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Out of the Hands of the Parties: Women's Legislative Recruitment at Westminster

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Introduction

Women make up 22 per cent of the membership of the United Kingdom Parliament. There has been little progress since 1997—only a 4 per cent increase. At the 2015 general election, as a result of the reduction in the size of the Commons, the number of women MPs will most likely fall rather than rise. For these reasons, we advocate the establishment of a 2012 Speaker's Conference on parliamentary representation, to ensure the implementation of the recommendations of the 2008–10 one. This should, *inter alia*, determine the means by which political parties can be held to account for their selections, and identify mechanisms by which all the political parties select equal numbers of women and men candidates in half their vacant-held and winnable seats for the next election (or at least a minimum of 40 per cent of one sex, sometimes known as the '40:40:20' option). In other words, the new Conference would introduce a *legislative* sex quota, with robust sanctions for non-compliance.

While quotas are rarely popular, all the main parties have some incentives to participate in this 'above party' move. Labour already employs a party quota—All Women Shortlists—and 'leads the way' on women's representation; the Liberal Democrats, with the worst record of the three parties, can no longer hold out the prospect of electoral reform as the means by which to increase the number of women MPs; and for Prime Minister David Cameron, quotas would signal further party modernisation, and he can present legislative ones as a constitutional reform—not a top-down central imposition on his party's grassroots.

A missed opportunity, 2010

The 2010 general election should have been a critical one for women—all the main parties

were competing for women's votes and over 'women's issues', and their leaders were all publicly committed to increasing women's parliamentary representation. Yet, it was a missed opportunity. Women's issues and women voters were marginal to the campaign and women politicians were eclipsed by the male party leaders and their wives. On election day, while the number of women MPs elected was unprecedented at 142, it was just 14 more than 2005—a net increase of 2.5 per cent. The coalition negotiations that followed witnessed all male teams of Conservative and Liberal Democrat MPs determining the future government of the United Kingdom.

Currently languishing in 49th position in the world rankings, the United Kingdom Parliament is still a long way from parity of representation for women and men. This is despite the favourable conditions within which the 2010 election was held: more openings for new MPs than usual following the expenses scandal as turnover was higher than normal; the 2008–10 Speaker's Conference, a special parliamentary committee established to investigate parliamentary representation, placed the issue higher up the Westminster agenda and; the considerable effort to increase candidate diversity expended by the three main political parties. Admittedly, the final figures were better than expectations 18 months out, when the opinion polls in the Conservative's favour, together with Labour's historic association with women's representation, pointed to a likely decline.

On 6 May, Labour women MPs totalled 81, the Conservative's 48 (rising to 49 following a delayed poll) and the Liberal Democrats 7. Labour, losing some 90 seats, nevertheless saw its percentage of women in the parliamentary party increase to above one-third. The Liberal Democrats declined in number and percentage terms, from 10 to 7, and to 16 to 12 per cent, respectively. The Conservatives

more than doubled their number, albeit from a low starting point of 17, but failed to double percentage wise, reaching 16 per cent. Furthermore, Labour and the Conservatives, but not the Liberal Democrats, selected more women candidates compared to 2005; only Labour returned equivalent or greater numbers of women MPs compared with the number of their women candidates; Labour was alone in distributing women candidates disproportionately in its vacant-held seats—in percentage terms the Conservatives placed most in its unwinnable seats; and Labour and the Liberal Democrats selected women in more than half of their retirement seats, but the Conservatives did so only in 26 per cent of them.

Party politics and women's legislative recruitment

Women's presence at Westminster continues to reflect the parties' differing responses to both 'supply-' and 'demand-side' explanations, and to the different equality strategies that enhance women's representation.¹ If a party considers that the 'problem' is about too small a supply pool, then it is likely to favour equality rhetoric and equality promotion to, in respect of the former, encourage more women to seek candidacy and, in respect of the latter, to ensure that the women are better resourced—that they have the relevant sought-after characteristics, experiences and skills. If, however, a party considers it has sufficient, suitably credentialised women in its supply pool, then attention is likely to turn to equality guarantees—measures that, all other things being equal, ensure more women MPs.

In 2010 all main parties used the first two strategies but only Labour the third. All Women Shortlists (AWS) were, as in 1997 and 2005, Labour's quota of choice—using them in half of its retirement seats in 2010. Both the Lib Dems and the Tories hoped that equality rhetoric and strong equality promotion would suffice. The former, amongst other strategies, used sex quotas at the short-listing stage: shortlists of three or four required at least one applicant of each sex; those of five, at least two. Conservative reforms included: the establishment of the priority or 'A' list of

candidates; primaries; 50 per cent sex short-listing quotas; and, in the immediate run up to the election, 'by-election rules'. Cameron maintained that some of the latter would be all women, albeit by happenstance. In practice there were none.

In understanding how parties respond to the issue of women's representation it is clear that additional factors come into play:

- *Party gender equality activists' mobilisation.* Here, timing is crucial to the adoption of particular equality measures.² Labour women mobilised from the 1980s and saw their efforts for women's legislative recruitment bear fruit in the 1990s, most especially at the 1997 general election when 101 Labour women MPs were elected. They subsequently demanded that the law be changed in 2002, and the Equality Act 2010 amended, so that AWS remained legal until 2015, and later 2030. Equality activists within the Conservatives only publicly mobilised on women's parliamentary representation to any noticeable effect from 2005—not least through the establishment of Women2win and with the high-profile advocacy of Theresa May MP. The Liberal Democrats famously rejected quotas at its 2001 party conference and continue to be divided over the issue.
- *Party ideology and the principle of 'merit'.* A commitment to the principle of parity of representation is not a sufficient condition to lead a party to adopt equality guarantees. 'Merit' often trumps 'equality'. Critics contend that candidates selected on a quota are, by dint of the selection process, second-class MPs, having had an 'easy ride' and having avoided being judged against the 'best man'. Proponents of equality guarantees note, to the contrary, that all the main parties pre-approve candidates prior to individual selections; hence, all are already deemed selectable. There is, moreover, extensive, albeit circumstantial, evidence to suggest that 'open' selection processes in the past have been anything but meritocratic.
- *Local party autonomy.* Local parties prize their role in candidate selection—one of the very few benefits that party membership still accrues. Central intervention can, in such circumstances, be perceived as an

unwelcome infringement, with the issue becoming less about who is the 'best' candidate and more about the 'rights' of a local party to choose. What local selectorates increasingly appear to want (driven perhaps by a belief that this is what the public want) is a local candidate—one who comes from the constituency.³ These tensions played out in Conservative selections prior to 2010 when 'outsider 'A' list women' were depicted in direct competition with 'local' men. Comparative empirical studies,⁴ furthermore, point to opposition between, on the one hand, more inclusive selection processes (greater democracy at the party level) and, on the other, diversity of parliamentary representation (greater democracy at the system level).

- *Leadership political will and intra-party anti-pathology.* Labour's AWS caused intra-party tensions; Cameron looks to have decided against taking on his party over women's representation preferring to accept a slower rate of increase in the face of grassroots opposition. However, United Kingdom party leaders can be much less afraid of equality guarantees than they might imagine. They can 'lead' their parties and better 'manage' their members and can do so confident that there is little or no electoral cost in adopting quotas. The high-profile loss of the safe Labour seat of Blaenau Gwent in 2005, when the ex-Labour MP Peter Law won as an Independent on an anti-AWS ticket, was a 'one-off'.⁵

2015, less conducive than 2010

The next Westminster election looks unfavourable for women's representation. On the demand-side there will be, quite simply, fewer (and fewer vacant-held) parliamentary seats. The Parliamentary Voting System and Constituencies Act 2011 reduces the size of the House by 50 MPs. When there is strong intra-party competition for seats women (or any other candidate who fails to conform to the 'normal' politician) do not usually fare well. The redrawn constituency boundaries, affecting the majority of seats, will result in 25 seats (in their new incarnation) changing hands. Women MPs are disproportionately affected: women hold nine of these (36 per cent). There is also likely to be lower turnover

of personnel in 2015. There is no reason to suspect that many of the 232 newly elected MPs will serve just one term.

On the supply-side, reform to the expenses system has been identified by parliamentarians as potentially having a disproportionately negative impact on the number of women seeking selection. This has to do with, first, the widely reported complexities in making expenses claims under the new system; second, (mis)perceptions that MPs with families will be afforded only 'bedsit' or 'barrack-style' accommodation; and third, increased media scrutiny and public backlash have created nervousness about the representation of MPs domestic arrangements. MPs with families will look (and, indeed, are) more expensive, especially when they—and their families—move between the constituency and London on a weekly basis.

Added to these apparent disincentives is the routine gendered representation of women politicians by the media, which shows no signs of abating. Then there are the masculinised norms of the House: its formal rules and informal norms. Pointedly, there has been no end to 'Punch and Judy politics', a style of politics claimed by Labour women MPs to put women off Parliament. Witness Cameron's ill-advised suggestion to Labour's Angela Eagle to 'Calm down, dear' and his characterisation of the Conservative Nadine Dorries as 'frustrated', both of which garnered extensive media copy. Nor has the 'problem' of the House's family-unfriendly/unprofessional sitting times been resolved: many of the new in-take MPs—male and female—admit to struggling to combine a heavy workload, 60+ hours per week, with family life.⁶ The Procedure Committee is currently investigating the parliamentary timetable (addressing Speaker's Conference Recommendation 54), but, at the time of writing, there is no indication that it will present a radical change to either the parliamentary working week or day.

Above the party: Speaker's Conference Mark II

The 2008–10 Speaker's Conference has had some success: there is now a crèche on the parliamentary estate (Recommendation 51, though the *Daily Mail* recently questioned its

cost-effectiveness); some MPs' pay may be provided as childcare vouchers (Recommendation 52); there is the Speaker's parliamentary placement scheme; civil partnerships are permitted within the House (Recommendation 56); a Private Members Bill is before the Lords seeking to abolish section 141 of the Mental Health Act 1983 (Recommendation 63); and the disability democracy fund was part of the Coalition Agreement (Recommendation 61). Political parties also, and for some time now, provide training and resources for candidates; equal opportunities in selection procedures are, on paper, at least established; and 'fair play' agreements about campaigning conduct are in place. There is, as yet, no resolution to the issue of maternity/paternity leave for MPs, and the cost of seeking selection remains expensive.

The inability to hold political parties and Parliament to account is a key limitation of the Speaker's Conference. The Conference ended with the 2005–10 Parliament. That the House was able to debate its Report on the second anniversary of publication was the result of the Backbench Business Committee agreeing to Labour's Anne Begg, in her capacity as a backbencher, albeit the ex-Acting Chair of the Conference, to do so. In the January 2012 debate Begg drew attention to Recommendation 24. This Recommendation requires parties' to monitor and provide data on selected candidates' backgrounds. As of early Spring 2012 it was yet to be implemented by the parties—S106, the reporting obligations contained within the Equality Act 2010, are due to come into force only in 2013. The Lib Dems and the Greens provided some, but not all data. Hence, Begg called for 'central management and guidance' regarding the collation and monitoring of diversity data. The Lib Dem's Jo Swinson argued that Parliament should 'think about a mechanism for regularly holding the Government and the House and the parties to account'. The Equalities Minister, Lynne Featherstone, responding, made clear her preference for a *voluntary* approach: there would be a roundtable meeting between officials and party representatives to discuss how selection processes could be more transparent; and she 'expect[s]', but will not require, all parties to reflect on the impact of the new constituency boundaries for parliamentary representation.

The boldest Recommendation of the Speaker's Conference in respect of sex is Recommendation 24:

Parliament should give '*serious consideration*' to the introduction of prescriptive quotas, ensuring that all political parties adopt some form of equality guarantee in time for the following general election', *should the parties fail to make significant progress in 2010*. (emphasis added)

There will be those who argue that the 2.5 per cent net increase from 2005 was sufficiently 'significant'. We, and many others, disagree.⁷ Moreover, and for the reasons cited above, there are very real concerns that the numbers of women will decline next time; incremental increase is by no means guaranteed. Against this unfavourable backdrop it is time to recognise that United Kingdom political parties, acting as private voluntary organisations,⁸ cannot bring about women's greater, and ultimately, equal presence in politics in any time-frame other than the longer term. The Speaker John Bercow's commitment to the issue of diversity of parliamentary representation is clear, but, as he has admitted, he is not in a position to act on many of the recommendations independently of Parliament and/or the parties. The Prime Minister could choose to establish a follow-up Conference: one set up to discuss how to implement a legislative sex quota, making sure that women's diversity is integral, and to further consider equality strategies for other under-represented groups, in recognition that these may well require different solutions. The possibility of linking state funding to parties efforts to promote candidate diversity—a suggestion which did not make it into the Report's recommendations—should also be explored. Representatives and Presiding Officers of devolved institutions should be involved to take the issue beyond the Palace of Westminster, and it might well address Lords reform, local government, elected police commissioners and European institutions as well.

In defence of sex quotas

The 'elephant in the room' is, of course, lack of an elite consensus over sex quotas. (We leave aside, although the new Speaker's Conference would need to address, public opinion; we

simply note here that political elites can lead opinion.) Even those Conservative and Liberal Democrat MPs who take a positive interest in enhancing women's and other under-represented groups' representation remain hostile. In the recent Commons' debate, Labour women MPs keenly drew attention to AWS' effectiveness (as did the Conservative's Margot James), and sought to counter claims that men, working-class or other, are discriminated against. Begg made clear that under Labour's AWS men could still be selected in 50 per cent of possible AWS seats in 2010, for example. In contrast, Conservative MPs—male and female—explicitly ruled out AWS, even as some (Amber Rudd and Penny Mordaunt) admitted that women experience selectorate discrimination. Of note, most MPs, as well as the Equalities Minister, agreed that there should be party-specific solutions suggesting few parliamentarians conceive of the issue as requiring a *system-level response*, even as two women MPs, Conservative and Labour, drew attention to *system-level conceptions and criteria of democracy* when they admitted democratic deficiencies if a parliament fails to reflect a country's diversity.

Sex quotas are permitted by various international institutions, including the United Nations Committee on the Elimination of Discrimination (CEDAW), the Beijing Platform for Action, the EU and the Council of Europe, and are globally popular, with over 100 countries using them. Legislative quotas are not, admittedly, the quota type that is most associated with the liberal political citizenship model characteristic of the United Kingdom; nevertheless, as Krook and her colleagues⁹ suggest, 'structure is not destiny': individual actors can shape quota debates.

In winning over opponents, sustenance can be drawn from a recent, comprehensive analysis of worldwide quota practices. In this, oppositional predictions relating to sex quotas include claims that:¹⁰

- quotas are unnecessary as the proportion of women will gradually increase in a natural way;
- there will not be sufficient numbers of qualified women;
- quotas undermine the principle of merit;
- (s)electd women will be stigmatised; and

- (s)electd women will be 'tokens', dependent on their parties or husbands.

Predictions about 'natural' increases in women's representation frequently fail, however, to specify the time frame and belie stagnation (as in the United Kingdom Parliament in 2001) and decline in women's representation (as in Scotland and Wales in 2011). Claiming a lack of 'unqualified' women is premised upon a shared agreement about what the necessary qualifications for a representative are. Studies that compare men and women representatives may well establish that women representatives are less qualified in formal educational or professional terms in individual countries, but this is certainly not true for all countries, and unlikely to be true in established democracies. In some cases, women are over-qualified. Neither is there evidence that women-only selection contests in the United Kingdom are less competitive in terms of candidate quality. Criticisms underpinned by merit often presume that women candidates selected via quotas are inferior to any male candidate, *a priori*,¹¹ and/or fail to recognise that the 'definition of an MP' is itself a highly masculinised institution. It is also the case that when party demand for women candidates has increased, so too has the percentage of qualified women coming forward. Both Wales and Scotland 'found' women to stand for the new institutions, reaching parity in Wales and 40 per cent women's representation in Scotland in 2003. We might, in any case, want to question the standard qualifications demanded of MPs. Criticism of the 'professional politician' (Oxbridge PPE—party research department—special adviser—MP) has never been higher.

That 'quota women' will automatically be stigmatised is not borne out generally in the research, although it may have more force where only a few women are elected. At Westminster, the identity of Labour's AWS women is simply not known. Nor, we confidently surmise, is it known among the public. In addition, quotas can be designed to be sex-neutral creating 'quota men' and 'quota women', pre-empting this criticism. Such quotas ensure men's fair representation, too. The charge of tokenism is also questionable: it may apply in systems where clientalism and political family dynasties are dominant

(although this would be true for the men), but where party is the main route into Parliament, both sexes depend upon parties as gatekeepers; what about those parachuted-in 'favourite sons'?

To be sure, quotas do not solve all barriers to women's inclusion in electoral politics. They will not by design remove supply-side barriers, nor do they in themselves reform the culture and practices of political institutions (parties or parliament). Quotas do not always lead to rapid, large increases in women's representation.¹² To deliver substantially higher representation, to realise parity, sex quotas have to be well-designed, appropriate to an electoral system, ensuring that women are selected for winnable seats/positions, and well-implemented with strong sanctions for parties that do not comply, meted out by specified bodies.

The framing and selling of quotas is critical. Drude Dahlerup's 'discourse of exclusion' shifts the emphasis from an apparent failure of women to seek selection, or to fail to be selected, onto institutions—most especially political parties—for failing to include women. There is an important sense here in which the increase in the number of women candidates put before the electorate is not a restriction in candidate choice as is sometimes suggested (even if it may restrict the choice of party selectorates in some instances), but an expansion of candidate choice for the voter. Finally, we acknowledge that it is 'much more complicated to construct' quotas for single member simple plurality (SMS) systems, although AWS and 'twinning' are two possible methods. A new Conference could call upon quota experts with practical experience of advising governments and international organisations on quotas to help draw up workable solutions.

The current moment, in terms of the timing of the next general election and the boundary review, is opportune for a reconsideration of women's representation in United Kingdom politics. So why might Cameron and the other party leaders accept arguments for legislative and not just party quotas, when both governing parties have thus far proven reluctant to consider seriously even the latter? Incentives can be identified for all three parties. Labour is the easiest. At the leadership level, Labour already endorses sex quotas. The party has

won its internal battle with AWS champions amongst high-profile parliamentarians and its 2010 intake. Such champions should, for principled reasons, seek parity of representation across the parties, and hence support legislative quotas. Even if this loses Labour some advantage, their record would be acknowledged as a success story. On the ground, Labour's women candidates could no longer be subjected to inter-party criticism on the grounds of their selection. Supporting legislative quotas might also signal a more feminised face for the Labour party, and one that could help counter the male trade unionist image associated with Ed Miliband's leadership. In supporting legislative quotas Labour can importantly provide Cameron with political cover.

Nick Clegg is not 'theologically opposed' to sex quotas. He can draw on limited support amongst the Liberal Democrat's older women parliamentarians. Of course, Clegg would need to manage intra-party tensions. Leading advocates of women's representation remain hostile, arguing that the problem is one of supply and contending that the party has been unlucky not to return more women (as a result of not holding onto Lib Dem seats in 2010, for example). However, the failure of the AV referendum last year means the Liberal Democrats can no longer offer the prospect of fair representation via electoral reform. Recall too, that the Lib Dems were the only main party in 2010 that had fewer women candidates and women MPs than in 2005. Given its position in current opinion polls the party's parliamentary representation may well shrink substantially in 2015, leaving it with just a couple of women MP, and perhaps none. There are no Liberal Democrat women cabinet ministers at present and the party has hired a public relations specialist to specifically assist in attracting women voters. A more representative parliamentary party would surely present a better image. Finally, like other parties ideologically antithetical to party quotas, there may be an incentive in agreeing to legislative ones—with women's representation becoming a requirement of the system and not a preference of the party.

Cameron's grassroots evidently found his 2005–10 selection reforms mostly unpalatable and his gender equality activists have always publicly rejected sex quotas. Nevertheless,

Cameron is happy with AWS when the ‘best candidates’ are women, as his deposition to the Speaker’s Conference made clear, and he is prepared to countenance, if not necessarily commit to them, in respect of the boardroom. And he has as yet to deliver on his commitment to addressing the scandalous under-representation of women in his party: women MPs are less than 1:5 of all Conservative MPs. We are confident that he could persuade—and could have in advance of the 2010 election persuaded—at least some of his gender equality activists to support the principle of quotas. Perhaps most critically, even if only for instrumental reasons, by taking the internal party politics out of delivering on women’s descriptive representation and by making it about system-level democratisation and the revitalisation of politics, Cameron might once again be able to present himself as a modernising party leader and a reforming prime minister and, one which is more appealing to the electorate in 2015 than he was in 2010.

Conclusion

The 2008–10 Speaker’s Conference identified many of the barriers that account for the under-representation of women and other groups at Westminster. It presented an extensive list of recommendations. A number have been acted upon, but the important requirement of diversity data disclosure has thus far failed to be implemented. The government favours a voluntary approach to monitoring—a position we find unsatisfactory. Crucially, if one cannot see who is being selected, the parties will likely ‘get away’ with selecting the same kind of candidate, constituency by constituency, only to wake up on election day to find their parliamentary parties remain over-populated by white, middle-class men.

The under-representation of women in British party politics is such that monitoring, while valuable, is likely to be inadequate—hence our call for a Speaker’s Conference Mark II. Women remain less than one-quarter of the Commons and prospects for 2015 do not look good. It is time, therefore, to take the

issue of women’s descriptive representation ‘above the parties’. Robust legislative quotas could deliver a step change in 2015. And while they are rarely feted *per se*, criticisms are frequently misplaced, misconceived and/or lacking in empirical substantiation. With sufficient political will on behalf of the three main parties—and there are incentives for each of them to participate—a new Speaker’s Conference would assist in delivering, albeit belatedly, a more representative and democratic House of Commons.

Notes

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