

Heroines from Wyoming's past were invoked strategically by Republicans and Democrats. Republicans celebrated strong "pioneer" figures who embodied values of independence and freedom. Speaker Luthi gave several examples of Wyoming women to exemplify that state's "small, but determined, population." These historical heroines included Ella Watson ("better known as Cattle Kate"), Grace Hebard (a "Wyoming icon" who was the first woman attorney admitted to the Wyoming Bar, and who notoriously turned down an offer for the position of President of UWY "for good, sound, financial reasons"), and Mary Ada Fisher Law ("Lusk's Lusty Lady"). Wyoming's history as the "Equality State" is referenced with pride in several addresses by Republican party leaders. By contrast, Democrats drew on Wyoming's feminist history critically to highlight inequalities in the state. Minority Leader Cathy Connolly, the first openly gay Wyoming legislator, declared in 2017, "The Equality State needs to live up to its motto… Dignity and opportunity are not rhetoric to be espoused then ignored, especially when it comes to policy decisions."

In contrast with the traditional gender ideology expressed in speeches by Wyoming Republican Party leaders, Colorado Democratic Party leaders controlling the narrative of state identity from their positions as majority leaders after 2005 actively constructed the state's modern identity as diverse and inclusive in their start-of-session addresses. Speaker Terrance Carroll, the first Black man to serve in this role, focused on diversity in his 2009 speech:

> We [the state assembly] have mothers, fathers, grandmothers and grandfathers. We have folks from big cities and small towns, the eastern plains and the western slope, blacks, whites, Hispanics, and Pacific Islanders. We have third and fourth generation Coloradans, others born out of state, and some of you who were even born abroad. We have liberals, moderates, and conservatives. We, members, represent the diverse fabric of Colorado's community. A patchwork of unique and wonderful biographies that together make Colorado, like America, different and more magnificent than other societies in history.

Values of equality figure prominently in Speaker Carroll's vision of a diverse legislature representing a diverse state. Addresses by later Democratic House Speakers also center justice in ideas about their state. A speech by Cristina Duran, the state's second woman Democratic House Speaker, in 2017 is one example of this. She declared:

> We cannot tolerate attacks on women and people of color. We must stand up for those who might otherwise be shoved down or pushed aside. Our continued success as a state and a nation are not guaranteed. There is a dangerous movement afoot that threatens to rip our social fabric and unwind decades of good work by members of both political parties. It goes beyond mere partisan jockeying. It is an elevation of hate and fear.

As the above quote demonstrates, issues of "hate and fear" – which register particular meaning in the former "Hate State" – continue to influence notions of state identity as Democratic leaders put forth more inclusive ideas about the people they represent.

Gendering Legislative Leadership

Party leaders' remarks about legislative leadership reflects material changes in the people parties advance as leaders and implicit value claims about who should fill those positions.

Republican leaders in Wyoming, where women's political representation in the party has declined, overlook changing demographic patterns in leadership in their remarks. Instead, Wyoming majority leaders construct party leadership as masculine by focusing on the legacies of male predecessors and on the state itself as a woman the leaders control. In contrast, Colorado's party leadership was remade by simultaneous changes in party control after 2005 and women's near-equitable inclusion in the new majority party. Democratic Party leaders regularly acknowledge this change in their speeches, which serves to distinguish the two parties.

In Wyoming, where only nine women have held positions of legislative leadership since 1991, there is little recognition of women's milestones except as historical figures. Notably, five of the nine speeches by women party leaders were given from the position of the minority party, and since the turn of the century only one woman has served as a Republican majority leader in the legislature. In 2015, Rosie Berger was the first woman to serve as majority leader since the 1970s. Her Republican colleagues made no remarks in their speeches about this accomplishment. However, Democratic Minority Leader Mary Throne acknowledged their shared achievement by saying, "I want to make special mention of my dear friend Rosie Berger, the first woman to serve as majority leader in over 40 years. The 63rd may also be the first time women have served together as House Floor Leaders in the Equality State." Republican leaders' speeches instead focused on the enduring networks of political men in the state. In the same session that Representative Berger served as majority leader, Speaker Pro Tempore Tim Stubson's remarks took a long view of legislative history rather than celebrating history-in-the-making:

> As I walk these halls and see all those bearded and mustached men staring from the walls upstairs, I'm reminded of two things. First, we are temporary trustees of these positions. Secondly, we are the beneficiaries of a rich history and a legacy left by those who have come before us.

Legislators entering the role of House Speaker also note the importance of the direct mentorship the male colleagues who preceded them provide. In 2003, Fred Parady said: "I have studied and worked hard to prepare for this role, mostly by studying the only available role models, the speakers I have served under." The social capital that networks of Republican political men in Wyoming provide is pronounced in legislators' construction of "personal politics" in their speeches. For instance, Speaker Kermit Brown began his 2015 address with a series of thank-you's. He thanked former legislators and law partners. He thanked Justice Golden, "a boyhood friend and former law partner… [who] made the motion to have [Speaker Brown] admitted to practice before the United State Supreme Court," before closing this section of the speech by thanking his wife.

The discursive response to women's achievement of political leadership in Wyoming is shaped by strong Republican majorities in this state. Three-quarters of speeches made on session opening days are given by Republican members, who are almost exclusively men. By contrast, five of the past six minority leaders were women. These Democratic women work from an institutional position "deep in the minority." Cathy Connolly's closing to her 2019 speech illustrates how the minority party uses personal politics in the small discursive space they hold to highlight their more diverse membership:

> We will work as Democrats and Republicans, ranchers and railroaders, teachers and miners to get the work done today and to govern for generations into the future. We each and all have the most exciting and fabulous job in the state today, and one that your minority caucus, Charles and John, Andy with a Y and Andi with an I; Stan and Mike, Sara and JoAnn and I are ready to take on with you.

Naming each minority-party member individually dramatizes the small share of power they hold and the relative gender diversity they have in contrast with the ruling party administration.

Colorado has seen comparatively more gender change in its legislative leadership between 1991 and 2019, which corresponded with a progressive shift in state legislative control. Out of 15 sessions, six women served as Democratic party leaders. Norma Anderson became Colorado's first woman majority leader in 1997. In 2003, Lola Spradley (R) served as the state's first woman House Speaker and Jennifer Veiga (D) served as the first openly lesbian state legislator. Mark Ferrandino (D), the 2013 CO House Speaker, was the first openly gay legislator elected to serve in Colorado. The first Democratic woman elected as Speaker began her term of leadership in 2015. Patterns of partisan change in Colorado are not captured by majority control alone: although the Colorado Democratic Party did not take control of the legislature until 2005,[5] the parties became notably more competitive in the 1990s. The language minority leader Sam Williams used in 1993 to make sense of this transformation in party roles parallels how others have described the shift from traditional to partnership gender roles: "We have moved closer to parity and in so doing we have moved from the traditional role of the loyal minority party – the voice of dissent – the voice of reason – to a true partnership and leadership role."

Several floor speeches by Colorado leaders emphasize how women transform parties from within. Milestones for women in Colorado's legislative leadership were celebrated by members of both parties in opening day speeches. Demonstrating Democratic leaders' early value of sex diversity in their party's representation, CO Minority Leader Williams in 1993 began his speech by describing the Democratic caucus:

> The minority caucus of 31 members represents 48% of the elected members of the House of Representatives… These 31 leaders from various communities throughout our state represent a cross section of our society. Who are we? We are 15 women and 16 men from 22 counties from a cross section of our state. We are 8 educators… 6 attorneys, 2 transportation experts, 2 retired military… 2 ranchers… 1 software engineer… 1 marketing representative of a major corporation, 1 journalist, 7 small business owners

[5] "*Colorado legislature kicks off*," University Wire, January 14, 2005; "Change is in the air: Democrats, Republicans will have to work together in Colorado legislature," *Greeley Tribune*, January 7, 2007.

> and consultants, 1 food and retail marketing executive, 1 paralegal, 3 real estate brokers, 1 community planner, and 1 poet. A true microcosm of our society."

Representative Williams emphasized the gender equity of the party's elected members in praising its status as a caucus "of the people." Four years later in the 1997 Speaker's address, Republican Charles Berry recognized Norma Anderson's historic achievement as the first woman majority leader: "Representative Norma Anderson is our new majority leader and Representative Carol Snyder the new minority leader. Women have served as minority leader before, but Norma is the first woman majority leader in Colorado history." Minority Leader Snyder similarly acknowledged the organizational change her colleague's position represented: "Special congratulations to Representative Anderson, who as you know has become Colorado's first female Majority Leader. I've worked with you, Norma, for the last 6 years and… I know you share my concern about maintaining the integrity of the legislative process." Speaker KC Becker, the second Democratic woman to achieve this position, recognized the organizational change occurring in state politics after the 2018 "Year of the Woman": "This November, Coloradans made history by electing the first Jewish and openly gay Governor… And we made history by electing 33 women to the House including 25 in the Democratic caucus alone and the first transgender representative in state Herstory." Statements like these by Democratic leaders reaffirm who is viewed as legitimate leaders and align their party with ideas of inclusive leadership.

At the same time party leaders in Colorado acknowledge gender change in political leadership, the speeches also highlight acts of discursive resistance to women in power. The use of sex-specific titles actively construct political leadership as gendered. In Colorado, Republican party leaders continue to use sex-specific titles to open their legislative addresses (e.g., "Madam Speaker, Madam Majority Leader, esteemed colleagues and honored guests"), even as

Democratic party leaders stopped this practice beginning in 2009. Formal language used in legislative work presents challenges to the full political inclusion of women leaders. Recognizing outgoing Speaker Lola Spradley in 2005, Minority Leader Stengel describes cases of these linguistic transgressions:

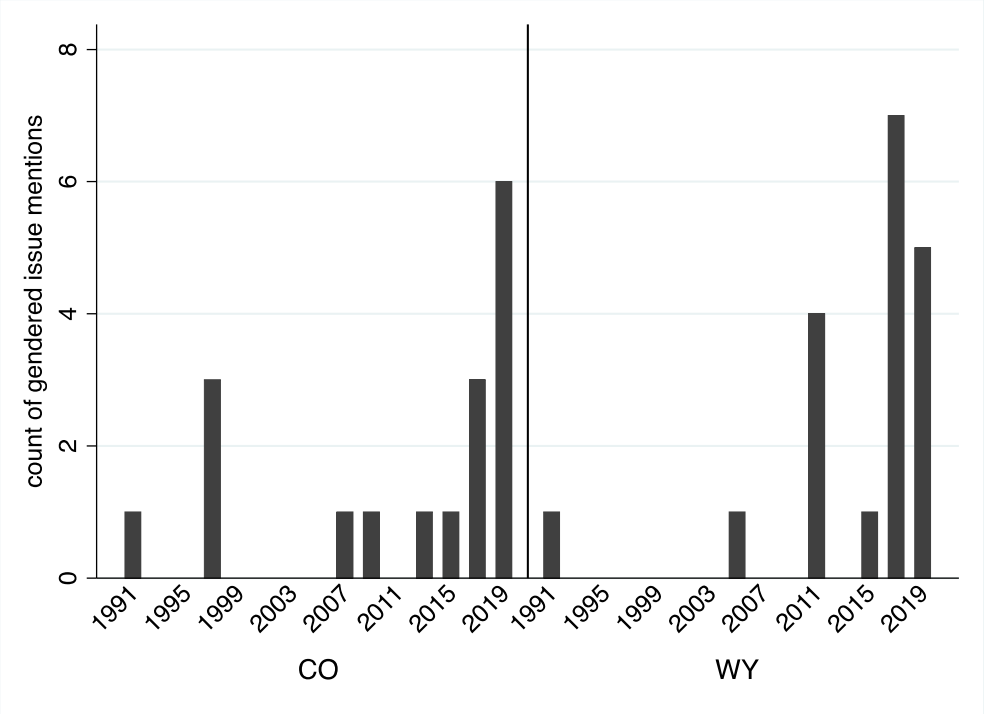
> I'd like to thank and pay tribute to our outgoing Speaker. Representative Spradley is a leader who has spent her professional career punching holes in the glass ceiling. She was the first woman in Colorado history to become Speaker of the House, making her one of only a few women in our nation's history to serve as Speaker of a state House of Representatives. Admittedly, for some of us, myself included, this took a while to get used to, as evidenced by the number of fines that were imposed when we stumbled over the proper salutation, "Madame Speaker." At first, it even looked like we would be able to balance the budget shortfall with this newfound source of "cash funds."

The minority leader's story makes light of the actual practice of discursively associating men with political leadership that continues in state legislatures – even those run by Democrats.

Gendered Issue Priorities

Democratic and Republican party leaders center gender in their policy agendas' fiscal and social issues, however the degree to which they incorporate gender in their agendas and the way gender is used to frame policy issues varies over time and by party. Figure 3.1 summarizes the number of times gender is used to inform policy agendas in speeches by both party leaders in each state. There is a significant increase in the count of issue-gendering, coded subjectively in Atlas.ti, after 2007 in both states. In general, Republicans leverage notions of "traditional" families and fiscal protection to advance their fiscal and social issue agendas. Democrats' gendered issue framing depends on their status as majority- or minority- party members, and often relies on a variant of an equality frame. More frequent gendering of partisan issues in the 2010s indicate that party leaders discursively entangle gender and partisanship as state political parties polarize.

Figure 3.1 Issue gendering in party leaders' speeches by state, 1991-2019



Republican leaders from both states tended to construct white men as the primary economic actors in their speeches in the 1990s. However, contemporary legislative speeches by Republicans and Democrats feature contested ideas about women and men as economic actors, often pitting ideas of gender equality and masculine protectionism against each other. In the first speech of the 1990s, Wyoming Speaker Rory Cross focused on how economic issues would affect various businessmen: "As we start our second century we are just as frustrated over our economy as the fur trapper was who lost his catch to hostile Indians; or the cattleman who lost his entire herd in the winter of 1886; or the oil man who went out of business recently because of the crash in oil prices after the embargo of the middle seventies was lifted." Another statement by Colorado Republican House Speaker Berry in his 1995 speech demonstrates how ideas about policy related to issues like property rights tended to focus on the experiences of only white men. In Speaker Berry's words: "Let us never forget to respect and protect the property rights of our

citizens, a basic value of our American culture for over two hundred years." In both excerpts above, it is clear that the Republican fiscal policy agenda was set by and for white men.

Republican and Democratic leaders more clearly contested gendered fiscal issues by the 2010s, when gender was more commonly used to distinguish partisan agendas in legislators' session-opening speeches. This included using gendered ideas subversively, as an exchange on the first day of the 2019 Colorado legislative session demonstrates. In this session, Speaker KC Becker represented the Democratic standpoint on family leave as a matter of equality: "We are a state built on the value that people who work hard should be treated fairly. That means finally passing paid family leave because no one should have to risk financial ruin – or lose their job – to care for a new child or sick relative." Patrick Neville responded to this progressive agenda with the conservative alternative:

> If the Majority insists on passing an expensive and involuntary family leave program that will cost taxpayers hundreds of millions of dollars, one that is ripe for abuse and damaging to business, we'll oppose it because we know, and history teaches, that such a program will cost more than planned and be less efficient than planned, even as it makes Colorado less affordable for single moms, working families, and young people joining the workforce.

Minority Leader Neville represents the Republican standpoint as supporting single moms using a protectionist frame at the same time as it flips the Democrats' equality script into a purely fiscal concern.

Legislators polarize reproductive rights in the recognition – or absence of recognition – they give to reproductive health as an issue worthy of inclusion in their party agendas, as well as how they frame issues of reproductive health. In Wyoming, reproductive rights are advanced as a priority issue exclusively in contemporary Democratic minority leaders' speeches (e.g., addresses by Cathy Connolly in 2017 and 2019). Similarly, Colorado Democratic leaders in 1991, 1997, and 2007 stand alone in their mentions of reproductive health policy. For instance,

Carol Snyder draws attention to how the federal welfare reform passed in 1996 would affect "unwed teenage mothers [who] will now be required to live with their parents or in a supervised setting in order to be eligible for welfare benefits." Although Republican legislative leaders give little discursive space to reproductive rights in their speeches throughout the corpus, Colorado Republican minority leaders do address the issue of abortion in their speeches after 2016. Minority Leader Patrick Neville centered restrictions on abortion as a key Republican priority in the 2017 legislative session:

> Out of all the individual rights, the right to life is the most sacred, without it, there can be no liberty or the chance to pursue happiness. All life is sacred and deserving of the unalienable rights that define our nation. This session, Republicans will defend life and push for more individual rights.

Notably, Republican party leaders' incorporation of reproductive rights as a legislative priority in their speeches demonstrates how gender is used by party representatives to distinguish and polarize the parties.

In contrast with Republicans' protectionist framing, Democratic leaders in Colorado and Wyoming highlight inequalities in sexual rights. Their mentions of sexual rights issues have become more frequent in the 2010s, just like Republican leaders' engagement with reproductive rights. In Colorado, the history of the "Hate State" continues to inform Democratic leaders' priorities. To quote Speaker Becker in 2019: "We've come a long way from when we were labeled 'The Hate State.' Last session, we were able to preserve a strong Colorado Civil Rights Division, and we've also made important progress for our LGBTQ community in recent years, but there is still work to do to ensure we have a more inclusive and more fair Colorado." Similarly, Minority leader Connolly in Wyoming discussed sex discrimination and hate crimes in both 2017 and 2019. In 2017, she describes how her policy positions are informed by her positionality:

> As the first openly gay UW professor, the one called upon to talk publicly about the impact of the murder of Mathew Shepard on those of us who are gay, including so many of our young people, I knew I would need to confront the policies needed not only for our survival but also for us to thrive.

Most recently, she stated: "This past fall marked the 20th anniversary of the murder of Mathew Shepard. Make no mistake about it, our state and the homophobic violence associated with that violence are inexorably linked." Notably, the 1999 hate crime she references did not appear in any opening-day speeches in that legislative session. (However, the Republican Senate President in 1999 was quoted in a news article about that legislative session saying that the hate crime killing of Matthew Shepard "doesn't change how I vote on anything."[6]) Parties' interpretation of sex discrimination and sexually motivated hate crimes as core issues (by Democrats) and non-issues (by Republicans), particularly in Wyoming where the parties are not electorally competitive, demonstrate how gender informs party priorities.

In summary, party leaders give partisanship gendered meaning in the substance of their legislative agendas and the manner in which they lay out those agendas to the public. Party leaders' oration on state identity, legislative leadership, and the issue priorities parties advance are central in the production of parties' gendered logics. Wyoming Republicans' feminized notion of state identity and their understanding of legislators' roles as masculinized protectors contrasts with the more inclusive understanding of "the state" advanced by Democrats, especially in response to Colorado's history of sexist policies. Ideas about political leadership were also bifurcated by party: Democratic leaders in Colorado actively emphasized their gender diversity and celebrated milestones in women's inclusion as party leaders. In Wyoming, where relatively few women achieved leadership positions, their advancement went unremarked by

[6] "Education, bias crimes, taxes to highlight '99 session," *Associated Press State & Local Wire*, January 9, 1999.

Republican Party leaders. Finally, while both parties engaged with social issues in their agenda-setting speeches in the 1990s, they became defined as partisan and used to distinguish the Democratic and Republican Parties as they became more polarized throughout the 2010s. In the process of arguing for issues' importance for the legislative session, party leaders discursively constructed social and fiscal issues – and therefore the agendas the parties stand for – as feminine and masculine.

CONCLUSION

State party leaders constructed gendered "brands" of partisanship as they refined their changing parties' brands around the turn of the millennium. This analysis of partisan speeches in Colorado and Wyoming reveals the discursive contests over the meaning of partisanship – especially in the polarized era of U.S. politics since the 2000s – that increasingly deploys a binary notion of gender as the Republican and Democratic parties have become associated with masculinity and femininity in the public mind (Winter 2010). Building on prior research on gender and political speech in national politics (Christensen and Ferree 2008; Lamont, Park and Hurtado 2017), this study shows how gender and partisanship are co-constructed and used together by local party leaders within the walls of state capitol buildings.

The periodic speeches legislative leaders give at the start-of-session provide a window into the changing performativity of gender and partisanship since the 1990s when state parties across the U.S. were undergoing a process of realignment and changes in majority control that varied among the states. The gendered meaning party leaders give partisanship is not static. The Republicanism that state party leaders performed in the early 1990s, in which agenda-setting issues were infrequently gendered in party discourse, is not the same as the post-2010 Republicanism leaders perform in which gender is openly and regularly contested as party goals

are defined in relation to the Democratic Party. The Colorado case exemplifies how Republican party leaders responded to Democratic leaders' position-taking on social issues in the 2010s by making strategic protectionist claims as they competed for political favor.

The context of party control shapes Democratic and Republican parties' performance of gendered partisanship. Stable Republican majorities led mostly by white men in Wyoming facilitates performance of a more traditional masculinity, with party leaders overtly gendering state identity and advancing themes of environmental protectionism. By contrast, Colorado Republicanism since 2005 has been performed in a context where Democrats set the tone of political leadership, and as a result Republicanism there looks both more gender-inclusive (in acknowledging women party leaders) and reactionary (emphasizing social disorder issues). Finally, the people shaping the party discourse matters, and women leaders do transform parties from within. In both states, women changed the narrative about what it means to serve in politics. Women political leaders speaking from the majority in Colorado and from the minority in Wyoming drew on their positionality to convey the urgency of issues like sexual violence and the gender pay gap.

There are several fruitful avenues for future research building on this study of the performativity of gender and partisanship. Research on "gendered issues" and party brands may use the inductive approach, building on Nelson's (2020) computational grounded theory, that was modeled here to ask how partisan "issues" and "brands" come to take on gendered meaning. This study also raises important questions about how gender informs political development in a highly-polarized era of partisanship. Future studies may extend this set of case studies to a larger-scale national analysis of parties' discursive gendering of issues across states using

computer-assisted tools. Finally, more research is need to understand how parties' strategic gender framing affects their performance in elections and public attitudes towards the parties.

CHAPTER 4

GENDER AS A POLITICAL TOOL IN PARTISAN LEGAL CONTESTS OVER PANDEMIC GOVERNANCE

ABSTRACT

Early reporting and research on governance of the COVID-19 pandemic focused on whether or not women political leaders made a difference in national and subnational outcomes. Studies that analyze outcomes and treat gender as a variable provide some insight into effects of women's political representation, but leave questions about how gender relations of power matter in the process of governance unanswered. Turning an analytic lens from the sex category of individual political leaders to gender relations of power in governance, this paper interrogates how discursive gender contests shaped litigation over state actions taken during the pandemic. Based on a discourse analysis of five lawsuits in states where Democratic executive authority was challenged by the Republican-majority legislature, I find divergent gendered arguments used by conservatives, who cast women leaders as antidemocratic, and by progressives, who used masculinized objective arguments to defend their authority to enact emergency orders. Conservative and progressive discursive approaches simultaneously paint governing as masculine and in so doing exclude femininity from images of democratic authority.

INTRODUCTION

A popular narrative about women political leaders during the COVID-19 pandemic stressed the gender dynamics of governance in the public health crisis. Women heads of state, including New Zealand's Prime Minister Jacinda Ardern and Germany's Chancellor Angela Merkel, were applauded in the media for reducing virus spread and limiting negative impacts of the pandemic on their countries.[7] Narratives about their successful collaborative governance was akin to stories about other moments of crisis in which women leaders transcended partisan politics to create effective policy, as with the 2013 US government shutdown.[8] These women leaders' actions were often compared to men heads of state – such as US President Donald Trump, UK Prime Minister Boris Johnson, and Brazilian President Jair Bolsonaro – who resisted top-down pandemic governance strategies and refused to wear face masks. Many stories about men heads of state emphasized how they marshalled masculinity to resist governance informed by public health. For instance, Republican former governor Mike Huckabee described Trump's approach to governance of COVID-19 by saying, "We are the party of the emancipation proclamation, not the emasculation proclamation."[9] These popular accounts beg the question, how does gender shape narratives about governance in a public health crisis?

The research appearing in real-time used gender as a variable to test how it shapes political leadership in the pandemic. Findings from these studies are mixed, although they largely refute the popular narrative. Based on cross national data, scholars found no difference

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[7] A few examples: "Why are women-led nations doing better with Covid-19?" *The New York Times,* May 15, 2020; "Are women leaders better at fighting the coronavirus?" *The Washington Post,* August 26, 2020; "It's official: Women are better leaders in a pandemic," The World, August 31, 2020.

[8] E.g., "Men got us into the shutdown, women got us out," *HuffPost,* October 16, 2013.

[9] According to Washington Post reporter Jeff Stein: https://twitter.com/JStein_WaPo/status/1312549680765702144.

between men and women leaders in the timing of their responses (Aldrich and Lotito 2020) or public compliance with their policies (Bauer, Kim, and Kweon 2020). Piscopo (2020) explained this null finding by noting that women heads of state tend to govern wealthy democracies with high levels of capacity to respond effectively to crises – and therefore any correlation is spurious. However, based on case studies of U.S. cities, Funk (2020) finds that women mayors' responses to the pandemic were more proactive and transparent. These contested claims suggest that further research is needed to understand when and how gender matters in pandemic governance.

Early scholarship on governance of COVID-19 points to two areas of research on gender and pandemic governance in need of further development: conflict in subnational responses (especially in the U.S. context), and discursive dynamics of gender relations during the public health crisis.

First, the research appearing in real-time on pandemic governance focused disproportionately on national politics, and especially heads of state. However, state and local responses to the novel coronavirus were particularly important in the United States, where there was no clear and consistent federal direction in the early stages. This inattention to subnational government mirrors patterns in gender and politics research overall, which tends to focus on national-level comparisons where clear and consistent measures are more readily available (Tripp & Hughes 2018). One exceptional study by Funk (2020), looking at women mayors' responses to the pandemic in U.S. cities, presents some evidence for gendered effects in local governance, pointing to a need for additional research on it.

Second, although studies that treat gender as a variable provide some insight into effects of women's political representation, they leave unanswered deeper questions about gender relations of power (Cammisa and Reingold 2004; Scott 1986). Gender is performed by people in

gendered institutions and emerges at the interstices of interactions in the form of discourses, especially about power (Butler 1990; Connell 1987). Feminist approaches shine light on inequalities in who is recognized as having authority, and show how they exercise authority as "experts" is a process entwined with relations of power (Harding 1995). To quote Paige Sweet: "The unmasking of the privileged knower – who can claim universality despite his situatedness – need not result in a reactionary cry that science is impossible, that knowledge is dead, or that we are awash in a sea of individual viewpoints" (Sweet 2018:228). Rather, feminist discourse analysis reveals how authority and expertise are constructed and whose knowledge is legitimized in the process of governance (Azocar 2020).

Turning an analytic lens from the sex category of individual political leaders to gender relations of power in governance, this paper asks how gender shaped claims about democracy and expertise in legal contests over governance in the party-polarized context of the pandemic. I focus on case studies of five lawsuits in four states – Michigan, Wisconsin, Kansas, and Pennsylvania – that involved three branches of government as state legislatures or legislative leaders sued their governors and agency heads over emergency actions that were then decided by state-level courts. These three-branch lawsuits are useful cases for studying gender in polarized political discourses because the overtly partisan actors involved in the lawsuits make visible differences in the parties' gendered frames. These lawsuits bring political *institutions* into conflict, unlike lawsuits filed by *individual* private citizens or businesses. I find that the Republican frame, which cast women leaders as anti-democratic, and the Democratic frame of objectivity, which focused on "hard numbers" about virus spread rather than social impact, both portray governance as masculine. This study contributes to ongoing research about how gender

shapes substantive representation (e.g., Celis, Childs, Kantola & Krook 2014; Dovi and Luna 2020; Phillips 1995) in the party-polarized context of the pandemic.

BACKGROUND: GOVERNANCE AND LAWSUITS IN THE 2020 COVID-19 PANDEMIC

The first case of the novel coronavirus COVID-19 in the United States was reported on January 21, 2020. After two months with minimal numbers of cases reported across the country, outbreaks of COVID-19 were reported in several states beginning in March.[10] Following the World Health Organization's pandemic declaration on March 11,[11] most state governments responded swiftly to control virus spread. Between March and May 2020, 45 states issued mandatory or advisory statewide stay-home orders. Most states subsequently issued additional stay-home orders to extend the duration of the advisory as the novel coronavirus continued to spread rapidly through communities within their jurisdictions.[12] The 2020 primary elections were identified as high-risk settings for virus spread. As a result, 25 states postponed their spring primary and special elections and 29 modified voting procedures like those regarding mail-in ballot eligibility.[13]

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[10] "Trends in Number of COVID-19 Cases and Death in the US Reported to CDC, by State/Territory." *US Center for Disease Control*. February 9, 2021. https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases.

[11] "WHO Timeline – COVID-19." *World Health Organization*. April 27, 2020. https://www.who.int/news/item/27-04-2020-who-timeline---covid-19.

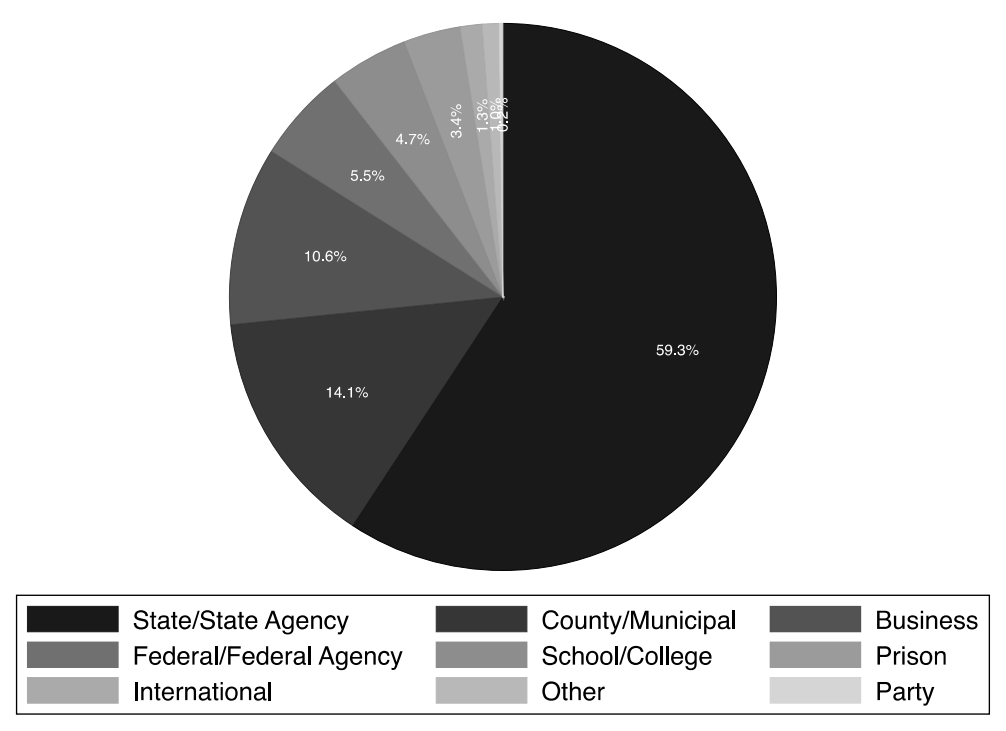
[12] "Timing of State and Territorial COVID-19 Stay-at-Home Orders and Changes in Population Movement – United States, March 1-May 31, 2020." *USDHHS/CDC Morbidity and Mortality Weekly Report* 69(35):1198-1203.

[13] "Changes to Election Dates, Procedures, and Administration in Response to the Coronavirus (COVID-19) pandemic, 2020," Ballotopedia, nd. https://ballotpedia.org/Changes_to_election_dates,_procedures,_and_administration_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020.

State leaders' emergency orders to prevent virus spread were polarized by party. All Democratic governors issued stay-home orders during the COVID-19 pandemic, but not all Republican governors did. Democrats issued these orders sooner after their states' first reported cases than their Republican counterparts, on average (Matthews 2020b). Social distancing orders stoked "Liberate" protests in multiple states supported by high-profile Republican party leaders, including then-President Donald Trump (Haupt et al 2021).

Lawsuits challenging state actions in the pandemic further polarized them (Parmet 2020). Nearly 1400 lawsuits were filed in response to state actions on public health (980 cases) and election administration (416 cases) in the United States in 2020, based on the Ballotpedia collection of pandemic-related lawsuits. Figure 4.1 visualizes the broad categories of defendants in these lawsuits. The largest category of defendants in COVID-19 lawsuits were states, state executives, and state agencies. Other common targets of lawsuits were county and municipal governments, businesses, federal government and federal agencies, schools, and prisons. Most of the first-named defendants in the largest category (State/State Agency) were governors and state agency leaders. Governors were the first-named defendants in 418 of these lawsuits, and their state agency heads were first-named defendants in 184 cases.

Figure 4.1 Categories of defendants in US COVID-19 lawsuits in 2020



GENDER POLITICS OF DISCURSIVE REPRESENTATION IN A PANDEMIC

State executive orders during the pandemic and the lawsuits contesting them provide textual artifacts to study the gender politics of political representation during the hyper-polarized public health crisis. Feminist scholars have called for analyzing political representation as a discursive process, in line with theories of gender power. Political representation is an active, performative process that can be analyzed via written artifacts of governance, including press releases, speeches, and written statements. To quote Celis et al (2014), "Substantive representation is… a process, involving debate, deliberation, and contestation over group interests" (151). Elected and appointed political actors do this work of representing. Discursive methods have been used widely in political sociology to study framing processes (Oliver and Johnston 2000; Snow et al 1986). Celis et al (2014) further contribute by applying discursive

methods developed by sociologists and political scientists to claims-making as a form of representation.

Discursive representation during the COVID-19 pandemic is important to study as a case of crisis governance in which party and gender conflict were central. Broadly, crisis governance involves reacting to an emergency situation to manage the outcomes of an event. While crisis governance responds to an ostensibly temporary moment, crises are commonplace and varied. Social scientists study how people respond to financial crises (e.g., Prügl 2012), natural disasters (e.g., David 2017), and wars (e.g., Christensen and Ferree 2008; Viterna 2008). The way leaders respond in moments of crisis can reinforce inequalities or radically reimagine the organization of society. Relevant to discursive representation, crises constrain the space for contestation and can either dismantle or – more often – entrench masculinized, white regimes of power (Griffin 2015). Furthermore, leaders' crisis responses have enduring consequences. Institutional legacies of past crises, from social welfare policies established after the Civil War and the Great Depression (Goldberg 2007), to the CDC, founded in response to malaria outbreaks during World War II, continue to shape struggles over citizenship and access to resources. The policymaking process creates institutional memory and patterns that shape path dependencies for governance (Mahoney 2000). Inequalities in effectiveness of labor and family policies under different welfare regimes during COVID-19, with policies in liberal regimes like the U.S. worsening inequalities, are indicative of these enduring impacts (Bariola and Collins 2021).

Crises are not a cohesive category, and the COVID-19 pandemic in particular is distinctively gendered and polarized. The pandemic widened gender inequalities. Employment losses affected women, who are over-represented in service sector jobs that were prone to virus transmission, more than men (Alon et al 2020). School closures pushed mothers out of the labor

force to a greater extent than fathers (Collins et al 2021). The pandemic also sharpened political party divisions. Trust in science declined precipitously among Republicans while remaining largely unchanged for Democrats before and during the pandemic (Hamilton and Safford 2021). Party identity predicted patterns in mask-wearing (Young et al 2022) and vaccine refusal (Cowan, Mark and Reich 2021). These outcomes make the policy decisions that contributed to them sources of social inequality.

Research on government's COVID-19 policies thus far has focused on these *outcomes* (e.g., Bariola and Collins 2021; Collins et al 2021). This study directs attention to the *process* of governing the pandemic by examining the claims political actors made to defend and undermine the authority of people making those policies. Two types of authority are of interest in the context of the pandemic, which tested the limits of democracy and the role of science in political decision-making.

Gendering Democracy and Expertise in Representational Claims

How does gender shape claims about democracy and expertise in conflicts over state actions taken in the party-polarized pandemic? Existing scholarship suggests that gender has played an important role in previous political debates over democratic citizenship and scientific expertise. In the context of the COVID-19 pandemic, analyzing the gendered claims made about democracy and expert knowledge by political representatives may illuminate why the reproduction of patriarchal styles of governance (Dursun, Kettner, and Sauer 2021) and data politics that reinforce structures of social power rather than supporting social justice (Shelton 2020) were outcomes of this public health crisis.

Gender is entangled with discursive claims about democracy. Who qualifies as a citizen of democracies has been contested since the American democratic experiment began. The

founders envisioned a democracy that served white men. Anti-suffragists in the 1800s feared the blurring of public and private "spheres" by white women's enfranchisement (Andersen 1996). Even after suffrage, progress in women's inclusion in political parties and elective offices faced institutional resistance (Matthews 2021; Sanbonmatsu 2002; Wolbrecht 2000). Women who achieve political offices in democracies continue to be targets of surveillance and violence, being seen by some as invaders of masculine spaces (Krook and Sanín 2020; Puwar 2004). Moreover, policy relating to women's social and political rights as citizens, such as an Equal Rights Amendment and ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), has been elusive in U.S. democracy (Baldez 2014). In other words, women's inclusion in politics does not make political institutions any less gendered.

Claims about democracy police the boundaries of who governs and who democratic representation serves. This boundary work is performed by men *and* women in politics. In the early twentieth century, rhetoric about the moral dangers of the Bolshevik gender system fueled U.S. anticommunist movements. Women in voluntary associations such as Daughters of the American Revolution worked alongside men of the American Legion Auxiliary to silence women like Jane Addams who promoted social programs by accusing them of radicalism (Delegard 2012). Gender conflict continues to be central to the renegotiation of power in democratic states. As Ferree (2020) argues, the US Republican Party's defense of patriarchal styles of politics has been met with big-D Democratic resistance to traditional gender norms in their membership and policy priorities.

As with democracy, expert knowledge is given gendered meaning in the process of representation. Projects of knowledge-production have historically been gender-coded, with

"objective" knowledge associated with masculinity and "relative" or positional knowledge being feminized (Harding 1995). The scientific expertise that informs policymaking is often associated with masculine objectivity. One example of a major policy project in which masculine objectivity is leveraged is economic policy. Azocar (2020) uses archival and interview data to show how center-left economists used scientism and claims of objectivity to exert their power in pension policy reform debates in Chile. Objectivity is masculinized by men in leadership who expressed confidence about their economic judgement despite widespread uncertainty. Feminist scholars have debunked positivist claims about scientific knowledge that suggest there is a singular, apolitical Truth, or what Sandra Harding calls "weak objectivity" (1995:334). Constructionists recognize that "expertise is something that people do, rather than something people have" (Carr 2010:18). Masculine objectivity can be practiced by men and women in positions of power who use claims about scientific expertise to stake their positions as faultless and dismiss knowledge that could threaten their claims.

Early research on the pandemic invites deconstruction of "science's" role in democratic debates. As Sylvia Walby noted, "The UK government declared, at its daily press conferences during the early part of the crisis, that it was 'following the science', as if there were a single unified body of knowledge called science" (2021:29). Similarly, claims about "following the science" were used to both criticize and justify CDC recommendations in the US, even though multiple scientific disciplines – including infectious disease, vaccinology, and public health – informed policy decisions and those disciplines did not always agree. Furthermore, not all scientific expertise is created equal in practice. Recommendations from public health experts, who work in a women-dominated field, are often viewed as authoritarian, and their expertise was

not dominant in justifying pandemic governance in Western countries like the UK and the US (Walby 2021).

In sum, this study makes two main contributions to the existing literature on gender and political representation. First, it focuses on a recent empirical case of a public health crisis that was notably party polarized. Understanding how gender shaped arguments partisan leaders made for and against state actions complements a growing literature on the pandemic which has focused on inequalities in its outcomes. Second, it responds to calls to conceptualize political representation as a discursive process (Celis et al 2014) by focusing on the gendered claims party leaders made about democratic leadership and scientific expertise that were central to debates over state actions during the pandemic.

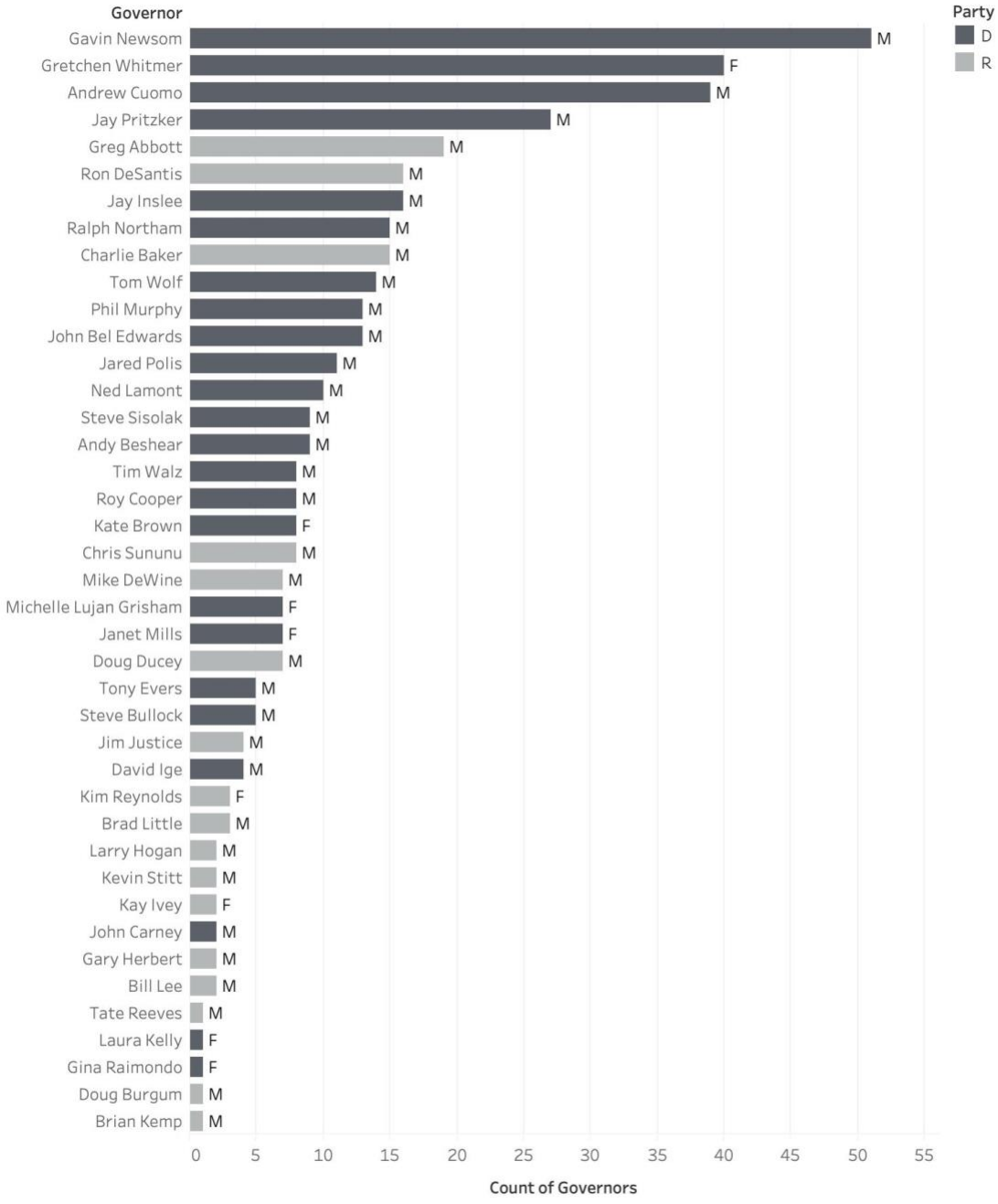
DATA & METHODS

This study provides a discourse analysis of a cascading series of five lawsuits that all involve three branches of state government to examine how gender informs discourses about democracy, authority, and expertise in governance of the COVID-19 pandemic. Below, I first provide an overview of the lawsuits filed in 2020 that challenged governors' and state agency heads' actions during the COVID-19 pandemic. Then, I argue that a subset of these lawsuits that involve three branches of state government are especially useful for studying gender in polarized political discourses because they involve overtly partisan actors making claims about implicitly partisan issues and are to be resolved by a nominally nonpartisan court. Finally, I summarize the contexts and decisions of the five legal cases, and discuss the methods used to analyze the texts.

Lawsuits Against State Actions during the COVID-19 Pandemic

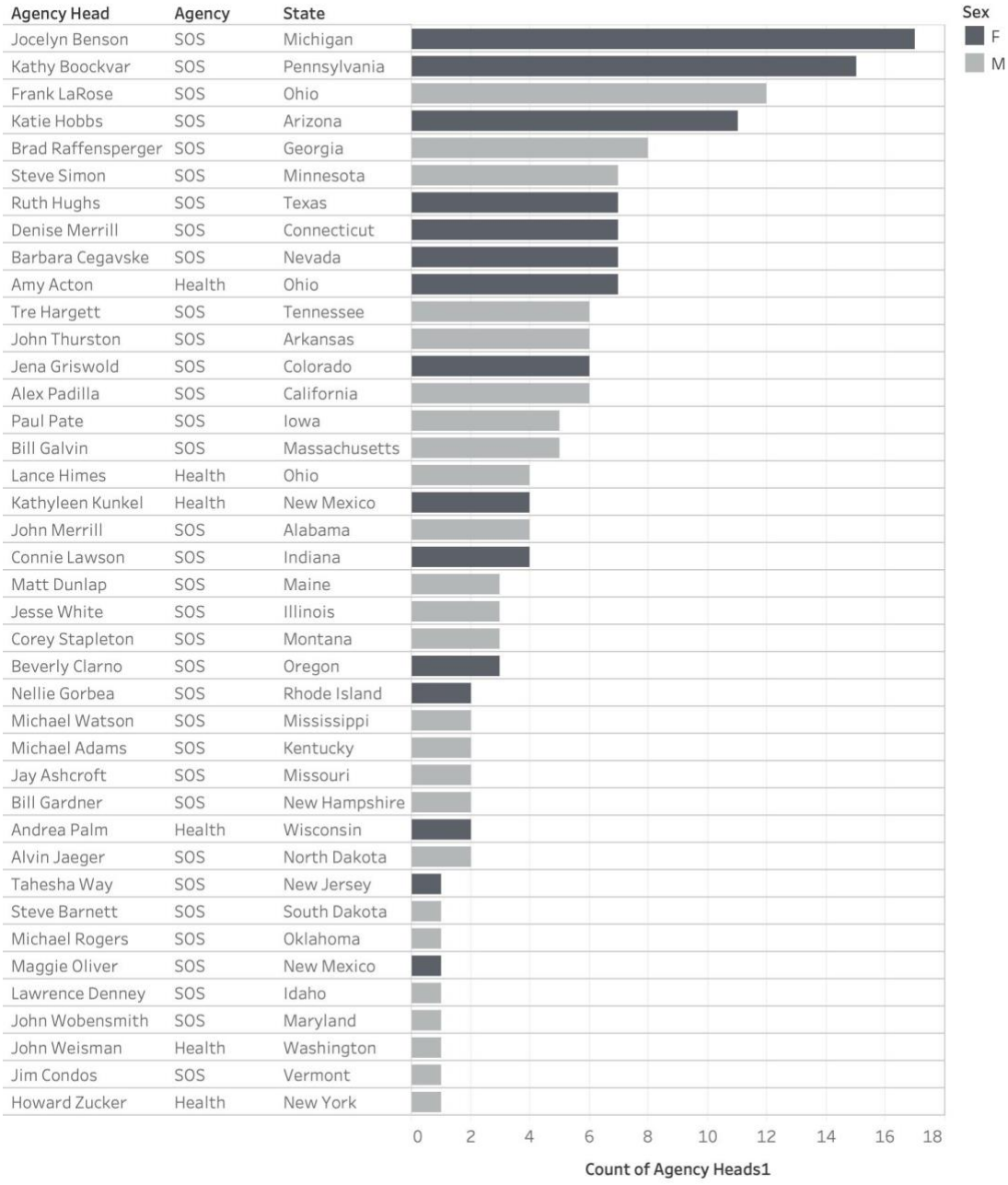
Figures 4.2 and 4.3 list the governors and state agency heads who were the first-named defendants in lawsuits related to state actions taken during the pandemic. The bars in each graph represent the count of lawsuits against these political actors, and each graph is sorted in descending order from most (top) to fewest (bottom) lawsuits. Figure 4.2 illustrates just how polarized lawsuits against governors were in 2020: The top four most-litigated governors were Democrats. Overall, 76 percent of pandemic-related lawsuits listed Democratic governors as the first-named defendants. All six of the Democratic women governors serving in 2020 were defendants in at least one pandemic-related lawsuit, compared to two of the three Republican women governors. Governor Gretchen Whitmer of Michigan was second only to California Governor Gavin Newsom in terms of number of lawsuits. Furthermore, Figure 4.3 suggests that women agency heads were particularly liable to lawsuits. Of these lawsuits, 70 percent were filed against women health secretaries as first-named defendants and 49 percent were against women secretaries of state. By contrast, 60 percent of health agency heads and 40 percent of secretaries of state were women in 2020 (Nass 2020; ASTHO 2020).

Figure 4.2 COVID-relevant lawsuits against Governors



Count of lawsuits for each governor. Grey-shading in the table indicates political party. The marks are labeled by governor's sex (male or female). The table includes governors of US states, which excludes Wanda Vazquez-Garced of Puerto Rico.

Figure 4.3 COVID-relevant lawsuits against Secretaries of State and Health Secretaries



Count of lawsuits for each state broken down by agency head and agency. Grey-shading indicates sex of agency head based on public records. The table includes agency heads of US states, which excludes DC.

Partisan lawsuits initiated by Republican legislative leaders against Democratic executives have gendered implications for substantive representation. Women in the population at large supported virus prevention efforts, such as stay-home orders, at higher rates than men (Czeisler et al 2020). In contrast, many individual men – including political leaders such as then-president Donald Trump and Vice President Mike Pence, flouted these efforts and framed compliance with public health advice as submissive and thus less masculine (Cassino and Besen-Cassino 2020; Glick 2020). Conflicts over the way state leaders responded to the COVID-19 pandemic therefore have material impacts on gender representation.

Three-Branch Legal Cases

This study looks at a subset of pandemic-era lawsuits that include three branches of state government in roles as plaintiffs, respondents, and arbiters. Lawsuits that pit state executives and legislators against each other and are decided by members of the state judicial branch are especially interesting for the study of polarization. First, unlike lawsuits filed by *individual* private citizens or businesses seeking damages from states actions, these lawsuits bring political *institutions* into conflict and address legal questions about the relationship between them. Second, three-branch lawsuits make partisan conflict visible to study: the actors involved in these cases are explicitly partisan (formalized through their elections or appointments), and the motivation to sue is implicitly partisan. Displays of partisanship are mediated through the texts of these lawsuits, and gendered language is visible as a political tool to credit or discredit specific claims.

Cases were selected purposively to vary based on state executives' sex and favorability of the ruling for state actions, as Table 4.1 illustrates. Notably, the selected cases portray the partisan nature of legal challenges during the pandemic, whereby Republican state executives'

actions were met with little resistance, especially by Republican-controlled legislatures, while Democratic executives' actions tended to be stronger and were met with fierce legal resistance.

Table 4.1 Three-branch legal cases by state executive sex and favorability of ruling for state actions

	State Executives	
Ruling for State Actions	*Men*	*Women*
Favorable	Wolf v. Senator Scarnati and PA Republican Caucus	Kelly v. KS Legislative Coordinating Council MI House and Senate v. Whitmer*
Unfavorable	WI Legislature v. Evers	WI Legislature v. Palm

* Note: The ruling in the original case was favorable, but was later overturned.

The first case, *Wisconsin Legislature v. Evers*, was a rapidly-decided lawsuit related to a spring primary election. On April 6, one day prior to the Wisconsin primary, Governor Tony Evers issued Executive Order 74 which suspended in-person voting until June 9, 2020 "unless the Legislature passes and the Governor approves a different date for in-person voting" and required a special session of the legislature convene to set a future in-person voting date. The order was issued after weeks of attempted coordination with the legislature to plan for a safe primary election. The Wisconsin Supreme Court struck down the order on the same day in a 7 to 2 decision, with the court's two women progressive justices dissenting. Wisconsin's primary election was conducted in-person on April 7, with only five of 180 polling locations open in Milwaukee – Wisconsin's most racially diverse city – and thousands of absentee ballots discounted for not arriving by the deadline or invalidated for missing witness signatures (a result of a separate federal Supreme Court decision).

Just days later, Kansas Governor Laura Kelly sued the Kansas Legislature (in *Kelly v. Legislative Coordinating Council*) after the LCC attempted to strike down her recently-issued

executive order. The governor's Executive Order 20-18 temporarily prohibited mass gatherings of more than 10 people, including religious congregations shortly before the 2020 Easter holiday. As with the Evers lawsuit, this case was granted expedited review by the state supreme court. However, in this case (decided by a state supreme court of seven justices, five of whom were appointed by Democratic governors) the court upheld the governor's executive order, ruling that HCR 5025 did not authorize the LCC to revoke a governor's emergency order.

The third lawsuit targeted Wisconsin Governor Evers' appointed health secretary, Andrea Palm. Wisconsin DHS secretary-designee Palm issued Emergency Order (EO) 28 on April 16. This order extended the state's first "Safer at Home" order through May 26 – the Tuesday after Memorial Day – and relaxed some restrictions on businesses. The extension was immediately controversial among state Republican leaders, who filed an emergency petition and motion for a temporary injunction with the Wisconsin Supreme Court on April 21. The Court ruled in favor of the Republican Legislature, declaring EO 28 "unlawful, invalid, and unenforceable." Notably, the Court did not grant a six-day stay in the injunction requested by the legislature, saying "[the Court] trusts the Legislature and Palm have placed the interests of the people of Wisconsin first and have been working together in good faith to establish a lawful rule that addresses COVID-19 and its devastating effects on Wisconsin." The stay-home order was immediately struck down on May 13 and, without a statewide order to replace it, responsibility to mitigate the virus' spread was downshifted to the county level.

The fourth case, *Michigan House and Senate v. Whitmer*, mirrors the *Palm* lawsuit in its substance, but not its immediate outcome. On April 30, Governor Whitmer rescinded Executive Order 33 and replaced it with Executive Orders 67 and 68 that extended the state of emergency through May 28. These renewed emergency and disaster declarations relied on authority from

Michigan's Emergency Powers of the Governor Act (EPGA) of 1945 and the time-limited Emergency Management Act (EMA). One week later, the Republican-led legislature sued the governor over these orders renewed without legislative approval. Michigan Court of Claims Judge Cynthia Stephens found that EO 67 "is a valid exercise of authority under the EPGA… [and] the EPGA is constitutionally valid," although EO 68's reliance on the EMA did exceed the Governor's authority. The judge denied the legislature's motion and the governor's actions resting on EO 67 were upheld. However, a separate lawsuit (*Midwest Institute of Health, PLLC v. Whitmer*) decided in October 2020 struck down the governor's extended orders based in part on the earlier decision in *Michigan House and Senate v. Whitmer*.

The final lawsuit addressed a legal question about the Pennsylvania legislature's ability to terminate Governor Tom Wolf's emergency orders by concurrent resolution without the opportunity for the governor to veto. On June 3, 2020, Governor Wolf renewed his earlier Disaster Emergency Proclamation, much like Governor Whitmer did in Michigan and DHS secretary-designee Palm did Wisconsin. The Pennsylvania House and Senate adopted a concurrent resolution six days later that ordered the governor to terminate the disaster emergency. Senate leaders and the Senate Republican Caucus filed a petition seeking to enforce the resolution two days later, and the governor responded by requesting the state supreme court use its King's Bench powers in this lawsuit. In *Wolf v. Senator Scarnati,* the left-leaning Pennsylvania Supreme Court ruled that the House and Senate's attempt to strike down the government orders without presentment (the opportunity to veto) violated the state's Emergency Services Management Code.

Discourse Analysis

The analysis relies on 53 texts from and about the lawsuits sourced from digital archives in the public record. The texts include the contested executive orders and related press releases, complaints and responses filed by the plaintiffs and defendants, and written opinions of the justices (majority, concurring, and dissenting). I supplement these legal texts with media reporting of these events, which includes quotes from the actors involved in the litigation (see numbers of textual sources by type in Table 4.2). A complete list of texts analyzed for this paper is available in Appendix B.

Table 4.2 Number of sources by category of text

Category	No. of Texts
Executive Orders & Press Releases	12
Plaintiffs' Complaints and Memoranda	6
Defendants' Responses	5
Legal Opinions (Majority, Concurring, Dissenting)	16
Media Reporting	14

I draw on critical frame analysis (Verloo 2007) as a framework for a two-phase coding process, which I implemented in the qualitative analysis software Atlas.ti. Critical frame analysis asks what the policy diagnosis and prognosis are and who has a voice in defining and framing policy. The first phase of the coding process involved reading through each document and marking the text of all instances when the policy and/or legal problem was diagnosed or offered a solution. Analysis of the first phase of coding inductively identified the authority of government officials and the scientific context of the pandemic as the most common ideas in the problem diagnoses and prognoses. In the second phase of coding, I coded these arguments as gendered when they met one of three criteria: 1) grammatical gendering is used, 2) feminized or

masculinized metaphors are used, or 3) arguments are deployed consistently by or against female or male actors.

The discourse analysis in the following section is based on a computer-assisted analysis of the extracted texts from phase two coding – which is linked to the political actor and the legal case. Atlas.ti includes features that allows the researcher to analyze text excerpts from code categories in aggregate and in the context of the original documents. Documents are sorted into document groups based on the category of text and partisanship of the actors the documents represent, which facilitated relational comparison of conservative and progressive discourses in these lawsuits. I drew on all of these analytic functionalities and my deep readings of the texts to produce memos about how gender shaped the actors' arguments, which are the basis of the analytic narrative.

FINDINGS

Conservative and progressive actors used divergent gendered discursive strategies to undermine or defend executive authority to govern during the COVID-19 pandemic. On one hand, Republican plaintiffs and conservative justices cast Democratic women defendants as *absolutist* leaders. Characterizations of Democratic women leaders as absolutist painted them as antidemocratic, exceeding conservative challenges against Governors Tony Evers and Tom Wolf that merely disputed their authority. On the other hand, Democratic executives and progressive justices deployed scientific expertise in their arguments to support executive action to govern the pandemic. These arguments often drew on scientific terminology, claims about facts or reality, and assertions of objective logic. In so doing, minoritized progressive justices, Democratic governors, and agency heads (and their legal representatives) combatted explicit challenges to their authority with a measured, masculinized objectivity in their written arguments. Both

discursive approaches in these lawsuits paint governance as masculine and exclude femininity from ideas of democratic governance. These findings demonstrate the discursive resistance women political leaders face even after they achieve positions of power in state government.

Conservative Discourses of Feminized Absolutism

Conservatives use gendered frames against Democratic men and women governors in these lawsuits. The Democratic women governors in *Wisconsin Legislature v. Palm*, *Michigan House and Senate v. Whitmer, and Kelly v. Kansas Legislative Coordinating Committee* are accused of tyranny, suggesting they are violating their democratically-elected positions by claiming absolute authority over their state. In contrast, conservatives mainly bring up questions about constitutionality to dispute Democratic men's legal authority to issue statewide public health orders.

The former frame is front and center in the Republican legislators' arguments. The Wisconsin Legislature's memorandum in their lawsuit against Andrea Palm begins, "Purporting to act under color of State law, an unelected, unconfirmed cabinet secretary has laid claim to a suite of *czar-like* powers – unlimited in scope and indefinite in duration – over the people of Wisconsin." Challenging Palm's Emergency Order 28 as arbitrary and capricious, the memorandum closes by declaring Palm's order an "irreparable harm to Wisconsin's system of representative democracy." The Michigan Legislature introduces their complaint using a similar argument: "The Michigan Legislature seeks to defend Michigan's constitutional system... the head of the executive branch has the power to execute Michigan's laws, not usurp them." In closing, the plaintiffs summarized, "Ruling by Executive Order—functionally, *rule by the pen of one person*—is not Michigan's default governmental position… justified, if at all, only in the most extreme of crises and for the shortest time possible." Using a similar framing, the Kansas

LCC's reply frames Governor Kelly's actions as an intentional, nefarious effort to circumvent the democratic process through legal action. To quote their reply: "The Governor made the decision to target religious institutions just before Easter *in order to trigger emergency legal action directly in this Court*, and not to advance public health and welfare." The stakes – of democracy – in these lawsuits against a woman's power to govern during the pandemic are clear.

A feminized brand of absolutism is deployed by conservative justices when they associate pandemic governance by women executives with wickedness and women governors with "nanny state" stereotypes. These conservative juridical discourses are most prevalent in opinions by justices in the *Wisconsin Legislature v. Palm* case, which is one of only two lawsuits considered here decided by a conservative-majority state supreme court. In Justice Rebecca Bradley's concurring opinion in this lawsuit, she draws a parallel between Palm's actions and alleged absolutism:

> In Wisconsin, as in the rest of America, the *Constitution is our king* – not the governor, not the legislature, not the judiciary, and not a cabinet secretary. We can never "allow fundamental freedoms to be sacrificed in the name of real or perceived exigency" nor risk subjecting the rights of the people to "the mercy of *wicked rulers*, or the clamor of an excited people." Fear never overrides the Constitution. Not even in times of public emergencies, not even in a pandemic.

Justice Bradley constructs "wicked" feminine rule in opposition to masculinized democracy. In a separate concurrence by Justice Daniel Kelly, he paints a picture of a controlling "nanny state" stereotype when forecasting far-reaching absolutist rule of the secretary-designee if her legal interpretation were accepted:

> If her authority is that boundless, there is no method by which we can determine *what power she might assert next*. The Secretary understands the scope of her power under Wis. Stat. § 252.02 to be so complete, so comprehensive, that she can do literally anything she believes is necessary to combat COVID-19. Can she also dictate what we do in our own homes? Can she tell us how many hours we can spend outdoors in our own yards? Can she forbid us from buying certain products? Compel us to buy others?

Justice Kelly invokes a fear of "nanny state" impositions of authority in order to question whether DHS secretary-designee Palm should have the authority that is written into statute to restrict public and private action in the interest of public health.

In contrast, the two lawsuits against male executives, Tony Evers of Wisconsin and Tom Wolf of Pennsylvania, focus more sharply on questions about the constitutionality of the governor's delegated authority to act in emergencies. Legislative memoranda and conservative majority opinions (in *Evers*) and dissenting opinions (in *Wolf*) use a more muted tone with regard to the men's executive actions and do not go as far as claiming authoritarian intent, as do conservative discourses in the *Palm, Whitmer,* and *Kelly* lawsuits. Claims against Tony Evers' use of authority in the legislative memorandum rely on constitutional sources rather than statements of political philosophy, like the Federalist Papers, used to challenge Palm. The legislative memorandum in *Evers* begins by defining a constitutional question about the governor's authority: "The order is void for several, independent constitutional and statutory reasons, as the Governor has himself conceded." In the same case, the WI Supreme Court decision finds Governor Evers' actions unlawful while allowing that his intentions were good in the same breath: "This court acknowledges the public health emergency plaguing our state, country, and world, but any action taken by the Governor, no matter how well-intentioned, must be authorized by law." As with the Evers lawsuit, the conservative discourse in *Wolf v. Scarnati* represented by a dissenting opinion from Justice Saylor focuses on constitutional questions about the governor's authority. The dispute is presented as a difference of opinion about the *intent of the constitution*, without questioning the *intent of the governor*. To quote Saylor's dissent:

> I simply cannot envision that the framers of the Pennsylvania Constitution contemplated that the Governor could be invested with a panoply of exceptional powers – including the delegated power to suspend laws and commandeer private property – but that the Legislature nonetheless would be powerless to implement a counterbalance that was not

> then subject to the chief executive's own veto power… I can think of no more appropriate setting for the contemplated inter-branch cooperation and power-sharing to be intelligently and properly exercised than in the management of a disaster emergency.

This excerpt illustrates how a conservative discourse against a man in political power challenged his authority by focusing on constitutional questions without questioning his intent in exercising this power.

The debates about whether or not Governor Evers' and Wolf's actions were unconstitutional, even if well-intentioned, stand in contrast with conservative frames of absolutism against women leaders who they say "usurp[ed]" and "circumvented" the law for the purposes of claiming power and "not to advance public health and welfare." In short, the male governors did not have to defend themselves against the discursive frame of absolutism launched against women in positions of power.

Progressive Discourses of Masculinized Objectivity

Democratic executives and progressive justices also contribute to the construction of governance as masculine. Across the five lawsuits, progressives support their arguments about executives' authority to govern by citing scientific experts, asserting that the only valid expertise is quantifiable and rational, and deferring to the authority of Republican men to make ostensibly nonpartisan claims. These discursive tactics reinforce ideas that associate objectivity with masculinity in the process of governance.

Democratic governors' briefs followed similar organizational structures, beginning with introductory statements, followed by a scientific background of the pandemic, and then a justification of emergency executive orders based on the public health context and their interpretation of constitutional and statutory authority. Scientific experts were cited generally or specifically (naming scientists) in all of these lawsuits. One good example of the strategic

showcasing of scientific expertise is in the background statement in Governor Tom Wolf's petition:

> Pennsylvania has the 7th most cases of COVID-19 in the country. As explained by *Dr. Samir Bhatt of the Imperial College London, senior author of a recent study examining the spread of COVID-19*, "This is just the beginning of the epidemic: we're very far from herd immunity. . . The risk of a second wave happening if all interventions and precautions are abandoned is very real."

Honorifics, institutions, and scholarly studies are referenced as signals of expertise in this quote, as in other governors' petitions and replies. In many cases, experts are referenced generally, as they are in this excerpt from Governor Laura Kelly's memorandum: "*Experts warn*… that 'the trajectory of the pandemic will change – and dramatically for the worse – if people ease up on social distancing or relax with other precautions.'" Quotes by scientific experts like this allowed state executives to justify invasive orders implemented in the interest of public health, while painting "science" as an abstract and unified "speaker."

Another strategic discursive move progressives make in their legal arguments is to construct the expertise that they draw on as uniform and undeniable. By making claims about a single reality rather than contested arenas of knowledge based on different types of data, they paint any challenges to their actions as irrational. These pragmatic claims are especially important in defending against absolutist claims against women executives. In the Palm and Whitmer lawsuits, the respondents' briefs describe a disjuncture between the plaintiffs' arguments and reality. In the introductory remarks of DHS-Secretary Designee Palm's response, the brief states: "The petitioners' arguments should be rejected. They posit a fundamental reworking of how Wisconsin responds to a pandemic—in the midst of one—that is incompatible with the statutes, constitutional principles, and *on-the-ground reality*." Governor Whitmer's response uses similar terms to make the case for her authority:

> The Governor has a duty to declare a state of emergency or a state of disaster if she determines a disaster or emergency has occurred or will occur… This legal dynamic is *reality-based*, for it mirrors the *undeniable fact* that emergency circumstances can and do rise and fall over time, particularly in the case of a global pandemic.

Notably, in this case emergency circumstances are described to argue that the governor's actions were required by the state constitution. Governor Wolf uses a similar tactic as his women colleagues in emphasizing the objectivity of his state's phased reopening that required ongoing emergency orders:

> The Commonwealth is in the process of a phased reopening. This carefully structured reopening, crafted in partnership with Carnegie Mellon University and using the Federal government's Opening Up America Guidelines, is *data-driven and reliant upon quantifiable criteria* for a targeted, evidence-based, regional approach… In contravention to the Constitution itself, this resolution seeks to upend the Commonwealth's carefully planned reopening process, *a move that experts have declared will further hurt our state economy and cost lives*.

Several emergency protections, such as access to disaster funding, are described as being at stake in the lawsuit after this line. These discursive moves of emphasizing the objectivity of state actions based on apparently conclusive scientific expertise can be seen in progressive discourses in other contexts, such as claims about conservatives voting against their own interests in elections.[14]

In addition to calling on scientific experts, two Democratic women governors strategically cited Republican men as authorities to justify their orders. These discursive moves serve dual purposes of defending against claims of absolutism and constructing their orders as rational and nonpartisan. This signaling may have resonated with Republican complainants and observers who are less likely to believe in science (Hamilton and Safford 2021). One example of

[14] To provide just one example of this common narrative, see "Republicans voting against their own interests: It's the hatred, stupid…", *HuffPost*, July 17, 2017.

this strategy can be found in Governor Kelly's memorandum, where she justifies her executive order as follows:

> Pursuant to K.S.A 48-925, on April 7, 2020, Governor Kelly issued EO No. 20-18, which temporarily prohibits mass gatherings of more than 10 people to limit the spread of COVID-19. *As the CDC and President Trump have made clear*, social distancing until at least April 30, 2020, is a public health imperative. Governor Kelly's order follows this federal guidance.

In the footnotes, a single article in the Washington Examiner is cited to support the reference to then-President Trump's call for social distancing. Trump's messaging is described above as "clear" although his messaging about public health measures were not consistent. In another brief, Wisconsin DHS-Secretary Andrea Palm aligns her emergency orders with Ohio Governor Mike DeWine's actions to justify them. She argues, "*Wisconsin's Safer at Home order most closely paralleled Ohio's*, issued two days earlier. Like in Ohio and many other states, Wisconsin's approach followed the advice of over 100 of the nation's most prominent infectious disease scientists." Palm's stay-at-home order is constructed as rational because it follows DeWine's order and is consistent with other state executives' actions.

Assertions of reality, logic, and science are also found in progressive justices' opinions. Both Wisconsin lawsuits featured partisan decisions by the Supreme Court, with dissenting opinions authored and co-signed by the same two progressive women justices. Their dissents objected to the majority's decisions by contesting their logic, the legal facts, and their intersection with scientific reality. Justice Rebecca Dallet's dissent in *Wisconsin Legislature v. Palm* contests the logic of the majority's partisan decision:

> A majority of this court falls hook, line, and sinker for the Legislature's tactic to rewrite a duly enacted statute through litigation rather than legislation… This reading of Wis. Stat. § 252.02 is *illogical* because it hamstrings DHS to a time-consuming, lengthy rulemaking scheme inconsistent with the authorization for DHS to act "immediately and summarily" to guard against the introduction of communicable disease as well as to control and suppress it.

Justice Dallet's charges of judicial activism are mirrored in a dissent authored by Justice Ann Walsh Bradley in the lawsuit against Governor Evers' election delay:

> The majority of this court *looks reality in the face*, but then turns the other way... In justifying its decision, the majority states that the law compels such a result. Nonsense… *Paying no heed to the warnings or the science*, the majority circumvents the law, while disenfranchising voters and putting at risk the health and safety of our fellow Wisconsinites.

Justice Ann Bradley's dissent claims that the majority decision is illogical in ignoring "the science". Moreover, this dissent does not charge the majority with innocent ignorance of scientific facts, but rather with willful action in spite of this knowledge. In this way, Bradley emulates discursive moves used primarily by Republican defendants against Democratic women by claiming their actions are antidemocratic.

Comparative Counterfactual: The Ethic of Care in New Zealand's Response

If the discourses of both US conservatives and progressives painted governance as masculine in contesting COVID-19 public health measures, what would a feminist approach to governance look like? The case of New Zealand, a country with a population size similar to Wisconsin at 5 million citizens, could be offered as a real utopia: a "real world example of [a] functioning social alternative" (Wright 2011).

New Zealand implemented an aggressive series of lockdowns in 2020 using a risk rating based on public health indicators. This approach, which parallels strategies by US state executives, included much more proactive messaging that got in front of challenges to the way the public health measures were implemented. Wilson (2020) describes New Zealand's government as taking a three-pronged leadership approach that fostered a shared sense of purpose to minimize harm. These leadership practices included mobilizing collective action and enabling coping strategies, while being guided by relevant experts. Government posters and

advertisements promoted public health responses as a collective national project. Anthropologist Susanna Trnka (2021) conducted a walking ethnography of how New Zealanders responded to Prime Minister Jacinda Ardern's declaration for the public to "be kind" during the first lockdown by displaying teddy bears in their windows and displaying poppies for the memorial holiday.

In short, the New Zealand government's response, led by Jacinda Ardern, was characterized by a more feminist ethic of care. The public health measures were guided by the available data on the virus, but the actions were accompanied by proactive messaging that emphasized compassion, unity, and collective vulnerability.

Implications of Gendered Discourses in Pandemic Governance

Political discourses substantively shape governance. There are two notable effects of the gendered discourses used by conservatives and progressives in these legal cases about governance of the COVID-19 pandemic. First, the outcomes of these legal cases suggest a complex – and at times perverse – connection between descriptive and substantive gender representation in polarized political contexts as observed in 2020. Second, since the political arena does not exist in isolation, gendered discourses were taken up by members of the public who observed the governance process and legal disputes, and vice versa. In the cases of Michigan and Kansas, legal challenges laid the discursive foundation for conservative backlashes that escalated into actual and symbolic violence against women in politics.

The lawsuits in Wisconsin, Kansas, Michigan, and Pennsylvania demonstrate how descriptive representation does not directly translate into substantive representation. A strong conservative majority on Wisconsin's female-majority Supreme Court overturned executive and emergency orders intended to reduce transmission of COVID-19. Although the Michigan governor's orders were initially upheld, the Court of Claims decision laid the groundwork for a

later state Supreme Court decision that declared the EPGA unlawful by Michigan's majority-male, majority-conservative justices. The lawsuits in Kansas and Pennsylvania were decided by progressive-majority state supreme courts that upheld the Democratic governor's orders. In all of these cases, the legal arguments focused on the authority of state executives and apparently unified scientific knowledge about virus transmission rather than the disproportionate social and economic impact of unmitigated virus spread on women and people of color in these states. Thus, the structure and partisan control of the legal-political arena of governance ultimately shapes the discourse and decisions about race-gendered issues.

Beyond painting the arena of governance as masculine, the political discourses used in these legal cases were taken up by extremists with whom political leaders' characterizations of women governor's actions as absolutist resonated. The most prominent example was the attempted kidnapping of Governor Whitmer in late 2020. After months of protests against the Governor's emergency orders at the state capitol where protesters carried signs with slogans like "Ditch the Witch," "Liberate Michigan," and "Heil Whitmer," a group of men plotted to kidnap Whitmer from her vacation home. Governor Kelly in Kansas also faced sexist and anti-Semitic criticism from conservative writers in the media. For instance, a caption in a political cartoon published by The Anderson County Review against Kelly's statewide mask requirement read, "Lockdown Laura says: Put on your mask… and step onto the cattle car."[15] This cartoon erases power relations in the work governance does while claiming victimization for anti-maskers. These examples also illustrate important differences in political narratives about women heads of

[15] Articles describing these acts of symbolic and actual violence against women governors as a result of their emergency executive orders can be found in: "The Boiling Resentment Behind the Foiled Plan to Kidnap Gov. Whitmer," *National Public Radio*, October 10, 2020; "After Criticism, Kansas Newspaper Removes Cartoon Likening Mask Requirement to the Holocaust," *South Florida Sun-Sentinel,* July 7, 2020.

state, such as Jacinda Ardern and Angela Merkel mentioned in the introduction who were broadly applauded for their actions, and state and local political leaders whose actions were especially polarized. Acts of symbolic and actual violence against women in politics and against democratic authority like these are affirmed by conservative political discourse that paints Democratic women leaders as antidemocratic.

DISCUSSION

Although crises provide opportunities to renegotiate structures of power, available evidence suggests that the COVID-19 pandemic largely upheld the status quo of gender power. The COVID-19 pandemic exacerbated gender inequalities globally. Women, who are overrepresented in service sector jobs, were far more likely to be unemployed during lockdowns and reduced-capacity operations (Alon et al 2020). Pandemic-related disruptions jeopardized decades of progress towards gender equality within families (Calarco et al 2020). Meanwhile, anti-masking – a performance of masculine invulnerability – actively fueled the virus spread (Glick 2020).

Media narratives about women heads of states' successful leadership of the crisis provided some hope that the pandemic would provide a pathway for gender change in political representation. However, at the subnational level of the US that this paper analyzes, partisan discourse created institutional resistance to gender change – even during a time of crisis. Members of both parties used gendered frames in their arguments to demonstrate or delegitimize democratic authority. Conservatives' discourses of feminized absolutism associated women leaders and their emergency public health orders with authoritarianism rather than democracy. Progressives responded with masculinized discourses of objectivity that rationalized their power

to restrict individual liberties with a singular interpretation of "the science," rather than reframing the role of the state in addressing social vulnerabilities in the crisis (Fineman 2010).

The gendered frames used in partisan lawsuits over state actions taken during the pandemic reproduced patriarchal styles of governance and structures of social power. State party leaders used gendered frames to do discursive boundary work around what democratic governance looks like, who has the authority to govern, and the role of different kinds of expertise in governance in ways that recasts politics as a masculine space. This suggests that the COVID-19 crisis has, on the whole, not disrupted the ongoing process of gender polarization in liberal democracies that makes gender inclusion in politics party-dependent, and therefore precarious (Brown 2019; Ferree 2020). Moreover, like Azocar (2020), I found that displays of expertise in debates over pandemic governance emphasized rational logic, quantitative data, and assumed certainty in outcomes. Statements using this masculine objective approach likely contributed to negative public opinion towards science (Hamilton and Safford 2021), which some political leaders painted as unified and conclusive rather than complex and unresolved (Walby 2021). The progressive approach of masculine objectivity may have increased social vulnerabilities in the "post-truth" data politics of the pandemic (Shelton 2020).

Being represented in government is a right of democratic citizenship. The presence of women in political institutions is therefore an important democratic value (Mansbridge 1999; Phillips 1995). However, numerical representation does not lead directly to substantive impact on political outcomes. Theories of political representation as a process (e.g., Celis et al 2014) provide a way to analyze the discursive and institutional resistance to gender change in politics. This study departs from early research about gendered pandemic governance (e.g., Aldrich and Lotito 2020; Bauer, Kim, and Kweon 2020; Piscopo 2020) by analyzing gendered discourses in

pandemic-related legal contests, in which the gender and party identities of individual actors are features of a complex process of representation. Partisan conflict discursively constructs politics as gendered, even in moments of crisis that present opportunities for change. These gendered discursive contests further reveal the need for feminine approaches to governance, particularly in the recovery from this public health and economic crisis (Wade and Bridges 2020).

CHAPTER 5: CONCLUSIONS

This dissertation asked when, where, and how gender polarization developed in U.S. politics between 1975 and 2020. Focusing on subnational politics, I drew on multiple methods and data sources, including quantitative analysis of state-level measures of gender representation and partisanship, content analysis and topic models of legislative floor speeches, and narrative analysis of legal cases to address these questions. Taken together, my findings illustrate how barriers to gender equality in political representation are reproduced in response to changing political opportunity structures and in the everyday practice of governance.

Looking first at macro dynamics of state politics, I find that when party gender regimes began to change in the 1990s, the party competition and polarization that resulted erased the Republican edge in women's representation observed in the 1970s, and began an intersectional re-alignment of the Southern states in particular. State-level Democratic parties appear to have changed their gendered strategies of recruitment and retention to manage reversals in their fortunes since the 1990s. The outcome of this process that played out between the 1970s and 2010s are striking differences in the gender representation of state parties, with a similar share of women in the median Republican state legislative caucus and the least-inclusive Democratic state caucus.

Shifting from institutional considerations to discourses of leaders in the process of governance, I find that Republican and Democratic legislative leaders' political rhetoric wove gender into meanings of partisanship between the 1990s and 2010s. State leaders used gender to convey meaning about state identity, legislative leadership, and their party's issues priorities, in particular. Furthermore, the way party leaders marshalled gender in their political speeches varied depending on the regime of party control (which remained Republican-dominant in

Wyoming and became Democratic-controlled in Colorado). Gender polarization, produced through these processes of institutional change and discursive meaning-making, has material effects on the practice of governance. Using the COVID-19 crisis as a case study, I find that men and women in highly party-polarized states exclude women from images of democratic authority as they debate the authorities of state crisis governance.

These studies contribute to ongoing debates about the meaning of political representation and barriers to inclusive political leadership. Moreover, my findings point to institutional solutions needed to achieve more inclusive democratic politics. This dissertation points to future research on the intersectional implications of party polarization and the impact of legislative diversity on policy outcomes in contexts of high levels of polarization.

Summary of Contributions and Implications

In contemporary U.S. politics, partisanship is an important qualifier to political representation. The opportunity structure of party politics in a majoritarian two-party system – whether or not a single party dominates, and if competition is substantial or nominal – has significant implications for the diversity of leaders that parties advance to represent them. Gender polarization, in particular, has created a partisan ceiling on gender equity in numerical representation as state Republican parties advanced fewer women leaders as their party saw electoral success by aligning with hegemonic white masculinity (Ferree 2020). The contemporary gender realignment of the U.S. political parties across states is a decisive pattern by the 2020s, and intersects with previous significant shifts in party priorities along class and racial lines (Carmines and Stimson 1989; Manza, Hout, and Brooks 1995).

Gender polarization reveals a complex relationship between descriptive and substantive representation, when one party emphasizes gender equity and another emphasizes masculine

domination with a few tokenized exceptions. Underlying calls for diverse political representation is the belief that the standpoints of the people doing the work of representation matters (Celis and Childs 2020; Phillips 1995). However, including more women in state legislative politics is not enough if they are excluded from leadership positions (Matthews 2021; Wineinger 2022), or if their governance is not viewed as democratic and authoritative, as the third empirical chapter demonstrates. The current partisan opportunity structure undermines the small-d democratic process when the US two-party system is aligned with a binary notion of gender.

How might gender equality be advanced in the current political moment? First, these findings suggest that party polarization hinders the agenda of achieving gender equality in political representation. There is no "silver bullet" solution to the current status of polarization. However, scholarship pointing to the media's nationalization as one root cause (e.g., Hopkins 2018) suggests that increasing support for local media outlets may be important for re-centering politics on issues, rather than parties. Second, there are improvements to make to the US electoral system in order to promote diverse representation. Although there has been a focus on individualistic, supply-side explanations for gender inequalities in US political representation (Lawless and Fox 2010; Piscopo and Kenny 2020), polarization appears to be heightening demand-side problems, with uneven party demand for women candidates as the parties navigate opportunity structures that favor gender equity for Democrats and traditional gender arrangements of power for Republicans. Changes to the electoral system that distribute power more fairly (such as by re-drawing gerrymandered electoral districts) may improve gender representation by increasing party competition. Finally, women legislators from both parties need support in their work as public officials after they are elected. Holman and Mahoney (2018) find that bipartisan women's caucuses promote collaboration even in the face of increasing party

polarization. Women's caucuses only exist in 23 of 50 state legislatures as of 2022, leaving room for institutionalizing women's bipartisanship by establishing more of these caucuses.

Suggested Directions for Future Research

This dissertation has taken important steps to understand the historical process of gender polarization and its implications for contemporary governance. Building on this contribution, examining the intersectional implications of party polarization and the impact of legislative diversity on policy outcomes in the context of high levels of polarization are ripe areas for future research. Below, I offer some of the specific questions to be addressed in light of this dissertation.

Intersectionality, as an orientation to research, highlights how social structures interact to produce inequalities in non-additive ways (Carastathis 2016; Crenshaw 1989). This dissertation examines inequalities resulting from the intersecting structures of gender and party (Matthews 2019), but further work is needed to understand the racial and class dynamics of gender polarization. The interdisciplinary field of gender and politics has focused overwhelmingly on disparities in women's political representation. This area of scholarship has been supported by the work of centers, like Rutgers University's Center for American Women and Politics founded in the 1970s, committed to collecting data essential to this research. The data on representation of Black, Indigenous, Latino, and Asian men in elective offices is more limited. There have been some recent efforts to account for the racial diversity of men *and* women legislators based on researcher-assigned measures of race focusing on a cross-section of time (such as Andy Neville's recent project, which can be found at legislatordiversity.com). Likewise, the small subset of literature focusing on the structural barriers for working-class citizens in pathways to elective

office (e.g., Carnes 2018) is largely gender-neutral, and does not account for the role of party polarization in reproducing these democratic inequalities.

More understanding is needed about how diversity matters in democratic politics, especially in the current era of divisive partisanship. Social scientists who study organizations have shown that gender and racial diversity have normative and practical impacts (Herring 2017; Laube 2021). Scholars of political representation have studied the relationship between descriptive (or numerical) and substantive representation, or the impact diverse legislators have on outcomes of lawmaking. Diverse representatives may have better follow-through on policies relevant to constituents with whom they share identities and experiences (Lowande, Ritchie and Lauterbach 2019). Furthermore, constituents may feel more connected to representatives who share their racial or gender identity (English, Pearson and Strolovitch 2019). Diversity is also met with resistance. For instance, women legislators may face more interruptions by their colleagues, a show of verbal dominance that silences women's voices (Kathlene 1994; Och 2020). The partisan opportunity structure needs to be interrogated as a structural constraint on the relationship between descriptive and substantive representation. Scholarship on gender representation in right-wing parties provides a model for this work (e.g., Erzeel and Celis 2016). Interrogating the link between numerical and substantive representation is an important step in moving from explaining inequality to advancing solutions for reducing inequality (DiPrete and Fox-Williams 2021).

Finally, future research may benefit from new understandings of what "representation" means. Celis and Lovenduski (2018) have called for conceptualizing representation as power struggles. In their words, "gender equality is striven for, but also resisted" (153). The descriptive and substantive forms of gender representation this dissertation examines lays the groundwork

for understanding struggles for gender power. And as this dissertation reveals, the next frontier of power struggles for gender equality will be fought on partisan terrain.

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APPENDICES

Appendix A. Tables of Colorado and Wyoming House Floor Speeches

Colorado State House Opening Day Floor Speakers

State	Year	Title	Name	Party	Sex	Words
CO	2019	Speaker	KC Becker	Democratic	Female	2454
CO	2019	Minority Leader	Patrick Neville	Republican	Male	2236
CO	2017	Speaker	Cristina Duran	Democratic	Female	3022
CO	2017	Minority Leader	Patrick Neville	Republican	Male	2301
CO	2015	Speaker	Dickey Lee Hullinghorst	Democratic	Female	2416
CO	2015	Minority Leader	Brian DelGrosso	Republican	Male	1856
CO	2013	Speaker	Mark Ferrandino	Democratic	Male	2342
CO	2013	Minority Leader	Mark Waller	Republican	Male	1650
CO	2011	Speaker	Frank McNulty	Republican	Male	1929
CO	2011	Minority Leader	Sal Pace	Democratic	Male	1831
CO	2009	Speaker	Terrance Carroll	Democratic	Male	3370
CO	2009	Minority Leader	Mike May	Republican	Male	1499
CO	2007	Speaker	Andrew Romanoff	Democratic	Male	3245
CO	2007	Minority Leader	Mike May	Republican	Male	1805
CO	2005	Speaker	Andrew Romanoff	Democratic	Male	1310
CO	2005	Minority Leader	Joe Stengel	Republican	Male	2040
CO	2003	Speaker	Lola Spradley	Republican	Female	2937
CO	2003	Minority Leader	Jennifer Veiga	Democratic	Female	2011
CO	2001	Speaker	Doug Dean	Republican	Male	2147
CO	2001	Minority Leader	Dan Grossman	Democratic	Male	1534
CO	1999	Speaker	Russell George	Republican	Male	2501
CO	1999	Minority Leader	Ken Gordon	Democratic	Male	1670
CO	1997	Speaker	Charles Berry	Republican	Male	2814
CO	1997	Minority Leader	Carol Snyder	Democratic	Female	1699
CO	1995	Speaker	Charles Berry	Republican	Male	2225
CO	1995	Minority Leader	Peggy Kerns	Democratic	Female	1445
CO	1993	Speaker	Charles Berry	Republican	Male	1346
CO	1993	Minority Leader	Sam Williams	Democratic	Male	660
CO	1991	Speaker	Charles Berry	Republican	Male	1514
CO	1991	Minority Leader	Lance Wright	Democratic	Male	476

Wyoming State House Speeches

State	Year	Title	Name	Party	Sex	Words
WY	2019	Speaker	Steve Harshman	Republican	Male	4058
WY	2019	Majority Leader	Eric Barlow	Republican	Male	222
WY	2019	Speaker Pro Tem	Albert Sommers	Republican	Male	312
WY	2019	Minority Leader	Cathy Connolly	Democratic	Female	1959
WY	2017	Speaker	Steve Harshman	Republican	Male	2788
WY	2017	Majority Leader	David Miller	Republican	Male	655
WY	2017	Speaker Pro Tem	Donald Burkhart	Republican	Male	910
WY	2017	Minority Leader	Cathy Connolly	Democratic	Female	1837
WY	2015	Speaker	Kermit Brown	Republican	Male	1785
WY	2015	Majority Leader	Rosie Berger	Republican	Female	1833
WY	2015	Speaker Pro Tem	Tim Stubson	Republican	Male	868
WY	2015	Minority Leader	Mary Throne	Democratic	Female	679
WY	2013	Speaker	Tom Lubnau	Republican	Male	2514
WY	2013	Majority Leader	Kermit Brown	Republican	Male	919
WY	2011	Speaker	Edward Buchanan	Republican	Male	2610
WY	2011	Majority Leader	Tom Lubnau	Republican	Male	982
WY	2011	Speaker Pro Tem	Keith Gingery	Republican	Male	951
WY	2011	Minority Leader	Mary Throne	Democratic	Female	1010
WY	2009	Speaker	Colin Simpson	Republican	Male	3023
WY	2009	Majority Leader	Edward Buchanan	Republican	Male	984
WY	2009	Speaker Pro Tem	Frank Philp	Republican	Male	248
WY	2009	Minority Leader	Saundra Meyer	Democratic	Female	306
WY	2007	Speaker	Roy Cohee	Republican	Male	1972
WY	2007	Majority Leader	Colin Simpson	Republican	Male	1098
WY	2007	Speaker Pro Tem	Tom Lubnau	Republican	Male	719
WY	2007	Minority Leader	Marty Martin	Democratic	Male	466
WY	2005	Speaker	Randall Luthi	Republican	Male	2252
WY	2005	Majority Leader	Roy Cohee	Republican	Male	750
WY	2005	Speaker Pro Tem	Colin Simpson	Republican	Male	445
WY	2005	Minority Leader	Wayne Reese	Democratic	Male	638
WY	2003	Speaker	Fred Parady	Republican	Male	1729
WY	2003	Majority Leader	Randall Luthi	Republican	Male	1146
WY	2003	Speaker Pro Tem	Rodney (Pete) Anderson	Republican	Male	203
WY	2003	Minority Leader	Chris Boswell	Democratic	Male	518
WY	2001	Speaker	Rick Tempest	Republican	Male	442
WY	2001	Majority Leader	Fred Parady	Republican	Male	645
WY	2001	Speaker Pro Tem	Randall Luthi	Republican	Male	443
WY	2001	Minority Leader	Chris Boswell	Democratic	Male	365
WY	1999	Speaker	Eli D. Bebout	Republican	Male	1838
WY	1999	Majority Leader	Rick Tempest	Republican	Male	285
WY	1999	Speaker Pro Tem	Harry Tipton	Republican	Male	411
WY	1999	Minority Leader	Louise Ryckman	Democratic	Female	653
WY	1997	Speaker	Bruce Hinchey	Republican	Male	518
WY	1997	Majority Leader	Eli D. Bebout	Republican	Male	432
WY	1997	Speaker Pro Tem	Peg Shreve	Republican	Female	186
WY	1995	Speaker	John Marton	Republican	Male	1039
WY	1995	Majority Leader	Bruce Hinchey	Republican	Male	142
WY	1995	Speaker Pro Tem	Peg Shreve	Republican	Female	103
WY	1993	Speaker	Douglas Chamberlain	Republican	Male	1260
WY	1993	Majority Leader	John Marton	Republican	Male	144
WY	1991	Speaker	W.A. Rory Cross	Republican	Male	2436
WY	1991	Speaker Pro Tem	Ron Micheli	Republican	Male	279

Appendix B. Table of Texts from Pandemic Governance Legal Cases

Case	Text
Wisconsin Legislature v. Evers	"Executive Order #74 - Relating to suspending in-person voting on April 7, 2020, due to the COVID-19 Pandemic"
	"Press Release: Gov. Evers suspends in-person voting, calls legislature into Special Session on April 7 election"
	"Press Release: Gov. Evers statement on Supreme Court of Wisconsin ruling allowing in-person voting tomorrow"
	"Emergency Motion for Temporary Injunction"
	"Memorandum in Support of Emergency Petition for Original Action and Emergency Motion for Temporary Injuction"
	Supreme Court of Wisconsin Decision, No. 2020AP608-OA
	Dissenting Opinion, Justice Ann Walsh Bradley
	"Wisconsin election back on for Tuesday after state Supreme Court overrules governor's order to postpone it," *Chicago Tribune*, April 7, 2020.
	"Wis., US Justices Order Balloting to End Today; Results Will Not be Known Until April 13; Spring Election | Gov. Evers' Order Struck Down," *Wisconsin State Journal*, April 7, 2020
	"Supreme Court reinstates election: State justices block Evers' order to delay over virus," *Post Crescent*, April 7, 2020
Wisconsin Legislature v. Palm	"Emergency Order #28 - Safer at Home Order"
	"Press Release: Evers administration seeks to save lives, stop Republican lawsuit"
	"Press Release: Dozens of organizations representing more than one million Wisconsinites voice support for Safer at Home extension"
	"Memorandum in Support of Legislature's Emergency Petition for Original Action and Emergency Motion for Temporary Injunction"
	"Respondents' Response to Petition for an Original Action and Motion for Temporary Injunction"
	Supreme Court of Wisconsin Decision, No. 2020AP765-OA
	Concurring Opinion, Chief Justice Patience Roggensack
	Concurring Opinion, Justice Rebecca Bradley
	Concurring Opinion, Justice Daniel Kelly
	Dissenting Opinion, Justice Brian Hagedorn
	Dissenting Opinion, Rebecca Dalley
	Dissenting Opinion, Ann Walsh Bradley
	"Wisconsin Supreme Court overturns the state's stay-at-home orders," *National Public Radio*, May 13, 2020
	"Order Struck Down but Madison, Dane County's Rules Will Extend Status Quo," Wisconsin State Journal, May 14, 2020
	"Supreme Court strikes down Evers' virus order that closed businesses to limit spread of coronavirus," *Post Crescent*, May 14, 2020
	"Wisconsin now without restrictions: Supreme Court strikes down stay-at-home order," *Chicago Tribune*, May 14, 2020
	"Executive Order 2020-67 - Declaration of state of emergency under the Emergency Powers of the Governor Act, 1945 PA 302"
	"Executive Order 2020-68 - Declaration of states of emergency and disaster under the Emergency Management Act, 1976 PA 390"

Michigan House and Senate v. Whitmer	"Verified Complaint for Immediate Declaratory Relief"
	"Gretchen Whitmer's May 12, 2020 Response to Plaintiffs' Motion for Immediate Declaratory Relief"
	State of Michigan Court of Claims Opinion and Order, No. 20-000079-MZ
	"Michigan Legislature sues Gov. Whitmer, seeking to end coronavirus emergency orders," *National Public Radio*, May 6, 2020.
	"Judge tosses suit on Whitmer emergency powers: GOP legislators vow to appeal the court ruling," *Detroit Free Press*, May 22, 2020
	"Whitmer wins fight with lawmakers over virus," *Chicago Tribune*, May 22, 2020
	"Michigan Supreme Courts rules against Governor's emergency powers," *National Public Radio*, October 3, 2020
	"The boiling resentment behind the foiled plan to kidnap Gov. Whitmer," *National Public Radio*, October 10, 2020
Kelly v. Kansas Legislative Coordinating Council	"Executive Order No. 20-18: Temporarily prohibiting mass gatherings of more than 10 people to limit the spread of COVID-19 and rescinding Executive Order 20-14"
	"Memorandum in Support Petition in Quo Warranto"
	"Petitioner's Reply"
	"Answer of the Legislative Coordinating Council, Kansas House of Representatives, and Kansas Senate to the Petition in Quo Warranto of Governor Laura Kelly"
	Supreme Court of Kansas Decision, No. 122,765
	Concurring Opinion, J. Stegall
	Concurring Opinion, J. Biles
	"Kansas Gov. Laura Kelly sues GOP lawmakers for revoking her order limiting church gatherings," *The Washington Post*, April 10, 2020
Wolf v. Senator Scarnati and PA Senate Republican Caucus	"Proclamation of Disaster Emergency, March 6, 2020"
	"Amendment to Proclamation of Disaster Emergency, June 3, 2020"
	"House Resolution No. 836"
	"Notice to Plead"
	"Governor Wolf's Application for the Court to Exercise Jurisdiction Pursuant to its King's Bench Powers and/or Powers to Grant Extraordinary Relief"
	Supreme Court of Pennsylvania Decision, No. 104 MM 2020
	Concurring and Dissenting Opinion, J. Dougherty
	Dissenting Opinion, J. Saylor
	"Wolf, lawmakers in legal clash over emergency declaration," *Associated Press*,June 10, 2020