AN EXAMINATION OF HOW GENDER STEREOTYPES AFFECT VOTERS’
PERCEPTIONS OF STATE SUPREME COURT CANDIDATES

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This study examines how gender stereotypes affect voters’ perceptions of judicial candidates for state Supreme Courts. Included are an overview of state court structure, the history and methods of judicial selection, and a discussion of court composition within the context of gender.

This study’s objective is to contribute to literature that fails to address how voters’ use of stereotypes and perceptions of the judiciary combine to affect female judicial candidates. A survey is employed to identify ideal qualities of judicial candidates and perceptions of female and male candidates.

The results illustrate that voters grant ideal judicial candidates with masculine characteristics, partisan stereotypes tend to take priority over gender stereotypes when evaluating candidates, and women and Democrats support court composition diversity more than other groups. The data does not support the conclusion that voters regard the genders as more competent in stereotypically gendered policy areas.

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Introduction
The main purpose of this study is to determine “How do gender stereotypes affect voters’ perceptions of judicial candidates for state Supreme Courts?” The study will examine how gender stereotypes have affected women’s bids for political office in the past, as well as how they affect voters’ current perceptions of judicial candidates. Stereotypes are an aspect of women’s political participation that continue to be relevant, despite increasing numbers of women candidates and officeholders. Literature on stereotypes is abundant, yet often only races for Senator or Governor are studied; very rarely are judicial candidates examined. Similarly, copious research has been generated on the judiciary, yet rarely on its female members. Therefore, a large gap in the literature exists on the implications of gender stereotypes for female judicial candidates.

This study is significant because the majority of state Supreme Court members are male, and the office continues to be associated with masculine qualities. Judicial campaigns are typically low-information races with few voting cues- and as a result, voters may rely more heavily on preconceived notions of the capabilities and qualities of men and women in order to distinguish between candidates. These traditional gender stereotypes typically tend to make women seem unsuitable for the office of the judiciary. However, gender stereotypes may not always work to the detriment of female candidates. Prospective female judicial candidates who are aware of the perceptions of the office of the judiciary, as well as the implications of gender stereotypes for female candidates, can use these perceptions to their advantage.

Although gender stereotypes have been studied at length, as have members of the judiciary, the two topics have rarely been combined. Studies that do join the two topics
have focused on how gender stereotypes might affect women’s chances of becoming a judge, yet have not studied this from the viewpoint of the voter. This study will explore the nature of gender stereotypes, the judiciary with a focus on state Supreme Courts, and how voters perceive candidates for this office.

The history of the state-level judiciary will be examined from many facets. First, women’s involvement in the judiciary will be summarized from an historical perspective, focusing on how they have been barred from the legal field in the past, and why women’s current numbers continue to remain lower than men’s. I contend that gender stereotypes, both in the past and present, have combined with other factors to create barriers to women’s participation in the judiciary.

Also discussed are the characteristics and qualifications of judges today. Although formal requirements for the office are few in number, informal traits shared by most judges have little to do with education or achievement and have created a mostly homogenous judiciary. The characteristics of those elected or nominated to a judicial position tend to be attained through political networks, or based on personal wealth. Women have only recently begun to integrate judicial politics enough to make political networks, and those in the legal field continue to earn less than their male counterparts, which could be a disadvantage when raising campaign funds. For these reasons and others, women as a group are still trying to gain the informal qualifications necessary for political office.

Before discussing state Supreme Courts, the focus of this paper, a background on the organization of the state court system as well as methods of selection for judges will
be provided. Judicial selection has a long history of reform, with states adopting new methods of selection in order to eliminate the influence of politics and ensure judicial independence. Political bias has been identified as a negative result of campaigns, with only a few scholars recognizing that bias is unavoidable as a result of human nature.¹ Scholars and those in the legal field continue to debate the most beneficial form of judicial selection. Gender has entered this discussion, as some claim that one method or another would be most beneficial to creating a diverse judiciary, yet gender is far from being the most important factor in choosing a selection method.

In order to explore whether a particular selection method seems to produce more female Supreme Court justices, this study provides a comparative analysis of state courts. The analysis focuses on the three most widely used methods- nonpartisan election, partisan election, and merit selection- from a random sample of states. The results of this analysis detail the historical presence of women on each court, as well as the number of current women members, and whether a specific method appears more advantageous to ensure diversity of court composition.

Throughout this paper, Ohio is provided as a case study and tangible example of the issues examined. A discussion of the structure of Ohio’s court system, method of judicial selection, and past and present female judges helps to illustrate the issues. The state was chosen as an example due to its many unique qualities. Ohio was the first state to have a female Supreme Court justice (who later became the first female federal court justice), and it also has a distinctive method of judicial selection. The state is the only

one with a partisan primary and a nonpartisan general election. Ohio is then an interesting case study that can be viewed as a comparison to other states with either partisan or nonpartisan election systems, as well as merit selection.

This study utilizes a survey of university students to study voters’ perceptions of state Supreme Court justices. The survey will explore respondents’ reactions to a fictionalized judicial candidate, and will then ask their opinions on the candidate, as well as general demographic information. The conditions of the survey will enable the results to be analyzed along gender and party lines to determine the extent, if any, of gender stereotypes about judicial candidates.

Judicial Literature

The judiciary has been studied extensively. Some of the earliest research attempted to explain judicial behavior, or the decisions judges make when deciding and sentencing cases. The first scientific studies began in the early 20th century, and focused on trial courts (Everson 1919; Gaudet 1938). This research was continued with scholarly studies that focused on the court as a whole (Pritchett 1948). Scholars that did focus on individuals usually chose those in the federal Supreme Court, which served to lessen the generalizability of the studies. ²

Judicial selection methods, always a source of controversy, have also been a source of many studies. Attempts have been made to determine which method is most

successful in producing independent, unbiased judges (Nagel 1973), while others singled out one method for analysis (Watson 1969). Much of the more recent research on judicial elections has continued to focus on the turmoil over selection methods, rather than on factors such as how men and women may be affected differently by these methods (Berkson 1980). Another area of focus includes voting cues available in the methods of selection (Dubois 1984). The role of voter perceptions are not taken into account in these studies.

Studies on state Supreme Courts became more frequent in the late 1970’s, as Dubois explained that “until recently, the study of judicial elections has interested but a few political scientists.” Dubois studied aspects such as voter turnout and voter cues (Dubois 1979a, 1979b). Research on state Supreme Courts has also examined elections in specific states, including Ohio (Baum 1987), and the influence of party politics (Stumpf & Culver 1992).

The women’s movement in the 1970’s increased interest in women’s role in politics, and scholars began to devote more time to the study of women and gender. Early scholars had few female members of the judiciary on which to focus their studies, however. Instead, research examined the barriers that women faced when entering the traditionally male office (Tolchin 1977). Only a few scholars specifically studied the effects of gender stereotypes on women’s chances of gaining office, although a study by Hedlund et al. is particularly relevant to this study in that it questions whether specific offices are perceived as being more appropriate for women than others, and uses survey

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data about female judicial candidates to attempt to answer this question (Hedlund et al. 1979).

The amount of research on women in the judiciary continued to increase in the 1980’s. Judicial behavior research continued, except that now scholars were questioning the impact of female judges on policy (Cook 1981). Current behavioral studies are more nuanced and question the effects of influences such as gender or feminist attitudes of the judges. These studies attempt to ascertain whether women make different choices than men based solely on gender (Martin 1990). Others go one step further in questioning whether women make these different decisions in certain types of cases (Sampson et al. 1990; Spohn 1990; Steffensmeir & Hebert 1999). The basis for all of these studies is the behavior of female justices while in office, rather than while campaigning.

Women as judges and lawyers in general were also scrutinized in the 1980’s, as for the first time women began to enter the legal field in significant numbers, though the focus continued to remain on federal judges (Martin 1982). Gender also began to be viewed as an issue in the judiciary, with scholarly works that illustrate the need to bring to light gender bias in the judiciary as a whole (Schafran 1985).

Current research examines women’s role in the judiciary from many angles, including an historical perspective (Palmer 2001), the effects of gender bias (Sterling 1993; Martin et al. 2002), and the influence of feminism on judges’ decisions (Solimine & Wheatley 1995). Scholars continue to track the progress of women in the judiciary (Schafran & Wikler 1994), and to question the barriers that continue to restrict women’s increased involvement in state Supreme Courts (Martin 1997).
Gender Stereotypes Literature

Gender stereotypes have been studied since the women’s movement of the 1970’s brought women’s issues into the public conscious, and women began to enter politics in significant numbers for the first time. Previously, political research did not distinguish between male and female voters; it was not until the discovery of the gender gap in 1980 that women were recognized to have different voting behavior. However, the identification of stereotypical traits of male and female politicians has been established since the early research on women in politics. Some of these stereotypes change over time, while others seem to have become a more permanent fixture in the public consciousness. They concern beliefs about women’s interests, abilities, and proper roles, and can become so influential in the minds of voters that they overrule evidence to the contrary.

Literature useful for this project identifies stereotypical traits associated with the genders, and the effects they have on women’s involvement in politics. Women’s candidacies, voters’ perceptions, and media are aspects of women’s political involvement influenced by gender stereotypes that interact with one another to create a candidate’s campaign strategy.

Women’s Candidacies

Voters’ perceptions of female candidates often incorporate gender stereotypes and influence campaigns in many aspects (Huddy & Terkildson 1993). As mentioned

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previously, the campaigns that scholars have studied are rarely judicial—women’s statewide campaigns or those for Congress are those typically studied. Strategies that women employ in these campaigns in order to use stereotypes to their advantage have been explored through the perspective of campaign managers (Kahn & Gordon 1997; Fox 1997) and through the study of political ads (Iyengar et al. 1997).

Similar studies provide a counterpoint; rather than discussing stereotypes from the perspective of the candidate, they study voters’ “gendered perceptions” in order to determine who votes for women and why (Dolan 2004). Others discuss not only gender stereotypes, but also the other barriers that women face when deciding to become candidates (Carroll 1994), and additionally go on to offer suggestions for changing the political structure (Darcy et al. 1994). Editors have also combined all aspects of gender stereotypes and women’s campaigns, including barriers to running, strategies while campaigning, and media use (Witt et al. 1994; Norris 1997).

Media and Stereotypes

An essential aspect of any political campaign is the candidate’s use of media. Studies have found that coverage of female and male candidates differs in many ways—from the coverage of them on the news, to the media that the campaign generates on its own. Research in this area has especially developed in recent years, as media have become increasingly important to the success of candidates.

Studies have shown that stereotypical beliefs can affect coverage that the news media give to male and female candidates, though these studies have mainly covered
Senate and Gubernatorial candidates (Kahn 1993, 1994). The proposition discussed in some studies is that women have to work harder than men in order to establish themselves as credible candidates (Carroll 1994). Others examine the coverage generated by the candidate, especially negative advertising, and how potential voters may react to these messages (Gordon et al. 2003). The interaction of these aspects of a political campaign within the context of gender stereotypes has also been shown (Kahn 1996). Many scholars examine women as candidates overall, and include many aspects of their participation. These studies often include a focus on campaign media, as media such as negative advertising have become central to contemporary political campaigns (Thomas & Wilcox 1998; Steuernagel et al. 1997).

Few studies exist that concentrate on the effects of gender stereotypes in judicial campaigns. Hedlund et al.’s 1979 study comes the closest to approximating this project. Other scholars do examine voting cues in low information elections (which judicial elections typically are), yet do not concentrate or explore gender stereotypes (Dubois 1979; McDermott 1998). It is into this gap that this project fits. Scholars have made it clear that voters rely on information besides a candidate’s qualifications when voting for judicial candidates, and gender stereotypes play a large part in evaluations of political candidates, yet these issues have not been combined.

A more egalitarian judiciary in terms of gender is important for the simple reason that gender continues to make a difference in U.S. society, including in politics. Increasing numbers of women in political office have been shown to affect the political efficacy of women voters, and some research concludes that women politicians tend to
have different agendas than their male counterparts. These results, in the limited number
of studies available, have been found to be true for the judiciary as well. Patricia Yancey
Martin et al. illustrate the importance of increasing the number of women in the judiciary
when they state- “We contend that a judiciary made up solely of men differs from one
made up of more equal proportions of women and men because men and women have
different standpoints, and standpoints have consequences.”5 These issues will be
discussed further in Chapter 2.

This project will contribute to both gender and judicial research. Current research
has failed to study how gender stereotypes affect voter’s perceptions of judicial
candidates. The office of the judiciary differs from other political offices in the
expectations of the justices, as well in assessments of what qualities judicial candidates
should possess. Further examination of this area will enable female candidates to
structure their campaigns in a way that will help ensure success, thus creating state court
compositions that are more balanced in terms of gender, and therefore more
representative of the general population.

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5 Patricia Yancey Martin, John R Reynolds, Shelley Keith, “Gender Bias and Feminist
Chapter 1

State Supreme Court Judges and Judicial Selection
Throughout history the legal profession in the United States has been, and continues to be, dominated by males - as judges, lawyers, jury, and as valid witnesses. Women were essentially barred from entering the legal field until after the gains of the suffrage movement in the early 20th century. The exclusion of women from the court system existed as a result of gender stereotyping. Beliefs about what women were or were not capable of based on their essential natures or mental abilities resulted in legal justice based primarily on a masculine viewpoint.

Indeed, the first sexual discrimination case heard by the U.S. Supreme Court, *Bradwell v. Illinois*, concerned the right of a married woman to practice law. In 1870, Bradwell, as a married woman legally unable to enter into binding contracts, was declared unable to become a lawyer. In the court’s decision, Justice Joseph Bradley reasoned, “The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life…”

There was some dissention in the ranks, however. The year before, neighboring state Iowa enabled Arabella Mansfield to become, in 1869, the first woman with a law license. The same year Myra Bradwell was denied her license, Esther Morris, working part time in a Wyoming mining camp, became the first female member of the judiciary as a justice of the peace. Also, Bradwell herself was eventually able to earn the license that she had fought for. By the early part of the next century there were a few other women beginning to enter the legal profession as well.

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7 Barbara Palmer, “To Do Justly: The Integration of Women into the American Judiciary,” *PS: Political Science and Politics*, 34, No. 2 (June 2001), 235.
Women began to flood into law schools in the 1970’s, both as a result of the second wave of the women’s movement and Title IX of the Educational Amendments Act, which forbade sex discrimination by educational institutions that receive federal financing. As a result of this act, schools could not deny women admittance based solely on gender- allowing them to enter previously all male domains such as law schools. Harvard law school, for example, did not accept female students until 1950, and even then at a grudgingly small rate. The “eligibility pool” theory takes these factors into account when explaining that it will take time to create a group of women lawyers who can ‘catch up’ and fully integrate the judiciary.\(^8\) Women have nearly achieved parity with men as students- yet they still lag behind them in positions with greater authority, such as state Supreme Court justices.

Although court decisions such as *Bradwell* may be considered relics today, gender discrimination may still be a factor in women’s integration into the legal profession, especially those who wish to become judges. One explanation is that gender stereotypes continue to pervade the way society regards women and their abilities. Traditional views on women in the legal profession affect voter decision-making, and can influence those who are in a position to appoint judges to state court positions. An analysis of the way state Supreme Court justices are chosen, how many are women, and whether and to what extent gender stereotypes continue to influence voters will illuminate the status of women judges today.

\(^8\)Palmer, 235-36.
Who Becomes a Judge?

Most states have very few formal requirements for candidates for the Supreme Court. Arguably, judges should have certain qualities - they should all be well qualified, knowledgeable about the law, and professional in their conduct. Sheldon Goldman identifies eight qualities that all judges should possess, including neutrality, integrity, and a “judicial temperament” that is well balanced.9 The American Bar Association also states that judges should have the qualities of “superior self-discipline, moral courage, and sound judgment.”10

Typically, one must be a licensed lawyer, often with a specific period of career experience. However, due to systematic discrimination, partisan influences, and some types of selection methods, those with the most experience or who are most qualified are not always those who sit on the bench. As Philip Dubois and Harry Stumpf emphasize, lawyers most often become judges as a result of their political connections or party involvement.11

Statistics show the judiciary to be a homogenous group with little diversity of background, race or gender. The majority of judges were in private practice as criminal prosecutors during their law career. Criminal prosecutors in particular are thought of as “tough” in the courtroom, a quality that seems “judgelike” - and often, unfeminine.

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Judges, especially those in upper level courts such as state Supreme Courts, are likely to have come from a wealthy, upper class family. Although the number of female state Supreme Court justices tripled between 1981 and 1991, and the number of African American judges tripled between 1970 and 1980, these groups are still minorities as compared to White males.\(^\text{12}\)

The low number of female lawyers and justices on courts of last resort in the United States is due in part to the small group of candidates. According to the American Bar Association, women represent only 29.1 percent of all lawyers, and 28.0 percent of justices on state Supreme Courts. Female lawyers’ salaries are also disproportionately low- their weekly earnings are 76 percent of male lawyers’ earnings, so they may be unable to afford costly campaigns in states with judicial elections.\(^\text{13}\) Women who do reach state courts of last resort are different from their male counterparts in several ways. They are younger, tend to have more state judicial experience yet less political activity, and unlike men, were not necessarily prosecutors during their law career.\(^\text{14}\)

Why should the judiciary be diverse, and representative of the general population in terms of gender? According to Lawrence Baum, “surveys of the general population show that opinions on policy issues differ between people of higher and lower economic status and between women and men...”\(^\text{15}\) This claim reinforces the idea that “gender

\(^\text{12}\) Ibid, 139-144.


\(^\text{14}\) Palmer, 238.

\(^\text{15}\) Baum, 145-46.
makes a difference” in terms of political agenda, which will be discussed further in the following chapter.

There is also evidence suggesting that justices of different backgrounds treat various groups of people differently in the courtroom. Goldman states that more diversity can create a “strengthened” judiciary that based on composition will reflect the “neutrality and fairness of the judicial process.”16 Other scholars conclude that “a more even mix of women and men may increase the legal institution’s “objectivity” by improving its ability to respond appropriately to petitioners with gender-related problems.”17 In order for legal interpretations and judgments to become balanced rather than reflective of the status quo, the judiciary must be more representative of the population. The method of selecting the judiciary as well as voters’ stereotypes may have an effect on its diversity.

To discuss judges at the state Supreme Court level, a closer look must be taken at how court systems are organized. Further, methods of selection for these judges have undergone many changes over time, leaving the states with a variety of methods to employ in order to select judges. Each system has a unique impact on gender, and may increase or decrease the utilization of gender stereotypes. As well as providing an overview of the U.S., I will focus on Ohio’s court system, selection history, and court composition.

16 Goldman, 119.

The United States has a court system based on federalism, consisting of separate federal and state courts. State courts have a hierarchal system, with trial courts on the lower tier and appellate courts on the upper. Every state has an appellate court of last resort, usually called the Supreme Court, and 38 states have intermediate appellate courts. Texas and Oklahoma are notable exceptions, each having two Supreme Courts: one each for criminal and civil cases.

Intermediate appellate courts are designed to reduce the workload and increase the efficiency of Supreme Courts by hearing appeals from lower courts. Although only a small number of cases are appealed—around five percent—courts of last resort still have an enormous workload. Supreme Courts also have original jurisdiction over certain types of issues, and can elect to bypass the intermediate courts to hear a case of its choosing. Supreme Courts are courts of last resort for citizens of each state, with the only remaining option being the United States Supreme Court.\(^\text{18}\) The method of selecting judges to sit on these courts varies by state, and the majority of states have employed various methods throughout history.

**History of Judicial Selection Methods in U. S.**

Currently, there are five methods of judicial selection used by the states: gubernatorial appointment, legislative selection, nonpartisan popular election, partisan popular election, and merit plan selection. The methods used by various states have been influenced by English court systems, shaped by popular reform movements, and

\(^{18}\) Bowman and Kearney, 247-48.
manipulated by interest groups intent on instilling a system beneficial to the group’s agenda. However, none of the various methods was developed with gender in mind. As a result, it is essential to understand the various methods of selection, and to determine the benefits and deficiencies of each in regard to gender and gender stereotyping.

In colonial times, memories of the king’s arbitrary control of the judiciary in England influenced colonists to create legislative control over judges. The legislature would select judges and grant them life terms to help insure their independence. This system continued until nearly the mid- nineteenth century, when a push for popular sovereignty labeled Jacksonian Democracy began. Andrew Jackson was elected in 1829, at a time when the upper class maintained power through wealth and monopoly control, essentially stifling the voices of lower classes. However, this control was partially eroded through changes in government.\textsuperscript{19} During this era, only men were practicing lawyers, and therefore women were barred from the judiciary.

According to Harry P. Stumpf, the desire for popular sovereignty was greater in the last half of the nineteenth century than at any time previously.\textsuperscript{20} Mississippi became the first state to adopt popular elections in 1832, setting an example for the rest of the states wherein popular elections became the dominant method of selecting judges, rather than appointive systems.\textsuperscript{21} Partisan election by the (male) people was a main tenet of the new movement, so much so that “Jacksonian Democracy held that if it was a good idea to

\begin{flushleft}
\textsuperscript{19} Harry P. Stumpf, \textit{American Judicial Politics}, 2\textsuperscript{nd} ed. (Upper Saddle River, New Jersey: Prentice Hall, 1998), 134. \\
\textsuperscript{20} Ibid. \\
\textsuperscript{21} Bowman and Kearney, 252.
\end{flushleft}
elect some officials to government office, it was a good idea to elect all of them, including judges.”

Elections are still the most common method of judicial selection.

By the end of the century, however, the partisan election system proved not to grant as much power to the people as they had anticipated. Party control over elections had become tyrannical, with male party bosses choosing male candidates and creating their own ballots. Judgeships were important to political parties for several reasons. Once in office, judges were in a position to bestow favors and patronage upon those who had helped elect them, and could influence rulings in order to benefit the party. Also, partisan judges provided ‘respectability’ and validity to the image of the party.

It is important to remember that at this time a majority was not necessarily in favor of female suffrage, which created larger barriers for women who wished to enter the judiciary. Support grew for nonpartisan elections from the 1880’s on, although judges first ran on a nonpartisan ballot in Cook County, Illinois in 1873.

However, nonpartisan elections often proved to have the same influences as their partisan counterparts. Political parties, as well as state bar associations, maintained a heavy hand in the selection of candidates. The two groups were adversaries, as bar associations opposed political control over judicial candidates. As a result, the American

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23 Stumpf, 135.

24 Baum, 102.

25 Stumpf, 130.

Judicature Society formed in 1913, mainly in order to develop a new method of judicial selection without the taint of politics attached. One of the founders, Albert Kales, developed a plan that after some modification would be known as the Missouri Plan or Merit Plan.  

Other politicians and legal scholars had been calling for reform as well. Member of the bar Roscoe Pound declared in 1906 that political influence on judges “had almost destroyed the traditional respect for the bench”, and William Howard Taft found judicial campaigns “disgraceful”. These voices for reform culminated in California adopting a version of the merit plan in 1934, with Missouri following in its footsteps six years later. This plan spread slowly to other states, and since that time “every state which has changed its method of judicial selection has adopted some version of the Missouri Plan.”

Structure of Ohio’s Court System

Ohio’s court system is relatively simple, with five types of courts on the lower tier, a system of intermediate appellate courts, and a supreme court. Mayors’ courts, Municipal courts, and County courts all hear misdemeanor offenses, while a Court of Claims hears suits against the state. Above these are 88 Courts of Common Pleas, further

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27 Stumpf, 136-38.

28 Berkson, 176-93.

29 Stumpf, 139.
separated into four divisions. The upper tier of courts consists of 12 intermediate Courts of Appeals and the Supreme Court.\textsuperscript{30}

Ohio’s courts each require numerous judges in order to avoid case backlog and delays, resulting in over 700 judges presiding over the state’s courts.\textsuperscript{31} Although each state has a varying number of judges, it is obvious that there are thousands of state-employed judges determining policy across the United States. The great majority of these judges are male, and it will be many years before women could theoretically achieve parity.

History of Judicial Selection in Ohio

Ohio entered the Union and adopted a Constitution in 1802. At that time, the Supreme Court had three judges who traveled around the state to conduct court sessions in informal locations. The governing body of Ohio, the General Assembly, selected these judges until 1851, when an amendment granted male citizens of the state the right to elect their judges.\textsuperscript{32} Establishment of this method of selection was of course influenced by Jacksonian Democracy, and occurred as other states were also adopting elections for judicial candidates.

\begin{footnotesize}
\footnote{\textsuperscript{31} Ibid.}
\footnote{\textsuperscript{32} Thomas Suddes, “Knowledge Gaps in Metropolitan Ohio: Ohio Supreme Court Contests, Newspaper Editorial pages, and the Cue-less Reader, 1938-98” (M.S. thesis, Ohio University, 2002), 4.}
\end{footnotesize}
Figure 1. Structure of the Ohio Judicial System

Source: <www.sconet.state.oh.us/introduction/structure>.
A non-partisan study of the Ohio Constitution discussed the sentiments surrounding the change:

By 1850, many Ohioans had concluded that courts staffed by the legislature had become “undemocratic,” because party service had become an indispensable qualification for a judgeship. So the [1851] Constitution provided for the nomination of judges by party convention and election on a partisan ballot. This, presumably, at least gave the voters a choice of candidates.\(^\text{33}\)

As in other states with partisan elections, party control over judicial elections became tyrannical. Ohio attempted to counteract this control in 1911 when the General Assembly passed the Nonpartisan Judiciary Act instituting non-partisan elections. The Act required that judicial candidates be placed on their own ballot without party identification, so that citizens could not vote along party lines.

Likewise, at the 1912 Constitutional Convention, amendments were created that ‘required all candidates, not just candidates for judgeships, to be nominated at primary elections or by nominating petitions’, rather than being handpicked by party ‘bosses’ as in the past. Reformers had high hopes for these changes, as according to J. W. Tannehill, a Democratic newspaper editor who attended the Constitutional Convention claimed, “The chief cause of the frequent failure of representative government [in Ohio] lies in the

corrupt, boss-controlled, drunken, debauched and often hysterical nominating
convention[s].”  

Ohio continues to have a judicial selection method based on a partisan primary
and a non-partisan ballot in the general election. Ohio is the only state to have this
system since 1974, when Arizona adopted the merit plan to select its judges. Although
there have been attempts by reformers to adopt a merit plan system, these attempts have
failed. In 1938 a ballot initiative to allow the governor to appoint judges was not
approved by voters- less than one- third supported the measure. A similar plan likewise
failed to meet approval in 1987, with about the same amount of citizens voting for the
measure. Nevertheless, reformers and interest groups in Ohio still push for a merit plan
method of judicial selection.

Ohio’s Judges

Ohio’s Supreme Court consists of six justices and a chief justice. These judges
serve six- year terms and have a mandatory retirement age of 70. Ohio, like most other
states, has few requirements for becoming a judge- candidates must simply be an attorney
with a minimum of six years’ experience.

Although the structure of Ohio’s court system is similar to those in other states,
Ohio stands out when discussing gender. Almost all of the judges selected for the Ohio

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34 Suddes, 23-5
36 Ibid, 4-5.
Supreme Court have been males-as of 2005, there have been 150 justices, and only seven have been women. 37 In the early history of the state, women were unable to vote or practice law and so were not selected by the legislature for judicial seats. However, the suffrage movement enabled Florence E. Allen to become the first female state Supreme Court justice, not only in Ohio but also in the entire United States. Allen served from January 1923 through April 1934. Allen then went on to become the first female appointed to a federal court seat. 38

The Ohio Supreme Court continued to have male only justices until after the effects of the feminist movement in the 1970’s began to become tangible. The next woman did not win office until Blanche Krupansky in 1981, who served only until 1983. Deborah L. Cook followed, serving from 1993 until 2003. Currently four women sit on the Ohio court, constituting the state’s first ever female majority. These justices are Alice Robie Resnick, elected 1988, Evelyn Lundberg Stratton, elected 1996, Maureen O’Connor, elected 2002, and Judith Ann Lanzinger, elected 2004. 39

The number of female Supreme Court justices is increasing, though women have not achieved parity in the judiciary and legal profession overall. Is Ohio’s recent gender court diversification a commonality among states with nonpartisan elections, or is Ohio merely once again a leader in this arena? Further analysis of selection methods for state Supreme Courts, with a focus on the most common methods, will follow.


38 Palmer, 235.

39 “The Supreme Court of Ohio.”
Table 1. Regulations and Selection Method for Ohio’s Judges

<table>
<thead>
<tr>
<th></th>
<th>Supreme Court</th>
<th>Court of Appeals</th>
<th>Court of Common Pleas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of judgeships</td>
<td>7</td>
<td>68</td>
<td>376</td>
</tr>
<tr>
<td>Number of districts</td>
<td>---</td>
<td>12</td>
<td>88</td>
</tr>
<tr>
<td>Geographic basis for selection</td>
<td>statewide</td>
<td>appellate district</td>
<td>county</td>
</tr>
<tr>
<td>Method of selection (full term)</td>
<td>nonpartisan election</td>
<td>nonpartisan election</td>
<td>nonpartisan election</td>
</tr>
<tr>
<td>Length of term</td>
<td>6 yrs</td>
<td>6 yrs</td>
<td>6 yrs</td>
</tr>
<tr>
<td>Method of retention</td>
<td>reelection</td>
<td>reelection</td>
<td>reelection</td>
</tr>
<tr>
<td>Length of subsequent terms</td>
<td>6 yrs</td>
<td>6 yrs</td>
<td>6 yrs</td>
</tr>
<tr>
<td>Method of filling interim vacancies</td>
<td>gubernatorial appointment</td>
<td>gubernatorial appointment</td>
<td>gubernatorial appointment</td>
</tr>
<tr>
<td>When interim judges stand for election</td>
<td>at the first general election held more than 40 days after the vacancy occurs; hold office for remainder of unexpired term</td>
<td>at the first general election held more than 40 days after the vacancy occurs; hold office for remainder of unexpired term</td>
<td>at the first general election held more than 40 days after the vacancy occurs; hold office for remainder of unexpired term</td>
</tr>
<tr>
<td>Selection of chief judge/justice</td>
<td>popular election</td>
<td>peer vote</td>
<td>peer vote</td>
</tr>
<tr>
<td>Term of office for chief judge/justice</td>
<td>6 yrs</td>
<td>1 yr</td>
<td>1 yr</td>
</tr>
<tr>
<td>Qualifications</td>
<td>6 yrs practice of law; maximum age of 70</td>
<td>6 yrs practice of law; resident of district; max age of 70</td>
<td>6 yrs practice of law; resident of county; max age of 70</td>
</tr>
</tbody>
</table>

Source: www.ajs.org/js/OH_methods.htm
Analysis of Judicial Selection Methods

The five methods of judicial selection are all in evidence in some part of the country today, though some are much more popular than others. Methods vary by state, and some states even use more than one method. I will be focusing on Supreme Court selection, and questioning many aspects of the selection process. What role does politics continue to play? Where are each of the methods in use, and to what extent? What do opponents and proponents of each method claim are the benefits and detriments to each system? The answers to these questions help explain why a state would choose a certain method, and why a reform group would be in favor of a specific system.

As reform movements of the past have illustrated, the main motivator for a state to change its selection method was partisan influence of the judiciary. The judiciary has long been held to be an impartial branch that should refuse to allow political leanings to interfere with rulings or legal interpretations. However, some scholars claim that judges will inevitably be influenced by politics. As Stumpf explains:

It is contradictory to attempt to remove politics from the process of selecting political decision makers. The considerations that dominate the process are precisely those that dominate the judicial decision process. Hence, as long as judges decide cases in part on the basis of socioeconomic and political values- their own and those they share with their fellow citizens- those who choose judges will understandably insist that like value considerations weigh heavily in the selection process.  

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40 Stumpf, 143.
Likewise, Philip L. Dubois contends that “Empirical research has confirmed the importance of party in judicial decision making. Judges are clearly distinguishable along party lines in their decision propensities.”\textsuperscript{41} As these scholars claim, politics and political power continue to be evident in reformers’ reasons for choosing a certain method of judicial selection.

Legislative appointment is the least frequently used method of selection. It is used in only two states, whose status as original colonies illustrates how long ago the method was instated. Judges selected under this system tend to resemble those who appoint them: most are former legislators. Under this system, appointment is nearly always a political favor used to reward a fellow public servant, and as a result, legislators tend to be the group most in favor of this method.\textsuperscript{42}

Gubernatorial appointment is formally recognized in only a few more states than legislative appointment. The head of state selects judges without an election, though the state senate typically must confirm the choice. According to Ann Bowman and Richard C. Kearney, when governors are choosing candidates, ‘political criteria usually come first’ rather than professional qualifications or education.\textsuperscript{43} This statement reinforces the claims of Dubois and Stumpf that judges will unavoidably be influenced by politics.

Although only four states use gubernatorial appointment for state Supreme Court judges, this is the method most often used for selecting lower court judges. Governors

\textsuperscript{41} Philip L. Dubois, \textit{From Ballot to Bench: Judicial Elections and the quest for Accountability} (Austin: University of Texas Press, 1980) 162.

\textsuperscript{42} Bowman and Kearney, 251.

\textsuperscript{43} Ibid, 256.
make appointments to fill the empty seats of retiring and resigning judges until one can be chosen at the next election. Often, however, these judges retain their seats due to the advantage of running as an incumbent.\textsuperscript{44}

Supporters of this system claim that the governor can make appointments based on qualifications and minority status rather than based on partisanship. Those in favor claim that prospective candidates can focus on their jobs rather than committing to campaigning for election. Opponents, however, claim that governors are not altruistic, and tend to use appointments for political ends. Also, judges selected for lifetime appointments may not feel accountable to an electorate, and so make capricious judgments.\textsuperscript{45}

Nonpartisan popular election is employed much more frequently to select judicial candidates. This method attempts to reduce the amount of political influence while still allowing voters to select among candidates, making judges more accountable to the public. However, partisanship still maintains an influence in selecting candidates, as “approximately 95 percent of all judges have a political party preference”. Also, the high rate of incumbency and low level of information about candidates tends to reduce voter participation in these races.\textsuperscript{46} Likewise, it must be remembered that many of the candidates facing reelection were likely initially appointed to the position by the state’s governor, and are likely to be reelected due to incumbency.

\textsuperscript{44} Ibid.

\textsuperscript{45} Calvi and Coleman, 63-4.

\textsuperscript{46} Bowman and Kearney, 252.
Partisan popular elections are similar to non-partisan elections, except that the party of the judicial candidate is indicated on the ballot. This offers an additional cue to voters, and allows them to vote along party lines if they wish. As in non-partisan races, candidates must raise money and campaign for elections, with such races currently requiring escalating amounts of funds, and having increasing rates of negative campaigning.

Although supporters claim elections make the judiciary accountable to the people, turnout remains low in either type of election. Opponents claim that the winner may not be the most qualified candidate, and that campaign donations may result in partisan influence on the bench. However, about half of all states use some method of election to select their Supreme Court judges. Also, while partisan elections continue to trigger the same gender stereotypes as other types of elections, nonpartisan elections offer one less cue to voters, and may increase the use of stereotype-based voting decisions.

The merit selection plan attempts to combine the elective and gubernatorial appointment systems, in order to reduce partisan influences while still creating a judiciary held accountable to the public. A nominating commission, consisting of ‘laypersons’ appointed by the governor, a sitting judge, and members of the state bar association meets to consider nominations for judgeship. This group selects candidates, usually three, and submits them to the governor for consideration. One of these candidates is appointed and serves as a judge. At the next election, a retention election is held. Essentially, voters are

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47 Calvi and Coleman, 62.
provided with the question ‘Should Judge X be retained in office?’ If the voters choose no, the process begins again and the governor selects another candidate.\footnote{Bowman and Kearney, 254.}

Despite the claims of supporters, merit plans often occur differently in practice than on paper. The goal of the system- to rid the judiciary of political influence- has failed in many ways. As mentioned previously, governors are not altruistic in their choices. Though they must select from a list of names submitted to them, some members of the commission- the laypersons- are directly nominated by the governor, while others- the sitting judges- are most likely nominated by the governor as well, and are likely of similar political beliefs.

Another priority of the system- to hold members of the judiciary accountable- is a weak aspect of the merit plan. Retention elections, held every 8 or 12 years, have very low voter turnout. Also, voters are not given an alternative to the current judge- rather, they must simply decide whether the judge should be removed from office. This lack of a choice results in “fewer than 3 percent of incumbent judges [being] voted out in retention elections.” Research has also shown that “when background, education, experience, and decision making are taken into account, judges selected through the merit plan are comparable to those selected through other plans,” and are not necessarily more qualified or more representative of the general population.\footnote{Ibid, 255.}

Currently those most in favor of merit plan selection have been state bar associations. Not only do they represent overall a majority of members of nominating
commissions, but also they have much at stake when judges are chosen. After all, lawyers are the ones who face judges in courtrooms.\(^{50}\)

Although there are obviously opponents and proponents of every type of system, a brief overview of current state Supreme Court composition according to selection method will reveal actual data on how women judicial candidates fare. The states chosen were randomly selected, with only region influencing the selection. In an attempt to offset regional explanations for court composition, states were chosen from all regions of the U.S. The methods examined are merit selection, partisan election, and nonpartisan election, as gubernatorial and legislative appointment are used in only a very small number of states. In order to balance the results somewhat, six merit selection states and three states each for partisan and nonpartisan election methods were selected.

After a brief survey of court composition in states with merit selection or partisan or nonpartisan elections, it is clear that women have managed to enter traditionally male state Supreme Courts in larger, though not equal numbers. Overall, those states surveyed with merit systems currently have ten women in their Supreme Courts, and have had a total of fourteen (including those currently serving). States examined in this overview with partisan elections have seven female justices, with two additional women having served in the past. Nonpartisan election states examined have only five female justices at this time, yet have had eleven total. When states with elections are grouped together, the number of women justices slightly outnumbers those in merit states.

\(^{50}\) Ibid.
Table 2. Women Justices in a Sample of Merit Selection States

<table>
<thead>
<tr>
<th>State</th>
<th>Current women justices</th>
<th>Previous women justices</th>
<th>Women as Chief Justice</th>
</tr>
</thead>
</table>
| **Arizona** | Ruth V. McGregor (1998- , V.C 2002- )  
<p>| <strong>Florida</strong> | Rosemary Barkett (1985-?)          | None                    | Barkett (yrs unknown)                   | Pariente (2004- )                                      |
|             | Barbara J. Pariente (1997-?)      |                         |                                         |                                                      |
|             | Peggy A. Quince (1998-?)          |                         |                                         |                                                      |
| <strong>Indiana</strong> | None                              | Myra C. Selby (1995-1999) | None                                    |                                                      |
| <strong>South Dakota</strong> | Judith K. Meierhenry (2002-) | None                    | None                                    |                                                      |
| <strong>New York</strong> | Judith S. Kaye (1983-)             | None                    | Kaye (n.d.)                             |                                                      |
|             | Carmen Ciparick (1993-)            |                         |                                         |                                                      |
|             | Victoria A. Graffeo (2000-)        |                         |                                         |                                                      |
|             | Susan P. Read (2003-)              |                         |                                         |                                                      |</p>
<table>
<thead>
<tr>
<th>State</th>
<th>Current women justices</th>
<th>Previous women justices</th>
<th>Women as Chief Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Patricia M. Smith (2005- )</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rita B. Garman (2001- )</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Annabelle Clinton Imber (1997- )</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Esther M. Tomljanovich (1990- 1998)</td>
<td></td>
</tr>
</tbody>
</table>
Whether this is a result of a more advantageous system for women, or a result of the electoral system being older than the merit system, is unclear.

Barbara Palmer, in her article on the integration of women into the judiciary, notes the lack of research on how selection methods affect women’s inclusion in the judiciary. However, Palmer’s research found similar results to this study’s overview of states, concluding that “there is little consensus over which methods provide women with an equal or better chance of serving on state judiciaries.” Further research into the impact of different selection methods, and the reasons for these differences (such as gender stereotypes) will determine the method most beneficial to women’s further assimilation into the judiciary.

Judicial selection in the United States has a rich history filled with reform movements, partisan influence, and involvement by interest groups. Methods of selection have changed state by state over time to reflect public sentiment about how justices should be chosen, or perhaps more tellingly how they should not be chosen. Compared to periods of reform in the past, states have been slower to change selection methods in recent times. Nevertheless, debate is still strong about judicial selection, the influence of partisanship on the judiciary, and the appropriateness of judicial campaigns. When connected to discussions about the need for greater diversity of court composition, and barriers to involvement that women face, more complex questions emerge.

A brief overview of selection methods has shown that women are serving on state Supreme Courts in increasing numbers, as associate justices as well as chief justices. A

51 Palmer, 238.
thorough overview of the states would need to be completed in order to create a more accurate picture of how these women achieved their positions. However, the overview presented here is useful in that it illustrates that there is no glaring disparity among the number of women on state Supreme Courts due to selection method.

What remains to be seen is whether the overall number of women in Supreme Courts would be higher if those selecting candidates were not influenced in their decisions by gender stereotypes. Gender stereotypes are prevalent in the selection of candidates for political office, and can work to the detriment of women candidates based on the type of office they are seeking, what clues are given out in their campaign, and whether women have held the office previously. However, scholars of gender and politics also claim that gender can be an advantage to a female candidate. This study explores further the role of gender stereotypes in female judicial candidates’ campaigns.
Chapter 2

Gender Stereotypes and their Effects on Women’s Bids for Office
As evident from chapter one, the judiciary has long had a male majority, while women have only recently begun to increase their numbers significantly. As a result, the judiciary may be perceived by voters to be an office more appropriate for men than other offices that women have integrated in larger numbers. While Sheldon Goldman states that a “good judiciary is one whose members are chosen by an open process that does not discriminate on the basis of race, sex, or other such nonprofessional attributes,” such a process does not necessarily occur.52

States with a system of judicial elections rather than merit selection or gubernatorial or legislative appointment have judicial campaigns. Partisan elections for state Supreme Courts have legal rules similar to those for other statewide positions, while nonpartisan elections have the exception of regulations about judicial impartiality while campaigning. Judicial scholars David Rottman and Roy Schotland claim that “…judicial elections…are uniquely different from all other elections.”53 This is true not only with respect to legal regulations, but also in how voters perceive candidates and the office of the judiciary itself. One commonality that judicial elections have with other campaigns is that voters often rely on gender stereotypes to guide decision-making at the polls.

This study will examine how gender stereotypes influence voters and the candidates themselves. What impact do stereotypes have, and what cues trigger stereotypes in judicial elections? Although gender stereotypes are often disadvantageous


for women political candidates, they have the potential to be manipulated and become advantageous instead. Gender stereotypes as a barrier or asset to women’s integration into state Supreme Courts must be further understood in order to achieve a qualified, capable judiciary that is more representative of the U.S. population in terms of gender.

A more egalitarian judiciary in terms of gender is important for the simple reason that gender continues to make a difference in U.S. society, including in politics. Increasing numbers of women in political office have been shown to affect the political efficacy of women voters. Political efficacy, or the “sense that what one does matters” in regards to politics, is essential for citizens to have the motivation to become involved in the political process, from voting to becoming a candidate. As a survey respondent in this study stated when asked about the importance of diversity of the judiciary in the context of gender- “Women need to look to the government and see themselves in it… People who feel misrepresented feel detached from the system and in turn aren’t as involved or trusting of the system.”

Gertrude Steurnagel et al. assert that women have not fully developed this sense, due to the low number of female politicians and candidates.

When a greater number of women occupy offices that are traditionally thought to be more appropriate for men, other women will be encouraged to run for these offices as well. Likewise, as voters have examples of competent women in the judiciary, they may be more likely to vote for them in the future, and their perceptions may change. While

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54 Respondent 70.

these voters may still use gender stereotypes, the stereotypes will have altered more in favor of women as capable and “judge-like”.

Also, some research concludes that women politicians tend to have different policy agendas than their male counterparts. Women tend to focus on different issues, especially those labeled “women’s issues”, while campaigning or in office. Sue Thomas and Clyde Wilcox found in their study of female state legislators in the 1990’s that women viewed their positions differently from men in several aspects, including methods of policy making and issue priorities. The authors concluded that women’s impact as legislators made a difference through the creation of women’s issue related groups, agendas, and legislation. Kathleen Dolan came to similar conclusions, stating that female candidates do in fact “make greater efforts” in regard to women’s issues.

These results, in the limited number of studies available, have been found to be true for the judiciary as well, especially in sex discrimination cases. Past research on state and federal courts has shown female judges “tend to be the strongest supporters of women’s rights claims, regardless of their ideology.” This suggests not only that gender makes a difference, but also that at times it is a stronger allegiance than party. Patricia Yancey Martin et al. explain this occurrence through their use of feminist

57 Ibid, 134, 147.
59 Barbara Palmer, “To Do Justly: The Integration of Women into the American Judiciary,” PS: Political Science and Politics, 34, No. 2 (June 2001), 237.
standpoint theory- “Standpoint theory suggests that women’s greater experiences of
gender-based discrimination sensitizes them to these issues. Women should thus be more
attuned to gender bias in cases that come before them…” Further inclusion of women
is then essential in order to increase voters’ political efficacy, diversify opinions, and
increase the representativeness of the judiciary.

Judicial Campaigns

Judicial elections are unique among other elections for public office. Due to the
critical importance placed on impartiality of members of the judiciary, the campaigns are
more restrictive than other bids for office. Nonpartisan elections also insure that only
candidate names appear on ballots, without a party listing to cue voters when in the
voting booth. Although parties themselves may advertise their support for candidates
until the election, voters must pick up on these cues prior to casting their vote. These
characteristics, along with the traditional way the judiciary is perceived, may combine to
cause voters to rely on gender stereotypes. In fact, stereotypes may be more accentuated
in judicial campaigns than in races for other types of political office.

Candidates for judicial office are restricted on the issues they can discuss while
campaigning, as listed in the American Bar Association’s Code of Judicial Conduct.
They may not cite opinions on legal cases, state preferences on issues that they may later

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60 Patricia Yancey Martin, John R. Reynolds and Shelley Keith, “Gender Bias and Feminist
rule on, or discuss politicized policy issues. As a result, voters know little about the positions or policy preferences of judicial candidates, and must rely on other cues to aid in voting decisions. In this type of low information election, party is often the most important aspect of a candidate that voters base their decisions on. Monika L. McDermott claims that while this type of “partisan stereotyping” is most common, voters should rely on “demographic stereotypes”, such as gender, in elections without a party cue. This situation occurs in nonpartisan judicial elections, where voters may rely on gender stereotypes to help differentiate among candidates.

In his study of candidates for House and Senate seats, Richard Logan Fox examined when and how voters use gender stereotypes when evaluating a candidate. His findings concluded that voters relied more heavily on stereotypes in voting for members of the House than the Senate, because less information is typically available about these candidates. It could be correlated from this study that judicial elections, which typically have very low-information campaigns, would create similar responses—reliance on gender stereotypes—from voters.

Judicial candidates for the Ohio Supreme Court must abide by the Ohio Code of Judicial Conduct, which provides canons, or regulations, that candidates must follow to ensure ethical behavior. These canons oversee contenders’ relationships with political

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parties or groups, set guidelines for fundraising, and discuss “inappropriate” behavior, while emphasizing the independence and impartiality of the judiciary. The guideline most relevant to this study concerns candidates’ ability to identify with a political party.

Ohio is unique in that it is the only state to have a partisan judicial primary followed by a nonpartisan general election. As a result, judicial hopefuls are able to initially announce themselves as a member of a party during primary season, while assuming a stance of independence at the time of the election. Canon 7B of the Code of Conduct states that a candidate may associate themselves or claim that they are endorsed by a party through the day of the primary election, yet the day afterwards can no longer claim affiliation with the political party.

For many voters, party is a primary cue on which they rely when determining how to cast their vote. However, judicial regulations such as those in Ohio mean that if candidates do not initially gain name recognition and publicize their party connections, voters will be unable to rely on these cues in the general election unless they obtain the information from other sources, such as party-produced literature. Also, newcomers who run against incumbents will have a difficult time overcoming voter reliance on name recognition, and as a result may be evaluated on the basis of less reliable voting cues,

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65 Ibid.

66 Dubois, 760.
such as gender.\textsuperscript{67} The disadvantages and possible advantages of gender as a voting cue will be discussed in a later section of this chapter.

**Perceptions of the Office of the Judiciary**

The office of the judiciary is distinctive in the expected standards, selection methods, and duties of those elected as a judge. Perceptions of what types of qualities a prospective judicial candidate should have are also different from those expected of legislative or executive office holders. What it means to be “judgelike” may be discerned from scholars’ stated qualities of judges, as well as subjective statements on the traits of judges.

Scholars offer qualities of judicial candidates that are often gender neutral: integrity, neutrality, well educated, and so on.\textsuperscript{68} However, surveys answered for the purposes of this study by college students- voters rather than scholars of the judiciary-indicate ideal qualities of judges that have been traditionally associated with one gender or the other.\textsuperscript{69} These qualities may sway voters who rely on gender stereotypes to vote consistently for judges of a specific gender. Some of the most frequently mentioned traits listed by survey respondents in this experiment were fairness and lack of bias. The most common traditionally masculine traits listed include “stern”, and “strict”, as well as

\textsuperscript{67} Ibid, 769.

\textsuperscript{68} Goldman, 114.

\textsuperscript{69} The question was “What qualities do you think are essential for a competent judge to have?”
“strong” in respect to opinion, will, and emotions. Frequent responses for qualities that are traditionally feminine include “honest”, “moral”, and “empathetic”. Stereotypically masculine qualities are listed more frequently than feminine qualities on these surveys, which may illustrate that masculine traits are more closely associated with someone who is “judgelike”. A closer examination of what traits are considered masculine or feminine will help determine how female judicial candidates should shape their campaigns.

Gender Stereotypes

Stereotypical beliefs about the proper role or ‘natural’ traits of men and women abound in the U.S., and consequently are often used to evaluate political candidates. Female candidates for political office face gender stereotypes from their opponents, the media, and voters. Stereotypes, as defined by Kim Kahn, are “the use of traits that signify membership in a particular group” in order to categorize people quickly. Put another way, they are “the acquisition of norms which hold that certain behavior is appropriate for each sex.” Stereotypical beliefs about groups are often culture-wide, and may have been in the public conscious for quite some time. Although the previous chapter suggested that gender stereotypes were a detriment to women in politics in the

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70 Respondents 22, 3, and 19, 21, 52.
71 Respondents 1, 44, 53.
past, some scholars suggest that these beliefs by voters have the potential to be advantageous as well.

Society’s conventional ideas about proper gender roles can become one of many barriers women face when entering politics, and may funnel women and men into specific offices and levels of office. Candidates are directed into these areas based on their own beliefs about their chances of winning office and by voters, who may evaluate similar campaigns by female and male candidates quite differently. Women who step outside society’s prescribed gender role by using negative campaigning or being aggressive may be penalized for not being traditionally feminine.

Stereotypes can be quite harmful to women’s further integration into public office. If there is a general consensus that women are not capable of leadership or policy development in an area typically thought of as better handled by men, then women will not be voted into office or nominated for positions where these issues are handled. For example, the judiciary continues to have a majority male membership, with some states not yet having female members of the Supreme Court. On the other hand, if women are regarded as being more capable than a male opponent for a particular office based solely on gender, they could be pigeonholed into this position. In U.S. politics, it is evident that support for women candidates decreases as the office they are aspiring to increases in prestige.\(^74\)

\(^{74}\) Ibid, 8.
Gender Stereotype Traits

The concept that “gender matters” in politics does not support the use of gender stereotypes as a valid method of judging candidates. Although women and men are not identical in terms of political agenda or policy, all women are not homogenous either. Although all women are socialized “as women” in society, and face similar barriers and stereotypes, they also differ in terms of economics, environments, and social groups.\(^75\)

However, all stereotypes may not be completely baseless. Some are based in part on realistic traits often held by a group of people. However, as a generalization stereotypes are often problematic, whether as a result of gross exaggeration, or because they are a blanket label that does not allow for distinction among individuals. As Kahn states, “By relying on stored information about groups, people limit the amount of information that they need to draw conclusions about an individual.”\(^76\) Although stereotypical traits of men and women are commonly known, they are worth listing for this study. For those who have not considered the impact of gender on public opinion, and therefore political candidates, these traits may simply be taken for granted and used to generalize about groups of people, rather than being recognized as what they are—stereotypes that overstate, exaggerate, or mislead.

Voters use two “trait dimensions” to judge candidates, according to Kahn and Ann Gordon. The first, competence, evaluates whether the candidate has the overall ability to perform the duties of the office. The second, integrity, determines whether

\(^75\) Thomas and Wilcox, 188.

\(^76\) Hedlund et al., 4.
candidates have appropriate moral character.\textsuperscript{77} Men tend to rank higher in the first trait category, as they are more often seen as strong leaders, and tend to have more experience in politics. Women score better in the second category, as they are believed to be more honest and compassionate than their male counterparts. Stereotypically male traits such as strong leadership ability and experience are often more highly valued by voters than those found in the integrity dimension.\textsuperscript{78} Other traits associated with women are gentleness, emotion, and warmth, while men are believed to be strong, aggressive, and rational.\textsuperscript{79}

Some traits that are used to generalize about women as a group may also be detrimental to a specific candidate who does not have or wish to emphasize the same traits. Women overall have been found to be less supportive of gun rights, military force, and the death penalty. They also tend to support affirmative action and civil rights more than most men.\textsuperscript{80} While these are statistical findings and not stereotypes, they could harm a female candidate who goes against type. As many scholars have suggested, the strength of gender stereotypes is illustrated when women are ascribed with feminine characteristics even if the messages they are campaigning on are traditionally masculine.\textsuperscript{81} For women in judicial campaigns who are restricted in the type of


\textsuperscript{78} Ibid, 63.

\textsuperscript{79} Dolan, 60.

\textsuperscript{80} Gertrude Steuernagel, David Ahern, and Margaret Conway, Women and Political Participation: Culture Change in the Political Arena, (Washington, D.C.: CQ Press, 1997), 38-43.
information they can discuss in campaigns, this effect may be further magnified.\textsuperscript{82} However, as will be discussed later, these stereotypes could become an advantage to female candidates depending upon the environment of the election.

Kahn cites past research showing that stereotypical beliefs can shape the actions of those in the stereotyped group, causing them to make decisions based on how they believe others will react to them.\textsuperscript{83} Female candidates have two choices when campaigning: they can emphasize their stereotypically feminine traits or focus on their abilities in traditionally “masculine” areas in an attempt to counteract stereotypes.\textsuperscript{84} Shanto Iyengar et al., who claim that women candidates may shape their message according to what they think voters expect, reinforce this concept. Citing the ‘resonance model,’ they claim that “campaigns that resonate with or reinforce voters’ expectations…are more likely to be effective.”\textsuperscript{85} This study found that female candidates were more successful when they emphasized “women’s issues” in their campaigns.\textsuperscript{86} Other studies conclude that women do successfully emphasize masculine traits as a campaign strategy.\textsuperscript{87} Kahn concludes that a cautious approach works best.

\textsuperscript{81} Dolan, 64.
\textsuperscript{82} McDermott, 898-900.
\textsuperscript{83} Kahn, \textit{Political Consequences}, 7.
\textsuperscript{84} Ibid, 78.
\textsuperscript{86} Ibid, 87.
\textsuperscript{87} Dolan, 157.
should concentrate on the issues of most importance in the election, and always display traditionally masculine traits such as strong leadership.\footnote{Kahn, \textit{Political Consequences}, 35-36.}

Although all candidates must establish their credibility in a campaign, women have a tougher time of doing so due to gender stereotypes.\footnote{Susan Carroll, ed., \textit{Women and American Politics: New Questions, New Directions} (New York: Oxford University Press, 2003), 58.} Not only do women “face questions about their effectiveness as campaigners,”\footnote{Kahn, \textit{Women, Media, and Politics}, 59.} but they also have to prove qualities that are assumed of men, such as toughness.\footnote{Linda Witt, Karen M. Paget, Glenna Matthews, \textit{Running as a Woman: Gender and Power in American Politics} (New York: Free Press, 1994), 227.} Fox also found that women must emphasize their validity as candidates more than men do, especially in traditionally male dominated issues such as crime and the economy.\footnote{Fox, 68-69.} As well as establishing validity, women also face many other barriers that men do not as a result of voters’ stereotypes. This study will examine the detriments of these perceptions before discussing possible advantages of stereotypes.

\textbf{Barriers to Women’s Political Participation}

Although it is possible to identify specific women who entered politics and law in the late 19\textsuperscript{th} century, women did not begin to enter the judiciary in large numbers until influenced by the second wave of the women’s movement in the 1970’s. Gender stereotypes play at least an indirect influence in many of the barriers women continue to
face when entering the political arena. These barriers include socialization, a small female eligibility pool, incumbency, and media coverage.

Gertrude Steuernagel et al. have defined “political socialization” as “the process by which people learn what is expected of them in their political system.” They contend that most socialization occurs within the family unit, although socialization continues to occur in educational or work environments. After undergoing political socialization, one may or may not develop a sense of “political efficacy”—or a sense that their participation in the political sphere would make a difference.

Expectations of men and women continue to be very different in society, and therefore in politics. Women as a group, according to Steuernagel et al., have failed to fully develop a sense of political efficacy due to their political socialization. Those who believe that political participation would not make a difference are not likely to become involved or run for office. This is a barrier to women’s inclusion based on gendered socialization.

Political candidates are often considered viable based upon their past involvement or experiences that are believed to make them more qualified. For many candidates, this includes working in the political arena or serving in the military. Judicial candidates specifically are required to have had experience as a lawyer. Women consist of a minority of members of this ‘social eligibility pool’, whether as a result of socialization, 

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93 Steuernagel et al., 20-22.

94 Ibid, 21.
stereotypes, or legal barriers. They have had less of an opportunity than men to be involved in either politics or the military until recent times, and still face barriers to full inclusion in either area. As discussed in the previous chapter, the number of women in law is increasing, yet the number of those who have an established legal career and wish to run for judicial office is still small.

As the number of women currently holding office is small, the incumbency system in the U.S. can also be detrimental for female candidates. Incumbents, or those currently in office, tend to win reelection overwhelmingly. These officeholders have the advantages of name recognition, party support, fundraising ability, and experience. By default, incumbents are often granted the traits of leadership ability and electability, simply because they have previously held office. Kathleen Dolan states that two major influences in vote choice are party and incumbency status, which can be harmful for first-time female candidates, who must often run against male incumbents.

Winning an election as an incumbent is especially likely for judicial candidates, whose name recognition often prompts a positive vote. This is especially true for states such as Ohio with nonpartisan elections that offer few cues to voters. Without a party label, voters may rely on name recognition alone when casting a vote, and incumbents have the greatest resources in order to garner name recognition. The task of winning a
race against an incumbent is seen as so monumental that often judges have no opponents.  

However, first time political candidates sometimes combat incumbency by presenting themselves as “outsiders” who presumably want to win office to serve the people rather than partisan interests. Women may use this tactic to their advantage in order to defeat a male incumbent. Though this strategy is typically employed by Congressional or even presidential candidates, females hoping to enter the judiciary could emphasize their “outsider” status when the electoral environment seems favorable—such as during a year when there have been judicial scandals.

Stereotypes can persist so strongly in the minds of voters that they fall back on them when considering a candidate, even when faced with non-stereotypical messages. Voters’ impressions of candidates may be partially shaped by the way the candidate frames his or herself in the media. Political candidates and incumbents use media in order to present a positive image of themselves, outline their positions on issues, or to criticize their opponent. These messages are the candidate’s ‘videostyle’—essentially, the “approaches candidates use to present themselves to the public at large.” However, women must also be cautious about the gendered messages they may be sending. Depending upon the issues of the campaign, an image that is either too feminine or too masculine can result in the loss of a race; rather, a balance must be found.

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98 Baum, 126.

99 Thomas and Wilcox, 39.

100 Ibid, 44.
For a woman to voluntarily present gendered images such as her family in a campaign commercial may become, according to Sue Thomas and Clyde Wilcox, a "double bind". Although male candidates include information about their family in order to appear trustworthy and dependable, women who do the same risk reinforcing stereotypes about women’s maternal or familial duties.\textsuperscript{101} These traditional ideas would then in turn cause the woman to seem the less appropriate choice for political office.

Regardless of the image a candidate presents, they may be portrayed stereotypically in other media venues. Kahn cites several reasons why this may occur—reporters may be basing coverage on their own stereotypes or those they expect the audience to have, stereotypes may present newsworthy topics, or the coverage could be a realistic representation of the candidate.\textsuperscript{102} News coverage has been found to depict females in traditionally gendered ways— for example, as compassionate, a mother, or by using labels such as “small”.\textsuperscript{103}

Thomas and Wilcox state that women with more prestigious offices tend to get less media coverage, and the coverage they do receive tends to be less positive.\textsuperscript{104} Kahn found similar results in a separate study, concluding that candidates with less media coverage were less likely to win their campaigns,\textsuperscript{105} and that reliance on stereotypes by

\textsuperscript{101} Ibid, 45-46.
\textsuperscript{102} Kahn, \textit{Political Consequences}, 43-44.
\textsuperscript{103} Thomas and Wilcox, 51.
\textsuperscript{104} Ibid, 5.
\textsuperscript{105} Kahn, \textit{Political Consequences}, 44.
voters is greater when the amount of candidate information available is low.\textsuperscript{106} These results may show a greater acceptance for women in local or lower level offices, yet remaining reservations about females holding statewide or national positions.

For female judicial candidates, media bias may be especially harmful. Due to the restrictions on judicial campaigns, incumbency and name recognition often determine a candidate’s success. Women are less often incumbents, and therefore have less name recognition. The combination of a smaller amount of media coverage overall than men, with the coverage tending to be more negative, could present insurmountable barriers to some female judicial candidates.

Use of negative campaigning, or “attack ads,” has become routine in politics and is an aspect of media coverage candidates must consider when developing their videostyle. In order for the strategy of negative campaigning to be effective, the candidate must be aggressive, on the offensive, and outspoken- all qualities associated with masculinity. As a result, women candidates must be cautious when deciding to go negative, and consider the gendered implications of the message they are presenting in order to use attack ads to their advantage.

Negative campaigning has been on the rise in recent years in the judicial branch as well.\textsuperscript{107} In Ohio judicial campaigns have been plagued with attack advertising, most notably in 2000 when the special interest group Citizens for a Strong Ohio spent nearly $4 million to oppose a single incumbent female candidate, and its affiliate the Ohio

\textsuperscript{106} Ibid, 132.

Chamber of Commerce contributed over $1 million to oppose the same candidate.\textsuperscript{108} The large sums spent on attack ads suggest that the strategy may be quite influential to voters.

Candidates generally use negative advertising for several reasons. They may be attempting to point out a legitimate flaw of their opponent or create doubt about the candidate’s positive image, while drawing a contrast between the candidate’s issue stances and the opponent’s. Motives may also be as simple as weakening the opponent’s support base or making the first offensive strike. Studies have shown that this type of advertising can be a useful tool in affecting poll numbers.\textsuperscript{109}

Women who go against stereotypical notions of femininity as a result of utilizing negative advertising risk being penalized. Women who use attack ads may be viewed as “unfeminine”, and their attempts to point out flaws of their opponents may backfire despite the legitimacy of their claims.\textsuperscript{110} However, campaign managers may view attack advertising as necessary in some situations. If the candidate is running against an incumbent, for example, such tactics may create enough doubt that the newcomer may gain an advantage.\textsuperscript{111} Women must be more conscious of trying to balance their images between “feminine” positive campaigning, and “masculine” negative advertising.

According to Thomas and Wilcox, studies of negative advertising by female political candidates have shown conflicting conclusions, partly due to the lack of a

\begin{itemize}
\item \textsuperscript{109}Thomas and Wilcox, 39-40.
\item \textsuperscript{110}Kahn and Gordon, \textit{Women, Media, and Politics}, 64.
\item \textsuperscript{111}Thomas and Wilcox, 40.
\end{itemize}
definition for ‘negative’ advertising. Celinda Lake, a political consultant who focuses on women’s campaigns, claimed in 1994 that male candidates feel ‘uncomfortable’ using negative advertising against a female opponent. She found that men went negative against other males twice as often as against females. Fox concluded that women employ attack ads just as much as their male counterparts, while Kahn believes that women are less likely than males to do so. Scholars seem to agree, however, that while women criticize their opponents on policy issues, men often attack on the basis of personal characteristics.

The many barriers that women face when entering politics often result in disadvantages for them. The discussion of negative advertising suggests an ambiguity, however, that may work to a female candidate’s advantage yet not to a male opponent’s. Barriers may not always negatively affect women’s campaigns; instead, they could be used to a candidate’s advantage.

**Are Gender Stereotypes Always a Disadvantage?**

Although the role of gender stereotypes is strong in U.S. society, including in politics, some scholars conclude that gender may not always be a disadvantage to women candidates. In fact, gender could even work to the advantage of a female candidate based

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112 Thomas and Wilcox, 41.
113 Kahn, *Political Consequences*, 34.
114 Fox, 41.
116 Fox, 43. See also Thomas, 42, and Norris, 74.
on the issues of the election, the messages she emphasizes, and how she carries out her campaign. Likewise, even a voter who relies on gender stereotypes may vote for a woman based upon preconceived notions of females, even if the candidate does not actually fit into the stereotypes.

Women aware of the influence of stereotypes are able to expect responses from voters who rely on stereotypes, and to use their responses to their benefit. Female candidates who emphasize women’s assumed strengths in their campaigns are likely to be seen as strong in these areas. On the other hand, women may be perceived as capable in these areas even without emphasis, and can instead focus on traditionally male areas where they are thought to be weak. ¹¹⁷

Candidates can decide on which strategy will work best depending upon the important issues of the campaign. According to Thomas and Wilcox, women did just that in 1992. Domestic issues, where women are thought to be more capable, were of higher importance than foreign policy issues in that election. In 1992, women won an unprecedented number of elections nationwide- possibly in part because they campaigned on issues women are believed to be strong on due to prevailing stereotypes. ¹¹⁸ In such a case, even voters who rely on gender stereotypes for voting decisions may have voted for the female candidates, because the issues of the election and some of the gender stereotypes may have been in sync.

¹¹⁷ Kahn and Gordon, Women, Media, and Politics, 61.

¹¹⁸ Thomas and Wilcox, 7.
Which Women Run for Office?

Women who become involved in politics and run for office tend to have some characteristics in common. Steuernagel et al. classify women into three categories of political participation. The “private woman” follows traditional gender roles most closely. She is not a political candidate, and is not politically active. The “public woman” is less traditional, and is occasionally politically active, yet not a candidate. The “achieving woman” deviates the most from traditional roles. She may have run for office herself, or plays a large role in a politically active group.\textsuperscript{119}

These categories are useful for separating women into large groups, yet do not reveal why some become “achieving women.” Overall, those with higher levels of education and who work outside the home tend to fall into this group.\textsuperscript{120} Those who are younger are also more likely to participate in political activity, although women’s increasing participation may eventually create a larger group of active older women as well.\textsuperscript{121}

Who Votes for Women?

Scholars have been able to identify demographic groups most likely to vote for women candidates. These groups may wish to support women, may identify with women, or may simply be groups that tend to ignore stereotypical ideas about women and

\textsuperscript{119} Steuernagel et al., 105.

\textsuperscript{120} Ibid, 24.

\textsuperscript{121} Ibid, 134.
base their choices on other factors. Identifying the people these groups consist of and what they have in common may be useful in persuading other groups to vote for female political candidates.

Voters can have three different responses to candidates, according to Fox. “Gender response” voting occurs when voters are biased for or against the candidate based solely on gender. Cases when voters fail to pay attention to gender and cast votes based on other characteristics are examples of “gender neutral” voting. “Gender socialized” voting occurs when voters are aware of gender as they vote, and rely on stereotypical notions to base their judgments.122

Women overall tend to vote for women candidates more than men. Of course, women are not a homogenous group; there are specific characteristics that influence them in their voting habits. Dolan describes the ‘affinity effect’ as females who vote for those of their own gender based on a common identity.123 This group tends to include minorities, higher educated and younger women, as well as those that identify as Democrats or liberals.124 However, even women identifying as conservatives and Republicans support female candidates more often than their male counterparts, as do Independent women.125

In surveys and public opinion polls, very few people actually admit a bias against women. Biases may be a result of age, gender, religious views, gender stereotypes, or

122 Fox, 145.
123 Dolan, 14.
124 Ibid, 94.
125 Fox, 177-78.
political ideology. Those who have the lowest record of support for women candidates are older voters. According to a 1993 GSS survey, 22% of elderly voters claimed they would not support a woman’s bid for the presidency, compared to 9% of younger voters. McDermott also found in a recent study that younger voters were more likely to vote for women, while older voters typically chose male candidates, whether as a result of bias or simply the result of not being accustomed to voting for women. As women integrate further into the political arena, it appears likely that most of their support will come from younger voters, as well as women and those who employ gender neutral voting.

Gender stereotypes continue to play a large role in politics. Women may be influenced or dissuaded from becoming involved in politics due to their gendered socialization. Those who do decide to become political candidates will face barriers to success unique to their gender, and must consider carefully how voters will perceive them. While campaigning, strategies such as negative advertising, picturing the candidate with her family, or emphasizing stereotypically masculine issues must be carefully considered to determine whether they will be detrimental to a female candidate. Judicial candidates must especially take these factors into consideration, as their typically low-information campaigns limit the information voters receive.

126 Thomas and Wilcox, p. 57-59.

127 Fox, 70.

128 McDermott, 907.
Thomas concludes that while gender is not an overall advantage to female candidates, they may still be able to use aspects of stereotypes to their benefit. Women such as those who ran in 1992 were able to do so, and may present a template for success for other women. Until women enter politics and win office in more equitable numbers to men, thus proving that they are competent, they will likely continue to be perceived stereotypically by some portions of the population.

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129 Thomas and Wilcox, 4.
Chapter 3

A Study of Voters’ Gender Stereotypes and Perceptions of the Judiciary
Very few studies have examined how gender stereotypes affect voters’ perceptions of judicial candidates for state Supreme Courts. Women’s limited inclusion into the judiciary is evidence that they face impediments to entry, both from structural barriers as well as voters themselves. Determining how voters perceive the office of the judiciary, what qualities judicial candidates are expected to possess, and how female candidates are regarded are essential to achieve a greater diversity of court composition. This study is intended to further explore this large gap in current research, and to illustrate that more examination of this issue is necessary.

The Study

This study examines post-test only survey data of university students enrolled in Political Science 101 classes in the spring of 2005. The effects of the cues of gender and party on respondents’ perceptions of judicial candidates are examined. The respondents were assigned one of four conditions, of which the only variations were party and gender. The conditions consisted of a female Democrat, female Republican, male Democrat, and male Republican candidate.

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<th>Table 4. Experiment Conditions</th>
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<td>Candidate Gender</td>
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These conditions were contained in manipulated news articles that stated the candidates’ party and gender, and included a statement of a firm stance on the subject of school funding. The issue of school funding was chosen because it is a policy that could be interpreted along gender stereotype lines (e.g., a woman is more capable of discussing issues relating to schools), yet is not an issue that will strongly determine the respondent’s response to the candidate as a more controversial topic might. This type of limited information is particularly appropriate for a study of judicial candidates for several reasons.

As Monika L. McDermott notes in her study of gender and low information elections, the hypothetical nature of the candidates in the conditions helps ensure that the respondents’ answers will not be clouded by bias against a real candidate. Likewise, the lack of information about the candidates’ other issue positions will resemble the amount of information voters tend to have about judicial candidates.  

Employing identical conditions other than the control variables of gender and party will enable conclusions to be drawn about the effects of stereotypical perceptions about these variables, rather than conclusions based on stated fact.

A survey attached to the news article asked respondents to answer questions about their perceptions of the candidate, as well as the judiciary in general. Questions about the candidate help to determine whether voters assess male and female candidates differently for this office, and to a limited extent will help determine on what issues they are

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perceived differently. The result of a significant difference in how males and females are rated may point to an area where female candidates are believed to be either inadequate or more competent than their male counterparts. Female candidates who are aware of voters’ perceptions could better prepare themselves for campaigns.

This study was largely an exploratory one, based on literature focusing on gender stereotypes and other independent studies focusing on the judiciary. Rarely have the two fields overlapped with the same focus of this study. As a result, this study has a moderate sample size of 122 respondents, all of them university students. Although university students have often been used in studies, they are not necessarily generalizable for voters as a whole.

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<td>Mean</td>
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<td>Median</td>
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<td>Std. Deviation</td>
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<td>Minimum</td>
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<td>Maximum</td>
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A study such as this may not be generalizable as a result of age of the respondents. Respondents in this sample varied in age from 18 to 24, thereby lacking representation from older voters. As mentioned in Chapter One, studies have shown that

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131 For exceptions to this, see Hedlund et al. 1979, and McDermott 1998.
younger voters are more willing to choose women candidates than are older voters. It could be extrapolated that gender stereotypes found among young voters are likely to be found among older voters as well, perhaps even more so. This study intends to discover how voters currently perceive judicial candidates, with the aim of discovering how women can increase their representation in the judiciary. If the trend of younger voters being more willing to vote for females continues, then the results of this study illustrate what female candidates may face in future elections, from those that are increasingly accustomed to selecting women for elective office.

The majority of the sample respondents were female. Out of a total of 122 students, there were 77 female and 45 male respondents. Respondents were asked “With which political party do you identify?” and given the choices of Democrat, Republican, Independent, or Other. The majority of females (44%) identified as Democrats, as compared to only 24.4% of males. Most of the male students identified themselves as Republicans (53%) as compared to a much smaller number of female respondents (35%). The number of respondents identifying as Independents was similar across genders, with 18% of females and 15.5% of males. Only a few students chose “Other” in response to this question, with 2.5% of females and 6.6% of males.

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132 McDermott, 90
Research Expectations

Based upon my survey of past research on the judiciary and on gender stereotypes, I have developed three hypotheses for this study. They are as follows:

1. Members of the judiciary are perceived by voters as having stereotypically masculine traits.
2. If a voter is a woman and/or a Democrat, then the voter tends to regard diversity of the judiciary as more important than do other voters. If a voter is a man and/or a Republican, then the voter tends to regard diversity of the judiciary as less important than do other voters.
3. If a candidate is a female, then the candidate tends to be regarded as more competent in stereotypically feminine policy areas. If a candidate is a male, then the candidate tends to be regarded as more competent in stereotypically masculine policy areas.

In order to test my first hypothesis, I asked respondents to list desirable qualities of judicial candidates. This open-ended question allowed the respondents to name the qualities that immediately came to mind, and may reveal any gendered presumptions about the office of the judiciary. This question will determine how the respondents typically think of judicial candidates. These answers should be the focus of a general campaign for the judiciary, and present the most important issues that should be emphasized in low-information elections.

The second hypothesis is tested through a scale question that asked respondents about how important they believe diversity of composition of the judiciary is. The scale question was followed by an open-ended question that asks respondents to explain their answer. I used regression analyses to determine whether gender or party was significant in the respondent’s answer to the question.

The third expectation is answered through a series of scale questions. One set of questions asked respondents to rate the candidate’s competence in dealing with a variety of issues. These issues were selected in order to stimulate gender stereotypes, if present in the respondent. Another set of questions asked the respondent to judge how important specific issues are to the candidate. The last set prompted the respondents to rate the
hypothetical candidate’s personal qualities. These questions may reveal gender stereotypes through the use of OLS regressions if the respondent does not believe that females are suited for the office of the judiciary.

**Results**

Respondents were asked “What qualities do you think are essential for a competent judge to have?” The answers to these questions supported the first hypothesis. The most frequent answers to this open-ended question were “fairness”, followed by “honesty”. The attributes were categorized as gender-neutral. Though female candidates are often believed to be more honest than males, all political candidates are likely to have honesty expected of them. Therefore, respondents were not granting competent judges with female characteristics, but rather listing a characteristic that women are believed to attain better than males. Likewise, “fairness” is not typically associated with a specific gender.

Other common attributes listed that I do categorize as “feminine” are “moral”, “empathetic”, and “caring”. These traits represent only a small number of the answers given, and illustrate that the majority of respondents did not immediately think of stereotypically feminine characteristics when determining essential qualities of judges.

Many more stereotypically masculine characteristics were listed by respondents, and in larger number than the feminine attributes. Respondents listed “strict”, “firm”, “forceful”, and “stern” as desirable qualities for judges. Likewise, respondents stated that being “authoritative” and “aggressive” were essential. “Strong” was listed, as well as the
more specific “strong convictions” and “strong emotions”. These characteristics deemed essential for judges to possess reflect very stereotypically masculine qualities.

Respondents overall listed these characteristics more than twice as often as the above listed feminine qualities, and therefore tend to perceive members of the judiciary in stereotypically masculine terms. There was also a tendency for respondents to list a mixture of masculine and feminine terms, as evidenced by the response of a female who identified herself as a Republican and conservative- “A competent judge needs to be unbiased, open, understanding, firm, and forceful”.\textsuperscript{133}

<table>
<thead>
<tr>
<th>Traits</th>
<th>Number of Responses</th>
<th>Percentage of Responses</th>
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<tbody>
<tr>
<td>Fairness</td>
<td>47</td>
<td>38.5%</td>
</tr>
<tr>
<td>Honesty</td>
<td>18</td>
<td>14.7%</td>
</tr>
<tr>
<td>Moral/Empathetic/Caring</td>
<td>8</td>
<td>6.5%</td>
</tr>
<tr>
<td>Strict/Firm/Forceful</td>
<td>5</td>
<td>4%</td>
</tr>
<tr>
<td>Stern/Authorative/Aggressive</td>
<td>5</td>
<td>4%</td>
</tr>
<tr>
<td>Strong</td>
<td>13</td>
<td>10.6%</td>
</tr>
</tbody>
</table>

The second hypothesis, that women and Democrats support diversity of composition of the judiciary more than do men or Republicans, was supported by the survey data. To determine how important respondents believed judicial diversity of composition to be, the survey asked “How much of a difference, if any, do you feel that a diverse judiciary, consisting of nearly equal numbers of men and women, as opposed to a

\textsuperscript{133} Respondent 9.
judiciary with a majority of members all of the same gender, would make in the type of judgments made?” The respondents were provided with the choices of “No difference at all”, “A small difference”, and “A great deal of difference”, and were then asked to explain their choice in an open-ended question.

Asking not only whether importance of diversity is important, but about the impact on judgments, invites respondents to share their perceptions of the difference between male and female judges. If the respondents believe that men and women make very different decisions on the bench based solely on gender, then this use of gender stereotypes would be evident in their answer. In contrast, respondents could answer that diversity makes a great deal of difference, but only in the context of representativeness.

An OLS regression in which importance of judicial diversity was the dependent variable and respondent party and respondent gender were the independent variables was used to determine whether either of the independent variables was significant. A result of .05 or below was used as the benchmark for significance. Gender was a very statistically significant predictor of support for diversity at .001. Likewise, party was also significant when tested separate from gender, at .028.

Female respondents believed that diversity of the court is important. A majority (48) believed that diversity of the court makes “a great deal of difference”, with 25 others stating that diversity makes “a small difference”, and only four choosing “no difference”. These numbers are also significant with respect to party, in that women other than those identifying as Democrats feel that diversity is important. While only 34 women label themselves Democrats, 48 chose “a great deal of difference” in response to this question.
This suggests that support for women’s issues in the context of gender may cross party lines. These results support the literature from Chapter 2 claiming that women tend to support women’s issues, of which increasing female representation in politics could be included.

Support for diversity of the judiciary was far weaker among male respondents than females. A minority of males (14) selected “a great deal of difference”, while a majority (24) selected “a small difference” and seven chose “no difference” in response to the question. Results were similar to those of the female respondents with respect to party. With only 11 male Democratic respondents, males other than those in this group selected “a great deal of difference” in response to this question, thus potentially breaking with party stereotypes.

A small majority of respondents, 50.8%, believe that diversity makes a great deal of difference. The percentage of females in this group is 62%, or double that of males, at 31%. Twenty-nine percent of respondents, including 53% percent of males as compared to 32% of women chose “a small difference”. Almost three times as many men (15.5%) as women (5%) selected “No difference”.

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
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<tbody>
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<td>Respondent's Political Party</td>
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<td>.068</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>-.157</td>
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</tbody>
</table>
Table 8. Importance of Judicial Diversity- Respondent Party Only

<table>
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<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
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<th>Sig.</th>
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<td>Std. Error</td>
<td>Beta</td>
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</tr>
<tr>
<td>1</td>
<td>(Constant)</td>
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<td>.085</td>
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<tr>
<td></td>
<td>Respondent's Political Party</td>
<td>-.156</td>
<td>.070</td>
<td>-.199</td>
</tr>
</tbody>
</table>

Figure 3. Importance of Judicial Diversity by Respondent Gender

The open-ended responses for the question revealed more insights about respondents’ answers. An example of a representative answer supportive of diversity was given by a moderate female Independent- “I think it is important to have a diverse body of candidates with different backgrounds, views, policies. That way the judiciary
has a well rounded outlook.”

A moderate Republican female concurred- “To best represent the society in which it serves, the judiciary should be composed of men and women…”

A significant group of respondents made statements suggesting that the genders tend to make the same or similar decisions, and that while diversity of court composition is important, it will not significantly impact the decisions made by the justices. A male respondent who identified himself as a very conservative Republican stated “I believe that the gender of a judge has nothing to do with their decisions. They will make the same decisions regardless of what gender they are.” Likewise, a male Republican who identified as liberal stated “Just because their gender is different doesn’t mean their decisions are different.” These statements are representative of those who found that gender does not affect judgments.

A portion of respondents had very different and more essentialist views than those listed above, in that they believed that the genders are totally different. For example, a conservative Republican female claimed that “Men and women naturally feel and think different ways about certain subjects…” Respondents who identified as Democrats also echoed this sentiment, as a female moderate stated “I think men and women differ greatly in their opinions, and they may have problems coming to a conclusion” in case

134 Respondent 1.
135 Respondent 97.
136 Respondent 11.
137 Respondent 5.
138 Respondent 20.
decisions. Another female Democrat who identified as slightly liberal claimed that “Men and women view things differently. Men usually are more rational and women are usually more caring towards others.”

A smaller group of respondents believed that issue bias would occur if the judiciary consisted of mostly female members. For example, a male liberal Democrat claimed that “If it was a judiciary of all women, they would definitely be bias[ed] against men in a case like rape or sexual assault.” A less strong but similar response from a moderate male Democrat was that “In some cases a bias could be toward women if there were [a] female judiciary.” These respondents do not reflect upon the bias that may be occurring in the present judicial system, of which the majority of members are male. A moderate female Republican states very different beliefs from those of the above respondents when she stated “…I don’t think it would make sense to have a rape case or abortion case without any women’s opinions in the judiciary.” Obviously, these students believe that men and women would react to specific issues in distinct ways, yet only the female respondent implies that this could be beneficial.

The statements given by the respondents above illustrate very clearly that voters often rely on gender stereotypes to make blanket judgments about candidates, and have

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139 Respondent 24.
140 Respondent 46.
141 Respondent 45.
142 Respondent 90.
143 Respondent 97.
specific perceptions about male and female candidates. The last set of responses further indicate that some voters rely on negative stereotypes about females, yet do not suggest that males could have the same biases.

The third hypothesis, that female candidates tend to be regarded as competent in stereotypically feminine areas, while male candidates tend to be regarded as competent in stereotypically masculine areas, is not conclusively supported by the data. In order to test this hypothesis, regression tables were completed for three sets of scale questions regarding the hypothetical judicial candidate in the provided news article. For each of these questions, the significance of both party and gender of the candidate as the independent variables was examined.

The first set of scale questions contained the variables “Equality”, “Family”, “Success”, and “Career”, and asked the respondent to rate how important these issues were to the hypothetical candidate. The five-point scale provided for each issue included the choices “Most important”, “Very important”, “Somewhat important”, “Not too important”, and “Not important at all”.

As the hypothetical candidate did not mention any of these issues in the article, the respondents answered the question based on a subjective judgment of the candidate. The expected results were that the respondents would rate the male and female candidates differently on these issues, for example stating that the female candidate found equality and family more important than did the male candidate, while the male candidate valued success and career. These expectations were not met; the regression analysis found only

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144 The actual question was “How important are the following items to Stevens (the candidate)?”
that “Equality” had statistical significance with respect to party, with a result of .031. In this instance, respondents’ partisan stereotypes were stronger than gender stereotypes.

Table 9. Importance of Equality to Candidate

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
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<th>Sig</th>
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Table 10. Importance of Family to Candidate

<table>
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<td>Candidate Gender</td>
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<td>.834</td>
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<td>Candidate Party</td>
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Table 11. Importance of Success to Candidate

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<td>Candidate Gender</td>
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Table 12. Importance of Career to Candidate

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The second set of scale questions asked respondents to judge the candidate’s level of competence in dealing with certain issues. The issues were “Crime”, “Abortion”, “School funding”, “Civil Rights”, the “Environment”, “Welfare”, and “Capitol Punishment”. The respondents were provided with a scale of one through four, with one being “Very Incompetent” and four being “Very Competent”, and were asked to rate the candidate on each issue.

These issues were chosen in order to trigger gender stereotypes that the respondent might use when evaluating candidates. The candidates did not mention any of these issues other than “School funding”, and so differences in respondent ratings based solely on gender or party would reveal the use of gender or party stereotypes. Although several of these issues were expected to be significant with respect to gender, none of them were. However, the issues “Welfare”, “Civil Rights”, and the “Environment” were significant with respect to party. “Welfare” was the issue with the most statistical significance.

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145 The actual question was “Suppose that Candidate Stevens was elected as a member of the Ohio Supreme Court. What is your best guess about Candidate Stevens’s competence in dealing with cases on the following issues?”
significance, with a result of .000. “Civil Rights” was very significant as well, at .009. “Environment” was found to be somewhat less significant, with a result of .043.

### Table 13. Candidate’s Competence in dealing with Welfare

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
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<th>Sig.</th>
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<td>B Std. Error Beta</td>
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<td>20.396</td>
<td>.000</td>
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<td></td>
<td>Candidate Party .590 .147 .375</td>
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<td>.000</td>
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<td></td>
<td>Candidate Gender -.049 .147 -.031</td>
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<td>.741</td>
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</table>

### Table 14. Candidate’s Competence in dealing with Civil Rights

<table>
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</tr>
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<td>(Constant) 2.929 .131 -.090</td>
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<tr>
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<td>Candidate Gender -.146 .157 -.031</td>
<td>-.932</td>
<td>.353</td>
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</tr>
<tr>
<td></td>
<td>Candidate Party .417 .156 .258</td>
<td>2.669</td>
<td>.009</td>
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</table>

### Table 15. Candidate’s Competence in dealing with the Environment

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<td>B Std. Error Beta</td>
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<td></td>
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<tr>
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<td>(Constant) 2.339 .136 .008</td>
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<td>17.152</td>
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<tr>
<td></td>
<td>Candidate Party .334 .163 .202</td>
<td>2.053</td>
<td>.043</td>
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<td></td>
<td>Candidate Gender -.013 .163 -.008</td>
<td>-.081</td>
<td>.936</td>
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</table>
### Table 16. Candidate’s Competence in dealing with Crime

<table>
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<td>.304</td>
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<td>Candidate Gender</td>
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<td>-.001</td>
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### Table 17. Candidate’s Competence in dealing with Abortion

<table>
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<td>.033</td>
<td>.334</td>
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<tr>
<td>Candidate Gender</td>
<td>.167</td>
<td>.157</td>
<td>.106</td>
<td>1.065</td>
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</table>

### Table 18. Candidate’s Competence in dealing with School Funding

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<td>.189</td>
<td>.167</td>
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### Table 19. Candidate’s Competence in dealing with Capital Punishment

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<td>Std. Error</td>
<td>Beta</td>
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</tr>
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<td>.000</td>
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<tr>
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<td>Candidate Party</td>
<td>.223</td>
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</table>
The last set of scale questions on the survey asked respondents to rate the hypothetical candidate based upon a list of eight characteristics. The list included “Qualified”, “Successful”, “Strong”, “Decisive”, “Unbiased”, “Professional”, “Dedicated”, “Competent” and their antonyms. Respondents were asked to place the candidate along a seven-point scale for each of the characteristics, with a rating of one being the most negative (for example, “Unqualified”), and a rating of seven being the most positive (“Qualified”). The expected results were that many of the characteristics would be significant with respect to gender of the candidate, and illustrate that voters use gender stereotypes when evaluating the personal attributes of political candidates.

Table 20. Candidate Rating: Weak/Strong

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
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<td>Std. Error</td>
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<td>.069</td>
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<td></td>
<td>Candidate Gender</td>
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<td>.196</td>
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</table>

Table 21. Candidate Rating: Weak/Strong, Gender Only

<table>
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<tr>
<th>Model</th>
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</table>

146 The actual question was “Please rate Candidate Stevens on each of the scales below.”

147 The results for the characteristic “Undedicated/Dedicated” are not presented due to problems incurred with data recovery.
### Table 22. Candidate Rating: Unqualified/Qualified

<table>
<thead>
<tr>
<th>Model</th>
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<td>Candidate Party</td>
<td>.044</td>
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### Table 23. Candidate Rating: Unsuccessful/Successful

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<td>-1.669</td>
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### Table 24. Candidate Rating: Indecisive/Decisive

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<td>Candidate Party</td>
<td>.478</td>
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<td>.158</td>
<td>1.599</td>
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### Table 25. Candidate Rating: Biased/Unbiased

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<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Constant)</td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td>18.285</td>
</tr>
<tr>
<td>Candidate Party</td>
<td>.165</td>
<td>.314</td>
<td>.053</td>
<td>.526</td>
</tr>
<tr>
<td>Candidate Gender</td>
<td>.292</td>
<td>.314</td>
<td>.093</td>
<td>.930</td>
</tr>
</tbody>
</table>
Table 26. Candidate Rating: Unprofessional/Professional

<table>
<thead>
<tr>
<th>Model</th>
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<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>(Constant)</td>
<td>5.434</td>
<td>.225</td>
<td>24.186</td>
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<tr>
<td></td>
<td>Candidate Party</td>
<td>-.054</td>
<td>.268</td>
<td>-.020</td>
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<tr>
<td></td>
<td>Candidate Gender</td>
<td>.386</td>
<td>.268</td>
<td>.143</td>
</tr>
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</table>

Table 27. Candidate Rating: Incompetent/Competent

<table>
<thead>
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<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>(Constant)</td>
<td>5.398</td>
<td>.212</td>
<td>25.507</td>
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<td></td>
<td>Candidate Party</td>
<td>.443</td>
<td>.252</td>
<td>.173</td>
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<tr>
<td></td>
<td>Candidate Gender</td>
<td>.205</td>
<td>.253</td>
<td>.080</td>
</tr>
</tbody>
</table>

However, only “Weak/Strong” was found to be significant with respect to gender at .049 when combined with party, and at .046 when separated from candidate party.

Although only one of the listed traits proved to be significant with gender, “Weak/Strong” is important in that strength in several different forms was listed earlier in the survey by many respondents as an essential quality for judicial candidates to have.

The perception by respondents that female candidates are “weaker” than their male counterparts could prove to be very problematic, especially for judicial candidates. Candidates for the judiciary are expected by the respondents to be strong emotionally and in their convictions, and the use of gender stereotypes when evaluating the strength of candidates could grant men an advantage in their campaigns.
Two out of three of the hypotheses were supported by the survey data. Based on the answers of the respondents, voters do perceive members of the judiciary as having stereotypically masculine traits, even young voters. Although stereotypically feminine traits are listed as well, they appear far less often. Perhaps as more women candidates for the judiciary win office, these perceptions will begin to reflect a broader spectrum of attributes.

Female respondents, as well as Democrats, support court composition diversity more than their male and Republican counterparts. This assertion is supported by the data in this study, as well as other studies on gender discussed in Chapter 2. This may not necessarily mean that men and Republicans are against diversity, rather that it simply is not a priority.

Although I expected respondents to reveal gender stereotypes when evaluating female candidates’ competence, personal traits, and values, the data did not reinforce this expectation. Although gender was found to be significant in one instance, party proved to be significant in many more cases. Not covered in this study, however, was the effect of perceptions on candidates when party is not listed. This issue deserves further exploration due to the high number of non-partisan judicial elections.
Conclusion
Gender stereotypes continue to affect women candidates for political office, yet a minimal amount of research on the effects of voters’ gender stereotypes in judicial elections exists. This study examined gender stereotypes and the judiciary in a way that not many studies have. Although both gender stereotypes in politics and the judiciary have been studied at length, the issues typically are not combined. This represents a failure to understand women’s participation, or lack thereof, in a main branch of U.S. government.

A review of judicial literature does find that despite the long history of judicial selection reform, women are not notably advantaged or disadvantaged by selection method. The critical issue is not then the method of selection, but the perceptions of the voters doing the selecting. Gender stereotypes are so pervasive in U.S. culture that few voters do not base some aspect of their vote choice on gendered perceptions of the candidate. As literature on gender stereotypes suggests, however, this may not always be a disadvantage. Indeed, as women continue to gain further inclusion in the political arena, and voters become more accustomed to selecting women, gendered notions may increasingly assist women in gaining political office.

Two out of three of my initial hypotheses were supported by this study. Women and Democrats do indeed support increased diversity of court composition in higher numbers than other groups. Despite this, the majority of respondents tended to list stereotypically masculine traits when describing the ideal qualities of competent judges. However, my expectation that these perceptions would translate into statements that the genders were more competent in separate, specific policy areas were not met. These
results show that women have the opportunity to increase their numbers in the judiciary, as a significant portion of voters are willing to support their campaigns. Unfortunately, gender stereotypes continue to influence many voters, resulting in female candidates’ need to develop a strategy to use these perceptions to their advantage.

The effects of gender stereotypes on judicial candidates need to be explored further, in order to more fully understand the barriers women face specific to judicial races, as well as what it means to “be judgelike”. In this study, respondents were given conditions in which the party of the candidate was clearly evident. In order to replicate nonpartisan judicial elections, conditions with nonpartisan candidates should be included in further studies. This will eliminate respondents’ use of partisan stereotypes, and determine if their reaction to a candidate based on gender differs when party affiliation is unclear.

At present, however, a further understanding of how women win judicial campaigns needs to be developed, in order to increase the representativeness of courts in the context of gender. A more even balance of court composition is also essential in order to increase political efficacy among women, as well as provide a wider variety of opinions and policy agendas.
References


Judge Annette Stevens, one of the state’s most prolific appeals judges, says she stands nearly in the middle of the road in her legal views. She touts her experience and collegiality as assets that could be useful on the narrowly split Ohio Supreme Court.

But Stevens’s opinions can be explosive. From her seat in Canton, she has written two dissenting opinions later adopted by the Ohio Supreme Court in decisions that rocked the state.

Noting a lack of collegiality among the seven current justices, Stevens said, “I would like to see people act civilly.”

“I guess I view myself as a Republican,” Stevens said. “I try to be impartial in my judgments.”

The 25- member commission on judicial candidates for the Ohio Bar Association rated Stevens “highly recommended,” meaning at least 75 percent of the commission voted for her.

She has been endorsed by the state organizations for the AFL-CIO, AFSCME government employees’ union and Ohio Federation of Teachers.

Admitted to the bar in 1976, Stevens worked eight years as an assistant attorney general with the Ohio Department of Transportation, then moved to the city of Canton’s law
department as law director, also directing the city prosecutor’s office, until her election in 1989 to a state appeals court.

In 1995, Stevens was the dissenter on a three-judge panel, the first appellate review that rejected a Perry County judge’s ruling that Ohio’s school funding system was unconstitutional.

“I find that Ohio’s method of implementing its school funding program has deteriorated dramatically. The state has an interest in providing basic education for all students, yet this is not occurring due to inadequate funding,” Stevens wrote. “Ohio’s statutory scheme for financing its school violates Ohio’s equal protection and benefit clause.

“For better or worse, equal access to educational opportunity is inevitably tied to our purse strings. It is certainly not the court’s responsibility to legislate adequate funding so that all children have equal access to educational opportunities. It certainly is the court’s responsibility to analyze constitutional challenges asserting the minimum funding for educational opportunities has not been legislated.”

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Appendix B

Questionnaire

Thinking about the article you just read, please answer the following questions:

1. You may have developed an impression of Candidate Stevens as you read the article. There may be no particular reason for the impression that you can think of; it may just have occurred to you as you read the article. What are your impressions of Candidate Stevens?

2. A feeling thermometer rates your feelings towards a political candidate. The degrees are from 0 to 100. If you rate the candidate between 50 degrees and 100 degrees that means you feel favorable and warm toward that person. Ratings between 0 degrees and 50 degrees mean that you don’t feel favorable towards that person. If you don’t feel particularly warm or cold towards that person rate them at the 50-degree mark. Thinking about your feelings toward Candidate Stevens, what is your rating on the feeling thermometer?

--------------- degrees (put the number of degrees in the blank)
Please read the following statements and choose the answer that is closest to your own opinion. If you are not sure of an answer, just use your best guess.

3. How likely is it that Candidate Stevens will win the election to Ohio Supreme Court?

[     ] Very likely.
[     ] Somewhat likely.
[     ] Not very likely.
[     ] Not likely at all.

4. Would you vote for Candidate Stevens?

[     ] Definitely
[     ] Possibly
[     ] Definitely not

5. Now, think about Candidate Stevens. How important are the following items to Stevens?

Family
[     ] Most important
[     ] Very important
[     ] Somewhat important
[     ] Not too important
[     ] Not important at all

Success
[     ] Most important
[     ] Very important
[     ] Somewhat important
[     ] Not too important
[     ] Not important at all

Equality
[     ] Most important
[     ] Very important
[     ] Somewhat important
[     ] Not too important
[     ] Not important at all

Career
[     ] Most important
[     ] Very important
[     ] Somewhat important
[     ] Not too important
[     ] Not important at all
6. Where would you place Candidate Stevens on this scale?

[    ] Very liberal
[    ] Liberal
[    ] Slightly liberal
[    ] Moderate; middle of the road
[    ] Slightly conservative
[    ] Conservative
[    ] Very Conservative

7. What qualities do you think are essential for a competent judge to have? Please list these qualities.

8. Do you think that Candidate Stevens has the qualities you listed above?

[    ] All of them
[    ] Some of them
[    ] None of them
9. Instructions: Please rate **Candidate Stevens** on each of the scales below. For example, if you think Stevens is very **pleasant** you would check the scale as follows:

```
1   2   3   4   5   6   7
UNPLEASANT:____:____:____:____:____:____:__X__:PLEASANT
```

If you think Stevens is very **unpleasant** you would check the scale as follows:

```
1   2   3   4   5   6   7
UNPLEASANT:__X__:____:____:____:____:____:____:PLEASANT
```

```
1   2   3   4   5   6   7
Unqualified:       ____:____:____:____:____:____:____:    Qualified
Unsuccessful      __:____:____:____:____:____:____:____:    Successful
Weak              ____:____:____:____:____:____:____:____:    Strong
Indecisive        ____:____:____:____:____:____:____:____:    Decisive
Biased            __:____:____:____:____:____:____:____:____:    Neutral/ Unbiased
Unprofessional    ____:____:____:____:____:____:____:____:____:    Professional
Undedicated       ____:____:____:____:____:____:____:____:____:    Dedicated
Incompetent       ____:____:____:____:____:____:____:____:____:    Competent
```
10. Suppose that Candidate Stevens was elected as a member of the Ohio Supreme Court. What is your best guess about Candidate Stevens’s competence in dealing with cases on the following issues? Please rate the candidate on a scale of 1 (very incompetent or poor), 2 (somewhat incompetent), 3 (somewhat competent), 4 (very competent or excellent). Please circle your response.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Very Incompetent</th>
<th>Very Competent</th>
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<tbody>
<tr>
<td>Crime</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Abortion</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>School funding</td>
<td>1</td>
<td>2</td>
</tr>
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<td>Civil rights</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Environment</td>
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<td>2</td>
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<tr>
<td>Welfare</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Capitol Punishment</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

11. What is your gender?

[ ] Female
[ ] Male

12. With which political party do you most identify?

[ ] Democrat
[ ] Republican
[ ] Independent
[ ] Other
13. What is your age? _________ years

14. What is your year in school?
   [ ] Freshman
   [ ] Sophomore
   [ ] Junior
   [ ] Senior
   [ ] Other

15. Where would you place yourself on this scale?
   [ ] Very liberal
   [ ] Liberal
   [ ] Slightly liberal
   [ ] Moderate; middle of the road
   [ ] Slightly conservative
   [ ] Conservative
   [ ] Very Conservative

16. When deciding whether to vote for a judicial candidate, which indicator is most important to you? In other words, what one factor would be most persuasive in causing you to vote for a judicial candidate?
   [ ] Party
   [ ] Gender
   [ ] Campaign promises
   [ ] Other ______________________________ (please specify)
17. Have you ever voted for a judicial candidate?

[ ] Yes
[ ] No

18. How much of a difference, if any, do you feel that a diverse judiciary, consisting of nearly equal numbers of men and women, as opposed to a judiciary with a majority of members all of the same gender, would make in the type of judgments made?

[ ] No difference at all
[ ] A small difference
[ ] A great deal of difference

Please briefly explain your answer.