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“Quicker than a consultation at the hairdressers”: abortion and the Human Fertilisation and Embryology Act 2008

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During the passage of the Human Fertilisation and Embryology Act 2008, abortion amendments were debated in both Houses of Parliament. Analysis of the parliamentary divisions reveals that the majority of Labour and Liberal Democrat MPs went through the progressive lobby while the majority of Conservatives voted for the more restrictive positions. Arguments for women’s descriptive representation which rest on substantive representation – those that link the presence of women representatives with policies that are “for women” – appear, in this case seriously questioned, as party is found to trump sex. By analyzing parliamentary debate contributions (participation and content) in addition to parliamentary votes, and in both Houses of the UK Parliament, this article reconsiders the role of the sex of our representatives. Not only do women over-participate in the division lobbies and vote in a more liberal fashion than their male colleagues, debate contribution analysis suggests that women MPs’ and Peers’ interventions are substantively different from men’s. Accordingly, we maintain that whilst women’s absence from Parliament might not have affected the legislative outcome in 2008, their presence was critical to the way in which the issue of abortion was discussed. It is women representatives who center women in debates about abortion, conceive of it in terms of women’s rights, and seek to protect women from reforms that would constrain their access to abortion and might force them to carry unwanted pregnancies to term.

Keywords: abortion; UK Parliament; representation; gender; legislative analysis; political parties; Human Fertilisation and Embryology Act 2008

Introduction

The Human Fertilisation and Embryology (HFE) Act 2008 did not address abortion; during its passage in Parliament abortion amendments were, though, permitted because it amends the 1990 Act which did. In the Commons the key issue was the time at which abortion is legal. Analysis of the abortion divisions reveals that the majority of Labour and Liberal Democrat (LD) MPs went
through the progressive lobby while the majority of Conservatives voted for the more restrictive positions.\(^1\) Cowley and Stuart (2010) conclude that even if all the representatives in the Commons had been male, the restrictive amendments would still have been defeated (albeit with a smaller majority) even as they observe that women of all three parties were more liberal than their male colleagues (179). Arguably, therefore, the presence of women MPs made little difference to the legislative outcome. On this basis, arguments for women’s descriptive representation which rest on substantive representation appear seriously questioned. Descriptive representation refers to the number of women present in elected political fora whilst substantive representation relates to whether and how policies affecting women are articulated within political institutions, in other words whether representatives “act for” women (Lovenduski 2005). For gender and politics scholars, however, the substantive representation of women (SRW) is more complicated than presuming it follows automatically from the presence of greater numbers of women in politics. It is also the case that what constitutes “for women” is contested (Celis and Childs 2012). Parliamentary vote analysis is only one means by which to evaluate whether representatives “act for women,” and one that has for sometime been regarded as limited, capturing as it does only the “end” point of the legislative process (Tamerius 1995; Dodson 2006; Celis et al. 2008). Neither does it permit consideration of the constitutive representation of gender (CRG), which refers to how notions of gender are constituted as part of the processes of representation (Saward 2006; Squires 2008).

By analyzing parliamentary debate contributions (participation rates and content of discussions) in addition to parliamentary divisions, and in both Houses of the UK Parliament, this article reconsiders the role of the sex of our representatives in respect of abortion and the HFE Act 2008.\(^2\) We find that not only do women over-participate in the division lobbies and vote in a more liberal fashion than their male colleagues, women MPs’ and Peers’ interventions are substantively differently from men’s. Accordingly, we maintain that whilst women’s absence from Parliament might not have affected the legislative outcome in 2008, their presence was critical to the way in which the issue of abortion was discussed. In particular, it is women representatives who center women in debates about abortion, conceive of it in terms of women’s rights, and seek to protect women from reforms that would constrain their access to abortion and might, ultimately, force them to carry unwanted pregnancies to term.

Six overarching expectations, derived from legislative studies, inform our analysis: first, free votes. Abortion in the UK is widely considered a “conscience issue.” So designated, such legislation is often, although not always, free of the party whip (Cowley and Stuart 2010), allowing parliamentarians to behave in line with their attitudes. Second, party differences. Even without whipping, party continues to be the most important determinant of UK parliamentary behavior (Milns and Sheldon 1998; Pattie et al. 1998; Cowley and Stuart 2010). Hence, we expect to see Labour parliamentarians more favorably disposed toward more “progressive” legislation; laws that maintain current provision or are less restrictive than currently in place. Third, intra-party sex
differences. Women MPs are, overall, more pro-choice compared to men within their parties (Cowley 1998; Pattie et al. 1998). Fourth, Catholic MPs are more likely to be anti-choice (Pattie et al. 1998). Fifth, the 1990 Parliamentary debates saw “science” arguments (Cowley 1998; Milns and Sheldon 1998) up against women’s rights arguments. Would this be the same in 2008? (McBride Stetson 2001). Finally, the HFE Act 2008 was introduced first in the Lords which meant that in the case of a dispute between the two Houses, the Parliament Act could not be used to impose the will of the Commons on the Lords. We would expect too, that party plays out less strongly in the House of Lords, where claims to expertise and greater feelings of autonomy may be stronger (Judge 2005, 76; Russell and Sciara 2007).

**The HFE Act 2008**

The HFE Bill was introduced into the Lords in November 2007. Both pro-choice and pro-life MPs, and to a lesser extent Peers, as well as campaigners outside Parliament, not least religious leaders, were keen to revisit the issue at this time. Given the opportunity afforded by the Bill, significant parliamentary conflict was expected. Two MPs, Nadine Dorries (Con) and Dr Evan Harris (LD), were identified as preparing abortion amendments. The former’s “20 reasons for 20 weeks” campaign supported by the *Daily Mail* garnered significant media coverage. In Parliament, the key issue was the time limit at which abortion is legal. Under the 1967 Abortion Act, this was 28 weeks. The 1990 HFE Act reduced it to 24 (Millns and Sheldon 1998), although to save the mother’s life or for reasons of fetal abnormality abortion was not so time limited.

In the Lords, abortion was raised during Second Reading, Committee, and Report stages. Second Reading was dominated by discussion of the appropriateness of addressing abortion, given its absence from the Bill and pre-legislative scrutiny. Notwithstanding a broad consensus against its debate, the Crossbench Peer Baroness Masham moved Amendment No. 71 in Committee. This would remove, in her words “the discrimination ... whereby a baby born with a disability can be aborted up to birth.” In Report she moved, in effect, the same amendment (No. 163). In the Commons abortion was raised in Second Reading, at Report and Third Reading, and more substantively in Committee. In a Committee of the whole House abortion amendments sought to: (1) time limit abortion at: 12, 14, 16, 18, 20, 22 weeks, and 23 weeks and 6 days; (2) exclude the grounds for abortion in respect of fetal abnormality, gender, race or sexual orientation; (3) provide for “informed consent” and (4) provide greater information where there is fetal physical or mental abnormalities. None were successful. At Report/Third Reading, and amid allegations of deals with Northern Irish parties, the Leader of the House Harriet Harman invoked “a rare procedural device” accompanied by a three-line whip. This meant that parliamentary debate would only last 3.5 hours, effectively killing off discussion of abortion as amendments relating to the main business of the Bill would be taken first.
Data and methods

The data are the Bill, associated explanatory notes and regulations, and other official documents, as well as the parliamentary debates and votes that accompanied each Bill’s passage. We also draw on Dod’s Parliamentary Guides and Profiles, these provide basic biographical data about parliamentarians. The analysis is four-staged. This approach facilitates discussion of both the nature and direction of individual representatives’, and the parties’ collective contributions. Parliamentary votes are analyzed as a surrogate measure for MPs and Peers’ preferred policy outcomes, itself taken as an indicator of the SRW. The CRG is analyzed in terms of the Bill’s accompanying parliamentary debates. This analysis is a useful, if not necessary, supplement to parliamentary vote analysis, which captures only the end point of the legislative process (Tamerius 1995) and the point in Westminster politics where party cohesion usually dominates (Cowley 2005). Research questions informing the analysis include enquiring as to the nature of “what it means to be a woman and a man”; the nature of the issues and interests claimed to be “women’s” and “men’s”; the nature of the relations between women and men and whether women are constituted in a homogeneous or heterogeneous fashion.9

Substantive representation

Parliamentary votes

There was only one division relating to abortion in the Lords. At Report, Baroness Mahsam moved Amendment No. 163. The House divided, contents 22: not-contents 89 (Table 1).

In the Commons there were five votes on abortion. Cowley and Stuart (2010) show that, in most divisions, the majority of Labour and LD MPs opposed, and the majority of Conservatives supported, restrictions (Table 2).

If the main story of the abortion votes in 2008 is about party, there is nonetheless a sex dimension, as Cowley and Stuart (2010) acknowledge. Women MPs were more likely to vote than men on all of the abortion votes. As Table 3 shows, in

<table>
<thead>
<tr>
<th>Party</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Content</td>
<td>Not-content</td>
</tr>
<tr>
<td>Labour</td>
<td>0</td>
<td>21</td>
</tr>
<tr>
<td>Conservative</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>LD</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Crossbencher</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Ulster Unionist</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>33</td>
</tr>
</tbody>
</table>

Table 1. Lords vote, by party and sex (Amendment 163 – disability).
almost every case, women MPs also proved to be more liberal than the men in their party. This is true on every abortion vote for Labour and the Conservatives, and all bar the abnormalities and counseling vote for the LDs (Cowley and Stuart 2010).

Debate contributions

Over and above observations relating to votes, the importance of a representative’s sex plays out in the greater propensity of women MPs and peers both to participate in the parliamentary debates and in what it was that they said when they spoke (Table 4).

In the Lords, 29 Peers spoke on abortion (Table 5): women were more likely than men to speak about abortion – whether that is the only issue on which they spoke,
and/or whether they also addressed other aspects of the Bill. In contrast, men were more likely to be those Peers who spoke to non-abortion issues, whether that is the only issue they spoke to, or whether they also spoke to abortion. When one examines those Peers who spoke only about abortion, the differences are smaller, suggesting that some male Peers take a close interest in abortion in and of itself.

Party analysis shows that 10 Crossbenchers spoke, as did nine Labour Peers, five LDs, four Conservatives, one Democratic Unionist Party (DUP) and one Bishop. Again, sex differences are observable. The ratios of women to men are 3:2, respectively – a difference that is statistically significant. It is only amongst Conservative Peers – albeit in small numbers – where men are more likely to speak on abortion (three out of four) (Table 6).

Turning to participation in the Commons, party and sex differences are similarly apparent in respect of contributions related to any aspect of the legislation (Table 7). Labour women disproportionately contribute; Conservative women participate in line with their presence (around 9%), whilst LD women under-participate (LD women then constituted 16% of their party) (Table 8).

Turning to abortion alone (Labour) women MPs are again overrepresented, as Table 9 shows. Though fewer Labour women speak, percentage wise they are over-represented in the debate. At the time Labour women constituted 28% of the Parliamentary Labour Party but made up just under 50% of those who participated in this debate.

Adopting a qualitative approach and, moreover, controlling for direction of contribution, it becomes clear that those representatives most active in the abortion

<table>
<thead>
<tr>
<th>Party</th>
<th>House of Commons (%)</th>
<th>House of Lords (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour</td>
<td>28</td>
<td>25</td>
</tr>
<tr>
<td>Conservative</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>LD</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contribution by issue</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those who spoke on abortion</td>
<td>17</td>
<td>12</td>
<td>29</td>
</tr>
<tr>
<td>Those who spoke on both abortion and non-abortion</td>
<td>11</td>
<td>10</td>
<td>21</td>
</tr>
<tr>
<td>Those who only spoke on abortion</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Those who spoke on non-abortion</td>
<td>17</td>
<td>27</td>
<td>44</td>
</tr>
<tr>
<td>Those who only spoke on non-abortion</td>
<td>5</td>
<td>18</td>
<td>23</td>
</tr>
</tbody>
</table>
debates and who act in the progressive direction whom we might label “critical actors,” (Childs and Krook 2006) are mostly Labour women in the Commons, and women from Labour, LD and the Cross Benches in the Lords, although the LD MP Harris was an important pro-choice male contributor.

If we look at parliamentary interests, measured by membership of All Party Parliamentary Groups (APPGs)\(^{11}\) and according Dod’s Parliamentary Guides/Profiles – and without suggesting the line of causation – we find that of those Peers who

### Table 6. Peers who spoke on abortion, by sex and party.

<table>
<thead>
<tr>
<th>Party</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour</td>
<td>5</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Conservative</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>LD</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Crossbencher</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>DUP</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bishops</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>12</td>
<td>30</td>
</tr>
</tbody>
</table>

Sources: Center for the Advancement of Women in Politics (www.qub.ac.uk/cawp) and UK Parliament (www.parliament.uk).

\(^{a}\)This is only for the three main parties which have 604 seats between them.

### Table 7. Women backbenchers by party, May 2008.

<table>
<thead>
<tr>
<th>Party</th>
<th>Number of women MPs (% of total)</th>
<th>Number of women backbenchers (% of total party)</th>
<th>Women backbenchers as a % of women in the parliamentary party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour</td>
<td>94 (26.9)</td>
<td>35 (10)</td>
<td>37</td>
</tr>
<tr>
<td>Conservative</td>
<td>17 (8.8)</td>
<td>6 (3.1)</td>
<td>35</td>
</tr>
<tr>
<td>LD</td>
<td>9 (14.2)</td>
<td>1 (1.5)</td>
<td>11.1</td>
</tr>
<tr>
<td>Total</td>
<td>120 (19.8)(^{a})</td>
<td>42 (6.9)</td>
<td>35</td>
</tr>
</tbody>
</table>

Sources: Center for the Advancement of Women in Politics (www.qub.ac.uk/cawp) and UK Parliament (www.parliament.uk).

\(^{a}\)This is only for the three main parties which have 604 seats between them.

### Table 8. MPs’ participation in the HFE Act 2008.\(^{a}\)

<table>
<thead>
<tr>
<th>Contribution by issue</th>
<th>Women (%)</th>
<th>Men (%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those how spoke on abortion</td>
<td>18 (26)</td>
<td>50 (74)</td>
<td>68</td>
</tr>
<tr>
<td>Those who spoke on both abortion and non-abortion</td>
<td>6 (21)</td>
<td>22 (79)</td>
<td>38</td>
</tr>
<tr>
<td>Those who only spoke on abortion</td>
<td>11 (29)</td>
<td>27 (71)</td>
<td>28</td>
</tr>
<tr>
<td>Those who spoke on non-abortion</td>
<td>8 (19)</td>
<td>33 (81)</td>
<td>41</td>
</tr>
<tr>
<td>Those who only spoke on non-abortion</td>
<td>2 (15)</td>
<td>11 (85)</td>
<td>13</td>
</tr>
</tbody>
</table>

Note: The percentage refers to the percentage of those total participants in the debate by sex.

\(^{a}\)The total number of contributors at any stage numbers 81.


debates and who act in the progressive direction whom we might label “critical actors,” (Childs and Krook 2006) are mostly Labour women in the Commons, and women from Labour, LD and the Cross Benches in the Lords, although the LD MP Harris was an important pro-choice male contributor.

If we look at parliamentary interests, measured by membership of All Party Parliamentary Groups (APPGs)\(^{11}\) and according Dod’s Parliamentary Guides/Profiles – and without suggesting the line of causation – we find that of those Peers who
spoke to abortion, 11 out of the 15 who had interests associated with the HFE Act are women, some 73%. In addition, two women Peers are associated with “women’s issues” and “women’s equality,” whilst a single male Peer is associated with “gender issues.” The single “pro-lifer” is the Crossbench Peer Lord Alton. Few Peers are members of APPGs associated with the concerns raised by the HFE Act. Only two women are members of the “Pro-Choice” group and one the “sex equality” group. Other Peers, both male and female, are members of health-related groups. Again, only Lord Alton is a member of an anti-abortion group. MPs’ interests reveal similar patterns – health is the biggest single interest amongst Members, with women constituting one-third; women are three out of the five MPs who cite equal opportunities and/or equality, and total four if you include the MP who cites “women” as her interest. The single “abortion” MP is Conservative Ann Widdecombe, whose anti-abortion views are well known. In contrast, MPs who are interested in fetal abnormality are all men, as are those who highlight families, the church/Christianity or Northern Ireland. Similarly, membership of health APPGs groups predominate amongst MPs. Membership of directly related APPGs do not show sex or party differences: indeed, numbers are too low to draw any strong conclusions. Of the three pro-life group members, two are women and one is a man; of the pro-choice group, two are men and one is a woman, whilst the equality group members distribute two women to one man.

**Constitutive representation of gender**

In analyzing parliamentarians’ debate contributions, six overarching representations are evident, many of which show party and sex differences.

1. The social abortionist thesis.

Social abortionists are most often depicted as (predominantly) young, ignorant and socially excluded women. Supporters of the “social abortionist” thesis in the Commons are most likely to be Conservative men. For two (Cash and Penning) sex education comes with a conservative bent, discussing “when sex should be engaged in and when it should not.” Social abortionists are considered to treat abortion as a form of contraception; such women lack a sense of responsibility and are often repeat offenders. Some 4000 are said to have had four abortions (Leigh).
These are the women for whom the decision to abort is quicker than a consultation at the hairdressers, as one woman Labour MP put it (Curtis-Thomas), albeit contested by her female Labour colleague (Primarolo), who claimed “I cannot believe that a woman would make the decision that way, I know that they do not.” Note too that social abortionists are both “young” and “poor” and “socially deprived,” someone with “no friends” and “hostile parents” (Crossbench Peer Baroness Emerton) even as they are nonchalantly multi-aborting. Blame for the practice of social abortion is located both at the individual level and societal/structural factors – “breakdown Britain.” Critics of the social abortion thesis are mostly (Labour) women in the Commons. For example one (Mallaber) argues that, a broken society is one where women are left to have “backstreet” abortions, whilst another of her Labour colleagues states:

The use of the term “abortion for social reasons” can be very unhelpful in suggesting that women have late abortions for reasons of pure convenience whereas we know that there are tragic cause that relate to domestic violence… (Osborne)

A clear distinction is also drawn between social abortionists and those who are seeking abortions following a fetal abnormality diagnosis. This maps onto a good/bad dichotomy, although for strong anti-abortionists such a distinction will be rejected. It is mostly women (and mostly but not exclusively Labour women) who show sympathy for those seeking to abort a disabled fetus and undergo late abortions for other reasons. These women are represented, for the most part, as warranting sympathy – for having chaotic and difficult lives, or being too young or menopausal to acknowledge their pregnant state. Again it is often Labour women MPs who use this discourse to contest representations of such women as either complacent or irresponsible.

(2) The terrain of science

A science discourse is adopted by both the progressive and the restrictive side of the abortion debate, and by women and men, although the women who do so, often also employ a gender frame and/or center women (see below). It appears, then, that men on both sides of the debate prefer the terrain of science.13 If science offers pro-choice representatives a basis for the existing 24-week time limit (as the House of Commons Science and Technology Report (2007) (“STC report”) suggests, there is no science to support a reduction in the time limit for legal abortion), abortion critics who apparently reject science do so in favor of fetal sentience and pain, and on the basis of 4D imaging. They claim that the fetus feels pain at 16 weeks and has human characteristics – muscles, organs, fingernails, toenails. Parliamentarians articulating these views are overwhelmingly Conservative, and mostly male, although they also include two Conservative women – Dorries and Widdecombe. According to some Labour women, claiming that viability is lower than current time provision is one means by which MPs who seek to restrict abortion “cover” their anti-choice position, even as they assert they are not anti-abortion.
(3) Women’s discourse (Centering women/women’s frame)

The contention that women are missing from the debate about abortion comes from women, across parties (Labour and LDs) and in both Houses:

People who are not directly involved with unwanted pregnancies dominate the public debate ... the pregnant woman is the only person who can make a responsible decision in the best interests of herself, her family and her foetus ... why is it so difficult to do the most obvious thing – give the power to decide to those who are most directly affected. (McCafferty, Labour)

Similarly, in respect of fetal abnormality, it is women who reject the implication of restricting late abortions (in other words, coercing women to carry the pregnancy to term). For many of the Labour women MPs (and LD Baroness Tonge), this is the “line in the sand.” In contrast, many critics of abortion legislation (predominantly, Conservative, and in the Lords Crossbenchers, but both male and female) prefer to talk about the womb rather than women. Depicted as an “unsafe place” for a fetus, the woman appears disem bodied. Illustrative examples include:

Edward Leigh: “When a decision about abortion is taken, the mother can speak, the doctor can speak, the father may well speak, but what can the child in the womb say?”

Claire Curtis-Thomas: “I would very much like it if we could change the rules and regulations so that the same rules applied to babies in the womb who have a disability as to those who do not.”

Of the 17 times the womb is mentioned, only two usages link the womb explicitly to women.

(4) Women’s right to choose

Explicit supporters of women’s “right to choose” are, all bar one, women, and the majority are Labour in both Houses – the male exception is Harris. No Labour woman, in either House explicitly puts fetal rights above women’s, although Curtis-Thomas MP arguably does so implicitly.14 Those who reject women’s rights/autonomy are mostly men, alongside Thomas again. Those who query choice per se are mixed by party, sex and House. In the confrontation between the rights of the disabled fetus and woman’s rights, there are divisions between those who argue for equality between the disabled and non-disabled fetus, and those who argue on the basis of women’s right to choose. The former include visibly disabled MPs and Peers together with, most often, Conservative members, both male and female and from both Houses. The latter are women in both the Commons and Lords. Illustrative of the women’s right perspective:

In the end it is a woman who has to be pregnant for nine months, go through childbirth and be primarily responsible for the child ... we have to give her the right to choose. (Baroness Tonge)

The exclusive focus is on the foetus ... women carry a completely disproportionate share of the burden in reproduction, but where are their rights? And tonight we are
talking about taking them away . . . I say to members that they should support the status quo if they are pro-life, pro-quality of life, or pro a woman’s life… women’s rights are human rights… reproductive rights are also human rights. (McCafferty)

If you don’t believe in abortion, don’t have one. . . . It is about respecting another person’s right to choose, even if it is not a choice that one would make oneself. (Morgan, Labour woman MP)

[I hope that] all members of all parties, when they vote tonight will remember our rights over our bodies were hard won . . . I do not think we want to see an erosion of those rights (Morgan)

(5) Contesting claims that women need protection

In the debates it is contended that women need to be protected from themselves – for they know not what they do; from doctors; and from the abortion industry. A whole host of medical conditions are identified as harmful: miscarriage, hemorrhage, infection, pain, premature subsequent births, breast cancer, mental health and psychiatric disorders. Labour women MPs contest such contentions. For critics, doctors are a threat to women because they misdiagnose and are prejudiced against the disabled fetus, and hence pressurize women to abort (Baroness Paisley, Lord Alton). In this respect, Curtis-Thomas recounts her experience following a diagnostic test of it “immediately” being suggested to her that she “should have an abortion.” Albeit a minority male view, abortion practitioners are constituted as the “abortion industry” which misinforms women, driven as it is by the profit motive, and which places women on a “virtual conveyor belt” (Lord Ahmed, Labour). In contrast, it is mostly women who argue against the view that women need either a “cooling off” period and/or extra counseling before being permitted an abortion: the “very young girl” pregnant as a result of “sexual abuse” should not have to receive “information on the development of the fetus” (Primarolo); the role of the doctor is not to “hector or impose on women burdensome information” (Harris). Such measures are felt to infantilize women, are “antiquated, unnecessary and patronizing”; treating women differently to others seeking medical procedures.

(6) Restricting abortion is a threat to women’s health

It is Labour women MPs who contend that restricting abortion threatens women’s health. In their view the “science,” as in the STC report, does not support claims that abortion is uniquely harmful. In any case, women’s health will be harmed if they are forced to travel abroad (Primarolo), or make “speedy decisions,” or seek out back street abortions (Mallaber).

In addition to these explicit representations, the following observations are also forthcoming from the debates. First, in respect of women’s differences, we see that class is the dominant representation with race absent, although Northern Irish women are distinguished as the UK’s second-class citizen, as abortion remains illegal there. Poor women are also identified by Labour women as those who
lack the resources to access private abortions and other support. Combining both these concerns, Diane Abbot MP (Labour) sought to ensure that Northern Irish women without “the resources and support” could access one. Second, women are constituted as lacking agency; they are at the mercy and in need, as we saw above, of protection from other actors and themselves. Third, fathers are mostly absent from the debate about abortion. There is no reference to men as those who are equal participants in conception; only brief discussion, in the context of sex education, that they share responsibility for unwanted pregnancy. Abortion is thereby constituted overwhelmingly as a “women’s” and not a men’s issue. Furthermore, it is only male Parliamentarians who talk about men explicitly and they do so only on a few occasions. For example, one male Peer notes that husbands have no legal rights to stop an abortion, in turn suggesting a hierarchy of rights between men. Husbands/partners/fathers are present again – albeit implicitly – when there is discussion of parents and couples in the context of abortion on the basis of fetal abnormality. These interventions in both Houses are from Labour’s benches, but by women and men. Fifth, and when abortion is presented in terms of women’s discourse you see, implicitly at least, the potential for conflict between the sexes. For example, representatives who argue that women must not be made to carry disabled fetus to term maintain that women’s rights trumps men’s and the fetus’ rights. Sixth, regarding institutional norms we see that party differences are more obvious in the Commons; in the Lords views are often shared across parties and held by both sexes.

Finally, “speaking as.” A few women from both sides of the debate and the Commons draw on their medical experience: Dorries, for example, recalls a “botched” abortion which she considered “murder.” Only two Members, both male, draw on religious identities (a Muslim Peer and an undefined Christian MP), even as Catholics disproportionately spoke in the Commons debates.\(^\text{15}\) MPs seeking to restrict abortion asserted that their position was not necessarily underpinned by, nor should be seen as, based upon religious views (Leigh, Penning, Pugh, Palmer, Curtis-Thomas, Burt). Only a single representative (male MP) speaks as a disabled person, although Baronesses Masham and Campbell have visible disabilities. Turning to women, none speak as someone who has had an abortion, although one speaks as a woman who rejected medical opinion to abort (Curtis-Thomas). Similarly, no man speaks as someone who was involved in the conception of a subsequently aborted fetus, although a few speak as fathers, husbands and partners, and one does so in relation to a fetal abnormality diagnosis. Unable to speak as a woman, the men who explicitly claim to speak for women, and/or contest the assumption that only women representatives can and should speak for women, do so on the basis of a more Burkean notion of representation, or employ public opinion data to support their views:

Yes I am a man but that does not mean that I cannot represent the overwhelming opinion of women in my constituency, three quarters of whom support a
Hon. Ladies who had a particular view should not say that they speak for all women in this country – they clearly do not. Proponents of liberal abortion laws should tread carefully when invoking women en masse. (Pritchard, Conservative MP)

Pro-choice Labour and LD women contest this, and claim abortion as something uniquely about women, and about which women representatives should speak:

I think it was a little unfair of the noble Lord Alton... to make such a long speech when there was no one except the noble Baronesses, Lady Gould, Lady Hollis and myself from the other side of the argument, the women’s side. (Baroness Tonge)

I say to the male Members of this House – they are in a considerable majority – that I recognize that they cannot get pregnant, let alone have an abortion themselves... Most women believe that we would not be here having this debate if men could do that. (McCafferty)

I do not think that the hon. Gentleman should impose his views on a woman who has a different set of views... I would not dream of telling a woman who was strongly opposed that she should have an abortion, and the same respect should be held the other way around. (Mallaber)

For some women “acting for” women looks, on the basis of what they said in these debates, to derive from both an experiential basis (as women and mothers) and a political identity (for equality): of speaking both as and for women (Childs and Webb 2011).

**Conclusion**

As a test for women’s substantive representation, abortion might be thought to constitute the example *par excellence*. Even as one acknowledges that contemporary gender and politics scholars are keen not to elide the SRW with acting for women in a feminist fashion; in almost all circumstances, freely chosen, legal and safe access to abortion will be considered in the interest of women. That sex is not the primary driver of UK legislators’ behavior might be regarded, then, as disconcerting to advocates of women’s descriptive representation, or rather to those who underpin this claim on substantive representation. If the House of Commons had been all male in 2008, but with the same party distributions, the majority against the reduction in the time limit for legal abortion at 22 weeks would have been around 40, rather than the actual 71 (Cowley and Stuart 2010, 180). This is, as Cowley and Stuart (2010) admit, a substantial reduction, but critically one, in their view that does not make the result “especially close”. We do not, of course, quibble with these figures, but we do contend that the sex of the representative matters, nonetheless. Women’s presence matters, or, more precisely, the presence of Labour women and LD and crossbench women matters, for the arguments that are employed to defend or expand abortion rights. Given how they vote,
Conservative women MPs’ absence from the debates clearly needs explaining, and invites subsequent research. Perhaps they fear being pigeon-holed or marginalized? Or may be this reflects their minority presence within the party, and/or their conservatism? (Celis and Childs 2012).

In contrast, the over-represented Conservative men mostly sought to limit abortion and to do so in terms that challenged notions of women’s rights or failed to recognize that abortion is something women undertake. Labour men meanwhile, and whilst they may have voted progressively, were conspicuous by their absence in the debates that accompanied the votes. This is intriguing. Perhaps they are less interested in abortion as a political issue, even though they feel obliged to vote for it? Maybe they see it as a “women’s issue” and therefore one for their women colleagues – for either honorable (women should speak on such a uniquely women’s issue) or dishonorable reasons (why address it if the women do, given its contentious nature?). Would they, however, speak more if the numbers of Labour women MPs declined? And what kinds of arguments would they use to support abortion if they did speak? Turning to the LDs in the Commons the pivotal role played by Evan Harris warrants further reflection. A medical background, membership of the Science and Technology Committee, and previous experience as party spokes on women’s issues, might account for his participation. But what of the LD women, were they deferring to him, and if so, on the basis of his medical and/or parliamentary experience? Or was his prominence strategic: critics of abortion might find it hard to argue against an “objective” man of science? (recall that men favor the science terrain) over “subjective” women? At the 2010 general election Harris was defeated and left the Commons.

Rather than seeing the medical and women’s discourses in opposition in the 2008 debates, pro-choice Parliamentarians used both to defend the existing abortion provisions. Science may prove less helpful in the future if medical advances favour a lower time limit. The science may prove less helpful in the future with medical advances which favor a lower time limit. At that point, pro-choice Parliamentarians may find it necessary to center women, and their rights, to defend abortion. Here, on the basis of this analysis, the presence of women representatives, or rather Labour and LD ones look to be critical. And then there are the missing discourses. In particular, it is noticeable that no one, male or female, speaks of abortion as a normal if not universal part of women’s reproductive lives. Nor is there little sense that abortion is something that women from all walks of life experience. The mid-1930s happily married, middle-class wife and mother appear only implicitly in discussions of abortion of disabled fetus.

Afterword

Following the 2008 debates, there were fears amongst pro-choice activists and supporters that the issue of abortion would return in the 2010 Parliament, and that if this saw a Conservative majority government, that the legal time limit would
likely come down. In the autumn of 2010, Nadine Dorries tabled an amendment to the Health and Social Care Bill. Once again party trumped sex (Cowley and Stuart 2010) in terms of amendment’s Conservative MPs split 96:114 (for:against); Labour 11:212; and the LDs 3:41. Women once again were more favorably disposed to voting against.

Note: Data on MPs interests and membership of APPG is available from the authors.

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Notes

1. Division lobbies are

the corridors where members of both Houses go to vote. In the House of Commons the division lobbies are either side of the Chamber and are called the Ayes Lobby and the Nos Lobby. In the House of Lords the division lobbies are also on either side of the Chamber. One is for Content and one for Not Content. (http://www.parliament.uk/site-information/glossary/division-lobbies/)

2. This case study is part of a wider study (Childs and Webb 2011, Chapter 6).
4. The Times (November 7, 2007) awarded it a “five out of five” controversy rating.
5. Evan Harris was a leading actor in the Science and Technology Committee, which had published a report concluding there was no medical evidence to reduce the time limit for abortion. A minority report was tabled by Dorries and Bob Spink.
7. Subsequent Commons’ Committee stages explicitly ruled out discussion.
8. See, for example, Guardian and Daily Mail, October 23, 2008; Times and Guardian, October 22, 2008; Mirror and Times, June 12, 2008; Mirror, May 17, 2008.
9. The subjective judgment and expertise of the researcher becomes central to the qualitative analysis of the data for constitutive representation (Harrison 2001; Burnham et al. 2004, 236). Qualitative content analysis is considered by some (Burnham et al. 2004, 249) to be “very similar” to discourse analysis in that both involve the “analysis of the dominant discourses or political languages that frame our social and political world and our understanding of it.” It is acknowledged that what constitutes discourse analysis, and variants thereof, are widely debated.
10. A chi square test ($p = .011$).
11. All-Party Groups (APGs) are informal cross-party groups that have no official status within Parliament. They are essentially run by and for Members of the Commons and Lords, although many groups involve individuals and organizations from outside Parliament in their administration and activities. (http://www.parliament.uk/about/mps-and-lords/members/apg/)
12. We use the term representation here because we are applying the concept of constitutive representation of gender (Squires 2008); this refers to the construction of particular concepts of gender and gender relations that emerge through acts of representation.
13. See in the debate, for example, Evan Harris; Brian Iddon; Edward Leigh; and Phil Willis. See also Evans (2011), who contrasts Harris’ focus on science and Kramer’s more gendered approach.

14. I am pro-life . . . . The dictionary definition of pro-life includes the phrase “opposed to abortion” Many of the proposals in the Bill are anti-life because many embryos will be killed to achieve the aims of the research and procedures. Most quality of life arguments lead to the conclusion that life of a lower quality ought to be terminated or that a life that might reduce the quality of another ought to be snuffed out. I cannot agree with those proposals. (Curtis-Thomas, Commons’ Second Reading)

15. Eleven out of 68, 16% compared to their 10% presence in the House, there are no comparable figures for the Lords.

References


