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Women's Representation on High Courts in Advanced Industrialized Countries

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Recent scholarship increasingly considers the representation of women in cross-national legislatures, often examining how the characteristics of the countries in a particular region affect the representation of women in these elected bodies. No studies have examined the representation of women on the high courts in a cross-national context. We attempt to fill this void by collecting an original data set of women's participation on high courts in the countries of the Organisation for Economic Co-operation and Development (OECD) from 2006 to 2007. Using this data, we examine how institutional choices of judicial selection and structural factors within the country affect women's representation. We find that the variation in women's participation on these courts, from 0% on some to 60% on others, is affected by the prestige of the court, the method of selection, and the tradition of and importance placed upon women's participation within the country. Our results suggest that choices made during the design of high courts can influence the representative nature of the institution.

The increasing participation of women in public life is a phenomenon that has been occurring worldwide for the last 30 years. As women enter into professions, they transform the institutions in which they work,

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including the institutions of government. Despite the increasing presence of women in professional and public life, there is a relatively small body of work examining the variation in women's participation cross-nationally and how institutional and structural factors may inhibit or favor women's participation. The paucity of work on women's participation in the institutions of government is most pronounced in the study of cross-national courts. The absence of a strong body of scholarly literature is a noteworthy omission as scholars increasingly consider the variation in the structure of high courts, focusing as well on the democratic nature of political institutions.

This article fills the void left by the literature on cross-national courts. We examine the variation in representation on the high courts of the countries in the Organisation for Economic Co-operation and Development (OECD) in 2007 by means of an original data set collected from 2006 to 2007. In considering this variation, ranging from no women on some courts to 60% of judicial seats on others, we explore the effects of the structure of the high court, the method of selecting judges, and the culture of the country on women's representation. We find that there is a significant amount of variation in women's representation across courts and across countries. Additionally, other factors, including selection and opportunity, affect women's representation on these courts. Finally, countries with a tradition of women's participation in public life, including those with quota laws for the national legislature, see greater participation by women on the high courts.

VARIATION IN WOMEN'S REPRESENTATION

There are a number of studies of women's participation in public life that provide insight into the factors that may affect women's representation on high courts. The framework for understanding representation tends to categorize these factors into those related to the demand side (the characteristics of the institution or country) and the supply side (the characteristics of the candidates).

On the demand side, quota systems increase women's participation within political parties, and that participation translates into representation in governmental institutions such as legislatures (Caul 2001; Htun and Jones 2002). Lower-prestige offices see greater representation of women, because the lower level of prestige makes the office easier to attain and less appealing to men. Additionally, the lack of a need to relocate to serve

in these offices is particularly attractive for professional women, who often have young children. The method of selection for such office and the system of representation within the country also influence the number of women, with multimember districts and party lists favoring women's representation (Kenworthy and Malami 1999; Matland and Studlar 1998; Norris 2004; Vengroff, Nyiri, and Fugiero 2003). Voter selection of government officials can increase women's representation if the women are viewed as political outsiders, free of corruption (Valdini 2005). Other demand-side factors affecting representation include the structural factors within the country, such as the economic growth of the country, women's access to education, political ideology, and perceptions of gender roles (Kenworthy and Malami 1999; Matland and Studlar 1998; Norris 2004; Paxton and Kunovich 2003; Vengroff, Nyiri, and Fugiero 2003).

On the supply side, not only can the professional characteristics of individuals influence the number of women in public office but so can ambition, the resources of the candidates, and other social background characteristics apart from sex (Matland and Studlar 1998). Clearly, supply-side and demand-side explanations are interrelated in a way that affects representation. As Maria Escobar-Lemmon and Michelle Taylor-Robinson (2005) note in their study of female cabinet officials, the increasing participation of women in one area of government, such as the legislature, can generate ambition and participation of women in other areas of public life. Not only can the supply side and the demand side affect the number of women participating, but they can also affect the types of positions within government that women hold.

While the vast majority of research on women's representation focuses on the executive and legislative branches of government, there is reason to believe that some aspects of such models can be applied to the judicial context. The importance of cultural attitudes, the openness of gatekeepers to recruiting women, and women's access to education are but a few of the structural factors within a country likely to affect participation both in the legislature and on the courts. The party ties that open access to the legislature are likely to be even more important for the judiciary due to the appointive method of selection that most countries employ to fill their courts.

VARIATION IN COURT CHARACTERISTICS

Other aspects of the models of representation developed from legislatures may not translate as easily to the judiciary. Electoral rules, known to

influence women's representation in the legislatures, demonstrate how variation in selection can make institutions more or less representative of the people. Courts, on the other hand, are filled almost exclusively through appointment procedures, though the entity with appointment power can vary considerably at the national level. Because seats on high courts are unelected, women's participation should be more likely than for other institutions; the selectors, be they presidents or legislatures, seek the electoral benefit of appointing women (Slotnick 1984).

Although the cross-national courts literature does not consider women explicitly, it does, however, provide insight into the variation in the design of these courts and how the structure affects the decision making of judges, especially within the context of the separation of powers (Ehrmann 1976; Epstein, Knight, and Shvetsova 2001; Gibson, Caldeira, and Baird 1998; Ginsburg 2001; Herron and Randazzo 2003; Schmidhauser 1987; Schwartz 1998). There is a significant amount of variation among courts both in terms of the power courts have within government and in the diversity of people who serve on the courts. Some countries divide the responsibilities of the judiciary among several high courts, instead of a unified high court, such as in the United States. Administrative courts render decisions on questions of judicial process and court procedure, while constitutional courts address matters of constitutional interpretation. Other countries include a separate category of high courts of appeals, which hear appeals arising from the lower courts in the country. The varying responsibilities of these courts influence the power and prestige of the institution. Administrative high courts, for example, are sometimes bureaucratic positions staffed by career civil servants trained to serve on such courts. Constitutional courts are often considered to be the most prestigious high courts because they address questions that have a significant impact on the country, and they are often staffed by well-known legal academics.[1]

In addition to the type of court influencing its power, country characteristics can also influence the prestige of the institution. Courts often wield more power in countries with a higher gross domestic product, and where the executive is weaker (Herron and Randazzo 2003; Smithey and Ishiyama 2000; 2002). Additionally, courts have greater strength relative to the other branches of government when there is a stronger tradition for democracy and the rule of law (Schwartz 1998) and

1. Martin Shapiro (1986) offers a useful survey of the variation among high courts outside the U.S. context.

where courts enjoy greater support from the public (Gibson, Caldeira, and Baird 1998).

As Lee Epstein, Jack Knight, and Olga Shvetsova (2001) note, the characteristics of the judges serving on cross-national courts are related to the independence and power of those courts. The structure of the court within a system of separated powers can make the court more or less prestigious, affecting the willingness of people to serve on such courts. Courts vary in their requirement of experience, the pool from which they draw members, and the way that members are selected, all of which affect aspirants for the high courts (Epstein, Knight, and Shvetsova 2001; Ginsburg 2001). The prestige of the institution often affects the path people take to the judiciary, with transnational courts serving as a stepping-stone to national high courts (Kenney 2002).

The power and prestige of the courts within a country not only affect the professional backgrounds of those serving on high courts but can also influence the number of women serving within the institution. One of the few scholars to study the representation of women on these courts, Sally Kenney (1998/1999; 2002), argues that understanding women's representation on judicial bodies is essential to comprehending the legitimacy of the decisions made by these bodies and the need for public accountability. While her focus is on transnational judicial bodies, the same argument can be made of high courts within nation-states. As Kenney (1998/1999) finds, the length of term, the methods of selection, the influence of transnational bodies like the European Parliament, and the pool of female judges available for promotion all affect the number of women on the European Court of Justice.

Historically, the underrepresentation of women in governmental bodies has been blamed on lower levels of women's participation in public life generally. However, as women entered into professions, their representation in government did not proceed at the pace expected. While judicial office often requires additional education or specialized training, these requirements serve to limit the pool of potential candidates without limiting the number of women eligible to serve, especially as women increasingly participate in this type of training (see, for example, Anasagasti and Wuiame 1999). The lack of priority given to women's representation, persistent gender stereotypes, and systematic barriers to participation all work to limit women's representation in government, especially on courts (Linehan 2001).

Concerns about women's participation, initially raised by women's groups within nation-states, caught the attention of the European

Community, prompting a self-study of women's representation on courts in European Union countries (Anasagasti and Wuiame 1999). Using a survey of those in the legal community, the authors found that 50% of the judiciary in European Union countries was held by women, but the result was largely driven by their overrepresentation on less prestigious lower courts. Additionally, the researchers found that the lack of clear criteria for participation on the courts and the perception of unfair criteria were depressing women's participation. It is interesting to note that the perceptions differed significantly for women and men, and that there was a difference between the sexes in the proposed need for policies (such as quotas) to increase women's participation on courts.

WHY WOMEN'S PARTICIPATION ON COURTS MATTERS

While there are several similarities between legislative and judicial office, it is perhaps more important that we understand women's representation on courts because courts are the least democratic institution. The lower the number of women on the courts within a country, the less tied to the institutions of government women are likely to be (Pitkin 1972). This is especially true of courts where there is no electoral mechanism for holding decision makers accountable (Phillips 1995). Litigants who are dissatisfied with the decisions of judges have little recourse beyond appealing the case. The costs of such appeals can be prohibitive, and in some countries individual litigants do not have standing to go before their high court seeking justice. Thus, the individual members of the judiciary, and the decisions they make, become all the more important.

The importance of the decisions of individual judges, then, makes the characteristics of those judges, and how they are chosen, all the more important. Scholars of the U.S. judiciary note the importance of the individual attitudes of judges, as well as their personal traits and characteristics (Segal and Spaeth 2002; Tate 1981; Tate and Handberg 1991), and there is support for such models of decision making outside the United States (Schubert 1977). There is some evidence that women decide cases differently from their male counterparts, or that case outcomes differ when women serve as judges, especially when issues of gender or women's rights come before the court (Allen and Wall 1987; Boyd, Epstein, and Martin 2007; Gruhl, Spohn, and Welch

1981; Gryski, Main, and Dixon 1986; Songer and Crews-Meyer 2000; Songer, Davis, and Haire 1994; Walker and Barrow 1985), but other scholars find little evidence for a different voice for women (see, for example, Davis 1992; Sisk, Heise, and Morriss 1998; Westergren 2004). Scholars of courts outside the United States concur on the importance of individual characteristics on decisions by judges and argue that the exclusion of women suggests they lack the capacity for self-government (Kenney 2002). There is some evidence of an expectation that women will decide cases differently — an expectation based on the fact that the vast majority of women serve on courts dealing with human rights issues, including the rights of women (Linehan 2001). Conflicting explanations for women's representation and disagreement over the impact of these women suggest the need for further research examining this problem.

WOMEN'S PARTICIPATION ON HIGH COURTS

While the study of the effects of sex on decision making is important, such studies treat the women serving on these courts as predetermined without considering what factors influence the number of women judges. A key first step to understanding the effects of sex on decision making, and an area left unexamined by scholars of both the judiciary and gender, is to consider macro-level factors affecting the number of women who serve on these courts. Attempting to assess the impact of sex on decision making while ignoring macro-level factors that influence the number of women on the bench is tantamount to selection bias, and may produce biased estimates of sex on decision making. We seek to remedy this problem by considering how the characteristics of courts, and the country in which they sit, affect the representation of women.[2] To understand this question, we examine the representation of women on the high courts in OECD countries. We define high court here as any constitutional, administrative, or appellate court of last resort in the country, meaning that for some of the countries in the OECD, we have more than one high court. We include all high courts where more than one exists in the country. To determine women's representation on these courts, we examined the Web pages of the court. If the information was not

2. A complete list of the variables used and their correlations are listed in Appendices A and B.

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available (or was unclear), we contacted the administrative office for the court or the Ministry of Justice.[3]

We chose to study the OECD for a number of reasons. First, the OECD offers a significant amount of variation on the key variables of interest to this research, perhaps best exhibited in the table of women's representation (Table 1). While the representation of women clearly varies, so do key independent variables, such as a tradition of women's participation and level of development or economic prosperity. Unlike countries outside the OECD, the range for such variables is not so large that it will bias the estimates in a relatively small sample. However, if these variables affect women's representation here, they will also likely affect representation outside the OECD where the variables range more widely. In addition to the variation offered on the dependent and independent variables, the OECD is a group of countries on which it is relatively easy to gather data, making it a useful group for a first look at women's representation. The accessibility of the data on this group of countries is undoubtedly what makes it a common sample for analysis within the discipline.

Table 1 examines the current variation in women's representation on high courts in the OECD countries. There appears to be a significant amount of variation in the representation of women both within court type and across court type. Administrative courts appear to have the greatest percentage of women serving, which is not terribly surprising given that most of the people serving on these courts come from the civil service. However, the presence of women on these courts should be studied with caution, as only five countries in the OECD have these courts. Constitutional courts appear to have the fewest women serving. The amount of variation across courts is also worthy of mention. Turkey, for example, has the lowest representation of women serving on its High Court of Appeals, 0%, and the highest representation of women on its Council of State, 60%. The minimum and maximum values of the dependent variable are thus represented by Turkish courts. The mean percentage of women serving on any court is 23%, and the standard deviation is 14. The huge range for the data, as well as the high variation, suggests that a more in-depth explanation is necessary.

In order to conduct a multivariate analysis of the factors affecting women's representation, we gathered information regarding the characteristics of the

3. All data for the representation of women were collected from fall 2006 to spring of 2007. They reflect the most current number for each court at that time. The number of women and the number of seats is listed in Appendix C.

Table 1. Women's representation on courts in the OECD

Country	*High Court of Appeals*	*Administrative Court*	*Constitutional Court*	*Single High Court*
Australia	—	—	—	14%
Austria	23%	16%	29%	—
Belgium	No data	No data	0%	—
Canada	—	—	—	44%
Czech Republic	20%	—	33%	—
Denmark	—	—	—	21%
Finland	—	—	—	33%
France	29%	40%	33%	—
Germany	19%	—	19%	—
Greece	No data	No data	—	—
Hungary	43%	—	0%	—
Iceland	—	—	—	22%
Ireland	—	—	—	38%
Italy	—	—	—	7%
Japan	—	—	—	7%
Luxembourg	—	—	—	43%
Mexico	—	—	—	18%
Netherlands	—	—	—	No data
New Zealand	—	—	—	20%
Norway	—	—	—	42%
Poland	23%	—	20%	—
Portugal	0%	—	31%	—
Slovak Republic	50%	—	20%	—
Republic of Korea	15%	—	11%	—
Spain	No data	—	17%	—
Sweden	—	—	—	44%
Switzerland	—	—	—	18%
Turkey	0%	60%	13%	—
United Kingdom	—	—	—	8%
United States	—	—	—	11%
Court mean	23%	39%	19%	24%

court, as well as information regarding the characteristics of the country (all demand-side explanations for women's representation). Regarding court-specific characteristics, the first factor likely to affect women's representation on high courts are the opportunities they have to serve on such courts, or the number of seats that exist on those courts. Not only are seats a measure of the opportunity that women have to serve on a high

court, but seats can also serve as a proxy for the prestige of the court (Epstein, Knight, and Shvetsova 2001). The more seats on the court, the less prestigious the position is, and lower-prestige institutions tend to see greater representation for women.

Other measures of court prestige commonly used in the literature on comparative courts include whether the judges on the court serve in life terms and if there is a mandatory retirement age for judges (Epstein, Knight, and Shvetsova 2001; Herron and Randazzo 2003).[4] Judges who serve for life are more independent of the other institutions of government, and thus have more institutional power, making the court more prestigious than those with renewable or fixed terms. Mandatory retirement requirements are used to protect the quality and distinction of the bench (Epstein, Knight, and Shvetsova 2001).[5] Thus, we include dichotomous variables for courts with life terms and for those with mandatory retirement ages for judges.

In addition to the number of seats and other measures of prestige, the method by which judges are selected can affect women's representation, with appointers, such as presidents, seeking to gain electoral advantage by diversifying the bench (Slotnick 1984).[6] Outside the United States, there is likely to be the same benefit for the person with the power to appoint high court judges, especially if he or she is a unitary actor. High courts in the OECD select judges through a wide variety of methods, from selection by the minister of justice to election by the national legislature or appointment by the executive. While there is a significant amount of variation in selection, one category, presidential appointment, is the most common (43% of cases). Thus, we include a variable measuring whether or not the president has the formal power to make appointments to the high court. All other selection mechanisms are the excluded category.[7]

4. An alternate measure of judicial independence is the index created by Smithey and Ishiyama (2000). Unfortunately, this index has not been estimated for all the countries in the OECD, and so it is not available for use in this analysis.

5. While one might assume that mandatory retirement and life terms have a significant degree of overlap, this is not true of the countries in our data set. Twenty-nine countries had life terms, while 30 had mandatory retirement ages, but only 13 had both. The lack of overlap suggests that each limitation on the court is serving a unique purpose, and thus merits separate consideration.

6. Wood (2007) demonstrates the variation in the countries in the European Union. When we discuss selection method, we refer to the person or institution having the appointing authority (to use Wood's typology). Alternate specifications of appointing (including selecting authority and recommending authority) were also considered, but the results were not substantially different from what is reported here.

7. Analysis of Variance was used to estimate a relationship for other selection mechanisms and the representation of women, but no other selection mechanisms were significantly related. In part, this may be due to a wide variety in selection, and thus a small number of countries using any single

The characteristics of the country, like the characteristics of the court, are also likely to influence the representation of women. Especially important is the country's acceptance of women's participation in public life. We control for this factor in three ways. First, as Escobar-Lemon and Taylor-Robinson (2005) note, the participation of women in one institution of government can have a spillover effect for another institution. Thus, we include a measure controlling for the representation of women in the national legislature. Secondly, countries that have quota laws have taken affirmative steps to increase the participation of women in public life. Thus, we include a dichotomous variable for whether there is a quota law in the country.[8] Third, because women's participation in public life is a tradition likely to build over time, we include a measure of the years since women were given the right to vote in the country. We expect to find that the longer the amount of time since women were given the right to vote, the more women serving in public life.

In addition to the measure of women's participation in public life within the country, we also include three control variables for country-specific characteristics likely to affect women's participation, as well as the functioning of courts more generally. We include measures to control for the participation of women in the labor force, the fertility rate, and the gross national product per capita.[9] We expect that the greater the percentage of women participating in the labor force, and the lower the fertility rate, the higher the political participation of women. Women will already have experience working outside the home in other areas, making participation in the legal profession also more likely. Fewer children will also make it easier for women to participate in public life. Wealthier countries are also more likely to see women's participation; as wealth increases, women's educational and career opportunities also increase.[10]

selection mechanism. The second most common selection mechanism was selection by the monarch, used for 11 other courts in the data set. All other categories of selection (10 in total) were used by so few countries, between one and three, that they did not offer enough variation for multivariate analysis.

8. There are three types of quotas: electoral quotas, constitutional quotas, and party quotas, all of which cover the national legislature or the parties, but not the judiciary. Our variable to control for the presence of a quota law was coded as one if any of these laws existed. We ran an alternate analysis with dummies for each type of quota, and the results were not different than those reported here.

9. The information regarding labor force, fertility rates, and GNP per capita was collected from the World Bank.

10. While these three factors are not likely to vary widely in the countries of the OECD, future research on this topic outside the OECD will need to consider these factors. Thus, the variables are included here for the sake of comparison. A separate proxy measure, women's participation on legal education, would be ideal, but such information is not available at this time.

To estimate the effects of these independent variables on the number of women serving on high courts, we include two negative binomial analyses.[11] The negative binomial models are appropriate for count data such as these. Included in each model is a measure of the number of seats on each court (discussion follows) that prevents a high number of seats (and thus a high number of women) on one court from inflating the results. Tests were conducted to measure the dispersion of the data and verify the appropriateness of the negative binomial model. For both models we reject the null that alpha = 0 (the null that the data are equi-dispersed). Instead, the data showed evidence of overdispersion, suggesting that a woman holding one seat on the court influences the next seat being held by a woman. Both the tests for equi-dispersion and the significance test for the model suggest that the process is measured properly.[12]

Table 2 shows the results of two models examining women's representation on courts. Because of the variation in the bivariate results across the courts (see Appendix B), the first model includes dummy variables for the different types of courts, with a unified high court as the baseline. The second model shows the results without the court dummies. The results are not substantially different across the two models, and both models are statistically significant. The higher the number of seats on the court, the presence of quota laws, and the more years since women were given the right to vote, the higher women's participation on the high courts. Countries where the president appoints judges to the bench also increase the representation of women on the courts, but only in the first model. In order to determine the impact of these variables, predicted counts were estimated.[13]

Table 3 shows the predicted counts for the two models. The baseline model predicts an average of three women serving on the court for the first model. Increasing the number of seats one standard deviation increases the number of women serving on the court to nine. A court with five seats, holding all other factors constant, has a predicted count

11. A table of the bivariate correlations for the variables is provided in Appendix B. Separate models were estimated for all but administrative courts (which had too few observations). The results of the individual models are not different from the full models reported here. For the sake of comparison, Poisson models were estimated, but the goodness-of-fit statistics suggested the presence of overdispersion, making negative binomial the appropriate model.

12. Because of the grouped nature of the data, ordinary least squares is inappropriate for the analysis. The data being in groups will create heteroskedasticity, and it will not be correctable with the usual corrections to standard errors, because OLS is the wrong functional form for grouped data.

13. All predicted counts were estimated using CLARIFY (King, Tomz, and Wittenberg 2000; Tomz, Wittenberg, and King 2003).

Table 2. Negative binomial models of women's representation on high courts

Number of Women on Court	*Model 1 (Robust Std. Error)*	*Model 2 (Robust Std. Error)*
Seats	0.0354***	0.0353***
	(0.0068)	(0.0064)
Percent women in legislature	0.0089	0.0067
	(0.0165)	(0.0170)
Quota law	0.4973*	0.4261*
	(0.2792)	(0.2542)
Women in labor force	−0.0327	−0.0138
	(0.0355)	(0.0350)
Fertility rate	0.2557	0.5447
	(0.6070)	(0.5291)
GNP per capita	0.0000	0.0000
	(0.0000)	(0.0000)
Judges have life term	−0.6278	−0.6003
	(0.5537)	(0.5357)
Judicial mandatory retirement age	−0.0652	0.0457
	(0.3325)	(0.3143)
Presidential appointment of judges	0.5314*	0.4745
	(0.3190)	(0.3111)
Years since women's suffrage	0.0199*	0.0188*
	(0.0108)	(0.0102)
Administrative Court	−0.5013	—
	(0.9116)	
High Court of Appeals	−0.3135	—
	(0.4226)	
Constitutional Court	−0.4628	—
	(0.3988)	
Constant	−0.5879	−2.0846
	(2.0926)	(1.9642)
ln alpha	−1.9347	
	(0.7798)	
alpha	0.1445	
	(0.1127)	

* = p < .10, ** = p < .05, *** = p < .01
Model 1 Significance: Wald chi2(13) = 127.96, Prob > chi2 = 0.0000
Model 2 Significance: Wald chi2(10) = 102.10, Prob > chi2 = 0.0000
Model 1 Likelihood-ratio test of alpha = 0: chi2(01) = 5.65 Prob > = chi2 = 0.009
Model 2 Likelihood-ratio test of alpha = 0: chi2(01) = 9.61 Prob > = chi2 = 0.01
N = 38 countries (There are 47 courts in this data set, 38 of which have complete information, for a total of 1,013 seats on these courts.)

Table 3. Predicted counts of women judges

Variable	*Change*	*Model 1 Prediction [95% Conf. Interval]*	*Model 2 Prediction [95% Conf. Interval]*
		Baseline = 3 women	*Baseline = 2 women*
Seats	23.57 to 48.934	8.6060 [4.2444 6.3211]	6.7702 [3.6413 11.7496]
Seats	23.57 to 5	1.8349 [0.8384 3.5711]	1.4834 [0.6923 2.6635]
No quota law	1 to 0	1.9214 [0.8022 4.0150]	1.6541 [0.7083 3.3359]
Presidential appointment	0 to 1	4.9528 [2.8779 8.0038]	—
Years since suffrage	78.26 to 63.20	2.2533 [0.9854 4.5993]	1.8580 [0.7905 3.8895]
Years since suffrage	78.26 to 94.32	4.0440 [1.9374 7.5515]	3.1660 [1.6762 5.4431]

of two women judges.[14] Countries without quota laws see an average of one woman fewer serving on the court, suggesting that the political climate for women does affect women's representation on high courts. In countries where the president appoints the members of the high court, five women serve on the bench, an increase of two. Finally, the years since women were given the right to vote also affects women's representation on the courts. A one standard deviation increase in the years since suffrage increases the number of women on the court to four, while a decrease of one standard deviation reduces the number to two.

While the predictions for the second model are not significantly different from those of the first model, some of the variables lose their statistical significance when the court dummy variables are eliminated. The number of seats, quota laws, and the years since women attained the right to vote all remain significant in the second model. Increasing the number of seats by one standard deviation increases the number of women serving on the court from a baseline of two to seven. Reducing the number of seats on the court to the minimum of five decreases the number of women serving on the court to one. Countries without quota laws see a modest decrease in the number of women serving; about one woman fewer serves on the courts in these countries. Finally, increasing the number of years since suffrage by one standard deviation increases the number of women serving

14. The number of seats was set to the minimum for the variable, five seats, rather than one standard deviation below the mean because one standard deviation less than the mean would have been less than zero, and theoretically meaningless for interpretation.

on the court to three, while a decrease of one standard deviation does not substantially change the number of women serving.

CONCLUSIONS

The representation of women on high courts in the OECD resembles their representation in the national legislatures. Opportunity appears to have the largest impact on the number of women serving on these courts. The greater the number of seats there are, the greater the number of women serving. This is perhaps best demonstrated by the administrative courts in the OECD, which tend to have the highest number of seats. The number of seats indicates not only the opportunities women have to serve but also the prestige of the courts. High administrative courts, while sitting atop the judicial branch, tend to deal with procedural matters of the lower courts. Unlike constitutional courts, these administrative courts rarely have the power to check the other branches of government, nor do they have opportunities to review legislation for its constitutionality. The bounds of jurisdiction can significantly limit the power of these courts, meaning that the places where women have the greatest opportunity may also be where they have the least amount of influence.

In addition to the opportunity that women have to serve on the court affecting their representation, the openness of the country to women's participation also affects the number of women serving on high courts. Both quota laws and the years since women attained the right to vote affect women's representation. The more favorable the country to women's political participation, as measured both by the presence of a quota law and the greater the number of years since suffrage, the more women serve on the high courts. While there was no spillover effect for the number of women serving on the legislature (Escobar-Lemon and Taylor-Robinson 2005), other measures of women's influence on public life suggest that such an effect exists. It is interesting that more women serving in public office, even when that office may actually select the judges, does not affect the number of women on the courts. However, a more general measure of women's participation in public life, such as the presence of quota laws, does affect the number of women serving on high courts.

Finally, there is some evidence to suggest that, similar to the U.S. context, the method of selection influences the number of women serving on high courts. Systems where presidents appoint judges to the high courts see more women serving on those courts than on courts filled by other

selection mechanisms. This finding is consistent with the literature both on U.S. federal courts (Slotnick 1984) and at the state level (Williams 2007) and likely reflects the electoral benefit that presidents (or governors) receive for making such high-profile appointments. While the measure of selection mechanism is admittedly crude, this analysis suggests that there is something worth exploring in future research. Not only is there opportunity to explore other stages of the selection system, as Rebecca Wood (2007) began doing, but there is also a need for additional observations to unpack the effect of selection mechanisms. Having more observations in the other categories of selection (such as appointment by a judicial council, a relatively rare method of selection), can allow us to determine the effect of other methods of selection besides presidential appointment. It is possible that the only reason presidential appointment is significant is because the baseline includes all other measures of selection, whether they be legislative appointment or selection by the current members of the court. The possibility of an effect for the omitted other measures of selection is cause for hesitation regarding the impact of selection, but still requires additional research.

We find that there are many similarities between the representation of women in the legislature and their representation on courts. Opportunity, selection, women's participation in public life, and the type of court all affect the number of women serving on high courts in the OECD. While there is preliminary evidence to suggest that these factors matter for women's representation, more research is necessary. Women's participation (in any substantial numbers) both on courts and in legislatures is a recent phenomenon. Inevitably, the factors affecting women's representation today have changed over time; thus, a time-series cross-sectional model is a possible avenue for future study. A time-series cross-sectional model would also allow us to determine the effect of the adoption of quota laws, changes in the time since suffrage, and any changes in the methods of selection. Additionally, the OECD is a wealthy configuration of states to examine, and future research should also consider women's representation in countries not as economically powerful. GNP per capita may reach standard levels of significance if there is greater variation on this variable.

Overall, we think that this area of research is a fruitful path for researchers interested in women's representation in public life. By understanding women's representation on high courts, not only do we better understand women's participation in public life more generally, but we can also understand how the institution under consideration affects the presence of women. If women continue to be relegated to courts with limited

jurisdiction and power, then their ability to influence policy continues to be limited. In the context of courts, this is particularly troublesome, as these institutions need to represent all people to maintain their legitimacy and thus their power. By better understanding what limits women's participation on these courts, we can begin to understand how to clear a path for women's participation on the judiciary.

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Appendix A. Variables and Coding

Variable	*Coding*
Women judges	Dependent variable in all models. The number of women serving on each court in each country. The data were obtained from court Web pages or by contacting courts, ministries of justice, or administrative offices.
Seats	Number of seats on each court in each country. The data were obtained from looking at Web pages and constitutions, or by contacting courts, ministries of justice, or administrative offices.
Percent female legislators	The percentage of women currently serving in the legislature. The data were obtained from the Inter-Parliamentary Union. If the legislature was bicameral, the value is the average of the two chambers.
Administrative Court	Variable coded as 1 if the court serves as the high administrative court for the country, otherwise 0.
High Court of Appeals	Variable coded as 1 if the court serves as the high court of appeals for the country, otherwise 0.
Constitutional Court	Variable coded as 1 if the court serves as the constitutional court for the country, otherwise 0.
Women in labor force	The percentage of the labor force composed of women in 2004. The data were obtained from the World Bank.
Fertility rate	The number of live births per woman in each country in 2004. The data were obtained from the World Bank.
GNP per capita	The GNP per capita for the country in 2004. The data were obtained from the World Bank.
Quota law	A dichotomous variable measuring if a quota law exists within the country. The variable is coded as 1 if there is a constitutional, party, or electoral quota in the country, otherwise 0. The data were obtained from the International Institute for Democracy and Electoral Assistance.

Continued

Appendix A. Variables and Coding (Continued)

Variable	*Coding*
Life term	A dichotomous variable coded as 1 if the judges of the court serve for a life term, otherwise coded as 0. The data were obtained from looking at Web pages and constitutions, or by contacting courts, ministries of justice, or administrative offices.
Mandatory retirement	A dichotomous variable coded as 1 if the judges must retire at a specific age, otherwise 0. The data were obtained from looking at Web pages and constitutions, or by contacting courts, ministries of justice, or administrative offices.
Presidential appointment	A dichotomous variable coded as 1 if the president appoints the members of the court, otherwise 0. The data were obtained from looking at Web pages and constitutions, or by contacting courts, ministries of justice, or administrative offices.
Years since women's suffrage	A continuous variable measuring the number of years since women were given the right to vote.

Appendix B. Correlations With Number of Women on Court (Individual Court Models)

Variable	*Unified High Court*	*Court of Appeals*	*Administrative Court*	*Constitutional Court*
Seats	0.8674*	0.7808*	0.7643	0.5376
Percent women in legislature	0.3710	0.1951	0.8027	−0.0040
Quota law	0.1998	0.3111	1.0000*	0.0839
Women in labor force	0.0964	0.3392	0.9959	0.2220
Fertility rate	0.0120	−0.3673	−0.7857	−0.1035
GNP per capita	0.5691*	0.0664	0.9982*	0.0389
Judges have life term	0.3404	0.1402	—	−0.1606
Judicial mandatory retirement Age	−0.1672	0.4213	—	−0.5737
Presidential appointment of judges	−0.1082	0.4666	0.5000	0.2163
Years since women's suffrage	0.1895	0.5558	−0.2168	0.0936

* = $p < .05$

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Appendix C. Women's Representation on Courts in the OECD

Country	*High Court of Appeals*	*Administrative Court*	*Constitutional Court*	*Single High Court*
Australia	—	—	—	1/7
Austria	12/57	10/63	4/14	—
Belgium	No data	No data	0/12	—
Canada	—	—	—	4/19
Czech Republic	1/5	—	5/15	—
Denmark	—	—	—	4/19
Finland	—	—	—	6/18
France	2/7	10/25	3/9	—
Germany	24/124	—	3/16	—
Greece	No data	No data	—	—
Hungary	33/77	—	0/10	—
Iceland	—	—	—	2/9
Ireland	—	—	—	3/8
Italy	—	—	—	1/15
Japan	—	—	—	1/15
Luxembourg	—	—	—	15/35
Mexico	—	—	—	2/11
Netherlands	—	—	—	No data
New Zealand	—	—	—	1/5
Norway	—	—	—	8/19
Poland	19/84	—	3/15	—
Portugal	0/59	—	4/13	—
Slovak Republic	10/20	—	2/10	—
Republic of Korea	2/13	—	1/9	—
Spain	No data	—	2/12	—
Sweden	—	—	—	7/16
Switzerland	—	—	—	2/11
Turkey	0/6	3/5	2/15	—
United Kingdom	—	—	—	1/12
United States	—	—	—	1/9

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