

Cambridge University Press

978-1-107-14319-7 - Gendering Legislative Behavior: Institutional Constraints and Collaboration

Tiffany D. Barnes

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Introduction

“And that’s where women in the Senate make a real difference. Women tend to be more collaborative, less concerned about scoring partisan political points and more focused on getting a solution.”

– Republican Senator Susan Collins, Maine, 2013

Five days into the U.S. government shutdown in 2013, Republican Senator Susan Collins took the Senate floor and challenged her colleagues to work together to put an end to the impasse. In the midst of a fierce partisan standoff, she pieced together a bipartisan coalition – disproportionately comprised of women – that would lay the foundation for the federal fiscal plan later signed into law. Although the large role female senators played in forging a compromise attracted considerable media attention, the senators themselves suggested this was par for the course. Senator Collins explained: “I don’t think it’s a coincidence that women were so heavily involved in trying to end this stalemate. Although we span the ideological spectrum, we are used to working together in a collaborative way.”¹

Female senators in the United States are certainly not in lockstep politically, but their custom of monthly meetings and their history of collaborating across party lines on other projects set the tone for constructive bargaining to end partisan gridlock. Indeed, women in the U.S. Senate have a track record of crossing party lines to develop legislation that promotes their shared interests. The Airline Passenger Bill of Rights Act (Barbara Boxer, D-CA and Olympia Snowe, R-ME), legislation to provide health care to the first responders to the attacks of September 11, 2001 (Lisa Murkowski, R-AK and Kristen Gillibrand, D-NY), and legislation amending the tax code to meet the needs of stay-at-home moms (Barbara Mikulski, D-MD and Kay Bailey Hutchison, R-TX) are just a few of many examples. Senator Mikulski describes these bipartisan feats

¹ Quoted in Weisman and Steinhauer (2013).

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and others as “the power of two women building a coalition to accomplish a mutual goal.”²

This kind of collaborative behavior is not unique to the United States. As women gain access to parliaments worldwide in record numbers, legislative collaboration appears to be on the rise. Stories of women working together to accomplish bipartisan goals appear in popular media and academic discourse across the globe. In Rwanda, two years after the genocide, a bipartisan coalition of women formed the Forum of Rwandan Women Parliamentarians – the first ever caucus in Rwanda where members of the parliament work across party lines to promote legislation. In El Salvador, in 2011, women in the parliament set aside party differences to pass the First Comprehensive Law for a Life Free of Violence against Women. And in Uruguay, female legislators united into a women’s caucus, reaching a consensus on legislation to prohibit sexual harassment in the workplace and give female employees access to retirement pensions. Deputy Margarita Percovich of Uruguay described it this way: “Traditional politics, with its endless fighting, had us all tired out. The men emphasized differences, but we did exactly the opposite.”³

As these examples make clear, collaboration is a vital part of the policy-making process and democratic representation. Yet most scholarship focuses on the competitive aspects of democracy. From Schumpeter’s (1942) “competitive struggle” to Dahl’s (1971) “contestation and participation,” democracy has been defined as a competitive process that determines the power to make decisions. This adversarial understanding of democracy is reflected in the tendency of many scholars to focus on polarization and gridlock (Binder 1999, 2015; Linz and Valenzuela 1993; Mainwaring and Shugart 1997). Legislators are often assumed to have a single-minded focus on defeating their competitors. Still, collaboration occurs, perhaps even often. This is puzzling: *Why, if politicians can secure power to make political decisions via competition, would we ever expect to observe collaboration in the policy-making process?*

This book reexamines traditional notions of competitive democracy by investigating patterns of policy collaboration among Argentine legislators, especially among women. In doing so, it tackles three important questions. The first question is this: *Can democracy be collaborative?* I argue that collaborative democracy is not antithetical to competitive democracy. Although only the majority can secure the power to decide via competition, I explain that all legislators – particularly those who are not in the winning majority – can influence the policy-making process through collaboration. Using bill cosponsorship data, which represents the culmination of the collaborative process, I demonstrate that democracy can be collaborative, that out-of-power legislators collaborate more frequently than those in power, and that women collaborate more than men across the entire range of policy areas.

² Barbara Mikulski in *Nine and Counting: The Women of the Senate* (Boxer, Collins, and Feinstein 2001).

³ Quoted in Silveira (2010).

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This raises a second question: *Why do women collaborate?* That is, what motivates women's collaboration? Although popular explanations for women's collaboration assume that women are simply socialized to be more collaborative than men, I argue that female legislators – like all legislators – are strategic politicians and they collaborate in an effort to be more effective representatives. Specifically, women collaborate more than men because they face structural barriers that restrict their ability to exert influence on the policy-making process. By collaborating with other women they can overcome structural barriers and attain political power. I show empirically that despite having high levels of descriptive representation as a group and seniority as individuals, women's marginalization exists across a vast array of legislative powers including chamber-wide leadership posts, committee leadership posts, and powerful committee appointments. This marginalization limits women's political power and motivates collaboration among women.

Finally, this leads to a third question: *When do women collaborate?* If women are more motivated to collaborate, why do some female legislators collaborate successfully among themselves, while other women fail to do so? Specifically, I investigate the institutional contexts that condition women's collaboration. I argue that despite the benefits of collaboration, patterns of collaboration vary among female legislators because not all women have the same opportunities to work collaboratively. Different legislative contexts either facilitate or constrain women's collaboration. I show empirically that six key contextual variables, which vary both between and within legislative chambers, shape policy collaboration. First, I examine women's numeric representation and partisan constraints; both factors vary substantially between legislative chambers. Then I focus on affiliation with the executive party, seniority, legislation targeting women's issues, and membership in a women's caucus or committee; each of these factors varies within legislative chambers. Taken together, the answers to these three important questions offer a solution to the puzzle by explaining why and when we can expect to observe collaboration in a democracy where power is obtained via competition.

CENTRAL THEORETICAL ARGUMENT

Can democracy be collaborative? Why do women collaborate? And when do women collaborate? These three central questions motivate this book. In this section, I provide an overview of the theoretical argument that helps me answer these three questions. These ideas are developed in full in Chapter 2.

Can Democracy Be Collaborative?

I argue that democracy can be collaborative and that many of the political behaviors we observe are clearly more collaborative than competitive. The tension between cooperation more generally and competition has figured

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prominently in the literature on electoral rules and is central in the selection of party authorities to act as delegates for party members (Cox 1997; Duverger 1954; Lijphart 2012). Yet, with few exceptions, modern scholars have paid little attention to the collaborative aspects of the policy-making process.⁴ As a result, extant research on legislative behavior gives us an incomplete picture of representative democracy. Shifting from an almost exclusive focus on competition to a focus that incorporates collaboration can improve our understanding of representative democracy and inform our knowledge of how institutions structure the political process.

Whereas classical theories of democracy advocated the idea that power should be vested in the will of the people with the primary purpose of promoting the common good, procedural definitions of democracy focus primarily on competition (Schumpeter 1942). In this view, power is vested in the *majority* and is maintained through exclusion and competition (Lijphart 1984, 2012). Clearly, competition is essential to democracy; but the near-exclusive emphasis on competition runs counter to other core democratic principles and leaves no room for collaboration. If groups of people are continually denied access to power, democracy is likely to be undermined over time (Lijphart 1984; Mainwaring, Brinks, and Pérez-Liñán 2001, 2007). For democracy to be legitimate it needs to incorporate preferences and information from all legislators (not limited to those in the winning majority) beyond the process of simply aggregating preferences through voting procedures or strategic voting that merely maximizes individuals' preferences over a set of predetermined outcomes. The collaborative aspects of democracy are therefore necessary to incorporate the preferences of a wider range of legislators.

Collaboration is not simply coordination. Democratic coordination is characterized as a sequence of choices that include procedures to determine the sets of alternatives at different stages in the decision-making process (Cox 1997). Although coordination may be explicit, it is typically implicit, only requiring actors to anticipate the actions of others and to respond in a strategic way that maximizes the probability of achieving their preferred outcome. Collaboration, by contrast, is a generative process in which legislators work together to produce a wholly new outcome. Collaboration is distinct from coordination because it requires explicit interaction, carried out with the goal of creating something novel rather than simply facilitating preference maximization.

Collaboration enhances democracy by encouraging inclusion and participation of all groups, enabling them to voice their concerns and influence the policy-making process. By collaborating with other representatives – both

⁴ Notable exceptions of work focused on legislative collaboration include research by Alemán and Calvo (2010), Calvo and Leiras (2012), and Kirkland (2011), which are discussed in more detail in Chapters 2 and 3. For a broader discussion of how institutions promote consensus building in the democratic process, see Clucas and Valdini (2015) and Lijphart (1984).

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within their own parties and across party lines – legislators can increase their influence over group decisions, shape the outcome of legislation, and develop more efficient and effective policy. Through collaboration, legislators can raise awareness around an issue, increasing the probability that it gets on the legislative agenda (Krutz 2005; Wilson and Young 1997) and is ultimately passed into law (Alemán and Calvo 2010). All legislators want to exert their influence in the policy-making process, regardless of their majority or minority status. Although only the majority can secure the power to decide via competition, anyone – including those legislators in positions of institutional weakness – can obtain influence through collaboration. An unfortunate reality of democracy is that some group is always likely to be marginalized. But through collaboration, excluded groups can enhance their strength and influence, thus bringing the polity one step closer to the democratic ideal.

Given the strong normative and practical benefits of collaboration, I argue that all legislators have an incentive to collaborate. Nonetheless, collaboration is costly. Consequently, not all legislators will choose to collaborate all of the time. Instead, legislators must determine if the benefits of collaboration outweigh the costs. Legislators in positions of power often do not need to incur the costs of collaboration in order to exert influence in the policy-making process, as they have access to a number of resources they can use to wield influence. By contrast, out-of-power legislators have far fewer resources at their disposal and therefore have a stronger incentive to collaborate to exert influence in the policy-making process. Thus, although I expect to observe widespread collaboration in democracies, legislators in positions of institutional weakness will collaborate more than their powerful colleagues.

Why Do Women Collaborate?

I contend that women are marginalized in the legislatures where they serve and consequently find themselves in a position of institutional weakness. Given this, there is little doubt that they can benefit from collaboration. When women enter into a male-dominated institution, they face formal and informal structural barriers that prevent them from wielding influence in the legislative process. Women are marginalized despite having high levels of descriptive representation as a group and seniority as individuals (Barnes 2014; Krook and O'Brien 2012; Schwindt-Bayer 2010). Women's marginalization is not merely a product of their numeric status in the chamber, but it is also because they lack access to formal and informal positions of power. Women encounter a series of formal structural barriers because they simply do not have the same opportunities as men to hold leadership posts and powerful committee positions in the chamber (Heath, Schwindt-Bayer, and Taylor-Robinson 2005; Kittilson 2006; O'Brien 2015). Legislators holding these positions have disproportionate influence in shaping the legislative agenda, writing the content of bills, and deciding how legislative resources are distributed. Because women are systematically

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excluded from these powerful positions, they are much less able to shape legislation and allocate resources to their constituents.

Women also face informal barriers that limit their influence in the parliament. They are often excluded from important leadership discussions and professional networks (Barnes 2014; Franceschet and Piscopo 2008; Rosenthal 1998; Schwindt-Bayer 2006). Women are subject to negative stereotypes about their ability to lead, to legislate, and to influence stereotypically masculine policy domains such as economic policy (Duerst-Lahti 2005; Holman, Merolla, and Zechmeister 2011; Kathlene 1994). Together, these formal and informal barriers limit women's legislative power.

Despite these barriers, female legislators, like all legislators, have an obligation to represent their constituents' interests by voicing their concerns and shaping policy. They also have an incentive to behave in a way that allows them to advance their political careers. In order to do their jobs effectively, female legislators must work around these barriers. Because of their marginalization, I contend, women, like other groups not in positions of power, can greatly benefit from collaboration. By collaborating – both within their parties and across party lines – women can attain more power and exert more influence on the policy-making process.

Women stand to benefit from collaboration above and beyond the benefits realized by their male colleagues who are also excluded from power. In a society where women are socialized to be more cooperative and consensual (Forret and Dougherty 2004; Timberlake 2005), not only might women prefer collaboration to competition, but also, women are rewarded for conforming to these gender stereotypes (Eagly and Carli 2007; Heilman and Okimoto 2007). Unlike men, women who are self-assertive or aggressive in pursuing their goals are likely to elicit negative reactions, thus limiting their influence in groups (Burgess and Borgida 1999; Yoder 2001). By contrast, when women take a collaborative and cooperative approach to task performance – such as lawmaking – they can increase their influence over group decisions (Ridgeway 1982; Shackelford, Wood, and Worchel 1996). Consequently, women can wield more power in the legislature by adopting collaborative strategies. Beyond this, women may also derive personal benefits from collaboration, as there is evidence that women in political office enjoy the collaborative elements of politics more than do their male colleagues (Kathlene 1989; Lang-Takac and Osterweil 1992; Tilly and Gurin 1992).

The additional benefits that women incur from collaboration may be sufficient to explain why women are more likely to collaborate than men and, by extension, to choose female collaborators. Still, there are additional reasons why women may choose to work more with women than men. This is because women are also marginalized *within* other out-of-power groups. Beyond the social expectations generated by gender stereotypes, other social dynamics make it particularly rational for women to collaborate with women. In institutions that are traditionally male domains or even mixed-gender settings, men

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tend to dominate leadership, agenda setting, and deliberation (Karpowitz and Mendelberg 2014; Propp 1995; Thomas-Hunt and Phillips 2004). In collaborating with other women, female legislators find they have more opportunities for influence. Thus, women's unique experiences in the legislature – due to marginalization and socialization – explain why women are more likely than men to collaborate overall, and why they are more likely to collaborate with women.

When Do Women Collaborate?

Despite the benefits of collaboration, patterns of collaboration vary among female legislators because not all women have the same opportunities to work collaboratively. One reason for this variation in women's legislative behavior is that a number of institutional contexts – which vary both between and within legislative chambers – structure women's legislative behavior (Osborn 2012; Schwindt-Bayer 2010). With respect to institutions that vary largely between chambers, both partisan constraints and women's numeric representation should shape women's legislative behavior. I argue that electoral institutions that concentrate power in the hands of party leaders and foster strong party loyalty constrain women's propensity to collaborate. But electoral institutions that allow legislators to act independently of the political parties and tolerate the pursuit of a legislative agenda beyond the parties' platforms impose fewer constraints on women's collaboration. Moreover, this relationship will be stronger or weaker depending on women's numeric representation. As women's marginalization persists regardless of women's numeric status in the chamber, rather than alleviating marginalization, increases in numeric representation *expose* women's marginalization, making it more visible. Because legislators are motivated to collaborate to overcome institutional weakness, this implies that where women hold a larger share of seats in the legislature, women will be further incentivized to collaborate. Thus, I expect that increases in women's numeric representation will spur collaboration among women when they face weak party pressure. At the same time, when there are more women in office, it is more likely that collaboration among women will result in influence over outcomes. Consequently, in contexts where party constraints are strong, increases in women's numeric representation heighten party leaders' incentives to limit women's collaboration.

Women's legislative behavior also varies within legislatures. Specifically, female legislators who are members of the governor's party face fewer partisan pressures than women who are members of the opposition parties; as a result, they have more opportunities to collaborate with female colleagues.⁵ With respect to seniority status, I argue that women who have served previous terms

⁵ In this book, I focus specifically on the Argentine provinces, in which case the executive is the governor. As such, I use the language "governor's party" to refer to the executive. Nonetheless, the theory is general and applies to the executive's party in presidential systems.

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in office will have larger political networks within the chamber and are more willing to defy party norms than are their junior colleagues; for this reason they will be more likely to cross party lines to collaborate with women. Next, I argue that because women are more likely than men to prioritize women's issues, women are more likely to seek out female collaborators when working on issues in this area. Finally, women will be more likely to collaborate with other women when they hold membership in a women's caucus or on a women's issues committee. Such organizations serve to solve the coordination problem among women and facilitate collaboration among like-minded legislators. In sum, I expect that women's legislative collaboration will vary both between and within legislative contexts.

EVIDENCE OF WOMEN'S LEGISLATIVE COLLABORATION

To address these three important questions, this book uses a rich combination of qualitative and quantitative data. The primary setting for my analysis is Argentina, where I compare men's and women's legislative behavior at the provincial level in order to capture variation in women's numeric representation and legislative contexts within a single country case. I draw on qualitative evidence from more than 200 interviews with male and female legislators and elite political observers from eighteen Argentine provinces and the autonomous Federal District (herein nineteen provinces). The fieldwork was conducted between 2007 and 2013 during six different trips to Argentina. The map of Argentina in Figure 1.1 depicts the provinces I visited during this time (shaded in gray). My quantitative evidence comes from a novel data set that I developed using archival data from twenty-three Argentine chambers over an eighteen-year period. The data include all cosponsored legislation, committee appointments, and leadership posts for more than 7,000 male and female legislators.

Observing Legislative Collaboration

Collaboration is the process of people working together to produce a desired outcome. Within the legislative context, most collaboration is intended to develop and advance legislation. Legislators can collaborate in a number of ways in an effort to influence the policy-making process. Legislators can collaborate with their colleagues by cosponsoring legislation; by engaging in activities such as networking and organizing informal meetings to collect information on problems in their districts; or by exchanging ideas during party meetings, floor debates, and committee hearings. Collaboration can mean legislators working together within or across party lines. Further, legislative collaboration is not strictly limited to collaboration among legislators themselves. Legislators can collaborate through informal means such as building networks with bureaucrats, experts, and organizations outside the legislature (Alcañiz forthcoming)



FIGURE I.1. Map of the Argentine provinces.
Note: This map indicates the eighteen provinces and the Federal District (shaded in gray) where I conducted interviews and carried out archival work between 2007 and 2013.

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and holding meetings to obtain information, or through formal avenues such as inviting specialists to testify during committee hearings.

Although collaboration can take a number of different forms, some forms of legislative collaboration can be difficult for scholars to observe and even more difficult to systematically measure. For example, it is difficult to observe every time that legislators hold informal meetings or mentor their colleagues. To address this challenge, I take two different approaches to evaluating legislative collaboration. First, in the case of Argentina, I measure collaboration using bill cosponsorship data.⁶ Then, I supplement my cosponsorship analysis with a series of case studies to examine more informal types of collaboration.

Cosponsorship data is an ideal measure of collaboration because it represents the culmination of a collaborative process in which legislators work together to consider different perspectives, build consensus, and develop legislation (Alemán and Calvo 2010; Calvo and Leiras 2012; Kirkland 2011). For example, in 2005, eleven female deputies in Córdoba worked together to develop, promote, cosponsor, and pass a law establishing preventative measures for and sanctions against workplace violence. Whereas it is impossible to systematically account for the informal and “behind the scenes” development and promotion of legislation across a large number of cases, we can systematically observe cosponsorship. Most legislatures methodically record bill cosponsorship information. Moreover, I can collect this information and measure it with practically no error. I corroborate evidence from cosponsorship data with numerous qualitative examples of Argentine women’s successful and foiled efforts to collaborate. In Chapter 3, I introduce my bill cosponsorship data and detail the reasons why bill cosponsorship is the best measure of collaboration in the Argentine context.

Parties are integral in thinking about the scope of collaboration. As political parties are the organizational units of legislatures, it is not uncommon for legislators to collaborate within their own political parties. Although parties work as agents of coordination to advance the parties’ agendas, party leaders can often advance policies without input or even buy-in from rank-and-file members. In such circumstances, if legislators do not collaborate to influence the development of legislation, they may have no involvement in the policy-making process. Thus, my theory indicates that collaboration will vary substantially both within and across parties depending on individual legislators’ incentives to collaborate. I evaluate legislators’ propensity to collaborate with colleagues *across the entire chamber*, and I also focus specifically on their propensity to *cross party lines* to collaborate.

In Chapter 7, I augment my careful analysis of cosponsorship data with a series of qualitative case studies that examine women’s legislative collaboration. This approach, which draws on examples from across the world, allows

⁶ See Appendix 3.1 for a complete list of the provincial chambers used in the cosponsorship analyses.