

## *Social Equity in a Post-Roe America: Gender, Race, and the Rule of Law*

By Lorenda A. Naylor and Heather Wyatt-Nichol  
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Reviewed by Anna M. Crawford

The relationship between social equity and public policy goes both ways—not only do inequitable power dynamics affect which communities have and exercise a voice in the policy process—but public policies also have a differential impact on marginalized communities. In other words, social equity influences public policy, and in turn, public policy influences social equity. Public policy can be a tool to either advance or obstruct justice.

Lorenda A. Naylor and Heather Wyatt-Nichol, both faculty members at the University of Baltimore’s School of Public and International Affairs, tackle this relationship between social equity and public policy in their book *Social Equity in a Post-Roe America: Gender, Race, and the Rule of Law*. The authors ask the central question: How does the legal framework in the United States (U.S.) construct gender and racial (in)equity? The authors explore the ways that the U.S. federal legal framework—focusing on congressional policymaking, presidential executive orders, and U.S. Supreme Court decisions—has affected four public policy domains that are particularly salient for women, people of color, and other marginalized communities in the United States: political representation, contraception, abortion, and the workforce.

Not only does this book address a timely set of issues, but the authors also anchor the discussion in what they refer to as the “post-Roe America” time period, referring to the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* (2022), which overturned *Roe v. Wade* (1973) and eliminated the fed-

eral constitutional right to abortion. This time period centers on the reproductive freedom movement and also includes the COVID-19 global pandemic and recent presidential elections. This framing highlights the multiple societal crises—political, economic, health—that were occurring around the time that Roe fell, emphasizing the turbulent and politically polarizing nature of the last decade and its importance to the future of gender and racial equity.

### **Theoretical and Methodological Approach**

Naylor and Wyatt-Nichol state that they draw from three theoretical traditions for this book: social equity, intersectionality, and critical race theory. Social equity is the primary theoretical lens that grounds this book, and the authors largely draw from the rich tradition of public administration research, including the history of how equity emerged as the fourth “e” within public administration, as well as how social equity appears within seminal books and journals within the public administration field (Norman-Major 2011). By combining these theoretical approaches, the authors sharpen the ways public administration scholars and practitioners see and attend to the compounding and intersecting oppressions in public administration research. Although the authors primarily focus on gender and racial identities, they also discuss socio-economic identities (particularly in chapter 4) and intentionally highlight the policy impacts on intersectional identities—female minors, Indigenous women, and incarcerated women—

who are frequently overlooked when identity categories are discussed more broadly in aggregate.

Methodologically, this book relies on a combination of secondary data to describe gender and racial inequities in the United States and a legal analysis of U.S. congressional legislation, presidential executive orders, and Supreme Court decisions. For example, the authors highlight the problem of the gender pay gap using data from the National Women’s Law Center and an analysis of the Lilly Ledbetter Fair Pay Act of 2009, among many other data sets and policies, to determine the scope and outcome of the problem.

### Structure

Outside of an introduction and conclusion, the book is composed of four substantive chapters, one for each domain listed above. Each chapter starts with an introduction of a timely policy or political event (e.g., COVID-19) to contextualize the policy issue, then consistently works through the following structure: the international perspective, the U.S. perspective, overview of historical context, a comprehensive description and analysis of the federal legal framework (U.S. congressional legislation, presidential executive orders, and Supreme Court rulings), and brief policy recommendations. Throughout these three chapters, the authors check in with regular summaries of the section that has just finished, allowing the reader to process and synthesize information. This was extremely useful, given the incredible amount of detail—often presented as timeline tables—in the book.

### Summary of Main Arguments

The book opens with “Introduction: Social Equity, Women, and BIPOC,” anchoring the reader in 2020 when the economic impact of the COVID-19 pandemic on women, children, and families, BIPOC communities, and LGBTQIA people was ever-present. Naylor and Wyatt-Nichol then tie the disproportionately harmful impacts of the COVID-19 pandemic on marginalized communities to societal biases around racism, gender pay inequality, and lack of unpaid childcare. The authors explain how gender inequality is a global problem, demonstrated by indicators like the maternal mortality rate and infant mortality rate.

This introductory section is also where the authors

lay out the book’s overall theoretical and methodological frameworks before moving into a comprehensive exploration of how inequality is ingrained in the founding documents (i.e., the Declaration of Independence, the U.S. Constitution, and the Bill of Rights) with regard to citizenship and voting rights, acknowledging that these documents “were created by White men, signed by White men, and applicable only to White men” (Naylor and Wyatt-Nichol 2024, 25). The authors also provide a historical overview of slavery and the women’s movement(s) (i.e., first through fourth waves), before ending with a section on the rule of law and the U.S. demographic shift, which emphasizes the importance of achieving political representation for BIPOC communities.

Chapter 2, “Political Power: Citizenship, Voting Rights, and Representation” (the longest chapter in the book), opens with a discussion of the 2000 and 2016 U.S. presidential elections and how contested and divisive they were. Elected officials—both the mechanisms that put them into office and the power these offices hold—are the focus of this chapter. Naylor and Wyatt-Nichol justify the focus on elections through the literature on the importance of substantive and symbolic political representation for women and BIPOC communities and all of democracy.

From this vantage point, the authors walk through many levels and types of offices, from the U.S. president to congressional representatives, to U.S. Supreme Court justices. For each, the authors use gender and racial demographic data to argue that these offices are not representative of the nation. The authors further contend that this lack of representation is both a product of historical and contemporary barriers to federal office and will continue to contribute to the problem. The thorough legal analysis of founding U.S. constitutional documents, federal policies, and Supreme Court rulings around citizenship, voting rights, and campaign finance reform reminds readers that U.S. democracy was founded upon a fundamentally discriminatory legal framework.

Chapter 3, “Contraception: Comstock Laws, Title X Family Planning, and Medical Abortion,” is the first of two chapters explicitly about reproductive rights. The chapter begins by considering the COVID-19 pandemic’s effect on reproductive health, particularly the legal challenge to the Food and Drug Administration’s rule that required in-person appointments to

acquire a medical abortion. The historical overview of this chapter breaks down the stages of procreation and contraceptive access policies (aside from abortion), including Comstock laws, eugenics, legal contraception, and emergency contraception (colloquially called the “morning-after pill” or “Plan B” pill).

A persistent theme in this chapter is the uneven experiences between women of color and white women. In a notable example, the authors highlight the ways Black women, Native American women, and incarcerated women experienced coerced and forced sterilization, unlike their privileged white counterparts who might instead have sought out sterilization procedures. This illustration highlights the legal analysis offered by this book on how policies and practices can cause harm through the differential implementation across population groups. The authors discuss federal policies and programs (e.g., Title X Family Planning Program), as well as U.S. Supreme Court cases beginning with *Buck v. Bell* (1927), which upheld the constitutionality of the Virginia Sterilization Act of 1924 (allowing for the compulsory sterilization of institutionalized people), and ending with *Dobbs v. Jackson Women’s Health Organization* (2022), which ruled that the right to an abortion was not constitutionally protected.

Chapter 4, “Abortion Access and Affordability,” is likely the most-anticipated chapter for potential readers given the “Post-Roe” book title and overall framing of the book. Although historic U.S. Supreme Court rulings such as *Roe v. Wade* (1973) and *Dobbs v. Jackson Women’s Health Organization* (2022) are discussed in the chapter at length, the chapter opens with a discussion of the 2018 Gestational Act that banned all abortions after 15 weeks, with exceptions for the mother’s life and health, in the Mississippi State Legislature. This law demonstrates the long-standing anti-abortion strategy to chip away at abortion rights at the state level, a strategy that gained momentum and pre-dated the *Dobbs v. Jackson* decision.

As the second chapter on reproductive health policy in the book and given how intertwined the movements for contraceptive and abortion access are, this chapter continues many of the same arguments given in chapter 3. In short, the authors argue that policies that advance reproductive rights are essential for gender, racial, and economic equity, and policies that cur-

tail those rights disproportionately harm marginalized communities, particularly women of color. This chapter effectively describes central concepts and events in abortion policy history in the United States, such as the emergence of the commonly used trimester system to regulate abortion care, going back to the 18th century and working forward. The legal analysis, as in previous chapters, comprehensively covers U.S. federal legislation (with some summary of state-level legislation), U.S. presidential executive orders, and U.S. Supreme Court rulings, culminating in reflections about the current post-Roe society. Taken together with the previous chapter on contraception, this section of the book provides a singularly thorough and detailed narrative of the legal framework surrounding reproductive rights.

Although the next chapter, “Workforce: Entrance, Acceptance, and Unequal Pay,” slightly diverges from a healthcare lens, it helps to drive home the point that gender and racial discrimination—including unequal access to contraception and abortion care—leads to economic disparities. Opening with the 1998 story of Lilly Ledbetter filing a sex discrimination lawsuit against Goodyear Tire & Rubber Co., the chapter moves into the international and U.S. perspectives on equal opportunity in employment and the disproportionate harm on women and BIPOC communities. Naylor and Wyatt-Nichol discuss specific themes such as the gender pay gap, sexual harassment at work, and occupational segregation, including both formal policies that lead to discrimination as well as informal cultural norms and stereotypes (e.g., “the mommy track”). The legal analysis is, again, thorough, and covers U.S. federal legislation, presidential executive orders, and U.S. Supreme Court rulings related to the issues of pay discrimination, sexual harassment, and caregiving.

The book’s final chapter is the “Conclusion,” and briefly summarizes the major themes of political representation, reproductive health, and economic justice. The authors contend that the field of public administration is based on the rule of law, justifying their emphasis on a legal analysis of gender and racial justice issues. Administrators, the authors argue, should be up to date on the politics surrounding these shifting policies if they wish to interpret and implement these policies with an eye toward social equity.

## Analysis and Significance

Naylor and Wyatt-Nichol's book makes continued contributions to the field of public administration in three significant ways: 1) building a foundational resource of *information* about the legal framework around gender and race, 2) bringing the *interpretation* of that legal framework to the forefront, especially around reproductive rights, and 3) highlighting the importance of intersectionality in understanding social equity.

One major strength of the book is the sheer quantity and quality of information it provides. Each section within each chapter includes timelines of milestone events, graphs illustrating key points, and tables listing every policy for each venue—legislative, executive, and judicial. Although scholars of abortion, for example, will be very familiar with policies like *Roe v. Wade* (1970), *Planned Parenthood v. Casey* (1992), and *Dobbs v. Jackson Women's Health Organization* (2022), there are many other policies that make up this legal infrastructure that are frequently overshadowed by the more prominent legal milestones. To my knowledge, it is the most thoroughly researched and comprehensive collection of policy data related to gender, racial, and economic justice for U.S. women. I imagine this will be a book that is much consulted and cited for that reason alone.

Second, Naylor and Wyatt-Nichol carefully and intelligently go policy by policy, court decision by court decision, to explain how each forms a building block in understanding gender and racial discrimination. They explain how policies overlap, reinforce, challenge, and set precedent for one another. This is the essence of a legal framework perspective, in which scholars do not analyze policies and practices in isolation, but always within their larger context. The focus on public law acts as a bridge between public policy and public administration, showing how understanding policies allows us to administer them.

Third, it is true that intersectionality is discussed in the introduction as a founding theoretical framework, but it really shines in how the authors demonstrate the policy impacts and discrimination of intersectionally marginalized groups. The authors go beyond the frequently used gender and racial categories and call out other intersectionally marginalized groups, such as Native women, incarcerated women, and working women. Reproductive justice scholarship (see Ross and Solinger 2017) is undoubtedly the standard-bearer for

discussions about intersectionality, and Naylor and Wyatt-Nichol incorporate these lessons in a thoughtful manner using a public administration lens.

In the reproductive rights policy space, this book offers many strengths. While the authors reference many of the classic programs and cases that are most frequently cited and discussed in the field (e.g., Title X Family Planning, the Hyde Amendment, *Roe v. Wade* [1970], *Planned Parenthood v. Casey* [1992], *Dobbs v. Jackson Women's Health Organization* [2022]), this book stands out in public administration for also incorporating previously overlooked and/or newer examples of this legal framework. For instance, what has newly emerged in the last few years and is included in this book is the increased saliency of Comstock Laws in abortion rights debates. Naylor and Wyatt-Nichol expertly describe and provide a detailed analysis of the Comstock Laws within the larger context of reproductive rights, including how these laws served as the precursor to eugenics for intersectionally marginalized groups. The reproductive rights policy debate will continue to shift, and I anticipate that, whatever parts of the legal framework become more salient in the future, we will find that this book will continue to have meaning.

## Intended Audience

This will be a valuable and highly treasured resource for any public administration scholar researching social equity, with an emphasis on gender and how it intersects with race. As an abortion policy scholar, I do not believe that I will ever write another paper without referencing this book. Not only does the book provide a broad historical perspective on social equity issues, but it also expertly and effectively delves into the details—the tables and timelines—that painstakingly summarize and interpret decades of federal legislation, executive orders, and court decisions.

This book would be a helpful resource for established researchers, as well as emerging scholars who would like an introduction to the policy landscape around gender and race. I can also see practitioners referring to this book as they familiarize themselves with the legal framework that upholds contraception, abortion, and workforce policies. Public administrators will use this resource to help them interpret and implement these policies, while policy advocates will use this resource to develop strategies to build upon or challenge these policies.

## Conclusion

The conflicts around political representation, reproductive health, and economic justice are long-standing but also timely. As interest in these policy issues will undoubtedly increase, public administration scholars will continue looking for foundational texts to reference and inform their research. As previously discussed, research and writing about social equity and justice is not new (Ross and Solinger 2017), and scholars have long been called to action. In this book, Naylor and Wyatt-Nichol have done a service to the public administration community by providing us with resources, information, and concepts so we can answer. The authors bring together the fundamental pillars of public administration, including public policy and public law, creating a crucial resource for any scholar of social equity, particularly those interested in the lives of women and/or people of color.

## References

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