
14. Appointing women to high courts

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1 INTRODUCTION

Scholars of law and courts have argued that having women on the courts is important, not because of differences in decision making, but because diverse courts are important for public confidence in the judiciary, equality, fairness, and symbolic representation (Kenney 2012; see also Rackley 2013). Recognizing the drawbacks of excluding half of their populations, countries around the world have diversified their high courts by appointing women.¹ Yet women's ability to access positions on high courts has not been equal over time, nor across all countries. Indeed, women have made notable advances in unexpected places and lagged in others. For example, in 2002 Burundi's Constitutional Court was all female. But it was only in 2005 that Argentina, a country that adopted the world's first gender quota law for legislative candidates, appointed the first female supreme court justice. What explains these differences?

In this chapter, we examine the burgeoning literature on women's appointments in the judicial branch. We organize our discussion of the existing literature around several themes. First, we consider studies that focus on the role of institutions in advancing or hindering women's judicial representation. Although this literature originated in the study of diversity on high courts in the United States, the study of institutions has become increasingly important in emerging literature on peak courts internationally. We then examine studies that have emphasized supply side explanations. These explanations highlight the importance of the supply of qualified women, based on educational and career backgrounds. Finally, we discuss the connections between these two major sets of explanations and point the way toward avenues for future research.

¹ We use the terms high court and peak court interchangeably to refer to the highest judicial decision-making body in a country. In one set of countries a single peak court acts as the court of last resort on criminal and civil appeals *and* serves as the last arbiter on constitutional matters, frequently giving them judicial review (e.g. Canada and the United States). We refer to these as supreme courts, although the name given to the court varies across countries. In other countries, one court serves as the court of last resort (which we refer to as appellate courts, although some are called a supreme court) and a separate court holds the power of judicial review and constitutional interpretation (referred to as constitutional courts), as found in France and Germany.

2 WHY IS A DIVERSE JUDICIARY IMPORTANT?

Diversity in the judiciary, and on high courts in particular, may have implications for symbolic representation, legitimacy, equality, fairness, optimal use of human resources, and the quality of decision making in the judicial system (see Moyer, this volume). One important indicator of diversity is whether women are represented in the judiciary. Women's underrepresentation may signal a problem with how judges are trained, recruited, and promoted. Public institutions, including courts, benefit from public support. Courts can gain or lose support for several reasons, and one critical factor can be the degree to which judges on a court reflect the demographic makeup of the country. Moreover, the diversity of views brought to group decision making leads to better outcomes as more experiences are brought to bear in deliberations. Fundamentally, diversity represents a question of equality of opportunity and fairness. All citizens should have the same opportunity to participate in the political process and governance. Yet, even when formal barriers to women's appointment have been removed, informal norms and structural inequalities may still act as formidable barriers.

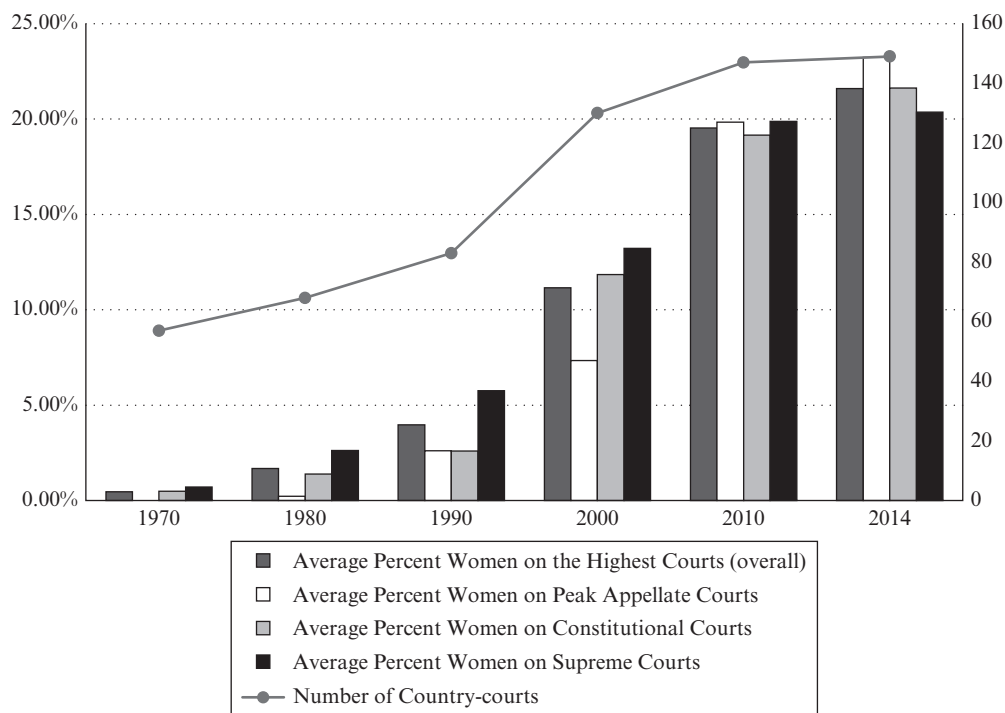
3 CROSS-NATIONAL VARIATION IN WOMEN'S APPOINTMENTS TO HIGH COURTS

Worldwide, the percentage of women on high courts has steadily increased. Based on a multiyear effort by the authors of this chapter to collect historical data on gender diversity on high courts, we find that in 1970, women constituted on average less than 1 percent of judges on high courts.² Women's participation then rose slowly in the 1970s and 1980s. It was not until the late 1990s that, on average, 10 percent of high courts were female. After the 1990s, the percentage of high court judges who were women climbed more rapidly, and in 2014, on average of 22 percent of high court judges were women (Figure 14.1).

Between 2010 and 2014 the average constitutional court included 21.6 percent women, compared with 20.9 percent for supreme courts and 22.6 percent for final appellate courts. Thus, we do not find a meaningful difference in women's access to high courts by type, when viewed in the aggregate.

Advancements in women's representation on high courts in recent years, however, have not been equally common across the globe. In Table 14.1 we compare women's inclusion across world regions for the 2010–14 period. As readers familiar with other literature on women's representation might expect, women on average comprise a larger percentage of high courts in Scandinavia (33.9 percent) and other parts of the West (32.4 percent) than elsewhere. But, and perhaps contrary to conventional expectations, women are included on high courts in Latin America and the Caribbean and in sub-Saharan Africa, where women comprise on average 24.7 and 24.4 percent of the high courts, respectively. (Looking within regions such as Africa, we also see marked differences across countries;

² We obtained data on 57 courts in 1970, but we were able to expand our coverage to 149 courts in 2014. The line in Figure 14.1 indicates the number of courts from which the average percentage of the court that is female in each year is calculated.



Note: The line tracks the number of country courts for which we were able to obtain data in that year. The average percent was obtained by averaging the percent of women on each country court for which we have data in that year.

Source: Authors' data collected from various country websites and other publications.

Figure 14.1 Changes in the gender composition of high courts over time

see Bauer and Dawuni 2016.) In Latin America and Africa, it appears that this has been fueled by the entrance of women onto the appellate bench in countries that have standalone appellate and constitutional high courts. This dual court structure, which frequently contributes to larger courts, appears to favor the appointment of women, as they make up a larger percentage of constitutional or appellate courts than of supreme courts in countries with only a single peak court.

Women, on average, comprise the smallest percentage of judges on peak courts in countries in the Middle East and North Africa (MENA) (just 5.4 percent of all high court judges). Statistically we can demonstrate that there is a 95 percent chance that the difference between women's representation in the MENA region and any other region is significantly greater than zero (based on the Bonferroni multiple comparison test). However, the MENA region is remarkable in one positive way. In both the MENA and Eastern Europe and former Soviet Asia regions, the average percentage of women on constitutional courts exceeds the average percentage of women on appellate courts. Examining countries where we have data on two high courts, Bahrain averages 14.3 percent women on the constitutional court but zero percent on the appellate court; Egypt averages 2.2 percent on the

Table 14.1 Average percentage of the court that is female, 2010–14

World Region	Average % Women on the Highest Court	Minimum Observed %	Maximum Observed %	Number of Courts included in Data
Scandinavia	33.90	21.0	38.8	4
West (not Scandinavia)	32.39	Iceland—sup 7.6	Sweden—sup 54.3	30
Latin America & the Caribbean	24.69	Italy—con 2.5	Latvia—con 57.6	26
Sub-Saharan Africa	24.3	Peru—con 0	Venezuela—app 48.6	34
		Multiple (e.g. South Sudan—sup & Dem Rep. Congo—con)	Zimbabwe—app	
Eastern Europe & former Soviet Asia	20.25	5.33	39.1	19
East Asia & Pacific	13.61	Hungary—con 0	Czech Republic—con 22.9	8
South Asia	9.43	Myanmar—sup 0	Philippines—sup 32.7	7
		Afghanistan—sup Pakistan—sup 0	Sri Lanka—sup	
Middle East & North Africa	5.1	0	28.5	22
		Multiple (e.g. Iran— sup & Jordan—app)	Israel—sup	
<i>Global Total</i>	<i>21.65</i>	<i>0</i>	<i>57.6</i>	<i>150</i>

Source: Author's calculations based on authors' original dataset. For the 2010–14 period, there are 149 country courts for which we were able to obtain data.

constitutional court but zero percent on the appellate court; and Qatar has zero percent women on its high courts. Additionally, we observe more women than might be expected on constitutional courts in Algeria (20 percent) and Tunisia (22 percent), where we lack data on the composition of the appellate court. The same is true in Eastern Europe and former Soviet Asia, where in Azerbaijan women make up 15.6 percent of appellate judges but 22.2 percent of constitutional court judges and in the Czech Republic 17.9 percent of appellate judges are women and 39.1 percent of constitutional court judges are women. This pattern is noteworthy because in countries with split courts, constitutional courts are generally viewed as more prestigious.

Among the 90 high courts in democracies for which we have data, there are only five instances where *no* women sat on the high court from 2010 to 2014: the Botswanan appellate court, Comoros's Constitutional Court, the Lebanese Constitutional Court, the Namibian Supreme Court, and the Pakistani Supreme Court. By contrast, in 17 democracies in our dataset the average percentage of the court that was female for the 2010–14 period exceeded 40 percent. Moreover, women constituted a majority of the Jamaican appellate court (57.1 percent), the Latvian constitutional and appellate courts

(52.3 and 52.5 percent, respectively), the Slovenian Constitutional Court (53.3 percent), the Macedonian appellate court (53.1 percent), and the Guatemalan Constitutional Court (52 percent). These are not countries one often associates with high levels of women's representation. In fact, among Western postindustrial democracies, only the Australian and Canadian supreme courts averaged more than 40 percent women during the 2010-2014 period.

What about Scandinavia, usually thought of as at the vanguard of women's representation? Among Denmark, Finland, Iceland, Norway, and Sweden, all of which have single high court systems, women's representation in this period ranges from lows of 21 percent in Iceland and 26 percent in Denmark to highs of 35 percent in Finland, 36 percent in Norway, and 38 percent in Sweden. While these numbers suggest that women have made significant inroads in these country's judicial systems, they also suggest that this movement is not led by the same countries that pioneered women's representation in legislative bodies. Even in other Western European countries where women have done relatively well in legislative bodies, their representation in the judicial branch still lags. For instance, from 2010 to 2014, while 20 percent of Belgium's appellate court was female, women held only 8.3 percent of judgeships on the constitutional court. Thus, while there may be a relationship between women's representation in legislative, executive, and judicial branches (Thames and Williams 2013), large numbers of women in the legislature are not sufficient to dramatically increase women's representation on high courts.

That women's representation on high courts has advanced in some countries we might not have expected and failed to advance in others suggests that simplistic explanations such as world region are insufficient to explain the patterns observed in the data. Given this, we now turn to an overview of how the scholarly literature to date has explained these differences in women's appointment to high courts.

4 THE ROLE OF INSTITUTIONS

Much of the literature to date has focused on how different selection methods facilitate or impede women's inclusion on high courts. We consider how the ideology and number of selectors, as well as whether judges are chosen by merit commissions or by elected officials, can affect the gender diversity of the bench.

4.1 The Ideology of Selectors

Much of the literature on diversity in the judiciary began with research looking at the importance of presidential selection of women and minorities to US federal courts. At the federal level, where all judges are nominated by the president (and confirmed by the Senate), the tendency to nominate women has been stronger among Democratic presidents (Segal 2000; Diascro and Solberg 2008). The first president to explicitly express an interest in promoting diversity, and to make it an administrative priority, was President Jimmy Carter. To facilitate greater diversity, he created what he called a merit selection committee to help select nominees for federal courts. During his single term as president, his administration tripled the number of women and African-American judges on federal courts (Scherer 2011). Other Democratic presidents since then have advocated for

minority and female representation on federal courts (Spill and Bratton 2001; Slotnick, Goldman, and Schiavoni 2015). At least in the US context, ideology and partisanship have been an important factor in increasing diversity on federal courts.

One visible exception might be President Ronald Reagan's appointment of Sandra Day O'Connor to serve as the first woman on the United States Supreme Court. However, many have attributed this to electoral strategy, rather than a sincere belief in the value of diverse courts (e.g. Abraham 2008, chapter 11). By promising to appoint the first woman to the supreme court during his presidential campaign, Reagan was hoping to claim credit for advancing women's representation. Subsequent Republican presidents have nominated relatively fewer women than have Democratic presidents. Also, as Sen (2014) observes, the American Bar Association, which rates judicial nominees and has historically had significant sway over senators' votes, has rated women and people of color as less qualified, even after controlling for objective factors.

4.2 Elections and Merit Commissions

Leveraging variation across US state high courts, scholars have focused on whether and how selection method influences women's chances of becoming a judge. This literature is instructive for cross-national research because these are courts of last resort at the state level (though decisions can be appealed to the US Supreme Court if they involve a federal question) and they provide important institutional variation in the US context. Since Alozie (1990; 1996; see also Hurwitz and Lanier 2003; 2008), scholars have arrived at highly mixed or null findings about the differences between selection by elections, selection by a judicial commission, and selection by appointment by an elected official. Some studies find that women are not necessarily more disadvantaged in systems that use elections for the selection of judges, particularly when women are running against a man for an open seat (Bullock et al 2014; Frederick and Streb 2008); others find that women are less likely to be selected in states that use elections compared to states where judges are appointed by a governor, particularly when a court has previously been composed entirely of men (Bratton and Spill 2002). Additionally, some scholars have found that female candidates for judgeships have to raise more money, and have more years of judicial experience, than do male candidates in the US (Reid 2010), and that media coverage of high court appointees in five democracies, while not explicitly sexist, draws on and perpetuates gender stereotypes (Escobar-Lemmon, Hoekstra, Kang, and Kittilson 2016). In the notable – and only – case of national level elections for judges, Driscoll and Nelson (2015) show that, following Bolivia's adoption of elections for supreme and constitutional court judges, women were neither advantaged nor disadvantaged, and more than 50 percent of the eventually elected constitutional court was female.

Looking beyond the US, a wide variety of methods of selection are used around the world, and scholars of comparative law have debated how and why selection methods may matter for the likelihood that women will be appointed (Malleon and Russell 2006; Schultz and Shaw 2003a; 2003b). Much attention has been paid to whether the creation of judicial selection commissions helps improve the diversity of the judiciary in general, and high courts in particular. Many countries created such commissions on the grounds that it would help make the selection process more transparent and less politicized. Without

a commission, the argument went, presidents or ministers of justice would continue the status quo of appointing white men in their personal and professional networks.

Are judicial commissions conducive to the diversification of the bench? The evidence when looking at individual case studies is mixed. For instance, Dawuni and Masengu (this volume) demonstrate that judicial commissions have different effects in Nigeria and Zambia. Kate Malleson (2007) finds that commissions can make a difference, but that the diversification of the judiciary depends on whether the commission is explicitly charged with appointing more women or members of other underrepresented groups. Malleson (1999) gives the example of a judicial commission in Ontario, Canada, which in 1990 requested that the attorney general write to more than 1,000 women lawyers and encourage them to apply for judgeship. Such initiatives are not universal across appointment bodies and depend on the political will of key elites. Appointment commissions can sometimes discriminate against women candidates, as Kamau (2013) finds in the case of Kenya's Judicial Service Commission.

4.3 The Number of Selectors

Some previous studies suggest selection methods may be categorized as either centralized or decentralized. Centralized appointments are most often made by someone in the executive branch, usually a president or minister of justice. When appointment is by one person, that individual may more easily be held accountable for the appointment. In their cross-national study of wealthy democracies, Williams and Thames (2008) find some evidence to support the connection between centralized (executive) appointment and higher numbers of women on the high court. This finding is consistent with some research on the advancement of women to state high courts in the United States (Bratton and Spill 2002).

In contrast, decentralized nomination processes involve multiple actors. These actors may include the legislative and judicial branches and, to varying degrees, people outside government. In particular, the inclusion of civil society in the selection process may be particularly important for new ideas and norms to penetrate traditional processes. Driscoll and Nelson (2015) note that in Bolivia's judicial elections a large number of women and candidates of indigenous descent were put forward for all the country's high courts in a process that began with self-nomination. Thus, studies have produced disparate findings on whether centralized appointment is more conducive to creating a diverse judiciary.

4.4 Electorally Accountable Selectors

Newer research calls into question the centralized and decentralized distinction based on the number of selectors. Valdini and Shortell (2016) instead focus on whether selectors are accountable to the public. They theorize that, when electorally accountable actors select justices, those selectors can take credit for appointing a woman. The US president and senators are elected and voters can hold them accountable for their nominations and confirmations. By contrast, when the appointers are sheltered—that is, unelected—there is less incentive to cultivate the favor of a broad public; if there is change in the appointment of women, such change may come about more slowly than in countries where the selectors are elected. Arrington et al (2017) suggest that more important than the number of selectors is whether there is any kind of institutional change, such as the adoption of

a new constitution (see also Dawuni and Kang 2015 on the possible role of the end of major armed conflict).

In sum, the research suggests that selectors matter for women being appointed to the court. However, there is disagreement about exactly how, with divergence in findings related to ideology, insulation or accountability, and number. Selectors committed to appointing women appear to appoint more women, but more research is needed to identify the conditions under which selectors believe diversity is important.

5 TYPE OF LEGAL SYSTEM

The fundamental differences between common and civil law traditions are believed to have implications for the composition of high courts, in part because of the differences in career paths of the typical justice (Schultz and Shaw 2003b). In civil law systems, the judicial profession is often a separate career track. Common law systems, in contrast, frequently produce judges who have previously served as attorneys or advocates and often start in the lower courts, working their way up to nomination to the higher courts. The civil law system is theorized to create a more transparent career path in which advancement is based upon academic qualifications and service. By contrast, the common law system can often include multiple, less transparent potential career paths and informal nomination procedures that rely on subjective qualifications and professional networks. In their comparative volume on women in the legal system, Schultz and Shaw (2003a, 2–3) find that on average, civil law countries have higher proportions of women serving on courts than common law countries.

However, some scholars have questioned whether the civil and common law distinction applies for appointments to the highest courts (e.g. Malleson and Russell 2006). For instance, in their study of female chief justices and constitutional court presidents in Africa, Dawuni and Kang (2015) find that women ascend to the highest position in the judiciary in both civil law and common law countries. The more pertinent distinction may be between countries that have a split bar and those with a fused legal profession. Studies of South Africa, which has a split profession, find that men are more likely to be advocates and therefore be appointed judges than women, who are more likely to be attorneys (Andrews 2006, 571; Bonthuys 2015, 133).

Term length is another institutional feature that appears to affect women's appointments. Because high courts have long been dominated by men, new openings present the rare opportunity to add women. By extension, the more opportunities to select new justices, the more opportunities to select women. The length of the term served by justices shapes the rate of turnover. Where justices are appointed for a life term, there is far less turnover than there is for courts that limit the length of service. By contrast, lifetime tenure for justices increases the prestige of the court and makes the bench more appealing to entrenched power holders. Likewise, high courts with constitutional powers may be more prestigious than appellate courts, rendering constitutional courts more difficult for newcomers to enter.

Much research has focused on explaining women's representation in elected offices (Caul 2001; Baldez 2007; Dahlerup 2006, 2008; Tripp and Kang 2008; Schwindt-Bayer 2009). Importantly, several studies point to a spillover effect from gender quotas for

elected office and greater gender equality in national legislatures for increasing women's representation on high courts (Williams and Thames 2008; Hoekstra, Kittilson and Bond 2014; Escobar-Lemmon and Taylor-Robinson 2005). More gender egalitarian legislatures may lead to more women participating in the selection of judges. In addition, women's presence in legislatures may shine a light on women's absence from the judiciary.

Finally, a number of countries have adopted gender quotas or aspirational language for the judiciary, although they are less common than quotas for legislative posts (see Malleson 2009; Hoekstra 2010). Article 174(2) of South Africa's 1996 Constitution, for instance, calls upon appointers to take into consideration the gender makeup of the country when selecting judges. Quotas and aspirational language have been used for international courts such as the International Criminal Court (Grossman 2016). Judicial quotas may be growing in popularity. For example, Bolivia recently enacted quotas for the judiciary, and there has been discussion of doing so in other countries, such as the United Kingdom (Malleson 2014).

6 THE PIPELINE TO APPOINTMENT

A shortage in the supply of women in higher education, in the legal profession and on lower courts is often cited as a factor shaping women's presence on the bench (Cook 1984; Martin 1987; Williams 2007). This pipeline theory largely overlaps with explanations that rely on expanding the pool of "qualified" women. The logic holds that as more women enter the legal profession, or the sorts of professional positions that serve as springboards to the bench, more women will become judges. As more women sit on lower courts, then after some time, more women will be appointed to higher courts. Both suggest that there will be a time lag between increases in the number of women lawyers and increases in the number of women serving in judicial institutions (Palmer 2001).

More recent research finds that the pipeline theory is often not supported by empirical evidence. In the United States, Brenner and Knake (2011) point out that the numbers of women in the legal profession predict far higher representation of women in positions of legal authority than is actually the case (although see Arrington 2018, who argues that a major shift happened starting in 1996). In addition, Sen (2017) shows that the professional qualifications and career trajectories of women and minority candidates have historically differed from those of their traditional, white male counterparts. The backgrounds of women and minority judges appointed today are often different from the training and qualifications of those in the early 1960s and 1970s, when even after women and minorities gained access to the top law schools, they were often denied the same opportunities that were granted to their white male counterparts, particularly in terms of prestigious positions working for the top firms or obtaining clerkships upon graduation (Sen 2017). Today, the backgrounds of women and minority judges look very similar to those of their "traditional" male counterparts.

Similar patterns of "leaky pipelines" can be found in many countries around the world. Despite achieving near gender equality in the legal profession, the United Kingdom only recently appointed its first female law lord, in 2003 (Kenney 2012; Malleson 2003). Similarly, in Botswana the percentage of women lawyers has been on the rise for many years, yet not a single woman has been appointed to the court of appeal (Bauer and Ellet

2016). Access to legal education does not appear to explain differences in women's presence on the bench among Muslim majority countries (Sonneveld and Lindbekk 2017).

Rather than pipelines of qualified women supplying a steady supply of women to high courts, the higher up the ladder of prestigious positions and the more power the judge is perceived to have, the fewer women there are (Remiche 2015). Robert Putnam (1976) counters the pipeline theory with the law of increasing disproportion, where higher status groups dominate higher status political positions. Women often graduate from law school in equal—if not greater—proportions compared to men, yet lower proportions of women are appointed to serve on the bench (Barnes and Malleson 2011 on the United Kingdom; Michelson 2013; Klibi 2016 on Tunisia).

In split bar countries such as Ireland, South Africa, and the United Kingdom, women have made significant strides as attorneys and solicitors. However, men are much more likely to be found in higher status appointed positions, such as advocate or barrister (Andrews 2006; Cowan 2006; Malleson 2003, 180–2), which may limit women's opportunities to join the high court.

Empirical evidence based on patterns of gender (in)equality in the judicial branch calls not only the pipeline theory into question, but also the logic. Given that high courts require the appointment of an elite few, appointing women would only necessitate a few “qualified” women. Larger proportions of women in the legal profession or serving on lower courts are neither necessary nor sufficient for women's appointment to high courts. Rather, the nomination process itself may be gendered such that women, even if highly qualified, are less likely to be appointed. The criteria underpinning “qualified” candidates is often subjective and favors appointees with particular professional networks or stereotypically masculine traits. For instance, Gill and Jensen (2018) find that men are assumed to be neutral in partisan terms and have experience in policymaking, while women must prove their qualifications, which works against women's appointment to the European Court of Justice. Thus, women may enter the legal profession in rising numbers, but because the courts remain gendered institutions, women face disproportionate barriers to appointment.

7 DIRECTIONS FOR FUTURE RESEARCH

Although the percentage of women on high courts has risen in recent decades, new data shows that countries still vary greatly in the degree to which women are represented on the highest courts. Previous research suggests that institutional arrangements play an important role in encouraging or discouraging the appointment of women. Scholars have argued that selection method, judicial commissions, the size of the court, and term length matter. Further, the broader context of gender equality may play an important role as expectations for women's presence may extend from national legislatures to the judiciary, and vice versa. In contrast, the supply of qualified women may be of less importance. Given the small size of many high courts, it is only necessary to have a few women in the positions that traditionally serve as springboards to appointment to the high courts. Arguments for the importance of more qualified women lead to the expectation that with gains in education and professional positions, women's appointment to high courts will automatically follow. Cross-national and cross-temporal empirical evidence shows that

women's appointment is not automatic, nor does it necessarily follow patterns of women's gains in other arenas. In some places, the slow pace of change has led to debates over the adoption of gender quotas for the judiciary, as in the United Kingdom.

Institutional explanations can offer leverage in explaining cross-national variation, but they say less about the timing of women's appointments. Instead, the motivations of those with the power to appoint judges to high courts deserve greater attention. Future research must explore in a systematic fashion when and why selectors are motivated to appoint women. Depending upon who appoints, motivations may stem from outside pressures and may interact with domestic institutions in complex ways. For example, democratically elected executives might be more likely to appoint women when there is growing consensus to follow norms of gender equality. A nonelected official may feel less pressure to do so and might choose to focus on other agendas. It is important that research on this topic continues and takes advantage of increasing attention to this issue.

Future research on diversity on high courts must also take seriously the intersections of gender, race, ethnicity, class, disability, and sexuality. Women are not a monolithic group, and differences among women may affect their appointment to courts and the diverse perspectives they bring to bear on the judicial process (e.g. Masengu 2016; Navarro 2010). Men have multiple identities as well. In the US and many other countries, white men from the upper class enjoy intersecting privileges, and scholars ought to consider the attitudes and behavior of such gatekeepers through an intersectional lens (e.g. McMahon 2017).

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REFERENCES

- Abraham H.A., *Justices, Presidents, and Senators: A History of the U.S. Supreme Court* (Rowan and Littlefield 2008).
- Alozie N.O., "Distribution of Women and Minority Judges: The Effects of Judicial Selection Methods" (1990) 71(2) *Social Science Quarterly* 315.
- Alozie N.O., "Selection Methods and the Recruitment of Women to State Courts of Last Resort" (1996) 77(1) *Social Science Quarterly* 110.
- Andrews P., "The South African Judicial Appointments Process" (2006) 44(3) *Osgoode Hall Law Journal* 565.
- Arrington N., "Gender and Judicial Replacement: The Case of U.S. State Supreme Courts" (2018) 6(1) *Journal of Law and Courts* forthcoming.
- Arrington N., Bass L., Glynn A., Staton J., et al, "Gender Diversity on High Courts" (2017) V-Dem Working Paper 54.
- Baldez L., "Primaries vs. Quotas: Gender and Candidate Nominations in Mexico, 2003" (2007) 49(3) *Latin American Politics and Society* 69.
- Barnes L. and Malleson K., "The Legal Profession as Gatekeeper to the Judiciary: Design Faults in Measures to Enhance Diversity" (2011) 2 *The Modern Law Review* 245.
- Bauer G. and Dawuni J. (eds), *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge 2016).
- Bauer G. and Ellet R., "Botswana: Delayed Indigenization and Feminization of the Judiciary" in *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge 2016).
- Bonthuys E., "Gender and Race in South African Judicial Appointments" (2015) 23 *Feminist Legal Studies* 127.

- Bratton K. and Spill R., "Existing Diversity and Judicial Selection: The Role of the Appointment Method in Establishing Gender Diversity in State Supreme Courts" (2002) 30 *Social Science Quarterly* 115.
- Brenner H. and Knake R.N., "Rethinking Gender Equality in the Legal Profession's Pipeline to Power: A Study on the Media Coverage of Supreme Court Nominees (Phase I the Introduction Week)" (2011) 84 *Temple Law Review* 325.
- Bullock C.S., MacManus S.A., Owen K.P., Penberthy C.C., et al, "'Your Honor' Is a Female: A Multistage Electoral Analysis of Women's Successes at Securing State Trial Court Judgeships" (2014) 95(5) *Social Science Quarterly* 1322.
- Caul M., "Political Parties and the Adoption of Candidate Gender Quotas: A Cross-National Analysis" (2001) 4 *Journal of Politics* 1214.
- Cook B., "Women Judges: A Preface to Their History" (1984) 14(3) *Golden Gate University Law Review* 573.
- Cowan R., "Women's Representation on the Courts in the Republic of South Africa" (2006) *University of Maryland Law Journal on Race, Religion, Gender, and Class* 6: 291-317.
- Dahlerup D. (ed), *Women Quotas and Politics* (Routledge 2006).
- Dahlerup D., "Gender Quotas: Controversial but Trendy" (2008) *International Feminist Journal of Politics* 322.
- Dawuni J. and Kang A., "Her Ladyship Chief Justice: The Rise of Female Leaders in the Judiciary in Africa" (2015) 62(2) *Africa Today* 45.
- Diascro J.S. and Solberg R.S., "George W. Bush's Legacy on the Federal Bench: Policy in the Face of Diversity" (2008-9) 92(6) *Judicature* 289.
- Driscoll A. and Nelson M.J., "Judicial Selection and the Democratization of Justice: Lessons from the Bolivian Judicial Elections" (2015) 3(1) *Journal of Law & Courts* 115.
- Escobar-Lemmon M.C. and Taylor-Robinson M.M., "Women Ministers in Latin American Government: When, Where, and Why?" (2005) 49(4) *American Journal of Political Science* 829.
- Escobar-Lemmon M.C., Hoekstra V., Kang A., and Kittilson M.C., "Just the Facts? Media Coverage of Female and Male High Court Appointees in Five Democracies" (2016) 12(2) *Politics & Gender* 254.
- Frederick B. and Streb M.J., "Women Running for Judge: The Impact of Sex on Candidate Success in State Intermediate Appellate Court Elections" (2008) 89(4) *Social Science Quarterly* 937.
- Gill R.D. and Jensen C., "Where Are the Women? Legal Traditions and Descriptive Representation on the European Court of Justice" (2018) *Politics, Groups, and Identities*, DOI: 10.1080/21565503.2018.1442726.
- Grossman N., "Shattering the Glass Ceiling in International Adjudication" (2016) 56(2) *Virginia Journal of International Law* 339.
- Hoekstra V., "Increasing the Gender Diversity of High Courts: A Comparative View" (2010) 6 *Politics & Gender* 474.
- Hoekstra V., Kittilson M.C. and Bond E., "Gender, High Courts, and Ideas about Representation in Western Europe" in Escobar-Lemmon and Taylor-Robinson (eds) *Representation: The Case of Women* (Oxford University Press 2014).
- Hurwitz M.S. and Lanier D.N., "Explaining Judicial Diversity: The Differential Ability of Women and Minorities to Attain Seats on State Supreme and Appellate Courts" (2003) 3 *State Politics and Policy Quarterly* 329.
- Hurwitz M.S. and Lanier D.N., "Diversity in State and Federal Appellate Courts: Change and Continuity across 20 Years" (2008) 29(1) *Justice System Journal* 47.
- Kamau W., "Women Judges and Magistrates in Kenya: Challenges, Opportunities, and Contributions" in Schultz U. and Shaw G. (eds), *Gender and Judging* (Hart Publishing 2013).
- Kenney S., *Gender and Justice: Why Women in the Judiciary Really Matter* (Routledge 2012).
- Klibi S., "Tunisia: A New Constitution and More Women Judges" in Bauer G. and Dawuni J. (eds), *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge 2016).
- Malleson K., *The New Judiciary* (Ashgate Publishing 1999).
- Malleson K., "Prospects for Parity: The Position of Women in the Judiciary in England and Wales" in Shaw G. and Schultz U. (eds), *Women in the World's Legal Professions* (Hart Publishing 2003).
- Malleson K., "The New Judicial Appointments Commission in England and Wales" in Malleson K. and Russell P.H. (eds), *Appointing Judges in an Age of Judicial Power: Critical Perspectives from Around the World* (University of Toronto Press 2007).
- Malleson K., "Diversity in the Judiciary: The Case for Positive Action" (2009) 3 *Journal of Law and Society* 376-402.
- Malleson K., "The Case for Gender Quotas for Appointments to the Supreme Court" UK Supreme Court Blog (May 23, 2014) <http://uksblog.com/case-gender-quotas-appointments-supreme-court/> (Accessed August 3, 2018).
- Malleson K. and Russell P. (eds), *Appointing Judges in an Age of Judicial Power: Critical Perspectives from around the World* (University of Toronto Press 2006).
- Martin E., "Gender and Judicial Selection" (1987) 71 *Judicature* 136.

- Masengu T., "It's a Man's World: Barriers to Gender Transformation in the South African Judiciary: Perspectives from Women Advocates and Attorneys" (2016) 23 *International Journal of the Legal Profession* 305.
- McMahon A.M., "Unchained Succubus: A Queer New Institutional Analysis of U.S. Supreme Court Nomination Hearings" (2017) 13(4) *Politics & Gender* 683.
- Michelson E., "Women in the Legal Profession, 1970–2010: A Study of the Global Supply of Lawyers" (2013) 20(2) *Indiana Journal of Global Legal Studies* 1071.
- Navarro S., "Shaking Hands and Kissing Babies: The Intersectionality of Ethnicity, Class, and Gender, and Latina Women's Decisions to Run for Judicial Office" (2010) 2 *Aztlan: A Journal of Chicano Studies* 65.
- Palmer B., "To Do Justly: The Integration of Women into the American Judiciary" (2001) 34(2) *PS: Political Science and Politics* 235.
- Putnam R.D., *The Comparative Study of Political Elites* (Prentice Hall 1976).
- Rackley E., *Women, Judging, and the Judiciary: From Difference to Diversity* (Routledge 2013).
- Reid T.V., "Women Candidates and Judicial Elections: Telling an Untold Story" (2010) 6(3) *Politics & Gender* 465.
- Remiche A., "When Judging Is Power: A Gender Perspective on the French and American Judiciaries" (2015) 3(1) *Journal of Law and Courts* 95.
- Scherer N., "Diversifying the Federal Bench: Is Universal Legitimacy for the U.S. Justice System Possible" (2011) 105(2) *Northwestern University Law Review* 587.
- Schultz U. and Shaw G. (eds), *Women in the Judiciary* (Routledge 2003a).
- Schultz U. and Shaw G. (eds), *Women in World's Legal Professions* (Hart Publishing 2003b).
- Schwindt-Bayer L.A., "Making Quotas Work: The Effect of Gender Quota Laws on the Election of Women" (2009) 34(1) *Legislative Studies Quarterly* 5.
- Segal J.A., "Representative Decision Making on the Federal Bench: Clinton's District Court of Appeals" (2000) 53(1) *Political Research Quarterly* 136.
- Sen M., "How Minority Judicial Candidates Have Changed, but the ABA Ratings Gap Has Not" (2014) 98(1) *Judicature* 46.
- Sen M., "Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, over Time" (2017) 2 *Wisconsin Law Review* 367.
- Slotnick E., Goldman S., and Schiavoni S., "Writing the Book of Judges, Part 1: Obama's Judicial Appointments Record after Six Years" (2015) 3(2) *Journal of Law and Courts* 331.
- Sonneveld N. and Lindbeck M. (eds), *Women Judges in the Muslim World: A Comparative Study of Discourse and Practice* (Brill 2017).
- Spill R. and Bratton K.A., "Clinton and the Diversification of the Federal Judiciary" (2001) 84(5) *Judicature* 256.
- Thames F.C. and Williams M.S., *Contagious Representation: Women's Political Representation in Democracies around the World* (NYU Press 2013).
- Tripp A.M. and Kang A.J., "The Global Impact of Quotas: On the Fast Track to Increased Female Legislative Representation" (2008) 41(3) *Comparative Political Studies* 338.
- Valdini M. and Shortell C., "Women's Representation in the Highest Court: A Comparative Analysis of the Appointment of Female Justices" (2016) 69(4) *Political Research Quarterly* 865.
- Williams M.S., "Women's Representation on State Trial and Appellate Courts" (2007) 88(5) *Social Sciences Quarterly* 1192.
- Williams M.S. and Thames F.C., "Women's Representation on High Courts in Advanced Industrialized Countries" (2008) 4(3) *Politics & Gender* 451.