

The Mediation of Substantive Representation Through Institutions

I

Greater substantive representation of women is an important step towards achieving gender equality. Increasing descriptive representation has been considered an important pathway to this goal. However, while the descriptive and substantive representation of women are positively correlated, the link between them is complex. Understanding the link between these two forms of representation has the potential to inform both the study and practice of representation. I will argue in this paper that the link between the descriptive and substantive representation of women is mediated by the institutions through which the representation is practiced. First, I will outline what is meant by the descriptive and substantive representation of women and the importance of their relationship. I will examine the predictions “critical mass theory” makes about representation and how it fails to match real world results. I argue that this is a result of ignoring political institutions. I will propose that New Institutionalism provides a useful framework to consider the impact of institutions on the descriptive and substantive representation of women. I will then apply this framework by examining a case study of

critical actors as well as the behavior of representatives in the US and UK legislatures compared to those in the assemblies of Scotland and Wales. Finally, I will use these conclusions to sketch how political institutions mediate the link between the descriptive and substantive representation of women.

II

Hannah Pitkin (1967) classically defined representation as a unified concept with four individual forms: substantive, descriptive, formal, and symbolic. These concepts are operationalized individually, but form an “integrated whole”. The first two forms have received extensive attention from feminist political scientists and will be the focus of this paper. Descriptive representation refers to the numbers and proportions of a group based on individual descriptive features (such as sex or race). In the case of legislatures, the descriptive representation of women is the proportion and absolute number of women representatives (Campbell et al., 2010). A quantitative measure, descriptive representation has also been referred to as numerical representation. Pitkin (1967, pg. 209) defines substantive representation as “acting in the interests of the represented in a manner responsive to them”. Importantly, the definitions of both forms of representation leave unclear how to define when a representative is a representative of a group. This has been problematic for the representation of women, as defining descriptive representatives through sex leads to viewing women as a homogenous group (Squires, 2008). As substantive representation occurs through acts that are in the “interests of the represented”, operationalizing substantive representation rests on being able to define the group that is represented and what their interests are.

As women's representation increases, considering women as a cohesive group with cohesive interests can lead to a simplistic view of what substantive representation entails (Celis, 2009). The result can be an apparent decrease in substantive representation when there is simply a failure in measuring substantive representation (Beckwith and Cowell-Meyers, 2007).

Due to empirical and theoretical difficulties, scholars do not unusually consider representation in its entirety (Schwindt-Bayer and Mishler, 2005, pg. 407). Often, descriptive and substantive representation are treated as variables that operate independently of each other. Yet, it is important to consider that descriptive and substantive representation are defined as being part of an integrated whole. An individual who is descriptively representative of a group should be able to substantively represent the group. If the individual cannot represent the group, then descriptive representation has been falsely operationalized. What must be determined is under which conditions, and to what degree, do descriptive representatives perform substantive representation.

III

The link between the substantive and descriptive representation of women has been studied extensively through data regarding representatives in legislatures. Studies have shown a significant, but not exact, correlation between the descriptive and substantive representation of women (Schwindt-Bayer and Mishler, 2005). Critical mass theory, which at times has held widespread political support, suggests that substantive representation of women should drastically increase when women's descriptive representation rises above a certain level (Swers, 2005; Childs and Krook,

2008). This theory is based on the idea that through “an increase in relative numbers [of minority members]...[they] can form coalitions and can affect the culture of the group” (Kanter, 1977, pg. 966). This assumes that changing the proportions of a group leads to changes in the culture of the group, instead of changes in the culture of a group leading to changes in the proportions of the group. Kanter developed this idea by studying the behavior and treatment of “token” women in corporate culture, but it held great appeal for groups that sought to increase the substantive representation of women (Childs and Krook, 2008). There was no need to change the culture of institutions, because the culture of institutions was dependent on the proportion of women. “The number of elected women constitute the independent variable” (Beckwith, 2007, pg. 29).

Critical mass theory states that once a minority group reaches a certain proportion, a “critical mass,” they will be able to take advantage of previously unavailable options, such as forming coalitions. In the case Kanter studied, women were “tokens” and either had to act as prototypical women or had to act very masculine and deny their femininity (Kanter, 1977). A higher proportion of women, Kanter postulated, would allow women to escape the effects of tokenism and to eventually form coalitions that would be substantively representative (Childs and Krook, 2008). Drude Dahlerup (1988) took this framework and applied it to the representation of women. Accordingly, descriptive representation should be disconnected from substantive representation below the critical mass and then tightly linked above it. However, this does not appear to occur in legislative bodies. Descriptive representation is generally correlated with substantive representation but there appears to be no evidence for drastic changes to this correlation, as critical mass theory suggests (Celis, 2009; Schwindt-Bayer and Mishler, 2005; Swers,

2005). This results suggests that either no legislative bodies have achieved critical mass or that there is no proportion of women that causes a drastic change in behavior in legislative bodies. The former case seems unlikely but, even if true, the failure of critical mass theory to explain the link between the substantive and descriptive behavior of women at current levels suggests a new theory is required. If critical mass theory only describes behavior in legislatures as a positive correlation between descriptive and substantive representation, as the latter option indicates, then it does no work in delineating the important features of the link between the different forms of representation. Instead of attempting to correct critical mass theory, I will turn to New Institutionalism to help describe the link between women's descriptive and substantive representation.

IV

In the foundational paper of political critical mass theory, Dahlerup (1988, pg. 290) notes that "it takes a deliberate effort to change the more fundamental aspects of the political culture". In such, she clarifies two important issues around the representation of women that have been echoed by others (Borchorst and Siim, 2008; Galligan and Clavero, 2008). First, numbers are not enough to change political culture. Second, changing political culture is important to the representation of women. The theory that explains the link between substantive and descriptive representation should therefore consider both the effects of political culture on representation and how political culture can be changed. Moreover, the theory should have room to consider formal political rules as these are linked directly to descriptive representation and indirectly to substantive representation (Schwindt-Bayer

and Mishler, 2005).

New Institutionalism (NI) was developed to consider the way in which institutions impact the political process. NI scholarship notably focuses on the formal and informal rules of institutions, creation and change processes of institutions, and the interplay of “structure and agency” (Mackay et al., 2010). An NI framework allows acts of political representation to be considered as institutional actions (Mackay, 2009). Under what conditions, and to what extent, substantive representation occurs can be viewed in light of the actors relationship to the institution. As I will show, this framework suggests that institutional structures mediate the link between the descriptive and substantive representation of women.

V

The goal of the NI framework will be to explain why certain conditions result in substantive representation of women, and to clarify the connection between the two forms of representation. Empirical data indicates three variables are explanatorily powerful for the occurrence of substantive representation: descriptive representation, parliamentary context, and civil society context (Beckwith and Cowell-Meyers, 2007). This suggests that to determine the relationship between substantive and descriptive representation, it is useful to examine the civil society and parliamentary contexts when differing levels of descriptive representation occur and see how these factors regulate the substantive representation. Title VII of the Civil Rights Act provides a case study of when a substantial act of substantive representation occurred with only minimal levels of descriptive representation. Dahlerup (1988) believed that these “critical actors” play an important

role in representation, and NI can help explain why.

The Civil Rights Act was signed into law in 1964 and prohibited gender discrimination through Title VII. The amendment of the language of Title VII to prohibit discrimination based on gender as well as race was a political tactic to derail the passage of the entire Civil Rights Act (Fuentes, 1997). However, a group of congresswomen proved able advocates for the amendment. Despite no pressure from civil society, and women making up only about three percent of congress, the amendment was eventually included (Deitch, 1993; Beckwith and Cowell-Meyers, 2007). The reason the small group of congresswomen succeeded was not due to being influential under typical conditions. Rather, they “lacked clout, [or] popular support...to have successfully lobbied for such legislation under other circumstances” (Deitch, 1993, pg. 185). But the group of congresswomen were able to make good use of political circumstances. As a result of taking advantage of institutional features, they achieved outsized substantive representation.

The key feature that the congresswomen made use of was the institutional norms surrounding representation. These norms made them representatives of both their gender and their race. The intersection of the informal rules regarding gender and race provided discursive space for the congresswomen to operate in. Martha Griffiths (Democrat, Michigan) appealed directly to “race and gender... in protection of white women” when arguing for the amendment, as did a number of other congresswomen (Deitch, 1993, pg. 195). By arguing that “white women” would be disadvantaged compared to black women (who could claim discrimination due to race) the congresswomen made use of informal rules that grouped representatives by race (Deitch, 1993). Institutional features meant they were able to achieve much greater substantive representation than would have been expected

judging from either their descriptive representation or the civil society context. In other words, the institution regulated the link between the substantive and descriptive representation of women.

While in the case of Title VII women representatives were able to make use of institutional features to perform “critical acts” of representation, there are other cases where institutional structures limit substantive representation (Dahlerup, 1988). If the link between substantive and descriptive representation was not regulated by institutional structure, women of different political parties would be expected to cooperate on issues of women’s substantive representation. However, in “legacy institutions” (the US and UK legislatures are used as examples here) women representatives often deviate in ways consistent with institutional rules. In the US Congress, party allegiance strongly influences representatives behaviors. Women, more than men, were particularly prone to regulating substantive acts of representation based on the strength of their parties position (Swers, 2005). Furthermore, congresswomen act to increase their visibility and standing through speech participation (Pearson and Dancey, 2011). In the UK parliament, when women’s descriptive representation rose to 18% following the 1997 elections, labour women showed exceptionally strong party alignment. So consistently did they vote along party lines in the face of women’s issues that they gained a reputation for “betraying women” (Cowley and Childs, 2003).

The result of such party loyalty is that women’s substantive representation is not as high as it could be. That institutional structure decreases the substantive representation of women in particular indicates that both the US and UK legislatures function as gendered structures (Mackay et al., 2010). The gendered nature of the institutions can be seen when behavior in legacy legislatures is compared

to behavior in “young institutions,” such as the assemblies of Scotland and Wales. These young institutions were formed by devolution in the UK and created with an explicit goal of gender equality. The institutional structure was shaped with issues of gender in mind (Mackay, 2009). If legislative institutions are generally non-gendered, men in both legacy and young institutions should behave similarly. However, men in the Welsh and Scottish assemblies acted more cooperatively and believed that politics in the assemblies were much more conciliatory than in “masculinist institutions” (Jones et al., 2009; Mackay, 2009). Women showed significant cross-party cooperation, such as when women from multiple parties opposed changes to family friendly work hours in the Welsh assembly (Jones et al., 2009).

Conclusions based solely on different behavior in legacy and young institutions must be drawn carefully. The young institutions saw more than twice the descriptive representation as legacy institutions. Yet, while men made up large percentages in all of the legislatures that were studied, male representatives behaved significantly differently. There is little to no theoretical suggestion that the difference in male descriptive representation would explain such a drastic change in the behavior. Likewise, if women’s descriptive representation was suddenly increased in legacy institutions, it seems unlikely that women would begin forming cross-party coalitions. Rather, substantive representation in both legacy and young institutions occurs through the institutions. As such, the institutional differences, that young institutions were created explicitly with gender equality in mind and legacy institutions are masculine in nature, can explain the difference the behavior of representatives. In young institutions, women are able to achieve full substantive representation relative to their descriptive representation. In legacy institutions, women’s substantive representation is generally depressed by insti-

tutional structures that are masculine in nature. However, in legacy institutions women can still function as critical actors. As the Title VII case suggests, who is elected is important. Both the number and identities of elected women matter to the substantive representation of women. To increase substantive representation, “elect women who are feminists” (Tremblay and Pelletier, 2000, pg. 381).

VI

This paper outlined the relationship between women’s substantive and descriptive (numerical) representation. Critical mass theory was examined, but was found to be unable to explain all but the broadest trends. Next, New Institutionalism was evaluated for its explanatory potential. Viewing representation as an institutional act allowed the link between substantive and descriptive representation to be usefully interrogated. Institutional structures act to regulate the link between women’s substantive and descriptive representation. In legacy institutions, this typically means substantive representation is depressed compared to descriptive representation, although critical actors have the potential to perform outsized acts of representation. A New Institutionalist approach should prove useful to the interrogation of other aspects of representation, just as it has for the link between the substantive and descriptive representation of women.

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