

# Gender Quotas in Britain: A Fast Track to Equality?

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*Quotas*  
A KEY TO EQUALITY?

# **Gender Quotas in Britain: A Fast Track to Equality?**

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## **Introduction**

Party-based gender quotas for candidate selection have been deployed in Britain to increase the number of women in Westminster and the devolved administrations of the Scottish Parliament and Welsh Assembly. They have been used most extensively by the Labour Party, and have had a significant impact on the numbers of female representatives elected to these three bodies. This paper will survey the use made of gender quotas in elections to Westminster (1997-2003), the Scottish Parliament and the Welsh Assembly (1999-2003), and consider the impact that quotas had on the numbers of female representatives. This survey will suggest that party-based measures can have a dramatic effect on the overall numbers of women present in national legislatures. It will also suggest that constitutional change, in the form of devolution and the establishment of new administrations, creates new political opportunity structures that facilitate higher levels of female representation.

In addition to establishing that gender quotas have been effective in Britain, the paper will also indicate that they nonetheless remain controversial, with many of the political parties opting not to adopt them. The paper will suggest that the discursive controversies about gender quotas in Britain can best be understood in the context of the competing conceptions of equality held by the main political parties. Parties that embrace a conception of equality as equality of opportunity or equal treatment have eschewed the use of gender quotas, and have adopted an incremental approach to achieving political equality. Parties that adopt a conception of equality as equality of outcome have been more willing to adopt gender quotas, and have embraced a 'fast track' to gender equality in the political sphere (see Dahlerup and Freidenvall, 2003 for a discussion of the 'fast track'). In addition, the paper will suggest that one can also see a third conception of equality at play in relation to debates about women's representation, particularly in the new administrations: equality as gender mainstreaming. The adoption of this conception of equality in relation to women's political representation does not necessarily entail the adoption of gender quotas, but may well have facilitated high levels of women's representation.

### **Quotas as Positive Action**

The term 'quotas' covers a range of strategies, which may differ in three significant regards: quotas can be set at different levels (for example, 20 per cent or 50 per cent); they can be applied at different stages of the selection process (for example, for shortlists or selections of parliamentary candidates); and, most significantly, they can be implemented either by law or by internal party rules (Norris 2000, p.3). Quotas can also be applied to internal party posts (party quotas), as well as to different stages of candidate selection (candidate quotas). A pertinent distinction can be made therefore between those positive action strategies that are adopted voluntarily by a particular political party and those that are implemented across a polity as a result of legislative action requiring action to promote gender equality. Norris finds that: 'in general, *ceteris paribus (all things being equal)*, the higher the level of the specified quota, the closer the quota is applied to the final stages of election, and more binding the formal regulation, the more effective its impact.' (Norris 2000, p.3)

There is a clear consensus amongst comparative studies of the representation of women in parliament that quotas make a positive impact on the numbers of women represented. The European Commission document 'Women in political decision-making positions' states that: 'Quotas regulations are an important tool for giving women access to leading political positions.' (2000, p.17) Inglehart and Norris state that: The adoption of quotas for female candidates in internal party rules has proved one of the most important and successful means for getting more women into office, especially in bureaucratic mass-branch parties where the rules count.' (Inglehart and Norris 2000, p.14) It is clear that quotas have had a significant and positive impact on the number of women represented in national legislatures around the world.

However, the principle of quotas and their implementation have been controversial issues. They have been contested in many quarters for a variety of reasons. In the UK there have been concerns about whether positive action would be allowed under the Equal Treatment Directive (76/207/EEC), which provides for equal treatment in relation to access to employment and promotion, vocational training and working conditions. However, the European Commission has twice stated that the selection of

candidates does not fall within the scope of the ETD (Russell 2000, 8). Article 141 (4) of the Treaty of Amsterdam also states that the principle of equal treatment should not prevent states from ‘maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity’. (Russell 2000, 8). The Fourth Report of the Joint Committee On Human Rights (2001) also concluded that community law has become more accepting of positive action.

International human rights legislation also accepts principles of positive action: The UN Human Rights Committee (General Comment No. 18 on the International Covenant for Civil and Political Rights (ICCPR), Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and Article 4 of the 1986 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) all allow for positive action (Russell 2000).

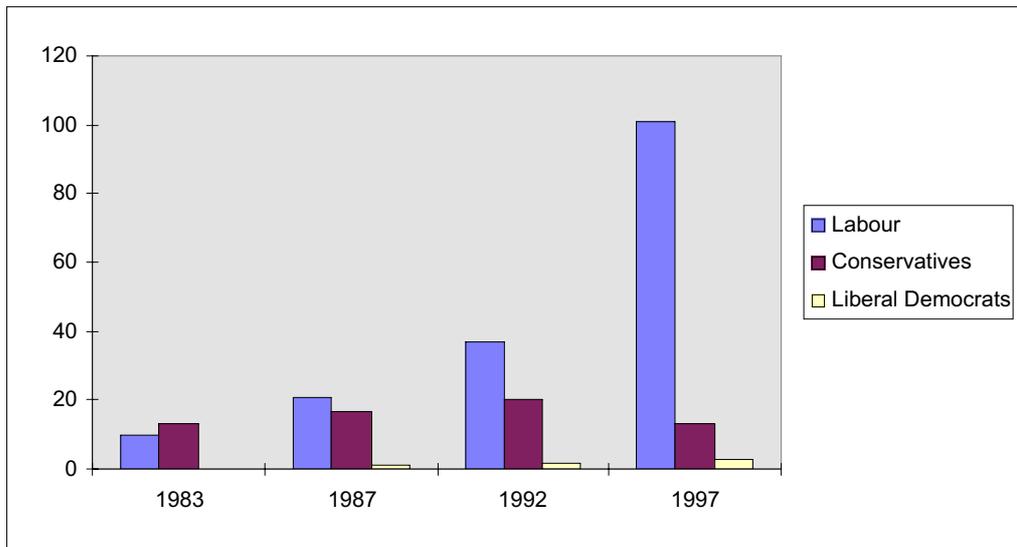
In other words, notwithstanding the concerns about quotas, the principle of positive action in relation to representation has been established and endorsed internationally. Moreover, quotas – in the form of all-women shortlists – have been proven to be highly effective in Britain. Nonetheless, discursive controversy between those who understand equality as equal treatment, and those who understand it to entail positive action, continues to frame quota debates in Britain.

### **Westminster**

In May 1997 the number of women elected to the House of Commons increased dramatically: the proportion of women in Westminster rose dramatically from 9.2% to 18.2%.

A brief glance at the numbers of women elected to each of the main political parties in the general elections of 1983-1997 reveals that this dramatic increase in the proportion of women in Westminster 1997 was due to the increase in the number of female Labour MPs. The proportion of female Labour MPs, as a percentage of the total number of Labour MPs, rose steadily between 1983 to 1992 and then dramatically between 1992 and 1997. This, coupled with the landslide Labour victory in 1997, explains the significant rise in women in Westminster following the 1997 general election.

Figure 1: Women MPs of the three main parties 1983-97



Source: *Women in Politics*, briefing produced by Rachel McCollin, National Women's Officer, The Labour Party, September 2000.

The key factor in explaining the dramatic rise in the number of women in Westminster appears to have been Labour Party policy regarding candidate selection.

Table 1: Women elected to parliament at last four general elections, by party.

	1983	1987	1992	1997
Labour	209	229	271	418
women	10	21	37	101
% of total	4.8%	9.2%	13.7%	24.2%
Conservative	397	376	336	165
women	13	17	20	13
% of total	3.3%	4.5%	6.0%	7.8%
Lib. Dem.	23*	22**	20	46
women	0	1	2	3
% of total	0%	4.5%	10%	6.5%
Other	21	23	24	30
women	0	2	3	3
% of total	0%	8.7%	12.5%	10%
All MPs	650	650	651	659
women	23	41	60	120
% of total	3.5%	6.3%	9.2%	18.2%

Note that at 23/10/00, Labour has 100 women MPs, the Conservatives have 14 and the Lib Dems 4.

Political parties in the United Kingdom have employed three kinds of strategy to increase the level of female representation: rhetorical (a commitment to some form of change), affirmative action (measures to help selection such as training) and positive discrimination (such as the use of zipping, quotas and twinning).

To date the Conservative Party has relied upon rhetorical strategies; the Liberal Democrats have employed rhetorical strategies, some affirmative action and a limited use of positive discrimination (short-listing quotas for Westminster elections, and zipping by English Liberal Democrats in the election to the European Parliament). The Labour party has employed all three strategies: for more than a decade it has advocated measures to increase the representation of women. The ethos of the Labour party has made it more open to the adoption of affirmative action and positive measures than any other major party in Britain.

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\*Liberals and SDP combined

\*\* SDP Liberal Alliance

The affirmative action strategies employed by the Labour party have included the provision of training sessions and mentoring schemes for women. The positive measures employed by the Labour party have included internal party quotas and candidate quotas for Westminster selections 1993-96. Only the Labour Party has used candidate quotas, which require that a certain percentage of parliamentary candidates must be women, in elections to Westminster. Other parties (notably the Liberal Democrats and Plaid Cymru) have adopted quotas at an earlier stage in the selection process, most commonly short-listing.

Between 1993 and 1996, Labour adopted candidate quotas in the form of 'all women shortlists'. This strategy planned that only women would be short-listed for half of the party's inheritor seats and half of its challenger seats. The policy went beyond the short-listing quotas the party had used between 1987 and 1992 by insisting that only women would be selected in these, identified seats. The policy was a controversial one and generated some opposition at a grassroots level. It was dropped in January 1996, following legal challenges brought by two aggrieved male aspirants at an Industrial Tribunal held in Leeds. The Tribunal accepted the argument that the selection procedure facilitates access to employment and is therefore subject to the UK Sex Discrimination Act, which prevents discrimination on the grounds of sex.

Whilst the dramatic rise in the number of women in Westminster was widely celebrated amongst those who had long campaigned for women's greater representation in the national legislature, it marked the beginning rather than the end of a longer process of cultural and institutional change in relation to women's representation in Britain. The period since 1997 has seen many significant developments, many - but not all - of which are positive.

In June 2001, the proportion of women in parliament remained stuck at under twenty per cent, declining slightly in response to a small fall in the number of female MPs. The progress of 1997 (and the slow advancement of earlier elections in 1987 and 1992) came to a halt. In total, 118 women were elected to Westminster at the 2001 general election, a ratio of 17.9 per cent. June 2001 marked the first general election since 1979 at which the number of women MPs fell. Although this fall was small, it indicated that significant barriers to the selection and election of women remained.

Table 2: The number of women MPs from the three main parties elected at the last five general elections

	1983	1987	1992	1997	2001
Labour	209	229	271	418	412
women	10	21	37	101	95
% of total	<b>4.8%</b>	<b>9.2%</b>	<b>13.7%</b>	<b>24.2%</b>	<b>23.1%</b>
Conservative	397	376	336	165	166
women	13	17	20	13	14
% of total	<b>3.3%</b>	<b>4.5%</b>	<b>6.0%</b>	<b>7.8%</b>	<b>8.4%</b>
Lib. Dem.	23*	22**	20	46	52
women	0	1	2	3	5
% of total	<b>0%</b>	<b>4.5%</b>	<b>10%</b>	<b>6.5%</b>	<b>9.6%</b>
Other	21	23	24	30	29
women	0	2	3	3	4
% of total	<b>0%</b>	<b>8.7%</b>	<b>12.5%</b>	<b>10%</b>	<b>13.8%</b>
All MPs	650	650	651	659	659
women	23	41	60	120	118
% of total	<b>3.5%</b>	<b>6.3%</b>	<b>9.2%</b>	<b>18.2%</b>	<b>17.9%</b>

Following the abandonment of the women-only-shortlists policy in 1996 Labour returned to the kind of measure it had used between 1987 and 1992. For the 1997-2001 round of parliamentary selections, the party insisted on equal numbers of men and women on parliamentary shortlists (and at least two of each). This policy resulted in very few female MPs being selected. Only 10.3 per cent of women were selected for vacancies in Labour held seats in 2001. This level was below that of 1997 (when the all women short-lists policy was in place): it also falls below the level achieved in 1992 and 1987. The low proportion of women selected to fight Labour held seats in 2001 indicated that the notion that all women shortlists would reform decisively the party's culture in one parliament had been hopelessly optimistic. It became clear that long-term policies of positive discrimination needed to be in place if the level of female representation was to be increased on a sustained basis.

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\* Liberals and SDP combined

\*\* SDP Liberal Alliance

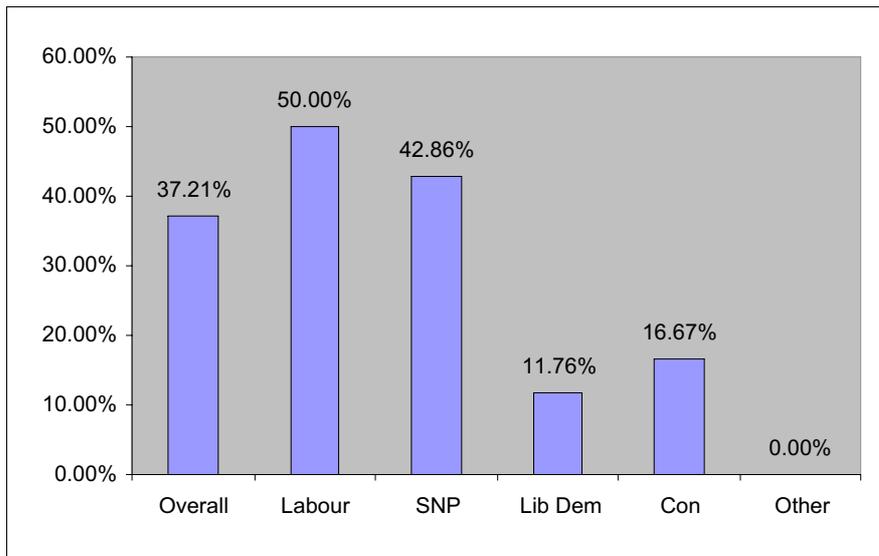
Significantly, women fared badly in the selection for winnable vacant seats for all three main parties at the June 2001 general election. For the 1997-2001 round of parliamentary selections, the Labour Party insisted (in place of all-women shortlists) on equal numbers of men and women on parliamentary shortlists (and at least two of each). Yet Labour women nonetheless won barely 10 per cent of the nominations for vacant seats held by the party. Although the Liberal Democrats again used shortlisting quotas, women replaced none of their retiring MPs. Twenty-five Conservative MPs stood down, including one woman. Rejecting measures of positive discrimination the party adopted twenty-five men. A similar pattern prevailed amongst retirements by SNP and Plaid Cymru, though the numbers involved were small.

In other words, the abandonment of the policy of all-women-shortlists appears to have had a detrimental effect on the upward trend in the percentage of female MPs elected for the Labour Party. Rhetorical strategies and positive discrimination strategies in the form of short-listing quotas adopted by all parties in the run up to 2001 did not have the dramatic impact of all-women-shortlists.

### **The Scottish Parliament and Welsh Assembly**

Meanwhile, the first elections to the Scottish parliament in May 1999 led to a proportion of 37.2 per cent women members of the Scottish parliament. An electoral system of proportional representation, based on regional lists was used. 73 MSPs were returned for constituencies and 56 for regional lists. With 48 MSPs, women represented a proportion of 37.2 per cent of members of the Scottish Parliament. Of these, 30 were elected for constituencies (a proportion of 41.1 per cent) and 18 for the regional lists (a proportion of 32.1 per cent). Women comprised 28 out of 56 members of the Labour group (a proportion of 50 per cent), fifteen out of 35 members of the Scottish National group (a proportion of 42.9 per cent), three out of 18 Conservatives (a proportion of 16.7 per cent) and two out of 17 Liberal Democrats (a proportion of 11.8 per cent).

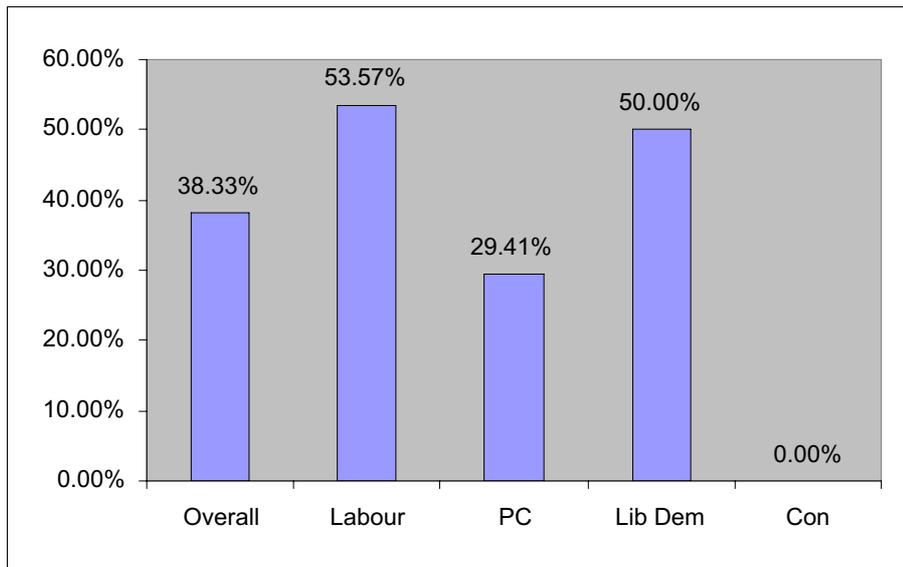
Figure 2: Women elected to the Scottish Parliament in 1999, percentage



Following the 1<sup>st</sup> May 2003 election the number of female MSPs increased slightly to 51 (39 per cent), of which 30 were elected for constituencies and 21 for the regional lists. Women comprised 28 out of 56 of the Labour group, nine out of 35 members of the Scottish National group (a proportion of 25.7 per cent), four out of 18 Conservatives (a proportion of 22.2 per cent) and two out of 17 Liberal Democrats (a proportion of 11.8 per cent). There were also increased numbers of female MSPs for the Scottish Green Party and Scottish Socialist Party. As in 1999, women made more gains in the constituency seats than in the List seats. Only the Labour Party and the Scottish Socialist Party (SSP) used positive measures to increase the proportion of female candidates.

The first elections to the Welsh Assembly in May 1999 returned 24 out of 60 Assembly Members (AMs). As with the Scottish Parliament candidates were elected to constituencies and by regional lists. Women comprised 47.5 per cent of those elected to constituency seats and 25.0 per cent of those elected by the regional list. Women comprised 16 out of 28 members of the Labour group (a proportion of 57.1 per cent), six out of 17 members of Plaid Cymru (a proportion of 35.3 per cent), none of the nine Conservatives (a proportion of 0.0 per cent) and three out of 6 Liberal Democrats (a proportion of 50 per cent).

Figure 3: Women elected to the Welsh Assembly 1999, percentage



Following the 1<sup>st</sup> May 2003 election the number of female AMs increased to 30 out of 60, 50 per cent. Women comprised 19 out of 30 members of the Labour group (63.3 per cent). The Liberal Democrats and Plaid Cymru both returned 50 per cent women. The Conservatives, who struggled to select women in winnable seats, also returned two female AMs of their 11 assembly members (18.2 per cent). That the Fawcett Society could celebrate the fact that ‘Wales is now world leader on equal representation’ (*The Guardian* 3<sup>rd</sup> May) is particularly surprising given that until 1997, Wales had only ever had four women MPs.

Devolution, coupled with the introduction of systems involving proportional representation for elections to the Scottish Parliament and Welsh Assembly obliged participating parties to adopt a list system. Given comparative research, which indicates that PR systems facilitate higher levels of women’s representation than either mixed or majoritarian systems, it might be expected that the deployment of lists would boost the representation of women as it has done in many European countries.

However in the elections to the Scottish Parliament and Welsh Assembly to date the impact of PR has proved to be disappointing. In both Scotland and Wales higher percentages of female candidates were returned for the constituencies than for the regional lists. The explanation for this lies in the fact that some of the parties winning seats for the regions in the Scottish and Welsh elections did not place women sufficiently

advantageously on their lists. Had Labour not had a strategy of positive discrimination in place for the majoritarian aspect of the electoral system far fewer women would have been elected to the two bodies.

For the majoritarian constituency aspect of the 1999 elections to the Scottish Parliament and the Welsh Assembly, Labour adopted a policy of 'twinning'. Under this strategy, constituencies were paired on the basis of winnability and geography. A male and a female candidate were then selected for each. Twinning was extremely successful, indeed the high proportion of women elected to the first Welsh Assembly and Scottish Parliament was not due to proportional representation, but to Labour's policy of twinning.

The Labour Party adopted this policy of twinning for the 1999 elections on a one-off basis. Given that these were the first elections to be held to these bodies, Labour was able to implement the policy in a context where there were no sitting MSPs or AMs. Twinning becomes harder where only a fraction of a party's representatives are standing down and was therefore not used in the 2003 elections.

Although it did not employ twinning for the 2003 election, Welsh Labour did run all-women shortlists in six constituency seats. Plaid Cymru applied tough quotas to the regional lists, with women being placed in the first two places on each. Whilst the Welsh Liberal Democrats took no official positive action, the party was proactive in encouraging women candidates. The Welsh Conservatives operated no formal mechanism but women tended to be placed towards the middle of Regional Lists which resulted in the election of the first two female Conservative AMs.

As a result of these strategies the proportion of women in the Scottish Parliament and Welsh Assembly rose again in 2003, in marked contrast to its fall in Westminster in 2001 following the abandonment of the all-women shortlists policy. What appeared to make the difference was the adoption, by the Scottish and Welsh Labour Parties, the Scottish Socialist Party and Plaid Cymru, of positive measures in the form of twinning or all-women shortlists. In other words the elections to the devolved assemblies showed again that positive action measures do work.

### **Subsequent Developments at Westminster**

The Labour Government introduced *The Sex Discrimination (Election Candidates) Bill* in October 2001, which gained Royal Assent on 26<sup>th</sup> February 2002, after receiving cross-party support in Parliament. It allows political parties the freedom to introduce positive measures, such as quotas, when selecting candidates for Parliament, local government and the devolved assemblies, without risk of legal challenge. The Act amends the Sex Discrimination Act 1975 and the Sex Discrimination (Northern Ireland) Order 1976 to provide that Parts II to IV (or 3 to 5 of the Order) will not apply to measures adopted by a party to reduce inequality in the numbers of men and women elected as its candidates. The Act has a ‘sunset clause’, so that the provisions expire at the end of 2015. This should allow for at least three elections to have taken place in each body to which the legislation applies. The Bill’s remit includes elections for Westminster, the European Parliament, the Scottish Parliament and National Assembly for Wales and local government elections, although it excludes election for the Mayor of London and other directly elected Mayors.

This legislative reform means that Labour has been able to revert to the kind of strategy it adopted before the 1997 general election. It signals a return to a policy of positive discrimination about which many of its senior figures, including Tony Blair, were once lukewarm.

The full implications of passing of The Sex Discrimination (Election Candidates) Bill have not yet become clear, but it is evident that the success in the Scottish and Welsh elections, following the Labour Party’s adoption of twinning in the 1999 elections and the subsequent increases in the 2003 election, coupled with the persistently low numbers of women in Westminster and the recent legislation to allow parties to address this, have placed this issue high on the political agenda in Britain.

Neither the Liberal Democrats nor Conservatives have endorsed the use of quotas. The Liberal Democrats are reviewing the processes by which parliamentary candidates are sought and approved. They claim to be ‘proactively making a difference’ by mentoring and supporting women recognize and achieve their political goals’ (<http://www.gbtf.org.uk/>). The implementation of positive measures in relation to

candidate selection is made difficult both by the party structure, which is Federal, and by the party ethos, which favours equal opportunities rather than positive action against group discrimination. Meanwhile, the Conservatives have also eschewed the top-down approach of the Labour Party and are offering their local associations a choice in the mechanisms used for the selection of their candidates. Yet the Bill did receive front bench cross-party support in the Commons, and it passed without a division either at Second or Third Reading in the Commons. In the Lords there was similarly no division and the Bill was debated only at Second Reading.

The consensus in support of this Bill may reflect the Bill's permissive rather than prescriptive nature. As Sarah Childs suggests, the issue of positive action for candidate selection, which had previously engendered both inter- and intra-party debate, was side-stepped because the permissive formulation of the Bill required only that MPs be committed to reducing inequality in the numbers of men and women elected (Childs 2002). However, it may also represent a general cultural shift amongst Parliamentarians towards accepting positive discrimination policies at party level in relation to candidate selection. In arguing for the Bill, many MPs and Peers, from all parties, stated that women should be present in the House of Commons in greater, if not proportionate, numbers. Even the three women MPs who spoke against the Bill at Second Reading in the Commons supported this principle (Childs 2002, p.91).

### **Explaining Political Change in Relation to Women's Representation**

The dramatic rise in the number of women in Westminster in 1997 was largely a product of three factors: the decision taken by the Labour Party in 1993 to introduce all-women shortlists; the successful implementation of this policy between 1993-6; and the landslide victory of Labour in the 1997 General Election. This signals the central importance of political parties in any explanation of the changing number of women in Westminster. In addition, developments subsequent to the 1997 General Election suggest that new political opportunity structures created by devolution and the lessons these generate, the role of female parliamentarians articulating changed normative ideals in the House, women's lobby groups providing data and arguments to support these parliamentarians,

and finally legislative change, have all been additional important factors in the struggle to increase the representation of women in Westminster.

The introduction of the Sex Discrimination (Election Candidates) Act creates a vital space within which political parties can now employ positive measures. Also central is the support for 'temporary measures' to address the under-representation of women amongst international organisations. The UN Fourth World Conference on Women held in Beijing in 1995 specifically stated that 'Equality in political decision-making performs a leverage function without which it is highly unlikely that a real integration of the equality dimension in government policy-making is feasible.' (The Beijing Declaration, no.181)

Feminist actors have also played a vital role, including women's lobby groups, femocrats, women party activists and women parliamentarians. Following the 1997 election women's lobby groups, notably Fawcett and the Equal Opportunities Commission, launched campaigns focusing on 'women in public life'. Both organisations conducted research that made clear the extent of discrimination within parties in the candidate selection process (see, for example Lovenduski and Shepherd Robinson 2001). They also produced targeted briefings and reports, which showed the positive measures were widely and successfully employed elsewhere (see, for example Squires and Wickham-Jones 2001) and lobbied effectively for the introduction of positive measures. Meanwhile, the Women and Equality Unit, based in the Department of Trade and Industry at Whitehall, was involved alongside civil servants from the Department of Transport, Local Government and the Regions, in seeing the Sex Discrimination (Election Candidates) Act become law. In addition the unit was involved with the Department of Trade and Industry in a number of regionally based seminars, starting in January 2002, in order to encourage women to come forward and seek appointment to public posts.

The main political parties each had women's organizations, which campaigned for the increased representation of women within their party. For example, The Liberal Democrats created a Gender Balance Task Force in 2001 (<http://www.gbtf.org.uk>), which focuses on offering training for potential female candidates. Labour Women's Network also offers training and support for Westminster selections (<http://www.lwn.org.uk/>).

Finally women MPs played a clear role in speaking for the Sex Discrimination (Election Candidates) Bill in parliament, articulating a justice argument for the importance of the fair representation of women (Childs 2002).

### **A Fast Track?**

It has been suggested that a movement towards the equal representation of women can take either an incremental track or a fast track (Dahlerup and Freidenvall, 2003). Drude Dahlerup suggests that the Scandinavian countries have taken an incremental track: it has taken approximately sixty years for Denmark, Norway and Sweden to exceed the twenty percent mark, and seventy years to reach thirty per cent. By contrast, countries such as Argentina, Costa Rica and South Africa have taken the fast track, introducing quotas where women only constitute a small minority in parliament and dramatically increasing the percentage of women very quickly. Costa Rica went from 19% to 35% in one election. South Africa achieved 30% women in its first democratic parliamentary election. By and large the fast track route has entailed the adoption of gender quotas (Dahlerup and Freidenvall 2003, p.3). This represents a shift from an equal opportunities framework, to a positive measures framework, which aims at equality via action to compensate structural barriers to entry rather than via equal treatment.

In the British context we see a complex negotiation of these two strategies. The introduction of the Sex Discrimination (Election Candidates) Act allows political parties to pursue positive measures, and adopt the 'fast track' approach to women's equal representation, within a general legal framework that operates on an equal opportunities model and an incremental approach to women's representation. The adoption of positive measure by the Labour Party means that we have one party opting for the 'fast track' route, whilst the others continue on the slower incremental route. This is an interesting, and rather clever, development in that it allows for a speedy increase in the numbers of women in parliament (given high levels of support for the Labour Party), whilst maintaining the general commitment to equal opportunities rather than positive action (which legal quotas would require), which resonates with popular perceptions of 'fairness'. If gender quotas appear so effective in providing direct access to the fast track

to gender equality, why do so many countries that claim to aspire to gender equality continue to opt for the incremental track?

### **The Discursive Framing of Women's Representation in Britain**

Whilst party-based gender quotas have proven successful in terms of increasing the levels of female representation in Westminster, and securing high levels in the new devolved administrations, they have remained controversial. Many parties have been unwilling to adopt quotas. The Labour Party has long been characterized by a commitment to equality, though this commitment has always been accompanied by an intra-party debate as to whether equality should be understood as equality of opportunity, equality of income or equality of regard (see Drucker 1979, pp.45-67). Nonetheless, arguments for positive action measures regarding women's representation were consonant with certain equality discourses that had a clear lineage within the Party. As the Labour Party states on its website: 'We are an inclusive party. Throughout our 100-year history we have worked to ensure that historically excluded groups are embraced and engaged in the structures of our party...' (<http://www.labour.org.uk/equality> accessed 27/2/04).

However, it is equal treatment rather than positive action that is increasingly espoused as the normative ideal of equality amongst the general public in contemporary Britain. Equal opportunities, flexibility and modernization have become central norms. Recent research commissioned by the EOC indicates that the British public is skeptical about the idea of equal outcomes and is more comfortable with the idea of equal opportunities. They use the language of 'fairness', 'tolerance' and 'having the same chances in life'. (Howard and Tibballs 2003, p.7) There is little support for the idea that women, as a group, are unequal in society today and sex inequality was not seen as a priority issue. The concept of feminism was seen virtually unanimously in negative terms as old-fashioned. However many people (and young women in particular) liked the idea of promoting 'women's rights.' (Howard and Tibballs 2003, p.7) Interestingly, the increased representation of women also fits with this discourse: though positive action measures which focus on group-based discrimination no longer fit so clearly, large numbers of (young) female parliamentarians was clearly a central element in the strategy of making the Party *appear* modern.

Given the ongoing discursive controversies surrounding notions of equality, it is unsurprising the gender quotas remain controversial in Britain. The discourses that frame quotas debates entail very particular understandings of equality, and current attempts to address women's under-representation by the main political parties entail either equal treatment or positive action strategies.

### *Equality*

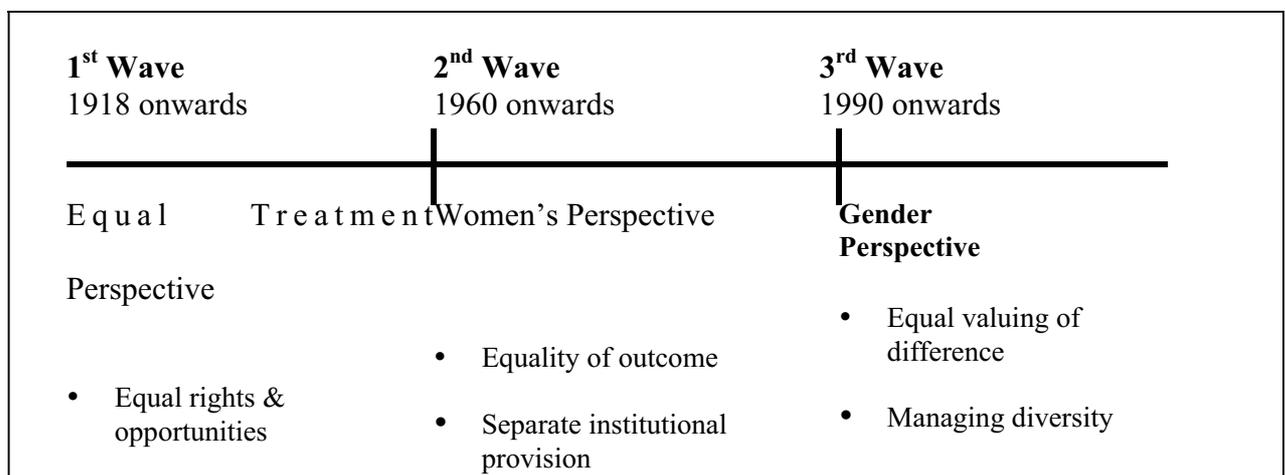
In this context it is worth noting that various approaches to gender equality have emerged over the last three decades. These approaches can schematically be described as equal treatment (which was prevalent in the 1970s), positive action (which was prevalent in the 1980s) and gender mainstreaming (which has emerged as an increasingly important equality strategy since the in the 1990s). Teresa Rees labels these approaches 'tinkering', 'tailoring' and 'transforming' respectively (Rees 2002, p.48). She suggests that equal treatment is a legal redress to treat men and women the same, whereas positive action recognizes that there are differences between men and women and that measures are required to address disadvantages experienced by women as a consequence of those differences. Mainstreaming, by contrast to each, 'ideally should involve identifying how existing systems and structures cause indirect discrimination and altering or redesigning them as appropriate' (Rees 2002, pp.46-8).

Quotas are best viewed as a form of positive action: they entail 'tailoring' existing mechanisms of candidate selection in order to redress disadvantages experienced by women. As such they are widely perceived as based on an understanding of equality as 'equality of outcome'. Positive action, in the form of all-women shortlists adopted by the Labour Party, has brought about rapid change and represents the fastest track to women's equal representation yet adopted within Britain. Yet, even the Labour Party remains ambivalent about its own pursuit of this equality strategy, which continues to render the Labour Party's support of all-women-shortlists vulnerable. The Women and Equality Unit, which responsibility for equality co-ordination across Government, is currently engaged with equality issues in two central ways: firstly in relation the ongoing establishment of a new Commission for Equality and Human Rights which will promote equality of opportunities and combat discrimination

(<http://www.womenandequalityunit.gov.uk/equality/project/project.htm> accessed 4/3/04), and secondly in relation to a gender mainstreaming policy which aims to integrate a gender perspective into all policy making (<[http://www.womenandequalityunit.gov.uk/equality/policy\\_making.htm](http://www.womenandequalityunit.gov.uk/equality/policy_making.htm)> accessed 4/3/04). These two developments in equality policy would appear to prioritise equal treatment and gender mainstreaming, rather than positive action aimed to bring about equality of outcome. The WEU depicts positive measures (which in the form of all-women shortlists) as extremely effective in achieving greater gender equality in politics (<[http://www.womenandequalityunit.gov.uk/public\\_life/parliament.htm](http://www.womenandequalityunit.gov.uk/public_life/parliament.htm)> accessed 4/3/04), and thereby appears to embrace not only equal treatment and gender mainstreaming, but also positive action.

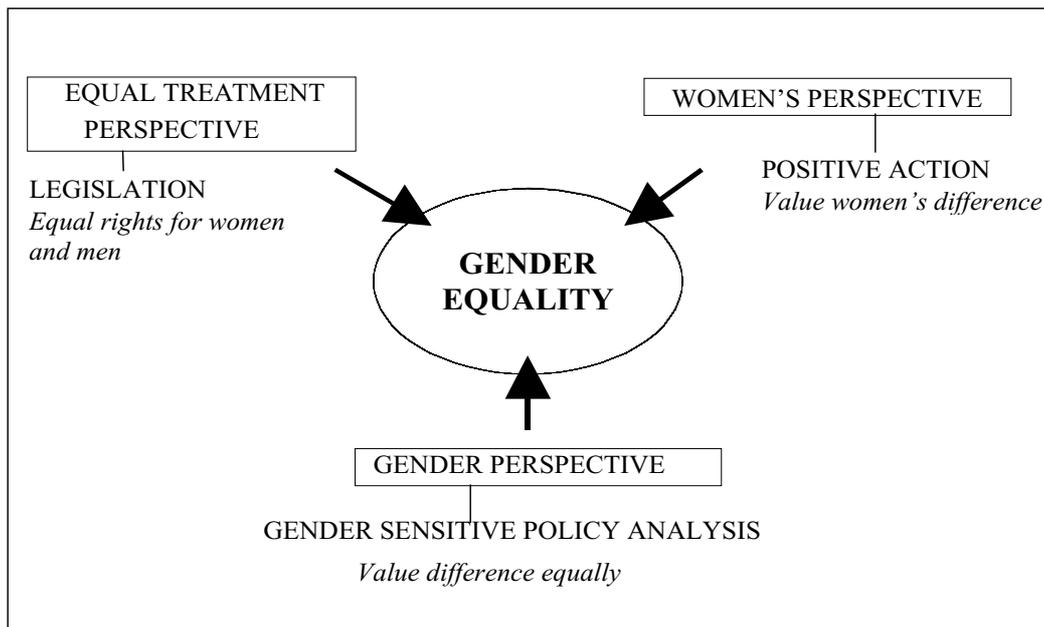
This suggests that it may not be helpful to categorise arguments for gender equality into three distinct phases, which are historically specific and follow in progression (see figure 4 for a representation of this approach), and that understanding these are complementary approaches may be a more realistic way forward (see figure 5 for a representations of this approach).

Figure 4: Northern European Equality Timeline.



Source Christine Booth, 'Gender Mainstreaming in the European Union: Toward a New Conception and Practice of Equal Opportunities?' Paper presented at ESRC Gender Mainstreaming Conference, University of Leeds, 2003

Figure 5: The 'Equality Stool'



Source Christine Booth, 'Gender Mainstreaming in the European Union: Toward a New Conception and Practice of Equal Opportunities?' Paper presented at ESRC Gender Mainstreaming Conference, University of Leeds, 2003

Nonetheless, anxieties remain about the positive action approach, which mean that many advocates of gender equality would rather not rely upon it as a means to securing gender equality at all. This anxiety manifests itself in relation to the issue of quotas in the form of two central debates - the first of which focuses on the category of 'women', the second focusing on the category of representation.

### *Essentialism*

Gender quotas are designed to increase the number of female candidates and political representatives. They work with the category of 'women' as a single entity. Yet there are widely rehearsed theoretical and practical problems inherent in focusing on women as a group. Black feminists, particularly in the US and Britain argued throughout the 1980s and 1990s that it is problematic to conceptualize women as a group: focusing attention of the inequalities and differences between men and women tended to marginalize the inequalities and differences among women (Collins 1990, Mohanty

1991, Spellman 1988). More recently, the poststructuralist critique of taking women as a category has become influential. Here it is argued that taking women as a category will close off intersectionality and fail to respond to the fluidity and mutability of social identities. Adopting women as a category of political analysis and activism works to inscribe and constitute the category rather than reflect and represent it (Brown 1995, Butler 1990). They freeze contingent social relations into a false necessity (Young 1997:16). These arguments have not only had a significant impact on feminist theory during recent years, but also appear to resonate with popular sentiments, which tend to be individualist and hostile to group-based politics.

The continuity between some of the postmodern feminist theoretical perspectives and the more populist articulations of individualism is a cause of worry for some. As Iris Young notes, failing to conceptualize women as a collective obscures oppression as a systematic, structured, institutional process and also fails to provide an alternative to liberal individualism (Young 1997, p.17). Young therefore proposes that gender be theorized as multiple, and that women be constituted as a group only in the political context of struggle (Young 1997, p.21). Yet this theoretical move has offered few practical resources to activists arguing for gender quotas, for it is simply not clear how in practice one would implement quotas differently if one embraced this theoretical perspective rather than a more straightforward 'women-centred' approach.

It is worth noting here that in the new Scottish Parliament, intensive lobbying by women's groups led to 48 out of 129 (37.2%) women being elected, but not a single ethnic minority representative. Moreover, the recent debates about the need to increase the level of female representation with Westminster paid little attention to the issue of ethnic minority representation. During parliamentary debates about the introduction of the Sex Discrimination (Election Candidates) Bill the issue of the representation of ethnic minorities was regarded as of a different nature to the question of women's representation (Childs, 2002). It was suggested that devising mechanisms to ensure the (s)election of ethnic minority MPs is more problematic than it is for women (for example, defining who is 'black') and that there are large swathes of the UK where the minority ethnic populations are too low to warrant representation (which begs the

question of whether ethnic minority MPs are only appropriate for areas with significant minority ethnic populations).

This suggests that quota policies may indeed rely upon an undifferentiated category of woman and fail to address the marginalization of groups other than women. These are powerful reasons for being concerned about positive action measures, and have encouraged many to fall back on equal treatment measures as more normatively desirable.

### *Representativeness*

The discursive controversy surrounding gender quotas feeds into a second debate about the relation between the descriptive and substantive representation of women. Many advocates of gender quotas work with an assumption that quotas will improve not only the descriptive representation of women, but also their substantive representation: that they will result not only in higher levels of female representatives, but also are more 'woman-friendly' policy agenda. There is a presumption that 'women are often best represented by other women, as they have an understanding of what equality means for them that is not available to men.' (Williams 1998, p.13)

Yet, there are clear discrepancies between the descriptive and substantive representation of women. The proportion of women in a parliament may rise whilst the government ignores or is hostile to women's issues. Examples of this include the Mulroney government in Canada during the 1980s and early 1990s, or the current South African government. As Lisa Young notes, Canada has witnessed massive cuts to an array of women's organizations: 'In substantive terms, issues of importance to women have all but disappeared from the policy agenda of government.' (Young 2000, p.182) Meanwhile Alexandra Dobrowolsky argues that: 'At a time in Canadian history when there are more women than ever in prominent political positions, inequalities are growing rather than subsiding...' (Dobrowolsky 2000, p.242).

So it is worth noting that research intended to establish women representatives are more likely to act for women than male representatives, based on the 101 Labour women MPs elected to Westminster in 1997, has been ambivalent on the connection between descriptive and substantive representation. One study found that these female MPs had

been more loyal to the Blair government than their male counterparts, with the voting records of the new intake Labour women MPs demonstrating that they voted disproportionately with the government (Cowley 1999). This finding was taken to imply that women had not 'made a difference'. Another study found that the female MPs themselves consider that they have substantively represented women since their election. The women MPs felt that their presence in Parliament had enabled the articulation of a feminized agenda in parliamentary debates, in select committees and in the Parliamentary Labour Party's women's group (Childs 2001). However, it is probably fair to say that this perception was not widely shared amongst the press or public, who remained skeptical about the impact of 'Blair's Babes'.

Concern about the possible essentialism implied by quota policies, coupled with skepticism that there was a link between descriptive and substantive representation, meant that arguments for quotas in British political debates have tended to focus on a 'justice' argument, rather than arguments that women's interests remain unfulfilled or that democracy is likely to become atrophied (Phillips 1995, p.62-3; Phillips 1998, p.229-238). The justice argument implies that numerically equal representation of women and men in legislatures is itself an indication of parity, regardless of the beliefs of those present or the policies enacted. The 'interests' argument holds that women need to enter formal politics to work for women's interests. Thus it is not presence alone, but the decisions made and policies formulated that matter. The 'democracy' argument proposes that women should enter into positions of power because they will engage in political activity differently, revitalizing democracy and thereby improving the nature of the public sphere.

This leads some theorists to question whether the substantive representation of all women will ever really be secured through better access to existing structures of representative politics. Many suggest that this aim actually requires a 'sizeable infusion of radical democracy' (Dobrowolsky 2000, p.243). The suggestion here is that the focus on quotas could divert attention from the need for more radical reform, from more diverse kinds of democracy, whilst offering a kind of pseudo-legitimacy for existing representative democracy. Or, to use Rees's language, quota policies are tinkering and tailoring, which divert attention from a transformative political agenda. If this is the

case, the focus on gender quotas might be counter-productive in relation to the broader goal of increasing the substantive representation of women.

### *Institutionalism*

A third set of concerns concentrates on the nature of the political rather than the nature of 'woman'. Here it is argued that to focus attention on gender quotas is to focus one's attention squarely on the existing institutions of representative liberal democracy. It is to seek gender equality within the existing institutions of politics. To focus one's energies on this strategy is to operate with a narrow and possibility impoverished and male-defined conception of the political.

To focus on narrow gender equality policies (such as quotas, zipping, twinning, women only-shortlists etc.) is to remain bound within a discourse of institutional politics that propagates individualism, exclusivity, obfuscation, adversarialism and confrontation. The aim of these policies is to secure gender parity in upper echelons of political parties, ensuring that half the parliamentary or legislative body is female. This ambition may be challenging and woefully difficult to achieve in practice, but some critics charge that it still does not go far enough. It revolves around current institutional political and liberal democratic constructs at a time when citizens are increasingly calling for something more than the traditional institutions of democratic governance.

By contrast, advocates of deliberative democracy suggest that the idea of democracy revolves around the transformation, rather than simply the aggregation, of preferences (Squires 2002, p.134-6). The basic impulse behind deliberative democracy is the notion that people will modify their perceptions of what society should do in the course of discussing this with others. The point of democratic participation is to manufacture, rather than to discover and aggregate, the common good. The ideal is one of democratic decision-making arising from deliberative procedures that are inclusive and rational.

Yet, the move to deliberative rather than representative democracy does not overcome the need for a quotas debate. Women's access to deliberative spaces will, as some deliberative democrats accept, need to be ensured if the outcome of the deliberations is to be just (Williams 2000, pp.124-6). However, the deliberative

democracy literature serves to remind us just how narrowly institutional and aggregative current political systems are, and to encourage us to consider possibilities for the transformation of political participation. It recommends, in other words, that one go beyond tinkering or tailoring existing structures, to transform them.

### **Constitutional Change and Gender Mainstreaming**

Because debates about women's political representation have most frequently been considered within the confines of existing political institutions, they have inevitably tended to focus on the possibilities for tinkering or tailoring these institutions: they have focused on equal opportunities or positive action in the form of gender quotas. They have, in other words been faced with Wollstonecraft's dilemma. As Joan Scott writes:

'Feminism was a protest against women's political exclusion; its goal was to eliminate 'sexual difference' in politics, but it had to make its claims on behalf of 'woman' (who were discursively produced through 'sexual difference'). To the extent that it acted for 'women,' feminism produced the 'sexual difference' it sought to eliminate. This paradox--the need both to accept and to refuse 'sexual difference'--was the constitutive condition of feminism as a political movement throughout its long history.' (Scott 1996, pp.3-4)

It is in the context, that gender mainstreaming appears to offer invaluable critical resources. It complements reactive gender equality policies, which address problems resulting from a gender inequality or historical imbalance, by offering a strategy for achieving gender equality by introducing a gender perspective into a given policy field even though there may not be an obvious inequality. The Sex Discrimination (Election Candidates) Act (2002) was a clear example of a 'rule-and-exemption' approach to gender equality policy that emerges in response to the demand that one chooses between equal treatment (in relation to norms that are structurally gender-biased) and positive action (which posits sex as a given). By contrast, gender mainstreaming in relation to women's participation in political life requires that, over and above this important legislative change, a broader strategy for achieving political gender equality be developed. Mainstreaming here requires that the various values, interests and life experiences of different groups of women be taken into account when mechanisms for

political participation are devised and practiced. To adopt a gender mainstreaming strategy, as distinct from gender equality policies demands that we ask whether the substantive representation of women will be secured through better access to existing structures of representative politics, or whether we need to broaden out understanding of democracy participation to include new, gender-sensitive forms of political practice.

Some feminist scholars have raised concerns about the shift to gender mainstreaming, noting the difficulties involved in changing institutional practices (see True 2003, Squires and Wickham Jones 2002). It is significant then, that constitutional change provides a unique opportunity to pursue gender mainstreaming in relation to political structures. Whereas campaigns to transform Westminster to make it more women-friendly have largely come to nothing to date, the Scottish Parliament and Welsh Assembly manifest clearer signs of mainstreaming having a discernible effect. The establishment of devolved administrations in Scotland and Wales provide case studies for what can be achieved when all three legs of the gender equality stool are employed in relation to women's political representation. Significantly, the achievements have been impressive. As Fiona Mackay, Fiona Myers and Alice Brown state:

‘One of the most striking features of the post-1997 restructuring of the British state has been the creation of a devolved Scottish parliament with initially 37 and now 39.5 per cent female elected members - one of the highest proportions in the world... the process of devolution has resulted not only in the re-negotiation of powers between centre and sub-state nation or region, but also in the redistribution of political power between the sexes.’ (Mackay, Myers and Brown 2003, p.84)

The high levels of women in the Scottish Parliament need to be understood in the context of the adoption of positive action measures, especially twinning. But they also need to be understood in the context of the mainstreaming strategies adopted by women in shaping constitutional change. As Mackay, Myers and Brown make clear, ‘a coalition of women's organizations, grassroots activists, female trade unionists, party women, key insiders and gender experts’ lobbied for a role in shaping a ‘women-friendly’ Scottish Parliament that would ‘counteract the traditional masculinist biases of political institutions’(Mackay, Myers and Brown 2003, p.85). Devolution campaigners, Mackay,

Myers and Brown suggest, aspired to a new, more inclusive, politics. In other words, they adopted a strategy of gender mainstreaming, which resulted in the establishment of a Parliament that took gendered perspectives into account in the policy-making process. This means, for example, that the parliament meets at times that acknowledge the demands of family life and the timetable of school holidays (Mackay, Myers and Brown 2003, p.88). Not only does the Executive of the Scottish Parliament adopt a mainstreaming approach (Mackay and Bilton, 2000), it is itself a product of this approach. Yet one should note that equal opportunities and positive action still play a central role: positive action in the form of twinning was the single most important factor in ensuring high levels of female representation, and equal opportunities remains one of the four key principles of the Parliament. The constitutional change that resulted from the restructuring of the British state suggests that the fastest track to gender equality will entail not only the adoption of gender quotas, but also the embrace of gender mainstreaming in relation to the shaping of the political institutions themselves.

## **Conclusion**

Quotas might helpfully be understood as a form of positive action. They can then be understood in the context of three equality strategies: equal treatment, positive action and mainstreaming. Many of the concerns about quotas are specific manifestations of a more general normative anxiety about positive action. Given that many gender theorists are now exploring the potential of gender mainstreaming as a new and improved equality strategy, it might be worth considering what a mainstreaming strategy might entail in relation to political representation.

Here the aim would not be to ensure that women are treated equally in the selection and election process (as with an equal treatment approach), nor to ensure that women's disadvantage be addressed via quotas policies (as with a positive action approach). Rather, the aim would be to consider gender relations in relation to the design, implementation, monitoring and evaluation of political practices so that women and men benefit equally and inequality is not perpetuated. The argument would not be that women might 'do' politics differently and so should be present in greater numbers, but that politics should be conceived otherwise in order that women as well as men can participate equally.

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## **Quotas – a Key to Equality?**

### *An International Comparison of the Use of Electoral Quotas to obtain Equal Political Citizenship for Women.*

A research program supported by the Swedish Research Council (Vetenskapsrådet).

This project is the first worldwide comparative analysis of the discursive controversies around quotas and of the actual implementation of various quota systems. Under this program we will study 1) the debates in various countries around the world, 2) the decision-making processes that led to the introduction of quotas, 3) the implementation of various types of legal quota systems or party quotas systems in different political systems and 4) the consequences of quotas, the intended as well as the unintended. Under what conditions do quota systems contribute to the stated goal, equal political citizenship for women and men? When do quotas contribute to women's empowerment?

Quotas represent a change in public equality policy, from “equal opportunities” to “equality of results”. But quotas also touches upon fundamental questions in democratic theory (e.g. social representation versus representation of ideas) and in feminist theory (e.g. the construction of women as a political category).

This program will also look at the influence of international organizations. Conceptual, we focus on the processes of "translation", e.g. how the women's movements in individual countries transform and make use of the new international discourse on quotas in their own national political process.

Research on quotas so far has tended to concentrate on the often vehement debates and on the actual decisions-making process. This program will widen the perspective, and also study the troublesome implementation of quotas and the effects of various forms of quota provisions. From single country studies we know, that the introduction of for instance a requirement of a minimum of 30% of women (or "each gender") on the electoral lists does not automatically lead to women getting 30% of the seats. Thus by comparing the use of various forms of quotas provisions in different electoral systems as well as possible sanctions for non-compliance, this project will illuminate when quota systems lead to a substantial increase in women's representation and when such decisions remain symbolic.

The project co-operates with International IDEA. The web site, [www.quotaproject.org](http://www.quotaproject.org) is a result of the co-operation between IDEA and this program.

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#### **International research network**

For the purpose of cross-national comparison, this program has formed a network of international scholars who have conducted single country studies about the introduction of quotas. Together with International IDEA, the program also works to encourage new research on quotas around the world, especially in 3.world countries with newly introduced quota systems.

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