ABSTRACT

A commitment to equality was firmly established as a key principle when the Scottish Parliament and the National Assembly for Wales were founded a decade ago. In the intervening years both have become international beacons of progress in establishing higher levels of representation for women in politics. But at the 2007 elections there was a decline in the number of women elected to both legislatures and there are fears that the situation will worsen at the 2011 elections. This article examines whether new measures may be needed to recommit to gender equality and asks challenging questions about how this might be done.

TWENTY YEARS AGO the Hansard Society’s independent Women at the Top Commission, chaired by Baroness Howe of Idlicote, concluded that the parlous state of women’s political representation in Britain was ‘wholly unacceptable in a modern democracy’. In the years since little has changed at Westminster: women MPs still comprise just 22% of the House of Commons. But over the last decade many held out hope that at least in the devolved legislatures this democratic deficit would be addressed. Here new institutions, established with a firm commitment to the principle of equality, would see women benefit from a ‘blank-slate’ approach, the absence of incumbency, a different culture to that found at Westminster, and an alternative electoral system.

The Scottish Parliament and National Assembly for Wales have indeed become international beacons of progress for the representation of women. At the 2003 elections the Welsh Assembly became the first body of its kind anywhere in the world to breach the 50% barrier for women’s representation and in Scotland the number of women representatives also peaked in 2003 at 40% of the parliamentary seats. But there has since been a downward drift in female representation. At the 2007 election, the proportion of women in the Scottish Parliament fell to 33%, below the ‘critical mass’ level of 35% that is thought by many analysts to have a decisive effect on the culture of organisations. The Welsh Assembly is still 47% female; but a backlash against continuing
positive action measures to promote female candidates, combined with
the declining electoral fortunes of the Labour Party, and the imminent
retirement of some of the first generation of post-devolution female
politicians, has led to confident predictions that after the May 2011
elections, as few as 30% of Assembly Members (AMs) will be female.
And a similar pattern of electoral change in Scotland seems almost
certain to lead to a further decline in female representation in the

It is thus a timely moment to reflect on the progress that has been
made, critically analyse why women’s representation in the devolved
deleiguraturas has been subject to such a degree of ‘boom and bust’ and
determine what lessons can be learnt from this for the future.

A history of inequality: the road to devolution

Between 1918 and 1992 only 21 women were elected to the
Westminster Parliament by voters in Scotland. In 1979, the year Britain
secured a female Prime Minister, only one woman was elected out of
72 Scottish constituencies—Labour’s Maria Fyfe for the Glasgow
Maryhill constituency—leading some to dub the Scottish Labour
Group ‘49 Men and Maria’. There was no critical mass of female rep-
resentation at any level, and in some quarters dislike of Margaret
Thatcher took the form of a backlash against all female politicians.
The situation improved a little in the 1990s: 5 women were elected in
1992 and 12 in 1997 only for the number to slip back to nine women
at the 2005 general election. In Wales it was little different. In the 20th
century only 12 women were elected to Westminster and even after All
Women Shortlists (AWS) were introduced by Labour for the 1997
general election only four female MPs were returned to the new
Parliament.

The campaign for devolution, and the debate that surrounded it,
thus provided an important space in which gender equality campaign-
ers could pursue a more progressive agenda of equality of opportunity,
building on the existing work of the women’s movements in both
countries, taking a once-in-a-lifetime opportunity to redefine and
re-imagine parliamentary democracy in a form fit for a brand new
millennium.

In the campaign for the Scottish Parliament there was great excite-
ment at the thought of building a new political ‘House’, at creating a
new institution that would not perpetuate old inequalities but would
be more representative and inclusive than Westminster. A significant
alliance of women’s campaign groups such as the Scottish TUC
Women’s Committee, Engender and the Women’s Co-ordination
Group worked together to commission objective evidence about how
best to achieve equal representation. They co-ordinated their efforts to
promote the goal of a 50:50 gender parity claim, engaging with the
Scottish Constitutional Convention and the Scottish Civic Assembly to
push the gender balance issue high up the devolution debate agenda. And though the Convention, Scotland’s principal constitutional debating forum prior to devolution, had only 10% women’s representation, this small percentage ‘stung female activists into action’ and they proved to be strategically influential representatives. Together, the constituent parts of the women’s movement, through networks of conferences and community meetings, built a committed and energetic alliance around three core goals: justice in women’s representation; a new and different political culture; and a new agenda in politics.

In contrast, whereas the Scots were well prepared for devolution, with a plan in place that had been partly drafted by Scottish civil society, in Wales there was little preparation at all. Prior to 1997 there was no obvious venue or forum for discussions in Welsh civil society about devolution never mind the role of gender equality. However, though lacking a formal mechanism such as that provided by the Scottish Constitutional Convention, the Welsh women’s movement did nonetheless prove instrumental in articulating demands for women in the devolution settlement, particularly through the efforts of groups such as Merched y Wawr, a Welsh alternative to the Women’s Institute, and Welsh Women’s Aid.

In Edinburgh the idea that the new Parliament should be a 50:50 legislative body with equal representation enshrined in law had to be abandoned when advice was received that such a system would be illegal as it would infringe the law on gender discrimination. Amendments to both the Scotland and Wales Bills to facilitate the use of positive action measures were rejected by the Government, fearing it would be in breach of international human rights obligations. As a consequence, though a commitment to equality was firmly enshrined as a key principle when the Parliament was founded, and a commitment to equal opportunities likewise became a key Assembly principle, actual responsibility for ensuring equal representation in both legislatures remained with the political parties.

Electoral progress 1999–2007

The 48 women (37.2% of the total number of MSPs) elected to the Scottish Parliament in May 1999 represented—at a stroke—twice as many female politicians as had ever sat for Scottish seats in the Westminster Parliament. In Wales the picture was even better with 40% of the Welsh Assembly seats won by women. But in neither of the two legislatures did gender balance happen by accident. The electoral success of women in both legislatures was intertwined with the electoral success of the Labour Party at the dawn of devolution, especially in Scotland, as it was Labour that led the way in introducing positive action measures to increase the number of women candidates in winnable seats. In both Scotland and Wales, the Labour Party used ‘twinning’, pairing up constituency seats on the basis of ‘proximity’ and
‘winnability’, with a male and female candidate selected for each pair of seats. This approach delivered the same outcome as an AWS but without excluding men from the selection process. In Wales Plaid Cymru adopted a different positive action method, initiating a policy of prioritising women on regional list seats. This entailed the alternate positioning of male and female candidates on regional lists with women guaranteed first and third place on each of the five regional lists. The other parties did not use positive action measures and suffered accordingly (with the exception of the Liberal Democrats, who more by accident than design ended up with 50% of their members of the Welsh Assembly being women).

For the 2003 elections the Labour Party in Scotland did not utilise twinning. It contended that the policy had only been intended for use in the first set of elections, and preferred instead to rely on incumbency in constituency seats and to prioritise the placement of women candidates in those regional list seats that it had the best chance of winning. Similarly, the Welsh Labour Party also abandoned twinning, in favour of AWS in constituency seats, as it became the first party to take advantage of the new provisions contained in the Sex Discrimination (Election Candidates) Act 2002. Plaid Cymru also tinkered with its approach, this time placing women in the top two places on each of its regional lists.

Nonetheless, the 2003 results built on the success of the first elections, particularly in Wales where the National Assembly made history as the first legislature in the world with fully equal representation of women when it reached the 50% barrier. In Scotland too the number of women representatives also increased to 39.5% with the change largely accounted for by the number of women elected by the smaller parties, specifically the Scottish Socialist Party and the Greens.

But if anyone believed that the gender battle had been won, an indication of the fragility of these advancements came with the 2007 elections when the success of women candidates suffered its first setback. In Scotland the number of women elected declined to 33.3% or 43 out of 129 seats. The current Scottish Nationalist Party (SNP) group of 47 members contains only 12 women (25.5%); the Labour group contains 23 women out of 46 members (50%); the Conservative group has five women out of 17 members (29.4%); and the Liberal Democrat group of 16 has only two women (12.5%).

The decline can largely be explained by the electoral success of the SNP, which gained seats from the Labour Party. But unlike Labour, the SNP did not adopt positive action measures and consequently their group contained lower numbers of women than had the larger Labour group prior to the election. This situation was exacerbated by the Labour Party’s decision to dilute its previously strong stance on positive action and equality guarantees. On constituency lists, Labour chose from a ‘gender balanced’ list, proposing 44% of women
candidates while on the regional lists only one of the eight top positions was held by a woman. None of the other parties used firm positive action measures and, overall, the number of women candidates decreased to 36.1%.

In Wales, women won 46.7% or 28 out of the 60 Assembly seats in 2007. Interestingly, they scored better on constituency lists, winning 21 out of the 40 seats, than on regional lists where just 7 out of 20 seats were taken by women. As in Scotland the number of female candidates declined: of 197 constituency candidates, 141 (72%) were men and 56 (28%) were women.9

**Strategic women and leadership on policy**

The large numbers of women elected in the devolved legislatures has translated naturally into a large number of important offices being held by women. In Scotland, Wendy Alexander led the Scottish Labour Party between September 2007 and June 2008; Annabel Goldie has led the Scottish Conservatives since 2005 and Nicola Sturgeon has served as Deputy Leader of the SNP since 2004. Marlyn Glen set up the Scottish Women’s Committee and Trish Godman took on the role of Deputy Presiding Officer in the second Parliament. In the first two terms committee convenorship was gender balanced though, reflecting the decline in the number of female MSPs, the number of women convenors has decreased since 2007—only 6 out of 15 members of the Convenors Group are currently women.10 At the executive level, between 35 and 40% of women held ministerial positions in the first two terms but currently there are only five women in the SNP led minority government’s 18-member enlarged cabinet.

In Wales, it has become a custom that women hold nearly half or more than half of the cabinet positions. Throughout the second term of the Assembly for instance there were five women ministers in a cabinet of nine. A number of female AMs have held key portfolios—some for an extensive period of time—in the Welsh Assembly Government: Edwina Hart served as Finance and Local Government minister in the first term, whilst June Hutt served as Minister for Health and Social Services from 1999 to 2005 before being appointed Minister for Assembly Business and Chief Whip. In the Assembly’s second term, the business managers of all parties were women and in the current term a number of women hold strategically prominent positions: Rosemary Butler, for example, serves as Deputy Presiding Officer and Kirsty Williams in 2009 became the first female leader of a political party in Wales when she secured the leadership of the Liberal Democrats.

There is evidence of a link between the number of women in the legislatures and the number of occasions when these women have ‘acted for women’: when numerical or ‘descriptive’ representation has translated into ‘substantive’ results.11 In terms of policy outputs, the presence of women in both legislatures has facilitated debates on issues
such as domestic violence, childcare and social justice. In Scotland, there have been several policy initiatives touching on gender-related issues. A strategy on domestic abuse, for example, was identified in the first term as ‘the most concrete gain for a women’s agenda’, consisting of improvements in service provision, new legislation (The Protection from Abuse Act, Scotland, 2001), and new prevention and education initiatives. The Scottish Parliament has also acted to improve childcare provision and provide more resources for the rehabilitation of women offenders.

In Scotland, a number of women MSPs have been heavily identified with specific policies of particular (though not necessarily unique) interest to women. Susan Deacon, for example, has been an advocate for sexual health and children’s health; Cathy Jamieson has had a particular concentration on matrimonial law; Cathie Cragie has focused much effort on tackling housing repossessions and Pauline McNeil has done much to address the needs of women prisoners. Across the political spectrum, MSPs recognise Mary Scanlon’s work in the health policy area and Roseanna Cunningham’s focus on women’s justice.

Specific research addressing the link between representation and its results is only available in relation to the first two terms of the National Assembly for Wales and it suggests that female AMs were very active in raising issues of concern for women. Female AMs were found to be responsible for raising ‘childcare’ 61.8% of the times it was debated; for raising ‘domestic violence’ 74.2% of the time; ‘equal pay’ 65.4% of the time and ‘equality’ on 51.1% of the occasions it was discussed. Many of these debates resulted in tangible policy outputs. In education policy equality has become a central theme through changes to personal and social education lessons and moves to end gender segregation. Measures such as the awarding of grants to teachers to promote equal opportunities within schools and longer maternity leave for teachers have been introduced. Cervical cancer screening has been comprehensively provided. In local government a ‘new ethical framework’ to enshrine equal opportunities has been introduced, as has equal opportunities as a performance indicator. Women fleeing domestic violence have been made a housing priority and local councils have been obligated by the National Assembly to provide more childcare places.

But the progress that has been made is now at risk as cautious predictions in Wales suggest that at the next Assembly elections the number of women elected may fall to just 19 or a little over 30% of the seats. Both the Labour Party in Wales and Plaid Cymru have retreated from previous strong positions on gender balance. Five Labour women members of the National Assembly are standing down in 2011 and most of the women selected for the May 2011 elections are not in winnable seats. In Scotland, a similar decline is expected. The lower levels of female representation are now broadly due to the
SNPs improved electoral performance paralleled by Labour’s electoral decline and the crushing of the smaller parties, particularly the Scottish Socialist Party. Historically, the Liberal Democrats and the SNP have not been subject to the same pressure to take positive action on women’s representation that Labour has been. Unless this changes, then the prospects for women’s representation in the Scottish Parliament are unlikely to improve significantly in the near future.

**Lessons and action for the future**

The case for gender equality gained ground as the devolution campaign unfolded in the 1990s because the levels of female representation were so dire that they were indefensible. As Wendy Alexander MSP has noted, though Labour’s devolution architect in Scotland, Donald Dewar, was no great feminist, as a social liberal he could see that the level of women’s representation was grotesquely low and represented an injustice that had to be addressed. Put bluntly, many political leaders were simply embarrassed into action.

However, over the course of the decade success has drained momentum from the gender equality debate. The very scale of the progress made in improving women’s representation has to some extent broken the alliance between committed feminists and those moderate social reformers which had helped to bring it about. Many moderate supporters, of both sexes, simply assumed after 1999 that the job was done and they would not need to address the issue again. That has proven to be a complacent and unrealistic stance. The securing of gender equality, like devolution itself, is a process not an event.

There has been an over-reliance on the ‘incumbency overhang’ from the first devolution elections that has helped feed some of the complacency. The election of that first generation of AMs and MSPs was perceived to have addressed the gender balance problem and this first generation of women politicians was left to carry the banner of equality into the future. However, a decade on, many of that generation of representatives are looking towards retirement from frontline politics and it is not clear that there is a second generation waiting in the wings that are empowered within their parties to follow them. The backlash against positive action now rife in all the political parties risks leading to a constant process of ‘boom and bust’ in female representation.

Although devolution has provided more structural opportunities for women to achieve elected office and the proportional electoral system in Scotland and Wales has favoured the election of women compared with First Past The Post at Westminster, it remains clear that sustaining success in numerical terms is heavily dependent on each individual party’s commitment to gender equality. If equal representation of women is to be achieved then special measures are needed: parity is a party choice. Equal representation achieved through voluntary action
by political parties, as in 1999, is fragile and is vulnerable both to change within key parties, which have adopted positive action measures in the past, and to the shifting balance of power between parties. The Labour Party fully adopted positive action in 1999, most other parties did not; therefore any electoral shift away from the Labour Party has had significant consequences for women’s representation. There is thus a case for re-opening the debate about whether equal representation of women should be guaranteed by constitutional and electoral law, rather than purely by action within parties which, given declining membership levels, are increasingly ‘hollowed-out’ organisations in some areas. To this end, Scotland and Wales might perhaps model the experience of Westminster and establish a cross-party inquiry similar to the Speaker’s Conference on Parliamentary Representation to look at these issues should the fears about declining levels of female representation at the 2011 elections be realised.

In responding to the backlash against special measures there are perhaps lessons to be learnt by all the political parties from the way in which Labour in particular implemented them in Scotland and Wales. Their embrace of special measures was relatively easy to achieve in preparing for elections to a new legislature with no incumbency factor. In subsequent elections, however, the process proved to be more fraught, particularly so in Wales where, with just 60 seats available, competition is naturally fierce.

In 2005 former Labour Assembly member Peter Law stood as an independent at the general election in protest at the decision to impose an AWS on the Blaenau Gwent constituency. Campaigning on an explicit anti-AWS ticket, he overturned a safe Labour majority of 19,000 to win the seat with a swing of 49%. His case powerfully illustrated how fragile the progress in gender representation can be when dissenting voices shake a party’s commitment to positive action or cost parties electoral and political capital. In Scotland the process was rather calmer, influenced perhaps to a large degree by the fact that party members were presented with several candidate choices, on a gender balanced basis, rather than one choice that was restricted to a woman only.

Campaigners hoped that the electoral gains made by women in the Parliament and Assembly would trickle down and become entrenched at lower levels of political representation as well. However, there is substantial evidence that political and cultural changes at the national level are not being reflected at local government level. This has strong implications for women’s future representation for, whilst local government is a vital dimension of politics in its own right, it has been an effective route into national politics for many women. In Scotland the number of female local councillors has declined. 2007 saw a dramatic drop in the number of women local candidates. This was particularly disappointing given that the proportional STV system was introduced for the local elections in part to try and make local government more
representative. In 2003, 27.7% of candidates in Scottish local elections were women but by 2007 this figure had declined to 22.5%. Largely for reasons of incumbency and party performance this drop in the number of women candidates only resulted in a slight decline in the number of women councillors elected overall—from 269 (21.8%) to 263 (21.6%)—but it is a significant concern that the number of women candidates putting themselves forward for local office has declined.

There are, however, interesting disparities between the parties in terms of their record in getting women elected at the local level. The Liberal Democrats, who have the lowest percentage of female MSPs, have the largest number of female councillors: 33% of their representatives are women. The SNP has also had an increasing number of women elected at the local level but has not matched these achievements nationally. In contrast, Labour, which has done most to secure higher levels of female representation at the national level, has declining levels of female councillors. The success of women in Scottish local elections is also very sporadic geographically. For example, in Aberdeen and East Dunbartonshire, 33% of councillors are women, whereas in Inverclyde it is just 5%. In light of these variances, much more research is required to explore the role of women in local government and their pathways into politics.

A widely recognised reason why women are not putting themselves forward for political office is that there remain a number of powerful counter forces that make a political career increasingly unattractive to many women. In Scotland provision for family friendly hours, recognition of school holidays in relation to the legislative sitting timetable, and purpose built crèche provision have all played a role in establishing a different culture within the Parliament. But in the view of most observers and many MSPs themselves, over the course of the last decade the culture of work in the Scottish Parliament chamber and in committees in particular has not lived up to the hopes and aspirations that many had for it at the outset. As Professor James Mitchell of Strathclyde University has concluded, the Scottish system has assimilated very rapidly into the Westminster model. And the 24 hour news culture continues to put tremendous pressure on politicians to be permanently available in a way that sharpens the conflict between a political career and family responsibilities. That sharpening inevitably bears hardest on women, particularly those with young children, making a political career ever more incompatible with family life.

Women in the Scottish Parliament and Welsh Assembly have had a measurable effect on the political agenda in both countries, but when it comes to their achievements since 1999, there are striking differences between measures deemed controversial and ones that are actually important. Controversial measures attract headlines and media coverage; but some of the most important legislation on which women
representatives have worked, in terms of the impact on people’s lives, has been almost completely non-controversial and therefore invisible. There is, as a consequence, a tension between the visibility of parliamentary work and its perceived importance and the extent to which the work of women representatives is really reported. This combines with a growing media obsession with politics as the ‘theatre of conflict and personal destruction’ with women politicians subjected to extraordinary levels of sexist comment. Such is the problem with the media that there is a strong case for a new ‘King Report’—along the lines of Sir Anthony King’s report on the BBC’s coverage of new devolved institutions—on gender and the media in politics, and on how current assumptions about newsworthiness affect perceptions of women politicians and their work.

There also needs to be an honest appraisal of the role of the women’s movement over the last ten years. The momentum of the movement built up during the devolution campaign drained away and the alliance that drove the equal representation campaign in the 1990s is not evident in the younger generation. Following the achievement of devolution and the success of the first elections in 1999, the women’s movement lost energy and focus; insufficient attention was given to organising for the continuing political process that would follow the elections. Partly it was the natural conclusion of a long and successful campaign: people thought their goals had been achieved and consequently they moved onto other interests and focused their time and efforts in other directions. Many of the strategically influential women in the campaign also moved from important voluntary, public sector and trade union positions closely associated with the women’s movement into either full-time electoral politics, or in some cases to public appointments. The women’s movement has always had informal leadership structures. But these changes raise questions about whether an important and unintended consequence of the achievement of devolution and the transition to a new form of representation was the creation of a ‘capacity deficit’ at the women’s organisation and third sector levels, as a result of the loss of important leadership figures.

As a consequence of the transition of some women into other roles, the relationships and alliances within the women’s movement were institutionalised: these have undoubtedly proven to be beneficial relationships but they are time limited and as with the elected representatives it is not clear what will follow when the current incumbents have all moved on. There are therefore understandable concerns about the continuity of contacts and the sustainability of achievements in the future.

Progress on gender issues always needed a progressive campaigning alliance and the small but cohesive group of women involved in the 1990s had to take a very practical, instrumental approach to achieving change. The vision of making a difference and achieving a radically
better kind of politics was crucial in energising the campaign. Something similar is needed again.

Ruth Fox
Director
Parliament and Government Programme
Hansard Society
r.fox@hansard.lse.ac.uk

1 This article is an edited version of a Hansard Society pamphlet ‘Has Devolution Delivered For Women?’ written by Joyce McMillan and Ruth Fox and published in 2010. The research for the project was kindly funded by British Council Scotland.
7 Ibid., p. 81.
8 Ibid., p. 85.
14 Ibid., p. 171.
17 Ibid., p. 57.