“AN EXACT PORTRAIT OF THE PEOPLE”: THE NEED FOR GENDER PARITY
IN U.S. CONGRESS FOR LEGITIMATE GOVERNMENT

by

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ABSTRACT

Though women received the right to vote in 1919 with the ratification of the nineteenth amendment, women still hold few elected positions. In the United States Congress, women make up 19.4% of the body. When groups are not represented fully, this affects the quality of the representation they receive. In this paper, I examine this relationship between women and their legislature, how women’s underrepresentation has affected women’s issues in America, women’s confidence in the legislature, and legitimacy.

To understand representative governments and their functions, and to set up the theoretical framework for this paper, I use Hanna Pitkin’s and Jane Mansbridge’s work on representation. After examining the status of women’s representation in the United States, I apply those theories to current policies to assess the levels of representation women are receiving from their government. Next, I discuss how increasing women’s numbers will help solve the problems that stem from women’s underrepresentation. Finally, I give an analysis of possible policy changes to increase the number of women legislators at both the state and national levels.
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The principal difficulty lies, and the greatest care should be employed, in constituting this representative assembly. It should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them.

– John Adams, 1776

If we accept the democratic ideal that participation in governance is valuable, can we argue that systematic exclusion of a particular social group is acceptable?

– Virginia Sapiro, 1981

INTRODUCTION

Representative democracies are often considered the crowning achievement of political systems. Within these systems, the people of a nation are considered to be sovereign, and elected representatives are to act on their behalf within governing institutions. Such a system should be considered an achievement, as those being ruled are sovereign as opposed to the rulers; however, many of the representative bodies in the United States today do not reflect the people they are representing. For example, in 2010 50.8% of people identified themselves as female in the 2010 United States census. Neither the House of Representatives nor the Senate reflect these numbers. In the 114th Congress, there are a total of 108 women out of 541 representatives, making them 19.4% of the entire legislative body (Bump, 2015).

Without a body that reflects what the population of the United States actually looks like, many live in a system where their representatives do not share the same experiences or policy concerns. Race, social class, and sexual orientation are all a part of this issue, but in this study, I focus on the role of gender and democratic legitimacy in our representative bodies. With over half of the population being represented by one fifth of
Congress, the American legislative bodies lose political legitimacy that they otherwise would merit from gender parity.

In what follows, I explore the concept of representation and how it relates to women's legislative needs. First, I define certain key terms. Second, I explore Hanna Pitkin's four theories of representation. Third, I examine Jane Mansbridge's work on the function of representative governments and the different roles that representatives play. After the theoretical framing, I examine the current status of women’s representation in the United States, and I apply those theories to current legislation on women's issues. I then argue that without critical mass, women are not being well represented in government. Lastly, I analyze two proposed solutions that will help women gain a critical mass in representative bodies in the United States.

DEFINITIONS

Before discussing representation, it is necessary to define key concepts. First, we must define what constitutes "women's issues" or interests. Sapiro (1981) has identified women as an interest group with specific legislative needs. Due to the household division of labor and caregiving responsibilities of women, many of their interests concern family law and child care. While the household has become more democratized in recent years, women still have a greater share in most of the caregiving and household responsibilities than men (Newport, 2008). Women also have a greater stake than men in legislation surrounding protection from violence, economic opportunity, reproductive rights, educational opportunities, civil rights and obligations (Sapiro, 1981). For the purposes of this study, a special focus is given to childbearing and care (specifically maternity leave), women’s health, and protection from violence. Special consideration is given to these
issues because they affect all women in some sense. Without effective legislation to ensure women have support in their caregiving responsibilities, have access to healthcare, and are protected from violence, then society cannot move forward on creating a more equitable environment for women. In fact, women as a group believe less than men in the “opportunity for a person to get ahead by working hard” (the quintessential American dream) in part due to the lack of legislative support women need to be on equal footing with their male colleagues (Saad, 2003).

While these are concerns and issues for women, not all women agree on government’s role in how to solve them. For example, while some women believe that pay inequity is a serious issue in the United States, others believe that the gender wage gap does not exist. While Elejalde-Ruiz (2016) reported 60% of women do not believe there is pay inequity happening at their workplace, the National Partnership for Women and Families (2016) reported only 28% of women were confident they were earning the same as their male colleagues. Even though women are a group with identifiable, separate interests, because they are a large, diverse group, there will never be complete agreement among women on how to approach a certain issue.

Second, a key analytic term is androcentrism. Bem (1993) defines androcentrism as not just male centeredness (reflecting the etymology of the word); it also means the assumption that the male gender is the norm or standard, as if women's experiences are gendered, while male experiences are not. In the context of policy, oftentimes laws are written to be gender neutral, when in actuality they reflect male experiences. As a result, legislation does not account for women's needs or experiences. Androcentric laws permeate all levels of government, from national to local policy making. For example,
when the federal government imposed greater safety regulations on the automobile industry to use crash test dummies, there was no requirement that the industry must reflect a variety of forms in those dummies (Chemaly, 2015). Consequently, only the male form was reflected, and women’s needs were not taken into consideration, putting them in greater danger in the event of a car accident.

Lastly, critical mass must be defined. Critical mass is the proportion of women needed in order to make a difference in how representative bodies function and to increase women's political representation. Some have argued ratios of men to women as low as 85:15 or 80:20 can be effective (Thomas & Welch, 1991), but with the US Congress above or at this ratio and very little change occurring (as we shall see), this proportion is most likely an underestimation of critical mass. In countries where the proportion of women representatives is at approximately 40% such as in Norway, Sweden, and Finland, there is significant evidence of an increase in women's political representation (Zahidi, 2014). For example, all of these nations provide paid family leave for new mothers and fathers, exhibit higher education rates among women and girls, and have more women in high level jobs.

THEORIES OF REPRESENTATION, THE FUNCTIONS OF REPRESENTATIVE GOVERNMENT, AND THE ROLES OF REPRESENTATIVES

In Hanna Pitkin’s *The Concept of Representation*, she outlines four theories of representation. The first theory, formal representation, Pitkin defines as “conceiving of representation in terms of formal arrangement which precede and initiate it” (1967, p.11). In the United States, this “formal arrangement” is the election process that imparts to representatives the authority to act for their constituents. Pitkin criticizes this view in that
it offers no theory of accountability for the representative. So long as representatives have succeeded in winning the vote (or political appointment), they do not answer to their constituents, who must deal with the consequences of their actions because they have “no special obligations” as representatives (Pitkin, 1967).

The second, substantive representation, focuses on the representative’s ability to act in his or her constituents’ interests. Pitkin champions substantive representation due to its emphasis on action, stating that “representation [is] the substance, content, or guiding principle of action” (1967, p. 118). Unlike a purely formalistic view, this theory takes into its purview the accountability of the representative. If the representative fails substantively, then the representative has failed his or her constituents. Pitkin notes that a representative "must not be persistently at odds with the wishes of the represented without good reason," and if he or she is, the represented have the right to select a new representative (1967, p. 209). Both the formal and substantive views make up the dominant discourse in the United States, so the gender gap in representation is not of great concern for some. This lack of concern is in part due to a failure to take into account the other two facets of representation: descriptive and symbolic.

Pitkin also brings up the importance of both descriptive and symbolic representation. Pitkin defines descriptive representation as “a person or thing [that] stands for others by being sufficiently like them” (1967, p. 80). This view, Pitkin argues, comes from radical democratic theory, but rather than having each citizen vote on every particular issue, “the legislature [serves] as a substitute for the whole people” (1967, p. 86). This is why such a stance was espoused by John Adams, as referenced in the first
epigraph – ensuring all types of citizens are in the legislature should translate to the legislature acting as closely to the citizens’ wishes as possible.

Symbolic representation focuses on the meaning the representative has to their constituents regardless of their similarity to those constituents. This theory primarily focuses on constituents’ feelings towards the role rather than representatives’ qualities. Both theories focus on the idea of “standing for” the represented rather than action (Pitkin, 1967, p. 81). While formal and substantive representation certainly matter, descriptive and symbolic representation still play a role in lending elected bodies legitimacy. Without either of these elements, representation lacks a key dimension, as the word itself implies reflecting what is to be represented.

Pitkin has reservations about certain elements of descriptive representation. She states “a lunatic may be the best descriptive representative of lunatics, but one would not suggest they be allowed to send some of their numbers to the legislature” (Pitkin, 1967, p. 89). The best way to judge representatives, Pitkin argues, is by what they do, not by their descriptive characteristics. Representation is not merely “standing for” the population, but also about acting effectively. Still, descriptive characteristics such as gender inform how representatives act to represent their constituents. Naturally, it is important to determine which descriptive characteristics are important enough to merit political representation. Pitkin’s example of lunatics rings true. Without identifying specific populations who need political representation, descriptive representation seems trivial. But would lunatics be considered a population with a distinct set of political interests? Most likely not, just as blondes or people who wear glasses are not. While she has some
reservations about the descriptive point of view, she concedes that it “is obviously relevant to political life” (1967, p. 89).

True representation, Pitkin argues, is multifaceted and contains all four elements. At the core of Pitkin’s work is the notion that representation has an “integrated structure” and that institutions must adopt a degree of each element to make it representative (Schwindt-Bayer & Mishler, 2005, p. 407). Policy responsiveness, or substantive representation may be at the heart of true representation, but substantive representation and actions are informed by formal, descriptive, and symbolic representation. Pitkin also argues that even if a benevolent dictator were to substantively represent the people’s interest, one would still refrain from calling that government representative, as it lacks any of the other three facets she describes (1967).

Functions of Representative Government

Jane Mansbridge further explores the relationship between descriptive qualities and substantive representation. Representative democracies function in two ways, she argues. The deliberative function “aims at understanding what policies are good for the polity as a whole,” while the aggregative function “aims at producing some form of relatively legitimate decision in the context of fundamentally conflicting interests” (Mansbridge, 1999, p. 634). In a legislature without significant representation of women or other minority groups, both of these functions will fail to achieve their goals.

Deliberation in Congress occurs in two places: on the floor of the Senate or the House and in committees where bills are crafted before floor votes. Because there are 46 committees and 174 subcommittees and only 20 women in the Senate and 84 women in the House, there are many congressional committees and subcommittees without women.
For example, in 2014, the House Judiciary committee’s subcommittee on the Constitution and Civil Justice, comprised of only men, attempted to restrict private insurers from covering abortion (Culp-Ressler, 2014). Even when committees include women, their numbers are hardly proportional to the population. For example, in the 114th Congress, the House Armed Services committee has 63 members, and of those, only 12 are women making them only 19% of the total (House Committee on Armed Services, 2015). In the House Committee on Foreign Affairs, women make up barely 14% of its members (House Committee on Foreign Affairs, 2015). If women’s voices are drowned out in committee, it is impossible to discern what policies might be good for the entire polity, since women make up roughly half of it.

Personal experiences as well as communication with constituents is also a part of deliberation, as it has an “open ended quality” to it that gives those with personal experience an “informational advantage” over those who do not have that experience (Mansbridge, 1999, p. 634). Mansbridge talks about “informational advantages” in the context of what she refers to as “uncrystallized interests,” or issues that “political parties are not organized around” (1999, p. 643). One such issue she mentions is sexual assault and violence. In 2016, for example, the Senate unanimously voted to pass a bill granting more rights to survivors of sexual assault, and the initiative was led by a female legislator, Senator Jeanne Shaheen (Kingkade, 2016). Although men may care to do something about such violence, women will have more information to add to the deliberation in order to more effectively deal with the issue. Women need full representation in this respect in order to create synergy as well as represent their full range of interests and reflect the diversity of experiences women have. Mansbridge
argues that deliberation is often “unpredictable,” and ensuring women’s voices are heard throughout that process is key in ensuring effective legislation for all citizens.

While the aggregative function, Mansbridge argues, is at less risk than deliberation without proportional representation, it is still impacted by the lack of women in Congress. While voting or not voting for a bill is sufficient for a male representative, female representatives tend to “throw themselves into the fray” more than their male peers when it comes to matters of women’s legislation (Mansbridge, 1999, p. 635). Through coalition building, giving speeches, and sponsoring legislation, representatives put in more time on legislation that may directly impact their group than others. This is especially true for women. Regardless of political party, women are more likely to support bills on women's issues than their male colleagues (Swers, 2001). But with so few women and limited time, it can be difficult for female representatives to “throw themselves into the fray” on every bill considered by Congress.

Increasing descriptive representation, Mansbridge argues, affects substantive representation by making both the functions of representative government more successful. The deliberative function is enhanced because including more women produces policy that is better for the entire population. And the aggregative function is likewise enhanced, making decisions more legitimate when interests among constituents conflict. If those functions benefit more groups, then it creates a better representative system for the whole population, allowing minority groups to identify more with their government, which in turn creates “de facto legitimacy” (Mansbridge, 1999, p. 650). Without descriptive representation, the deliberative and aggregative functions of
government will fail to function at their ideal, continuing to alienate minority groups from their representatives.

Roles of Representatives

In addition to these theories, representatives are said to play two roles, delegate or trustee. As delegate, the representative acts only based on their constituents' preferences. However, as a trustee, the representative uses their own personal knowledge and experience to make policy decisions. Descriptive qualities most influence the role of trustee, as characteristics like gender inform one's experiences. Oftentimes, representatives act as both delegate and trustee, depending on the issue. For example, in an issue of national security where constituents may not know all of the facts, representatives act as trustees. In contrast, if a bill is on the floor for a vote, and it has been highly publicized and constituents have formed a clear and vocal opinion on the matter, the representative might act as a delegate, while maintaining the freedom to act as a trustee. For example, as a trustee, a female representative may choose not to align with her party when she feels there will be negative consequences for women in her district, as Republican women did when they “forced House leaders to abandon a bill that would have banned abortion after 20 weeks” (Stolberg, 2015).

CURRENT STATUS OF WOMEN’S REPRESENTATION IN THE UNITED STATES

With only 20% of Congress being women, women do not have access to being fully and politically represented at the federal level. Due to their low numbers, oftentimes women’s voices in committee go unnoticed, meaning that women’s needs are being neglected during one of the central processes of creating legislation. Currently, Congress
has thirty-six standing committees, six special and select committees, and four joint committees. Out of all of these committees, there are three female chairs and four vice-chairs (GovTrack, 2015). The lack of women in legislative leadership positions can be attributed to the majority Republicans currently have in Congress, as the majority party selects the heads of these committees, and the majority of women in Congress are Democrats (Center for American Women and Politics, 2016).

Even though women are being elected to Congress, these women are not gaining leadership positions, which may inhibit their legislative impact. As mentioned, very few women have been appointed chair committees, a central role in the legislating process. Even within the elected leadership, women are not equally represented. Within the Republican party in the House, only one woman holds an elected leadership position: Representative Cathy McMorris Rodgers serves as Republican Conference Chairwoman. The Democratic side does not fare much better, with the only woman elected, Representative Nancy Pelosi, serving as the Democratic leader since 2002. Of the elected leadership in the Senate, only one woman was elected in either party: Senator Patty Murray, the Democratic Conference Secretary.

Furthermore, most women in the US simply do not have access to a female legislator at the federal level, nor have they ever. Mississippi, Delaware, and Vermont have never elected a woman to a federal, representative position (Center for American Women and Politics, 2016). Additionally, Idaho, Montana, Oklahoma, Arkansas, Louisiana, Georgia, South Carolina, Kentucky, Pennsylvania and Rhode Island have no women representing them in Congress currently. Twenty-two states have never sent a female Senator to Washington, DC.
This issue is further complicated when considering intersectionality, or the multiple identities women have besides gender (i.e., race, sexual orientation, religious affiliation). Of the 535 members of Congress, 33 are women of color, making them only 6% of the body when they comprise 18% of the population (Kerby, 2012). Since women are such a large demographic, there is diversity amongst them, which should be represented. Intersectionality within the legislature is critical in gaining better representation for women. While women are considered a voting bloc with specific interests, they are by no means a homogenous group. In the case of race and intersectionality, women of color can advance representation for their constituents and individuals they descriptively represent outside their districts in ways that white women cannot, as they have the experiences of the different racial dynamics in the United States.

Diversity is also important in order to avoid a component of essentialism in descriptive representation in Congress. Essentialism is the idea that members of a certain group have a particular “essence” or nature that unifies them over all other divisive issues, which denigrates the complexity of women’s representation. While women have common interests, they are not a monolith. There are black, Latina, white, Asian, lesbian, straight, disabled, rich, poor, Republican, Democrat, and many other types of women. All of these labels intersect as well, and so diverse women will act in the different ways they believe to represent women better. Without diversity, descriptive representation will fail to reach its “normative ideal” and translate to effective substantive representation for all women (Mansbridge, 1999, p. 638).

While today’s numbers of women are higher than ever, of every legislator ever elected to office, only 2.5% have been women. Historically, women have been excluded
from the political process, not only by denying them the vote until 1919, but also by political parties refusing to recruit female candidates. And, of course, white, property owning men, were the ones to design the institutions America still uses today, making those systems friendlier to that specific class.

This issue varies, though, at the state level. Some states, like Vermont, women make up 41% of the state legislature (despite never sending a woman to Congress), while in Louisiana, they make up only 12.5% of the legislature (Center for American Women and Politics, 2015). As a result, women’s representation greatly varies across state lines. While Vermont ranked as the third best state in America for women to live with an ‘A’ rating, Louisiana came in last with a failing grade (Chu & Posner, 2013). These rankings were the result of examining the status of women’s issues within the states, such as health, economic equality, child care, and many states that had high levels of women’s political representation ranked as better places for women to live (Chu & Posner, 2013).

Lack of representation has led to many negative consequences for American women. Many women have difficulty getting access to the healthcare they need, taking time off work for maternity leave, and gaining legal protection from violence. These issues stem from androcentric viewpoints and policy, and female legislators are oftentimes the only ones working to solve them. Because women are not being represented, overall, they lack the confidence that men have in the legislative and electoral processes (Morales, 2012; Schwindt-Bayer & Mishler, 2005).

CURRENT STATUS OF WOMEN’S ISSUES IN THE UNITED STATES

Representatives act in many different ways and decide on an array of issues; but, their primary role is to act in the interest of their constituents. According to Pitkin,
“representing means acting in the interests of the represented, in a manner responsive to them” (1972, p. 209). Of course, this is no easy feat. Constituencies are often quite large and diverse, meaning there is no single interest that prevails in a congressional district. Still, representatives must make choices and, oftentimes, those choices are informed by their own experiences and personal knowledge (as well as their constituencies’ preferences).

Descriptive Representation and Substantive Representation

While the four theories of representation that Pitkin outlines are separate, they do interact with one another. The descriptive characteristics representatives may inform the manner in which they substantively represent their constituents. For example, a congresswoman may propose amendments to healthcare legislation that cover mammograms and preventative screenings for women as Senator Barbara Mikulski did during the Affordable Care Act deliberation in the Senate (Fridkin & Kenney, 2014). Or, a bipartisan group of women in Illinois may work to make marital rape a state felony offense (Mansbridge, 1999).

These are just two examples of how descriptive representation has advanced women’s substantive representation. Many studies have been done on the behavior and responses of female legislators towards different types of legislation. Some contend that political party will inform behavior more so than gender. Political party certainly influences decision making and substantive representation, but gender influences it as well (for both men and women). When examining legislative activities such as co-sponsoring or sponsoring a bill, debating on the floor, and deliberating in committees, female legislators, regardless of political party, dedicate more time to bills concerning
women’s issues more than their male counterparts (Swers, 2001). So while Senator Mikulski, a Democrat, used her position as a representative to add to legislation, Senator Hutchinson, a Republican opposed to the ACA, advocated for other legislative routes to raise money for breast cancer research (Fridkin & Kenney, 2014). Both wanted to ensure women were able to get the health care they needed, but disagreed on the method due to party differences. In contrast, men of both political parties put party loyalty above women’s interests (Swers, 2001). Because of women legislators’ willingness to put aside party loyalty, they are often considered more cooperative than their male colleagues during periods of party gridlock (Raymond, 2016).

Descriptive representation also provides women with a safeguard against androcentric policy making. Senator Mikulski’s ACA amendment helped prevent what could have been a massive failure to half the population’s specific healthcare needs. When writing the ACA, the male authors simply took their experience for granted and did not include full coverage for women seeking mammograms and other preventative screenings. Even though Senator Mikulski was able to represent women’s interests in this instance, there have been multiple failures in the legislature due to either a lack of female voices or male voices overpowering female voices. For example, in a special hearing on the ACA provision requiring employers to provide their female employees access to contraception, Chairman Darrell Issa only allowed men to testify before the committee, explicitly banning a woman, Sandra Fluke, from testifying (Bassett & Terkel, 2012). Issa claimed that because it was a panel on religious liberty, Fluke was not an appropriate witness. Representative Carolyn Maloney, furious, walked out of the hearing, as did two other representatives. While the rights of religious institutions were in question, so were
the rights of women like Fluke, who were part of those organizations. Chairman Issa’s androcentric view failed to take into account how policy towards such institutions affects women’s ability to get the healthcare they need.

Androcentric policy making permeates all levels of government. In Utah in 2016, an all-male panel for the house taxation and revenue committee killed a bill that would end a luxury sales tax on feminine hygiene products. Even though such products are a necessity to women, they are being taxed at a higher rate as luxury items. In total, women in Utah typically pay thirty dollars a year in these kinds of taxes. This cost is significant to those in poverty, especially since Food Stamps do not cover these products either (Hinckley, 2016).

Other androcentric policy can be found in the degree of legal protection states provide to victims of assault and abuse, especially the crime of marital rape. In the United States, marital rape has been considered a crime in all fifty states since 1993. Yet in many states, marital rape continues because of legal loopholes. For example, in Ohio, South Carolina, Oklahoma, Alaska, Idaho, Arizona, Washington, Minnesota, and Mississippi, there must be a threat of force present in order for spousal rape to be prosecuted (Friedman, 2015). If a victim is either drugged or asleep at the time of the assault and their assailant is his or her spouse, the assault is not considered a crime. Spousal rape in many states also has a shorter statute of limitations than other types of assault and abuse (Johnson, 2015). Female legislators in Ohio are working to remove the threat of force requirement from the law and to expand the statute of limitations to ensure that victims of spousal rape can receive justice (Johnson, 2015).
Some of the most androcentric policies can be found in federal family law. The issue of paid maternity leave has come up time and time again, but there has been very little legislative action on the matter. While the Family Medical Leave Act (FMLA) was passed in 1993, it only guarantees twelve weeks of unpaid leave. Currently, a majority of minimum wage and part-time workers are women who cannot afford to take the full twelve weeks (U.S. Bureau of Labor Statistics, 2015). Because of this, having children can place an undue financial burden on families. Only twelve percent of employees have access to paid leave through their employers, and because of the requirements imposed before qualifying for FMLA, less than half are even covered for unpaid leave (Peck & Covert, 2014). The United States remains one of the only industrialized countries without legislation requiring employers to provide paid maternity leave to their employees (Peck & Covert, 2014).

These are a small number of examples, but they are striking nonetheless. Many laws need to be amended in order for women’s condition in the United States to improve. From the pay gap to reproductive rights, women’s issues are often deliberated on by male representatives who have continued to fail women in representing them substantively. In a statistical model testing the quality of women’s representation, Leslie Schwindt-Bayer and William Mishler have found, “the percentage of female legislators has a substantial and statistically significant effect…on the responsiveness of legislatures on women’s issues” (2005, p. 419). Without an increase in numbers adding to their descriptive representation, women’s substantive representation will continue to be stalled. The connection between descriptive and substantive representation is quite easy to see.
Symbolic Representation, Constituent-Representative Relationships, and Substantive Representation

Symbolic representation plays a significant role in substantive representation as well. Since symbolic representation is closely tied to how constituents view their representatives, it greatly influences the levels of trust and communication between constituents and representatives. In dominant-subordinate relationships (i.e., female constituents and male representatives), there is a significant amount of communicative distrust. This distrust coupled with the lack of attention to a group’s policy concerns alienates citizens from the governing system (Mansbridge, 1999). In contrast, representatives who descriptively represent subordinate groups are most able to communicate with their constituents. In an interview with Susan Carroll from the Center for American Women in Politics, Representative Eva Clayton stated “I have women all over the state say ‘You are my congresswoman.’ They identify with my presence here” (2000, p. 2). Many other female representatives have also spoken with Carroll about how their symbolic roles fostering communication and better representation for women. There is a greater amount of trust between constituents and their representatives when they are descriptively represented:

Representatives and voters who share some version of a set of common experiences and the outward signs of living through those experiences can often read one another’s signals relatively easily and engage in relatively accurate forms of short-hand communication…and…form bonds of trust based specifically on the shared experiences of subordination. (Mansbridge, 1999, p. 641)

Without trust between the represented and representatives, citizens may not "identify with" legislating bodies. Having full representation, on the other hand, makes historically
oppressed groups feel “as if they themselves were present in the deliberations” (Mansbridge, 1999, p. 650).

Exclusion from legislative bodies, especially when it has been historically sanctioned by the government, must be overcome in order for a greater number of groups to identify themselves in their governing bodies. If constituents are easily able to communicate with their representative and see that their interests are being represented and defended by institutions, then they will, in turn, feel more included. Inclusion in such processes makes governing bodies more legitimate to minority groups who may be disillusioned with the system (Mansbridge, 1999). This disillusionment is noticeable in the gender gap in women’s confidence in elections. In the United States, Gallup found that while 52% of men said they were confident in the honesty of elections, only 44% of women expressed that confidence (Morales, 2012). Morales goes on to argue that "when a society progresses, women's attitudes and behaviors do not necessarily improve to a similar degree as men's" (2012).

Symbolic representation greatly influences the types of relationships constituents have with their representatives, even with those outside of their congressional district. Representative Clayton’s testimony on women outside her congressional district seeking her out supports this notion. Women seek out other women to represent their interests in Congress, regardless of that representative’s official district. Representative Clayton also noted, “women will communicate with you in a more vivid way of their hopes for their lives” (Carroll, 2000, p. 2). Due to her role as a symbol for women, other women will seek her out so that they can speak to her about their political concerns rather than their male representative. Enhanced communication between constituents and their
representatives is beneficial so that representatives are more informed of how to act substantively for the represented.

While women’s relationship with government is impacted by symbolic representation, so are representatives’ actions. Because of representatives’ awareness of the symbolic way in which their constituents’ perceive their roles, it may influence their behavior and how representatives themselves view that role, too. Many female legislators in office have stated that they feel not only responsible to their own constituents, but women outside of their districts as well. Many legislators have made statements that demonstrate this sense of responsibility. Senator Barbara Boxer stated “there are still so few women in Congress…so you really do have to represent much more than your own state” (Carroll, 2000, p. 2). Representative Louise Slaughter also stated, “I do feel an obligation to all women in the country. In many cases they don’t have us [women representatives]” (Carroll, 2000, p. 3). An overwhelming majority of these representatives expressed ideas of symbolically representing women regardless of political party. Even Republican Representative Marge Roukema who objected to the label of “women legislator,” came to realize that “if the women like me in Congress were not going to attend to some of those family concerns whether it was jobs, children or equity…then they weren’t going to be attended to” (Carroll, 2000, p. 4).

Symbolic representation not only informs relationships between constituents and representatives and substantive representation; it also increases women’s confidence in the legislature. When the percentage of women in the legislature was doubled, women’s confidence in the government “almost triples” (Schwindt-Bayer & Mishler, 2005, p. 422). Low confidence in the government can have negative effects on women's "levels of
civic engagement, political participation, and desire to seek roles in government," all of which would slow progress towards gender equality (Morales, 2012).

THE NEED FOR CRITICAL MASS

Despite the failure of legislatures to provide laws that promote women’s interests, some would argue that representative legitimacy would only be in jeopardy if no women held elected positions. However, women’s full legislative power will only be achieved through gender parity. Even with 20% of the legislature, women still feel the disadvantages of not having both descriptive and symbolic representation available to them. Without critical mass, women’s representation is severely stunted through the phenomenon of tokenism and committee dynamics.

Tokenism

In 1977, Rosabeth Kanter best described tokenism in skewed organizations, or when organizations have 85:15 ratios of a “dominant” and “token” group. While women make up 20% of Congress today, it still is not a “tilted” organization (70:30 ratio), or “balanced” organization (60:40 ratio). It is also significant that much of deliberation and legislating takes place in committees (and subcommittees), many of which are skewed organizations. In addition to small numbers, “it is sufficient to be in a place where others in that category are not usually found,” to be considered a token, such as women in politics (Kanter, 1977, p. 968).

Kanter outlines the experiences that tokens may face in a work environment of a skewed organization, such as heightened visibility, polarization, and assimilation. Heightened visibility refers to an acute awareness by the dominants of the tokens’ presence, but not necessarily of their achievements. This also leads to added performance
pressures for the token to work harder than the dominant. Kanter describes polarization as “an exaggeration of differences,” which often takes place in the form of jokes that might be disparaging to the token and “in” group and “out” group phenomena (1977, p. 971). For example, "in" group and "out" group phenomena occurs through informal isolation, such as making decisions over lunch or other outings in which the token was not invited. Assimilation is quite simply stereotyping and creating roles for tokens. For women, Kanter outlines the roles that the dominants cast the tokens as: the mother, seductress, pet, and iron maiden. The mother is considered to be a nurturing caregiver; the seductress, a woman who uses her sexuality in order to succeed or get attention from the dominants. The pet is considered to be a childlike cheerleader for the dominants. The iron maiden is considered a "bitch" by the dominants, and does not fit into the dominants’ stereotypes of the token. As their numbers increase, Kanter argues, these phenomena will be lessened within organizations.

Such phenomena would inhibit female legislators from performing to their best ability. While Kanter’s study focused on tokenism within private, business organizations, there is evidence that tokenism occurs in political bodies as well. Ashley DiAna (2002) interviewed state senators from Utah on their experiences as women within the legislature. In 2002, when the study was performed, women made up twenty-one percent of the legislature, roughly the same as Congress in 2016. Four of the five senators interviewed stated that they faced heightened visibility in that they had to work harder than their male colleagues. Some also described certain degrees of polarization in the form of jokes, and the way in which they felt it necessary to don the role of the mother to win their election campaign (DiAna, 2002).
Committees

Many of the Senators in DiAna’s study certainly experienced tokenism, but the problem is also significant when examining deliberating bodies and how they function. Within committees, women’s voices may not always be heard due to the dynamic that occurs in these groups. Committees are a central part of the deliberative function of representative government and the legislative process in Congress, as most bills are either killed in committee, or amended before they are sent to the floor for a vote. However, women oftentimes struggle to be heard within committees. Since “few social and occupational domains are more masculinized than politics,” women can often be seen as “intrusive” and may face some hostility from male peers (Kathlene, 1994, p. 561).

While it may not be open hostility, examining speaking patterns within committees shows how women may be perceived by themselves and their male peers. In Kathlene’s study of the Colorado state legislative session of 1989, she found that women in standing committees “entered the discussion later, spoke less, took fewer turns, and made fewer interruptions than men” (1994, p. 565). This phenomenon did not change regardless of the gender make-up of the committee; only when the committee chair was a woman did other women tend to speak sooner. Kathlene attributes this to the difference in leadership styles between men and women. While male chairs tend to control the debate and committee agenda, women are more democratic and encourage more participation. Kathlene states, "when women chaired the committees the dynamics of the hearing changed for witnesses and female sponsors in complex ways, some of which may provide for more democratic policy making" (p. 574, 1994).
If women are to see any change in their legislative power, both parties must make an effort to place women at the heads of congressional committees. Despite some gains in numbers among women, they still lack leadership positions within the legislature.

Currently, there are only three female committee chairs in Congress, putting women at a significant disadvantage to introduce legislation or conduct hearings (GovTrack, 2015). With so few chairwomen, as Kathlene’s study suggests, women will continue to lack an effective voice throughout deliberation.

Without parties appointing more female committee chairs, the deliberative and aggregative processes of representative government that Mansbridge outlines are at risk. Since women are not being heard within committee, as demonstrated, then legislators are unable to produce legislation that is good for the entire polity. If more women are elected, though, then there will be a much larger pool for party leadership to select from when choosing committee chairs. Since Republicans hold a majority in Congress today, and as a result select committee chairs, they have a relatively small pool, only 28 women, many of whom were only elected recently. Chairmanships are rewarded on a seniority basis, and with so many women being junior members of the House, it is important not only to elect women, but for parties to make an effort to help those women win reelection.

**INSTITUTIONAL SOLUTIONS TO WOMEN’S UNDERREPRESENTATION**

Women face many obstacles to getting elected into office. Notably, their largest problem is not the voters. When women run, people will vote for them as often as men (Lawless & Fox, 2005). In congressional races, the principal predictors of voter tendencies are the candidate’s incumbency status and his or her political party (Darcy, Welch & Clark, 1994). The problem is that women do not run as often as men for office.
In a pool of eligible candidates, only 43% of women considered running for political office versus 59% percent of men (Lawless & Fox, 2005). Of those women, only 15% actually ran a campaign for election. This gap in political ambition, Lawless and Fox argue, is a result of family dynamics, party recruitment, and self-perceptions of eligibility.

These social and structural barriers can be overcome, though, through institutional reform. When more women are in elected positions, other women's political aspirations increase as well (Raymond, 2016). Women who see others like themselves in government positions (i.e., other women, other minority women) are more likely to run. Without some type of change in recruitment, Congress will not achieve gender parity until 2121 (Bahadur, 2014). Two possible policy solutions would be to adopt a quota system or to institute multi-seat districts.

Many nations across the globe have adopted is gender quotas. Depending on the nation or political party adopting the quota system, the quota may vary. Some require 50:50 ratios of men to women, like Bolivia, while some countries like Canada require a lower ratio of 75:25 (Quota Project, 2016). Furthermore, there are also differences in how these gender quotas are enacted. Many nations have statutory requirements, while others have political parties that voluntarily adopt the quota system.

The second policy, multi-seat districts, has also proven friendly to female candidates. Representation 2020, a subset of the FairVote organization that advocates for gender parity in representation, advocates for this kind of system at the state and national levels. Rather than a winner-take-all system, multi-seat districts allow for two or more winners, depending on the election. So, for example, in states such as Arizona where this
system is used in their state legislature, voters can vote for more than one candidate to represent them in their designated district. Multi-seat districts also allow political parties to run several candidates for office, and this means that parties will be more likely to choose a diverse group of candidates to appeal to a broad range of voters and gain more support from minority groups (Representation 2020, 2013). As opposed to single-seat districts, multi-seat districts are considered more representative, not only because minorities and women tend to fare better in these systems, but also because in single-seat systems, “the party whose candidates received the most votes combined may not win the most seats in the legislature,” which happened in the 2012 congressional elections (Representation 2020, 2013, p. 1).

Quotas

Quotas would be beneficial due to the immediate effect that they have. Rather than waiting for incremental change, once a quota is in place, women will get the political representation that has previously been denied to them, and it is guaranteed to continue into the future. Such a drastic change would help improve women’s condition in the United States faster and prevent it from backsliding, a phenomenon that has occurred recently. In 2015, the United States “plunged eight slots” in a worldwide survey on gender equality, falling behind nations like Rwanda that have higher numbers of women in the legislature (Paquette, 2015).

Not only would quotas have an immediate and lasting effect, they also encourage parties to select different types of women as candidates. Diversity amongst women elected into office is already a concern, one that quotas could help fix. When Mexico adopted their quota system, women from more diverse backgrounds were recruited by
political parties, rather than women only from upper-class, urban roots (Beer & Camp, 2016, p. 191).

While such a system has benefitted women in nations across the globe, there are also several concerns that come with adopting a quota system. Women have proven themselves capable of holding high level government positons, but when adopting a quota system, many are concerned that "the best" are not necessarily being elected, only "the best of a specific gender, and not the best, period" (Drexler, 2013). There is also the issue that many of these women's accomplishments may be downplayed due to the quota system. Many women are as or more successful than their male colleagues, but a quota system may "discount" those achievements (Drexler, 2013). While these concerns are logically possible, there is little empirical evidence to support them. In Mexico’s senatorial quota system, “there [was] no evidence to support the fear of quota opponents that unqualified women will gain legislative seats” (Beer & Camp, 2016, p. 191).

There are two methods by which the United States may adopt a quota system: through ratifying a constitutional amendment or political parties adopting the quota system independently. Both of these methods, though, would be difficult to institute in the United States. Ratifying a constitutional amendment is not an easy process. Besides the two-thirds majority vote from Congress, where many of those representatives might lose their seat if they voted for a gender quota amendment, there must also be a two-thirds majority of state ratification. The political culture of the United States would also make it almost impossible for such an amendment to pass. In older democracies, Drude Dahlerup notes, "you have a resistance to any kind of special treatment or a quota system" (as cited in Hantiuk, 2015). This is true in the United States, as evidenced by the
contrary debate on affirmative action programs in the private sector and in higher education.

In contrast, political parties adopting a quota system would not need a constitutional amendment. Getting parties to adopt such a system, though, could be difficult. In order to encourage this policy, some have suggested that Congress incentivize gender quotas in a manner similar to Title IX, so that parties only receive public subsidies if they have a quota system (Somani, 2013). While it may be easier to adopt in a legal sense, there would still be resistance due to the political culture of the United States.

Multi-seat Districts

Another possible policy solution is adopting multi-seat districts at the state or national levels. Multi-seat districts are much friendlier to women who are seeking election for many reasons. One reason is that such systems lessen the chances that the incumbent candidate will win re-election (which is one of the greatest hindrances to getting more women elected) by increasing competition (Representation 2020, 2013). Political party and incumbency status will most likely remain the primary predictor for voter behavior, but if voters have the chance to diversify their votes, they may choose to do so. Even when voters’ parties fail to nominate women, they still have the opportunity to vote for women and vote for their party preference, as many voters might be “willing to vote for women candidates of the opposing party if their own party fails to nominate enough women” (Representation 2020, 2013, p. 4). In Rhode Island, there was evidence of this happening when many Republican party members voted first for their party’s
candidate, while also selecting female candidates from the Democratic side (Representation 2020, 2013).

At the state level, many states have adopted multi-seat districts, which have increased the number of women legislators. Of the ten states that use multi-seat districts, six (Vermont, Arizona, New Hampshire, Washington, Maryland, and New Jersey) have some of the highest number of female representatives serving in their state legislatures (Representation 2020, 2013). The average percentage of women serving in state legislatures that use multi-seat districts is 31%, whereas the average for single-seat district systems is 22.8% (Representation 2020, 2013). Not only is the overall percentage of female representatives higher in multi-seat systems, "in all but two states that use multi-member districts, more than half the population has a state representative who is a woman" (Representation, 2013, p. 2). Such a system gives women access to the political representation that they need.

Such a system would also be possible at the national level without ratifying a constitutional amendment. Single-seat districts were congressionally mandated in 1842 and then again in 1967, but this arrangement is not found in the Constitution. If Congress were to change to a multi-seat district system, the number of women in Congress would likely increase. When Idaho and Montana switched to the multi-seat system for state legislature elections, both states saw an increase in the number of women serving in their legislatures that was greater than the national increase in those years (Representation 2020, 2013). Multi-seat districts would also not face the resistance from American political culture. It is not as provocative to voters as a quota system would be to American voters, and would make the political representation of women come about in a
more organic manner—and that could prevent the perception that women were elected for their gender instead of their achievements.

CONCLUSION

Today, women in the United States do not have a legitimate, representative government. The lack of descriptive and symbolic representation available to women directly impacts the quality of substantive representation they receive, both at the state and national levels. Without three facets of representation available to them, descriptive, substantive, and symbolic, women are not benefiting from their governments in the way that men are. As Pitkin argues, representation is multidimensional, and without three of those dimensions incorporated into women’s representation, women will continue to face having little to no legislative support from their government.

Not only is representation itself threatened, so are the functions of representative government. Mansbridge notes that without descriptive representation, the decision making process of representative government is not serving certain populations. Deliberation requires a number of female voices to create policy that is good for the whole United States, while aggregation requires female voices to make legitimate decisions in the eyes of that group. Inclusion in representative bodies gives minority groups the chance to identify with their governments by making them feel as though they themselves were participating in the process of representation. In contrast, systematically excluding a group, as Sapiro (1981) notes in the second epigraph, goes against the democratic ideal of participation for all citizens.

Since female voices are not being heard, their needs are being ignored when crafting legislation. Without female legislators, women's issues – such as maternity leave,
health care, and protection from violence – are not being addressed by legislatures, and androcentric policy making continues to be the norm. Androcentric policy making can even put women in danger as happened when crash test dummies only reflected the male form.

If women were able to gain a critical mass at the state and national levels of government, then their levels of political representation will increase. Both the aggregative and deliberative functions of representative government would be more effective, as the legislation produced would more accurately reflect the needs of the entire nation. Committees, a central part of the deliberative process, would become friendlier to women's voices and more women would be available to be appointed chairs of those committees.

With some kind of policy change, reaching the peak ideal of representation is possible in the near future. If the United States wants to ensure that all of its citizens are included and represented in its governing bodies, then the government must be proactive in restructuring itself to be friendlier to different types of candidates. As the electoral system stands today, it is exclusive and presents major barriers to getting more women elected into office. But if the United States were proactive and adopted a quota system or multi-seat district system, women and other minority groups would be able to see a significant shift in how they are represented, thus increasing the confidence of these groups in their elected officials.

Elected more women will not only increase women's substantive representation, it will also affect the way American legislative bodies function. Since women have never made up 50% of Congress, it is difficult to imagine what types of change they would
bring about. Right now, female legislators already work harder than male ones, and offer a more democratic leadership style that may open up the opportunity for more work to be done in Congress (Kathlene, 1994; Raymond, 2016). More women serving as representatives opens up new possibilities and a revitalized democracy for all Americans to participate in, and will ensure that half of the population can continue moving forward with the same legislative support as their male counterparts.
References


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