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The unfinished business all women shortlists
and the UK Parliament:

Contagion, transformation and extension

Sarah Childs

European University Institute
Department of Law

**The Unfinished Business All Women Shortlists and the UK
Parliament:
Contagion, Transformation, and Extension**

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Legal Struggles and Political Mobilization around Gender Quotas

This paper is part of a case study series stemming from a project, "Gender quotas in Europe: Towards European Parity Citizenship?" funded by the European University Institute Research Council and Jean Monnet Life Long Learning Programme under the scientific coordination of Professors Ruth Rubio-Marín and Eléonore Lépinard. Gender quotas are part of a global trend to improve women's representation in decision-making bodies. In the past decade they have often been extended in terms of the numbers to be reached (40 or 50% instead of 30%), and in terms of the social field they should apply to (from politics to the economy to the administration). The aim of the project is to assess and analyse this global trend in the European context, comparing the adoption (or resistance to) gender quotas in 13 European countries in the fields of electoral politics, corporate boards and public bodies.

The case-studies in this series consider the legal struggles and political mobilization around Gender Quotas in Austria, Belgium, Denmark, France, Germany, Italy, Norway, Poland, Portugal, Slovenia, Spain, Sweden, and the U.K. They were presented and discussed in earlier versions at a workshop held in September 2014 at the EUI. Based on the workshop method, all working papers have reflected on similar aspects raised by their country case, concerning: 1) domestic/national preconditions and processes of adoption of gender quotas; 2) transnational factors; 3) legal and constitutional challenges raised by gender quotas in both the political and economic spheres; and 4) new frontiers in the field.

The working papers will be also made available on the blog of the workshop, where additional information on the experts and country information sheets can be found, and new developments can be shared: <https://blogs.eui.eu/genderquotas>.

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Abstract

It is the day after the UK general election in May 2015. No one single party has ‘won’ outright.¹ The alternative governing teams look very different. Labour sees the party leader Ed Miliband sit at the head of a parity cabinet and government. Yvette Cooper and Harriet Harman will be his foremost ‘wing women’; at least 40 percent of his backbenchers will likely be female; as will more than two thirds of his newly elected MPs. A Conservative government would, for sure, see Cameron appoint Theresa May, the current Home Secretary, to one of the four big Offices of State – she’s too experienced and too much of a leadership challenger otherwise.² He will also pepper his team with a good few women too, belatedly meeting his 2015 30 percent target. His summer 2014 government reshuffle showed that he could find women to sit in his Cabinet, if only to see off commentariat ‘backlash’.³ But when you look beyond the ‘doughnut’ of women Cameron places on his Frontbench,⁴ the Conservative backbenches will likely remain women ‘lite’. At least the worst case scenario – of fewer Conservative women MPs in the UK Parliament in 2015 - looks, 100 days out from the election, to have been avoided.⁵

Keywords

UK Parliament, Quotas, Gender, AWS, All Women Shortlists

¹ This was the most likely suggestion at a private discussion of UK academics in summer 2014 which included one of the UK’s leading psephologists. It remained the case in spring 2015, as opinion polls put the two main parties neck and neck.

² <http://www.telegraph.co.uk/news/politics/david-cameron/10872695/Theresa-May-surges-ahead-of-Boris-Johnson-in-Tory-leader-poll.html>.

³ <http://www.theguardian.com/politics/2014/jul/15/conservative-backlash-begins-cameron-cabinet-reshuffle>;
<http://www.5050parliament.co.uk/resources/academic-other-papers/david-camersons-problem-with-women-the-political-quarterly-oct-dec-2012-claire-annesley-francesca-gains/>.

⁴ <http://www.theguardian.com/politics/2014/feb/06/david-cameron-male-bench-ed-miliband>.

⁵ See Campbell and Hudson figures below.

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Introduction

The inter-party asymmetry in women's descriptive representation in the UK Parliament is best understood with regard to a party sex quota: Labour's All Women Shortlists (AWS). AWS were first used by Labour for the 1997 general election. That election doubled the number of UK women MPs overnight, (60 to 120); 101 were Labour MPs. Of the Labour women MPs first elected in 1997 35 were selected on AWS, more than half of its new intake women MPs. Since 2005 Labour has used AWS in all general elections. Neither the Conservatives nor the Liberal Democrats have as yet accepted their logic (Campbell et al 2006) despite favourable leader interventions in both in 2010 and in 2014. Their talk rhetorically raised the spectre of AWS contagion, but effectively kicked them into the long grass.⁶ The adoption of quotas for the UK Parliament is clearly, then, unfinished business. There has as yet been no contagion. Their implementation has had a chequered past too – deemed illegal between 1997 and 2001 - their continued use required additional legislative intervention to allow them post-2015. Even now the legislation will expire in 2030. Within Labour antipathy towards AWS relating to intra-party democracy has the potential to periodically blow up (Cutts et al 2006). Neither is there indication that sex quotas will become a truly cross-party women's platform. When women's descriptive representation comes up for debate the parties divide: Labour loudly claiming quite rightly, but not necessarily always helpfully, that AWS are the only way to deliver parity in the short term. They will also frequently champion their success and others' failure in this respect. The Conservatives and Liberal Democrats in turn reiterate their ideological preference for selection on the basis of 'merit'. These party differences map onto alternative considerations of the 'problem' of women's under-representation: where this is framed as too small a supply pool, equality rhetoric/promotion will be advocated; where party demand is identified as the key obstacle, equality guarantees are more likely to be supported. In recent months talk of all Black and Minority Ethnic (BME) shortlists have come to the fore again; AWS have had a historic tendency to select white women.

Yet, if the 2015 general election ultimately produces only a small increase in Conservative women MPs, it is possible that some senior women might take steps out of the 'quota closet'. These Conservative actors, who preceded and then rode Cameron's modernization of the Tories between 2005 and 2010 (Campbell et al 2006; Childs and Webb 2012),⁷ have arguably experienced something of a feminist politicization since, as the Party walked away from the strong equality promotion measures that helped them begin to re-balance descriptive representation in 2010.⁸ Halfway through the 2010 Parliament they began to perceive that too many 'good' women candidates were failing to 'click' with constituency selectors; unable to 'swagger', women candidates were succumbing to selectorate bias.⁹ Consciousness of these practices felt all the more real to those Conservative women who had been long seeking women's presence. Post-2015 'all options', a few declare, must be 'on the table'.¹⁰

⁶ <http://www.theguardian.com/politics/2009/oct/20/cameron-all-women-shortlists>; <http://www.independent.co.uk/news/uk/politics/nick-clegg-looks-at-allwomen-shortlists-in-2020-election-8906449.html>.

⁷ Tories and Tory is another term for the Conservative Party.

⁸ <http://www.independent.co.uk/news/uk/politics/tories-quietly-drop-david-camerons-alistfor-minority-candidates-8199985.html>.

⁹ <http://www.thetimes.co.uk/tto/opinion/columnists/article4139436.ece>; <http://britishpoliticsgroup.blogspot.co.uk/2014/07/swaggering-is-gendered-attribute-it.html>.

¹⁰ <http://www.conservativehome.com/platform/2014/04/from-anne-jenkin-tweetbrooks-the-party-needs-more-women-candidates-and-heres-how-to-get-them.html>; <http://www.bbc.co.uk/news/uk-politics-26177763>.

Women's descriptive representation in the UK Parliament

Women's under-representation in the UK Parliament relative to their presence in the UK population is well documented (see Table 1 below). At 22.6 percent Westminster currently ranks 60th in the world.¹¹ The last election, 2010, could have been a critical election with considerable MP turnover and the issue of women's representation higher up the parties' and Parliament's political agenda (Campbell and Childs 2010). However, there was only a 2.5 net increase on 2005, and this constituted a mere 4.5 percent increase on 1997.

Table 1: MPs Elected to the House of Commons, 1983-2010, by Sex and Party

	Labour	Conservative	Liberal Democrat	Other	Total
1983	10 (4.8%)	13 (3.3%)	0 (0%)	0 (0%)	23 (3.5%)
1987	21 (9.2%)	17 (4.5%)	1 (4.5%)	2 (8.7%)	41 (6.3%)
1992	37 (13.7%)	20 (6%)	2 (10%)	3 (12.5%)	60 (9.2)
1997	101 (24.2%)	13 (7.9%)	3 (6.5%)	3 (10%)	120 (18.2%)
2001	95 (23%)	14 (8%)	6 (11%)	4 (12.5%)	118 (17.9%)
2005	98 (27.7%)	17 (8.6%)	10 (16%)	3 (9.7%)	128 (19.8)
2010	81 (31.6%)	49 (15.7%)	7 (12.3%)	7 (21.8%)	143 (22%)

Source: Ashe et al., 2010

The impact of AWS in returning women MPs to Westminster over the last decade and a half is clear, if not always appreciated. The rise and fall overall, and within the Labour party, mirrors Labour's use of AWS. 2001 was the first time in over twenty years that the numbers of women MPs had decreased, and the percentage of Labour women MPs declined. Indeed, the percentage of women selected for vacancies in Labour-held seats (10.3 per cent) in 2001 was below those in 1997, 1992 and 1987.¹² Such election data combined with qualitative data (Childs 2004; 2008; Childs and Webb 2012), indicates that in the absence of AWS Labour suffers from a lack of demand for women candidates characteristic of the other parties (Lovenduski 2005a).¹³ That said, the numbers of AWS selected Labour MPs since 1997 total 86 (23 in 2005 and 28 in 2010, and 35 in 1997 (HoC 2012, 7)). Looking more closely at the most recent general election, 2010 (see Childs and Webb 2012; Campbell and Childs 2010; Ashe et al 2010), there was some inter-party rebalancing. In 1997 Labour women MPs constituted 84 percent of all women MPs; 81 percent in 2001; 77 percent in 2005; and 57 percent in 2010. Yet in the end, and not unexpectedly, Labour still had in 2010 more women MPs than all the other parties added together.¹⁴ Such party differences in candidate (s)election remain compelling:

- Women constitute just 12 percent of Liberal Democrat MPs; their number also declined - to 7;
- Conservative women MPs increased in number from 17 to 48; percentage wise from 9 to 16.
- Women in the PLP constitute more than one-third of all Labour MPs, despite Labour losing some 90 MPs overall.

The picture one year out from the 2015 general election was also telling. Campbell and Hudson's (2014) figures reveal that, yet again, it is only the Labour Party – as a direct result of AWS – where considerable numbers of women candidates were selected in the seats that parties already hold, and

¹¹ www.ipu.org, as of January 2015.

¹² Squires and Wickham-Jones, *Women in Parliament*, p. xi.

¹³ *Guardian* 5 March 2001.

¹⁴ 101/120; 95/118; 98/128; 81/143, 1997, 2001, 2005 and 2010 respectively.

those they expect to win. Women constituted 76, 71 and 33 percent of candidates in Labour, the LibDems and Conservative retirement seats and 58, 43 and 20 percent in their marginal seats, respectively (cited in APPG 2014). Added to this is the issue of retention. Here there is similar party asymmetry. Retiring Conservative women (as of 2014) have served only one-third of the time of all retiring women and one-fifth of the time of retiring Conservative men, and of retiring Labour women.¹⁵ In this context the selection of women candidates for the next general election is also about preventing fallback. This makes the risks of parties not employing AWS or the absence of legislative quotas even greater.

The story of AWS adoption in the UK

The Labour party's initial adoption and implementation of AWS is well researched, including by activist Labour women who are also academics; Sarah Perrigo (1986, 1995, 1996) and Meg Russell (2006).¹⁶ Table 2 below documents key milestones in the history of AWS.

Table 2: Milestones in the Adoption of AWS by the Labour Party 1986-2015

Date	Reform
1986	Labour Conference accepts the principle of shortlisting sex quotas
1987	Labour Conference accepts the constitutional requirement that at least one woman should be included on the short list of any constituency in which a woman was nominated.
1988	The establishment of Labour Women's Network (to encourage women) and Emily's List (to provide financial support for pro-choice women)
1989	Composite 54, which accepts sex quotas for parliamentary candidates in principle, is passed
1990	Conference commits the Party to the introduction of quotas for candidate selections with a target of securing 50 per cent of women in the Parliamentary Labour Party (PLP) within ten years or three general elections, whichever was the shorter period of time.
1992	The quota policy is not enforced at the general election
1993	Conference commits the Party to the introduction of quotas to secure its target. There would be AWS in 50 per cent of all the key seats (defined as winnable on a 6 percent swing) and in 50 per cent of all vacant Labour held seats. Implementation would occur through regional 'consensus' meetings. ¹⁷
1994	Quota policy reaffirmed
1997	35 women are selected on endorsed AWS; AWS found illegal by an Industrial Tribunal ruling; the Party does not appeal - <i>watershed election</i>
2001	Labour relies on equality rhetoric and promotion for the general election; the numbers and percentage of Labour women MPs declines - <i>fallback election for DRW</i>
2002	Passage of the Sex Discrimination (Election Candidates) Act; this permissive legislation allows the use of AWS until 2015 due to a Sunset Clause
2008-10	Speaker's Conference on Parliamentary Representation; one recommendation is the Parliamentary consideration of legislative quotas, post 2010
2010	The 2010 Equality Act extends the Sunset Clause to 2030 - <i>no breakthrough election</i>
2014	APPG WIP Inquiry; one recommendation is the consideration of legislative quotas post 2015

Source: Amended from Childs 2004; 2008.¹⁸

¹⁵ CWD fact sheet 2014; reproduced in appendix.

¹⁶ Russell was Labour Women's Officer (1996-98).

¹⁷ This was a compromise: Labour's women's conferences had wanted AWS in all Labour retirement seats.

¹⁸ This analysis draws heavily on: Perrigo 1986; 1995; Lovenduski 1996; 1994; Norris and J. Lovenduski 1993; Norris 1995; Eagle and J. Lovenduski 1998; Russell 2005.

The adoption of AWS by Labour in the early 1990s supports three of the four (Krook 2005) basic stories of quota diffusion, supporting in turn Kittilson's (2006) framework of exogenous and endogenous factors. Labour's use of AWS evidences: (1) party women's mobilization; (2) elite acceptance on the basis of electoral gain; and, (3) and transnational learning. In sum: ¹⁹ (i) Labour women shifted away from an earlier demand for collective representation of women's interests in the Party to a strategy of descriptive representation for individual women; (ii) women were sufficiently numerous to pass Conference quota resolutions as a result of the prior adoption of internal party quotas; (iii) women could point to quota adoption by their sister parties in Europe; (iv) the women's demand, and underpinning logic, were perceived by the modernizing party leadership to be less demanding than earlier ones, and crucially married with its 'office seeking' strategy. With Labour out of power since 1979 the pro-quota argument was simple: women candidates would address the historic pro-conservative gender voting gap; the arguments were also compatible with leftist concerns with equality and inclusiveness; (v) at the critical 1993 party Conference the vote on Composite 54 reflected the priorities of important union leaders (key actors within Labour's internal party organization), who were prepared to link quotas to leadership election reforms. The support of the then party leader, John Smith,²⁰ was critical in this.

International and Transnational Diffusion

Whilst international organizations 'do not play a major role in quota debates in Europe' (Krook et al 2009: 803) the practices of sister 'socialist and social democratic parties overseas' were a 'significant influence' on the UK (Russell 2005: 103; 2000); European party quotas exemplified quota adoption in the 1980s (Krook 2006). 'Details' of others' 'experiments' were circulated, and the Socialist International Women (SIW) 'actively sought to encourage change within its member parties' (Krook 2005; Squires 2005, 5). Clare Short the MP who drew up Labour's quota policy for the 1993 conference (Brooks et al 1990) was in 1992 Vice President of the SIW.

Feminist Analysis and Mobilization with the Labour Party

Labour's demand for quotas back in the 1990s reflected an appreciation of what has since been termed parties' 'institutional sexism' (Lovenduski 2005a). Accordingly, exhorting women to seek candidate selection - equality rhetoric - and, or providing them with various equality promotion measures, such as training, mentoring, and, or financial support, could only go so far, and would not solve the unequal political playing field. In other words, would not address selectorate discrimination/lack of party demand for women (Eagle and Lovenduski 1998). As the 2001 election would go on to prove there was no feminist cultural sea change in the Labour party post-1997 regarding legislative recruitment. It would be left to women MPs to point out the continuing necessity of AWS to the party leaders (Lovenduski 2001).²¹ Over the ensuing years, Labour women MPs would often remark that their party's adoption of AWS was a long and hard-won battle, and one that requires constant vigilance.²²

Leadership Electoral Opportunism (albeit combined with leadership antipathy)

If the introduction of quotas in the 1990s reflected electoral opportunism alongside a principled support for the AWS under the leadership of Smith, Tony Blair's support was driven much more by instrumental rationality.²³ He announced in 1995, for example, that 'the process has not been ideal at

¹⁹ This summary, additional to references in footnote 14 above, draws on Atkinson and Spear ???; Short 1996; Norris 1985; Norris 1986; 1996; 1999; Brooks et al 1990; Shepherd-Robinson and Lovenduski; Bartle 2002. Campbell 2006.

²⁰ Smith died unexpectedly in 1994 and was replaced as Labour party leader by Tony Blair.

²¹ Harriet Harman cited in the *Guardian*, 9 January 2000.

²² Speaker's Conference and APPG sessions; private information.

²³ Squires 1996; Perrigo 1995, 1996; Norris 1995.

all' (Squires 1996) and he appeared content not to contest the 1994 ruling that found AWS illegal.²⁴ His belated March 2000 commitment to introduce legislative change would be 'after' 2001 and was dependent upon Labour selectorates proving 'reluctant to select women'.²⁵

In addition to these dynamics, the implementation of AWS has and is periodically beset, by *intra-party conflict*, although this should not be overstated in terms of its ultimate impact. So far the Centre has stood firm – Labour's senior women would not stand for anything less. Even so, AWS have never been presented by the Party (as distinct from by women in the Party) either to the public or members as a Labour policy success. It is rather the Party's dirty secret. One Cabinet Minister, Peter Hain, even apologized for them.²⁶ Party conflict over quotas was associated with ideological differences between new and old Labour, and the latter's hostility to 'feminism'. But it is most especially linked with intra-party democracy; constituency autonomy over selection, especially in the Party's safe seats. Party members prize their role in selecting parliamentary candidates, especially so in a context of the professionalization of political parties which empowers the party leadership at the cost of the activist members (Cross and Katz 2013). Against this backdrop, centralized measures to increase the descriptive representation of women can be experienced as an unwelcome infringement. This debate speaks more broadly to an observed opposition between more inclusive selection processes (greater democracy at the local level) and diversity of parliamentary representation (at the system level) (Rahat and Hazan 2001; Rahat 2013). Such conflict came to head in the Welsh constituency of Blaneau Gwent in 2005, where an ex-Labour party member, Peter Law, stood as an independent and won against an AWS candidate (Cutts et al 2006).²⁷ This was one of Labour's safest seats. Criticism of AWS reared up most recently again in Wales in summer 2014, begging questions of whether there is something culturally specific about Welsh hostility. Hain, the apologizing MP noted above represented a Welsh Constituency.²⁸ Irrespective of this, intra-party conflict whilst mostly managed away by the Centre, nevertheless symbolizes a failure to better 'sell' the policy to Labour Party members, and suggests something less than a transformation of party culture (see Kenny 2013).²⁹

AWS: Legal - illegal - legal

AWS were in their first generation short-lived (1993-1996). The Labour Party had been advised that candidate selection was covered by Section 29 (1) of the Sex Discrimination Act (SDA) from which political parties were exempt - the provision of services 'to the public or a section of the public'. However, in January 1996 an industrial tribunal ruled that candidate selection was subject to Part II of the Sex Discrimination Act (1975) relating to employment (*Jepson and Dyas-Elliot v The Labour Party*). Labour was found in breach of Section 13 of Part II which prevents sex discrimination by professional bodies in awarding qualifications (Russell 2000, 25).³⁰ The Party accepted the ruling even though it set no precedent. It was claimed that challenging the ruling would threaten the status of the existing AWS candidates. This justification was privately criticized for political obscuration and opportunism.³¹ In any case, a House of Lords ruling later overturned *Jepson-Dyas Elliot with Watt v*

²⁴ See below regarding: privately criticism of the Party's decision not to contest the industrial tribunal ruling.

²⁵ *Guardian*, 8 March 2000.

²⁶ <http://news.bbc.co.uk/1/hi/wales/4982084.stm>.

²⁷ Note that this anti-AWS 'success' is a one off. AWS do not lose votes because they are AWS. This is also true at the 2010 elections (Cutts and Widdop 2012).

²⁸ <http://www.walesonline.co.uk/news/local-news/fury-over-labours-women-only-plan-7210576>.

²⁹ This point was made in a BBC Radio Wales discussion in 2014 by the author.

³⁰ Following the *Jepson* case an Employment Appeal Tribunal ruled in the *Ahsan* Case in 1999 that selection constituted an 'authorisation or qualification' for 'engagement in a particular profession' under Section 12 of the Race Relations Act (equivalent of Section 13 of the SDA) (Russell 2000, 27).

³¹ Private information, Women and Labour Conference, Birkbeck College 1996.

Asham (Gauja 2010, 103), finding that employment law was not the correct jurisdiction (Morris 2012, chap 5),³² a position that the European Commission had previously clarified. Even so, there remained in Labour unease about proceeding on the basis of these cases.³³

In advance of elections to the new devolved institutions there was pressure on the Government in 1998 to amend the SDA. New clauses were tabled to the Scotland Bill and the Govt of Wales Bill at Commons committee stage to remove candidates from the scope of the SDA (H of C 2001).³⁴ The issue was also raised in the Commons committee stage of the Registration of Political Parties Act 1998 (PPERA). The Government remained uncertain of the legality of such moves, not least the possibility of a challenge under the EC’s Equal Treatment Directive 2001 (HoC 2001). Article 14 of the European Convention on Human Rights (ECHR) - ‘the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex - read with Article 3 to the First Protocol - ‘Free elections’ have been interpreted as covering ‘the right to stand as a candidate’ – was thought to potentially apply (Joint Committee on Human Rights 2001 and Russell 2001, 8). Russell’s analysis (2000; 2001) suggested otherwise, see Box 1 below. That said, there remained concern that were AWS to be applied to all of a party’s winnable seats they might fall foul of the proportionate qualification (McHarg 2006, 146-7, citing Russell and O’Cinneide 2003).

Box 1: European and international rules, conventions and treaties, and the legality or otherwise of AWS

Equal Treatment Directive (76/207/EEC)	Provides for equal treatment in relation to access to employment and promotion, vocational training and working conditions. NB, the European Commission had twice stated that the selection of candidates does not fall within the scope of the ETD
Article 141 (4) of the Treaty of Amsterdam	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’
European Court of Justice	The use of quotas in other European countries such as France made it ‘politically impossible for the ECJ to overturn these systems.’ ³⁵ If differential treatment is proportional and if there is an objective and reasonable justification such as, ‘correcting historical inequalities of representation in the political system’, it would not be considered unlawful
United Nations	The UN Human Rights Committee (General Comment No. 18 on the International Covenant for Civil and Political Rights (ICCPR), allows positive discrimination Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), allows positive discrimination Article 4 of the 1986 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) all allow for positive action (Russell 2001), allows positive discrimination

Source: Russell 2000, 2001; Joint Committee on Human Rights 2001.

³² As Morris (2012, 116) warns, one should not ‘elide’ the ‘trappings of employment with employment as traditionally and legally understood’.

³³ Personal correspondence, Lovenduski.

³⁴ Ultimately, Labour used twinning for the devolved elections. Constituencies were paired with male and female candidates (Squires and Wickham-Jones 2005; Gill 200?). The two nationalist parties, the SNP and Plaid Cymru also used twinning. Threatened legal challenges did not materialize (McHarg 2006: 145).

³⁵ The Fourth Report of the Joint Committee on Human Rights (2001) also concluded that community law has become more accepting of positive action.

The Sex Discrimination (Election Candidates) Act

Pressure to amend the law to permit AWS once again reflected Labour women's activism, as well as civil society actors, not least the Fawcett Society, the UK's leading national women's rights organization, and the Government equality body, the Equal Opportunities Commission (Squires 2005, 6).³⁶ A commitment to legislate was included in Labour's 2001 general election manifesto (The Labour Party 2001, 35). The 2001 Queen's speech promised '*legislation to allow political parties to make positive moves to increase the representation of women in public life*'. The Sex Discrimination (Election Candidates) Bill was introduced in October 2001 in time for selections for both the 2005 general and 2003 devolved elections. The Bill sought to exclude from the operation of the SDA and the Sex Discrimination (Northern Ireland) Order 1976 certain matters relating to the selection of candidates by political parties. It introduces a new section 42A to the Sex Discrimination Act. This dis-applies the anti-discrimination rules in Parts 2 to 4 of the Act (including section 13) from arrangements which 'regulate the selection by a political party registered under the Political Parties, Elections and Referendums Act 2000 of candidates in an election for Parliament', and 'are adopted for the purpose of reducing the inequality in the numbers of men and women elected, as candidates of *that* party, to be members of the body concerned'. The Bill's remit includes elections for Westminster, the European Parliament, the Scottish Parliament and National Assembly for Wales and local government elections.

The permissive rather than prescriptive Bill passed easily through Parliament. The principle of women's descriptive representative was not contested, arguably reflecting a cultural shift. Decisions and divisions over whether to adopt AWS would however occur at a later date and a different stage; within parties (Childs 2002; 2003 see also McHarg 2006, 141). The provisions of the SD (EC) Act would importantly expire at the end of 2015, unless a Statutory Instrument³⁷ was passed to ensure its continuation. The Government now confidently put forward its belief that the Bill was compatible with both EU legislation and the UK's international human rights obligations. The Bill's enactment is moreover a fine example of the substantive representation of women by women: women MPs and Peers spoke disproportionately in the parliamentary debates (Childs 2003, 2003). All the main arguments outlined in the feminist literature on women's political presence (Phillips 1995) were all made, with the justice argument the most extensively articulated. Following its passage, and for the 2005 general election, Labour re-introduced AWS and once again it saw the number and percentages of its women MPs increase, to 28 percent. The Conservatives returned only three more women than it had done four years earlier; a grand total of 8.6 percent.

The 2008-2010 Speaker's Conference on Parliamentary Representation

Speaker's Conferences are rarely used UK parliamentary mechanisms normally used for consideration of constitutional reform and when all party support is sought for such reforms (Lovenduski 2010, 439).³⁸ There was only a handful in the 20th Century. The 2008 Speaker's Conference was established by Gordon Brown, the then Prime Minister, keen to signal his reformist agenda and distinguish himself from his predecessor, Blair. He was moreover reportedly prompted to do so by Harriet Harman MP (Lovenduski 2010, 439). The move also reflected a recommendation of the 2005 Hansard Society Report, *Women at the Top*, suggested by Lovenduski (Childs, Lovenduski and Campbell 2005).³⁹ The Speaker confirmed its terms of reference in July 2008. It first met in January 2009, publishing interim reports in 2009, and the Final Report in January 2010. The SC ultimately addressed in addition to sex and race, disability, sexuality, and to a lesser, and problematic extent in Lovenduski's (2010) view, social class.

³⁶ <http://www.fawcettsociety.org.uk/>.

³⁷ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

³⁸ <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-04426.pdf>

³⁹ Private information provided by Parliamentary Clerk.

Box 2: Remit of Speaker's Conference

To 'consider and make recommendations for rectifying the disparity between the representation of women and ethnic minorities in the House of Commons and their representation in the UK population at large; to consider such other matters as might, by agreement, be referred to for consideration'

(HC Deb 22 July 2008, c659 cited in HoC 2012, 10)

The Speaker's Conference activities, not least the fact that all three leaders gave evidence in person, raised the issue of descriptive representation up the political agenda (at Westminster and in the media, if not among the wider public, although it did go 'on tour' and was supported by a website and participation in a BBC radio programme), and provided a context for inter-party competition, as well as a forum for civil society mobilization. Its timing - in the run up to the 2010 general election - also secured a more than sympathetic response from the parties who were keen to signal their sensitivity to diversity (Lovenduski 2010, 442). In the evidence sessions, the LibDem leader Nick Clegg stated he had no theological opposition to quotas, whilst Cameron claimed that his party would introduce them nearer the election. Cameron's intervention in particular was astute politicking, disarming the Conference as well as the media:

From January, we move to what we call our by-election procedure... it's my intention that if we continue as we are, *that some of those shortlists will indeed be all-women shortlists* to help us boost the number of Conservative women MPs and also to recognise the fact that although about 29 percent of our candidates are women, there are many very, very good women on our priority list of candidates who haven't yet been selected.

His announcement came as a surprise to Conservative women with responsibility for women's selection in the Party who had not been consulted with him. As it turned out there were no Conservative AWS that would meet the criteria of an equality guarantee. There was no systematic strategy or proper plans for implementation. Rather, in a particular seat the 'best' aspirant candidates shortlisted via the party's by-election rules would, by fortune, be women.

Despite lacking enforcement means (Lovenduski 2010) a good number of SC recommendations have since been introduced, albeit not those that might have the most immediate effect on women's descriptive representation (Childs and Evans 2012).⁴⁰ But the SC did give rise to an amendment to the 2010 Equality Act which would extend the SD (EC) Act to 2030. This directly reflected intervention by Labour women Members of the SC. This commitment had been previously included in the Labour Government's draft legislative programme of May 2008 (HoC 2012, 9). Table 3 below details the provision. Note that the SC Gender Special Advisor (Childs) preference was to transform a 'time' commitment to one that would see the provisions in place until parity, or some other percentage of women in Parliament, had been achieved.

Table 3: The SD (EC) Act and the Equality Act 2010

Section	Explanatory Note
104 (2) A person does not contravene this Part only by acting in accordance with selection arrangements (3b) the purpose of which is to reduce inequality in the party's representation in the body concerned, and (6) Selection arrangements do not include shortlisting only such persons as have a particular protected characteristic	This section allows registered political parties to make arrangements in relation to the selection of election candidates to address the under-representation of people with particular protected characteristics in elected bodies. These arrangements can include single-sex shortlists for election candidates...

⁴⁰ <http://www.publications.parliament.uk/pa/spconf/spconf.htm> The parties provided some updates on SC recommendations for the APPG Inquiry <http://appgimprovingparliamentreport.co.uk/download/APPG-Women-In-Parliament-Report-2014.pdf>

(7) But subsection (6) does not apply to the protected characteristic of sex;	
105 (3) In section (3) of the Sex Discrimination (Election Candidates) Act 2002 (expiry of that Act) in subsection (1) for ‘2015’ substitute ‘2030’	...the provision in section 104 (7) ... will be repealed automatically at the end of 2030 unless an order is made by a Minister of the Crown to extend it beyond that date.

Source: Equality Act 2010 and accompanying Explanatory Notes, emphasis added.

After the Speaker’s Conference: inter-party differences in Parliamentary debates

Fulfilling one of its recommendations, there have been two subsequent parliamentary debates on the SC Report.⁴¹ The 2012 debate is characterized by its participants as ‘harmonious’, with consensus in the same ‘direction; all but one speaker agrees that a more diverse Parliament is a good thing.⁴² This is variously for reasons, of justice, effectiveness (good decisions/better policy), legitimacy, role models, and substantive representation (of women) (in that order). There were moreover numerous contentions that different political parties should have their own means of addressing representation. Labour women MPs were forceful in their praise for AWS - they are ‘necessary’ (Ruddock), ‘work’ (Begg), and something one not to need ‘apologize for’ (Green) - and they contested critical quota discourses.⁴³ Conservative MPs were for the most part forceful in rejecting AWS (MacLeod; James; Mordaunt; Rudd) on the grounds of them being ‘undemocratic’ (Rudd) and anti-meritocratic (Mordaunt; Afriyie, Stewart). One Conservative male MP suggests they are ‘draconian, divisive and often counter-productive’ (Afriyie); another frames AWS as particularly discriminatory against working-class men (Nuttell). Amber Rudd MP’s intervention is worth considering at a little more length for what it reveals about the supply-side framing [in italics] that hides the demand-side critique [in bold] she first identifies:

AWS are a form of surrender, because what do we admit if we introduce them? We admit that somewhere the problem is so ingrained that we have to impose a shortlist. It is far better to ask, ‘what is the problem? And **what can we do to support them so that they are equally valued and equally selected in a selection process?**’ Let us not surrender. ...let us look at the root of the problem, in that way, *try to encourage more people to come through*, and like us, become Members of Parliament. Rudd 12 Jan 2012: col. 421. [emphasis added]⁴⁴

Her colleague Margot James, who played a key role prior to 2010 as Vice Chairman for Women in the Party working closely with May and other Conservative gender equality activists, whilst ‘not agreeing with AWS, also claims ‘I certainly do have a closed mind on the subject’ (12 Jan 2012: col. 431).

Two years later the debate differs only in respect of a new concern regarding the retention of women at the end of the 2010 Parliament, greater concern over class, and lesser consideration of AWS per se. The only direct criticism of AWS comes from Conservative males (Nuttall 27 Feb 2014:Col 501;Leigh Col: 508).

Notwithstanding these two debates, initiated by Dame Anne Begg MP, and reflecting her continued personal commitment, there has been no success in respect of SC Recommendation 24 which calls for

⁴¹ Here only statements relating to AWs and quotas are considered.

⁴² This is my reading of David Nuttal’s statement: ‘...by all means we should be encouraging as many people as possible to come forward for selection...good candidates will always rise to the top’ (12 Jan Col:432).

⁴³ Discussion of competing and changing discourses surrounding AWS lies beyond this paper, see Childs 2015 abstract/paper to be considered for ECPR Joint Sessions of Workshops 2015, Warsaw.

⁴⁴ See also Mordaunt who provides a selection vignette: ‘the only blemish on her impeccable score sheet was that her husband had not bought a raffle ticket’ (Jan 2012, Col: 435) or James, who received an invitation to her ‘wife’ to attend a selection event. Whilst a lesbian, James admits this was not foretelling gay marriage in the UK but rather a presumption that the candidate would be male and married (Jan 2012, Col: 43).

Parliament to give ‘serious consideration to the introduction of prescriptive quotas, ensuring that all political parties adopt some form of equality guarantee in time for the following general election’, should the parties fail to make significant progress in 2010. This was the ‘best’ quota commitment that the Gender Advisor could secure. In the opposite direction, the Conservative MP Philip Davies has sought to overturn the SD (EC) Act. His private Members’ Bill - the ‘Equality and Diversity (reform) Bill (2010/11 session) - was defeated by 39 votes to 3 (House of Commons 2011 SN/BT/6093).

The APPG Women in Parliament Inquiry 2014

The 2010 general election, as noted above, saw the entrance of a relatively large number of new Conservative women MPs. Amongst these was Mary McLeod who, soon after her arrival in the House, contacted the Labour MP and Chair of the Women’s Parliamentary Labour Party, Fiona McTaggart, outlining her intention to establish a ‘Women in Parliament’, All Party Parliamentary Group.⁴⁵ This overture was rebuked by McTaggart on partisan grounds.⁴⁶ In her view party specific groups were more effective than non-party groups. She was also concerned about ‘diluting the effective work which PLP women have accomplished’. Ultimately, sufficient Labour women MPs and Peers would sign up to establish the APPG (Childs 2014 IPSA). In 2013 McLeod decided to undertake an Inquiry into parliamentary representation. Childs was appointed Special Advisor. Conscious of the SC’s coverage of candidate selection – and informed by likely inter-party conflict over quotas - the Inquiry decided to focus mostly on issues of supply and retention, rather than on recruitment and selection by parties.⁴⁷ Regarding the latter the Inquiry chose to review the SC Report and its Recommendations. Alongside the leadership of McLeod and Conservative women MPs such as Caroline Spelman, Labour women MPs - especially Anne Begg, previously Vice Chair of the Speaker’s Conference, Sharon Hodgson, and the senior MP Dawn Primarolo - were key actors in the Inquiry. There was extensive consensus amongst APPG members throughout, although partisan discussion would come to the fore when the issue of quotas arose. Only towards the end of the process, did some Conservative women such as Spelman begin to articulate a new sympathy for quotas. Whilst the Inquiry’s *key* recommendations did not address quotas, other recommendations included:

- [Parties to] conduct a review of gender quotas for Parliament if progress is not made in the percent of women in Parliament elected after the next general election
- [Parliament and Government to] ask for a Parliamentary debate to discuss prescriptive quotas in the House of Commons (Speaker’s Conference Recommendation 24)

Furthermore, the Report stated:

The Inquiry recognises that quotas in politics are not universally accepted; indeed only the Labour Party has used them in the form of All Women Shortlists for parliamentary selections. That said, given the ‘fast-track’ results that often arise from their introduction, it would be useful for the House to find time to debate prescriptive quotas for Westminster.

The inclusion of these recommendations alongside wider acknowledgement of the efficacy of well-designed and well-implemented quotas was a clear success for advocates of quotas involved in the Inquiry. In responding to the Report the Labour party Chair, Angela Eagle, drew partisan comment:⁴⁸

⁴⁵ See <http://www.parliament.uk/about/mps-and-lords/members/apg/> for details of APPGs. McLeod speaking in the 2012 Speaker’s Conference debate stated that she set the group up because of the poor relative position of the UK Parliament in the world rankings (Jan 2012: Col. 433-4).

⁴⁶ <http://labour-uncut.co.uk/tag/appg-women-in-parliament/>.

⁴⁷ <http://appgimprovingparliamentreport.co.uk/download/APPG-Women-In-Parliament-Report-2014.pdf>.

⁴⁸ <http://press.labour.org.uk/post/91748767924/response-to-the-appg-women-in-parliament-report>.

While the Tories still allow all-male shortlists in safe seats and the Lib Dems have fewer women MPs than knights, Labour is the only party committed to taking the necessary steps to increase the representation of women in Parliament and public life.

Like the SC, the impact of the APPG Inquiry and Report rests with the political will of parties, the Government, Parliament, and individual MPs; there are no enforcement powers held by the APPG. Yet if one of its seven key recommendations - the establishment of a Women's and Equality select committee - were to be implemented in the near future, this would constitute such an institution, and the likelihood of subsequent reforms would be massively enhanced.

Discussion and Conclusion: Future Scenarios for Quotas at Westminster

Quota Plus: Re-Gendering Party Regulation in Addition to Party Quotas

Attention to the re-gendering possibilities of party regulation is a recent and modest turn in gender and politics scholarship (see special issue of *Representation* 2013). However, the possibility of linking party funding to parliamentary representation was addressed in the 2010 Speaker's Conference, on the initiative of the Gender Advisor who invited Professor Justin Fisher, one of the UK's leading party financing experts, to give evidence. However, there was no such proposal amongst the SC's recommendations – something of a missed opportunity in Lovenduski's book (2010). A subsequent and comprehensive review of regulatory possibilities informed by literature of a more practical bent (Childs 2013), offers a range of party regulatory measures other than quotas, currently in use around the world and designed to enhance women's representation. The UK could borrow from these practices. Appendix 3 presents alternative regulatory models that reformers might consider in the absence of, or to augment, quotas within the UK. Admittedly, the re-gendering of party regulations is dependent, once again, on a political will and the existence of gender equality institutions (such as the aforementioned women and equality select committee) that are lacking at present. What might be conducive to such reforms would be if debate regarding the state funding of parties comes back onto the UK political agenda and or, if reforms are introduced to try to enhance party membership and public participation. Both of these look likely in the next parliament.

Governmental Quotas and the Labour Party

The all-male front bench that the Conservative/Liberal Democrat Coalition put out in spring 2014 invited extensive criticism.⁴⁹ Cameron's subsequent reshuffle brought more women onto his frontbenches, and it too generated plenty of media copy. The Conservatives did not, however, meet their leader's target of 30 percent women in the government by 2015.⁵⁰ The Labour party historically had an elected shadow cabinet that moves into Office when they enter government. In 2010 the rules were reviewed. Harriet Harman proposed a parity shadow cabinet. This suggestion was tempered, resulting in a 31/5 percent presence (HoC 2012, 15) although this was interpreted as casting min number of votes for 6 women and 6 for men, otherwise it would not be valid vote. In 2011 the Annual conference agreed to end elections to shadow cabinet (arguably a professionalizing move for the party leadership). At this time (November 2011) Harman requested that the UK's Political Studies Association Women's Group prepare a briefing on the possibilities of measures that would deliver a sex balanced party leadership. This suggested four ways in which the principle of a sex-balanced Labour party leadership might be achieved: (1) Two-round election (i) Open leader, single sex deputy shortlist; (2) Two-round election (ii) Open leader and open deputy; (3) Single Sex shortlists for both

⁴⁹ <http://www.telegraph.co.uk/news/politics/conservative/10621020/Coalition-all-male-front-bench-an-own-goal-for-Tories-says-deselected-MP.html>; <http://www.dailymail.co.uk/news/article-2552211/Men-Cameron-fire-Miliband-government-frontbench-PMQs-NO-women.html>.

⁵⁰ <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01250>

leader and deputy; (4) 'Dream Ticket'. The group suggest Model 1 would be the most appropriate. It importantly ensures an independent mandate for the deputy whilst providing a real opportunity for a woman to be elected as leader. It also has the distinct advantage over Model 2 of keeping separate candidacies for leader and deputy – there is no assumption that all candidates would wish to stand for both leader and deputy. At the time of writing, the PSA Women and Politics group is awaiting confirmation of the progress of Harman's initiative.

Quota Contagion

One can be pretty confident that Labour will continue to employ AWS for Parliamentary elections after 2015. There is simply no reason or evidence base for them to walk away from AWS. And it is perhaps the most likely ever that the other two main UK parties will consider the introduction of party quotas for the 2020 election. Yet in order to do so, one needs to bear in mind that the provisions of the SD (EC) Act remain in force only until 2030. So they would only have two elections in which to use them; hardly sufficient given that neither party has even 20 percent women MPs. This state of affairs begs the question of why the 2002 Act included a Sunset Clause in the first place. Sunset clauses are not usual in British politics (HoC 2001, 25), and are suggestive of 'exceptional' laws that lack legitimacy (McHarg 2006, 143). One can surmise that the Sunset Clause was employed to close down opposition, posting quotas a temporary phenomenon. The Clause's end date was also admittedly arbitrary. Subsequent efforts, as noted above, to shift away from date criteria to percentages of women criteria have failed. On the basis that the SD (EC) Act was easily passed and the SC debates similarly unified on the principle of women's descriptive representation there is no reason to suspect that an extension would not be approved by Parliament.

Conservative AWS

In order for 'real' AWS to be implemented by the Tories three factors would need to be addressed. First, the party leader needs to address membership hostility. When Cameron talked of AWS in 2010 it was felt that they might just constitute the metaphorical back-breaking 'straw' for unhappy members (see Childs and Webb 2012). And if there was reluctance previously to interfere with local party autonomy how much harder might this be on the back of a second general election in which the party had not secured a majority of seats? Secondly, there is the ideological consideration; that Conservatives have hitherto lacked a language that supports quotas (Lovenduski 2005a, 60). Thirdly, there is need for more extensive elite Conservative support. Between 2005-2010 even leading women activists were reluctant to come out in support of quotas. On this reading the omens do not look good. But there is an alternate reading: if a second defeat sees a modernizing leader take over - and there is plenty of money on Theresa May being a strong contender – then the feminization of the party might be very much more centre-stage. May has been a longstanding critical actor within the Party on women's representation (Childs and Webb 2012). But irrespective of whether a new leader is an 'out and out' modernizer or not, this time there will likely be a good number of women and some men prepared, as stated at the outset, ready to break out of the quota closet. The recently appointed Education Minister was one of those recently 'kite-flying' quotas, as was Baroness Jenkin, another critical actor within the Party. Although 'slapped down' by the leadership,⁵¹ there always was a group of Conservative women who have previously subscribed to the 'everything short of AWS' position. They could have been Cameron's Praetorian Guard in 2010; they may very well act in this way if an incoming leader advocated quotas post-2015, and might become insurrectionists if not.

Double Member constituencies: Boundary redrawing and twinning for Westminster

There is an alternative method to achieve parity of representation that might well provide the Conservatives with a non-AWS solution to their problem. And for this reason it might just be more attractive. It is not a new solution. It has been advocated by amongst others Tony Benn, but in 2014

⁵¹ <http://www.theguardian.com/politics/2014/jun/27/tories-downplay-nick-morgan-all-female-shortlists>.

has become associated with the emergent 50:50 campaign.⁵² It also reflects the use of ‘twinning’ by the Labour Party for Scottish and Welsh Assembly elections. It would require that the UK’s constituencies be doubled in size, with each selecting a male and female MP. Crucially, this would require no change in the electoral system per se; nor would it challenge the principle of constituency representation that many hold dear in the UK; and neither would it actively ‘discriminate’ against a particular male candidate in a particular constituency, unlike AWS. Nor does it demand that the Party address ‘head on’ the issue of merit either. Rather it requires merely the acceptance that women, as 50 percent of the population, should be equally present in Parliament. There is one obvious drawback. Such a move would require cross-party support in Parliament: turkeys and Christmas spring to mind, as incumbents, mostly men, would have to compete to be re-selected. Yet there is one possible opening for such a move: reconsideration of constituency boundaries. Although attempts to reduce the House to 600 failed in the 2010 Parliament another review is scheduled to start in 2016, preparatory for the 2020 general election.⁵³ Nevertheless, this intuitively attractive option raises serious questions of party vs individual candidate voter choice, and is likely to worsen the disproportionality of the UK’s electoral system. Critics will likely therefore mobilize to oppose such a move.

From Party to Legislative Quotas

Back in 2006, it was suggested that if the total number of women MPs fell short of delivering parity by 2015 and there was no quota contagion (McHarg 2006, 158-9), the Labour Party might well consider legislative quotas. Legislative quotas – the ‘newest kind of gender quota policy’ - are not the quota type most associated with the liberal political citizenship model characteristic of UK. This model is characterized by individualism; equality of opportunity rather than outcome; and principal-agent rather than group representation (Krook et al 2009: 787-9). Whilst they are not common across Europe, Krook and her co-authors contend that, ‘structure is not destiny’ (Krook et al 2009, 803). What prospects for this scenario? Nothing has come of this as yet. SC’s Recommendation 24 has never been debated in the House, although it was included (albeit slightly amended) in the recent APPG report. Yet back in 2012, Childs and Evans identified incentives across all the political parties to participate in an ‘above party’ move to legislative quotas. The UK’s third party, the LibDems, with the worst record for women’s descriptive representation, currently have a leader who, as noted above, is not ideologically against quotas. Older women in the Party are now more predisposed towards quotas too. And given they failed to introduce PR during the 2010 Parliament which held out one solution, legislative quotas could well look like an attractive system level response. For the Conservatives, the pluses are three-fold: it would signal further Party modernization; it could be presented as a constitutional reform rather than a top-down party reform critical of the party’s grassroots; and finally, Cameron or any other leader should be able to draw on the resources of leading women in the party to support such a move, as suggested above. For Labour, advocating legislative quotas risks surrendering its ‘lead’ on women’s descriptive representation. Yet there are advantages here too: it would negate the criticism that it receives as a Party and in respect of individual women candidates by their opponents.⁵⁴ If all MPs are quota women and quota men such criticism is rendered redundant. It would furthermore signal a more feminized face for Labour, at a time when its maleness has been questioned. It should also silence critics within the Party. Legislative quotas would also be an acknowledgment of Labour’s success. Moreover, given the possibility of Conservative women deepening their commitment to quotas between now and the 2015 election there might well be a possibility for ‘behind the scenes’ cross-party discussion amongst the parties’ gender equality activists. Will Labour women respond to these overtures? At the moment in public at least, there is little suggestion that they will do so. Note Eagle’s response to the APPG report, cited above. Might a feminist argument persuade them?

⁵² <http://www.5050parliament.co.uk/>.

⁵³ <http://blogs.lse.ac.uk/politicsandpolicy/category/ron-johnston/>.

⁵⁴ See Allen et al (2014) for a rebuttal of claims that AWS lose votes; are less experienced; and are less successful in office.

Namely, that principled support for women's descriptive representation should trump partisan advantage (Celis et al 2011).

Sex and Race and AWS

Addressing descriptive representation in the UK has been legislatively speaking asymmetric (McHarg 2006). The SDA (EC) Act amended the SDA act on the grounds of sex and in so doing it begged questions of parliamentary representation on the grounds of race; one of law and one of implementation. First, the legislation and its accompanying debates constituted the under-representation of the UK's Black and Minority Ethnic (BME) populations differently. It was of a 'different nature'; a 'relatively small proportion of the total population' (Government ministers cited in Childs 2003). There was much less 'statistically' to make up. Then there are questions of the criteria of BME candidature, and of the link between descriptive and substantive representation.

BME women candidates come forward in the Labour Party in numbers high enough to get them selected and elected in proportion to their representation in the general population, comprising approximately 6 per cent of Labour's 2010 aspirant candidate pool (House of Commons Library, 2008; Ashe, 2009). BME women's presence in the 2010 PLP, though an unprecedented seven (2.7 percent), is less than this. Neither in 1997 nor in 2005 did AWS select BME women candidates (Criddle 2005). It was not until 2010 that this was achieved: of the seven BME AWS candidates, out of a total of 64 AWS women, five were successful. The AWS selection outcomes in the early years reflected in part Labour's informal decision to locate AWS predominantly in constituencies without significant BME populations - implying that women BME candidates were less suitable for, and lacking in the supply pool of, 'white' constituencies. They also likely reflected enhanced selectorate discrimination against BME women. Here it is BME men who are in the dock. Take the case of Dawn Butler who, whilst ultimately selected for West Ham on a (by default) all Black shortlist, is said to have faced Black and Asian Male councillors sabotaging her selection campaign.⁵⁵

The SC called for equivalent legislation to allow all BME shortlists (para 149). Under existing legislation it is possible to reserve places on shortlists on grounds race or disability but not establish shortlists comprised 'solely' of these characteristics (HoC 2012: 11). This outcome reflected the consultation with race equality groups such as Operation Black Vote (Lovenduski 2010, 442, fn 10), (cf OBV spokes in 2005 who considered theme 'the only way to cut to the chase' cited in Squires, 2005, 4). Lovenduski's (2010) review of the SC acknowledged the assessment that different categories of under-represented groups require different solutions. She is more critical of the absence of sufficient explicit attention to social class which, in her view, ignores the intersection of race and class, and indeed sex and class. The two parliamentary debates that followed up the SC, whilst noting the under-representation of BME populations, did not see class for All BME shortlists.

In 2010, BME women constituted 10 percent of all AWS, roughly in line with BME population in the UK. And it is suggested that BME women will do better in 2015.⁵⁶ This reality is however not identified by BME activists within and outside the Party.⁵⁷ Simon Woolley of OBV recently stated: 'To make matters worse in many urban areas where BME Labour candidates fair better, the party often impose all women short-list which rarely deliver for BME women.' Leading and senior BME Labour MPs – including David Lammy Sadiq Khan Diane Abbott and Parmjit Dhandra are calling for BME shortlists.⁵⁸ In contrast, Chuuka Amunna another leading BME male MP, remains 'skeptical'. In the debate over All BME shortlists what appears lacking relative to the mobilization of women within

⁵⁵ *Guardian*, 25 February 2005.

⁵⁶ Private information.

⁵⁷ Private comment at workshop summer 2014, by BME woman Labour councillor and leading civil society BME activist.

⁵⁸ <http://labourlist.org/2014/08/david-lammy-latest-mp-to-call-for-all-minority-ethnic-shortlists/>;
<http://www.obv.org.uk/news-blogs/will-tories-get-more-elected-bme-mp-s-labour-again>.

Labour for quotas in the 1980s and 1990s and if the Conservative party more recently, is a clear and strong message that All BME shortlists are supported by representatives of minority ethnic populations. Despite a recent posting on the OBV website, there is little evidence of the organization demanding unequivocally All BME shortlists. In part this might be explained by Conservative success in 2010 in returning 11 BME MPs, of whom 9 were new, and two were women. It may also have something to do with the relatively lower absolute numbers of BME MPs needed to make the House representative, relative to 300-plus women.

Conclusion

The Labour party's quota – AWS – has been around for nearly two decades. It has made a significant difference to the descriptive representation of women in the UK Parliament. However inter-party contagion is a long time coming. And it is by no means still certain. That said, the context for quotas after the next UK general election might just well be the most conducive ever. Actors in other parties so far reluctant to take that final step to endorse them are the most likely ever to do so. And who knows, behind the scenes cross-party relations may improve, although this outcome probably relies more on activists' wishful thinking rather than objective judgment at this time. If BME representation does not improve the BME quota debate may be more vocal too. The possibility of shifting from party to legislative quotas is moreover being aired by activists even now, and importantly transmitted to MPs. The possibility that the House might debate legislative quotas was an explicit recommendation in the recent APPG Women in Parliament Report (2014), even if it was not one of its key recommendations.⁵⁹ But as ever in the story of quotas in the UK, women's mobilization will no doubt be key in what happens next. Sure the introduction of legislative quotas is most likely dependent upon the minority government in 2015 being a Labour one; and AWS in the Conservative party, by the Conservative leadership reform. But in both instances, women's prior and contemporary support will be critical.

⁵⁹ www.policybristol.blogs.bris.ac.uk/2014/07/14/the-women-in-parliament-all-party-parliament-group-appg-inquiry/.

Afterword: The UK's Voluntary Approach to Women's Corporate Board Representation

The UK Parliament's 'Women in Parliament' All Party Parliamentary Group⁶⁰ does not as a group advocate for quotas in politics; nor does it do so in respect of corporate boards either.⁶¹ The WIP APPG has placed the issue of women's corporate board representation on the Westminster agenda; bringing together parliamentarians, representatives of leading UK industries, organizations mobilizing to improve the representation of women, such as the 30% club⁶², and academics. There was a notable shift in the contributions to two breakfast meetings. If the first saw considerable contestation of the principles of quotas and perceived negative consequences, the second in 2014, saw the debate move on. The consensus in the room was still very much behind the voluntary approach – or what might be called a 'targets, training, and rollerdex' strategy. Yet acceptance that quota criticism was detrimental to the goal of women's corporate representation appeared also to be widely shared; that it was not useful for women actively engaged in increasing the presence of women on corporate boards to be publicly critical of quotas. This would only give succour to those who did not see women's merit; and these women certainly do not buy the argument that women are not capable of being on the board. This breakfast meeting heard also from a Norwegian contributor who corrected representations of quota implementation and consequences in her country.

The UK's voluntary approach to women's corporate representation was formalized in the Davies Report 2011. In 2010 women made up only 12.5 percent of the members of the corporate boards of FTSE 100 companies, up from 9.4% in 2004. The Davies Report set a target of 25 percent of women on boards by 2015. Whilst it advocated the voluntary approach Lord Davies' in his foreword made clear: 'Government must reserve the right to introduce more prescriptive alternatives if the recommended business-led approach does not achieve significant change'. Advances have since been made, reinforcing the views of those who subscribe to the voluntary route. According to its 2014 report, 'women's representation on FTSE 100 boards now stands at 20.7%, up from 12.5% in 2011, with only two all male boards remaining. The FTSE 250 have achieved 15.6%, up from 7.8% in 2011 - with 83 of the FTSE 250 all male boards in 2011 now having recruited one or more women onto their boards'.⁶³ Figures from the Cranfield School of Management show that the majority of FTSE women are 'part-time non-executives'. They also find that only 24 full-time executive board members are women, and 61 companies fail to meet the stated target. Significant concerns also remain amongst leading activists on corporate representation regarding the 'pipeline'⁶⁴ and the 'next tier of management down'.⁶⁵ The 30% club is clear that they do not see their work ending even if the 25 percent target is met or nearly met in 2015.⁶⁶ And whilst there is no collective and public voice in the UK for corporate quotas, the possibility of EU imposed quotas frames current discussion (EY 2014, 9) - not least by suggesting that companies 'prepare' for their introduction 'now'.

⁶⁰ <http://www.publications.parliament.uk/pa/cm/cmallparty/register/women-in-parliament.htm>.

⁶¹ <https://executivewomenintheworkplace.files.wordpress.com/2013/06/executive-women-in-the-workplace-inquiry-report.pdf>.

⁶² <http://30percentclub.org/core-beliefs/>.

See also <http://www.sapphirepartners.co.uk/index.html>; <http://www.backroom2boardroom.com/backtoboardroom/>.

⁶³ <https://www.gov.uk/government/publications/women-on-boards-2014-third-annual-review>.

⁶⁴ <http://30percentclub.org/what-happens-after-2015/>.

⁶⁵ <http://www.express.co.uk/finance/city/548693/Women-on-top-Still-work-to-do-A-look-at-gender-in-boardrooms>.

⁶⁶ <http://30percentclub.org/what-happens-after-2015/>.

Appendix 1

Table 1: MPs Retiring in 2015, as of 10 Feb 2014

Party	Gender	Total MPs	No. MPs retiring	Retiring MPs Av years of service at 2015
All	All	650	40	22
All	Male	503	28	24
All	Female	147	12	16
Cons	All	303	14	20
Consv	Male	254	10	26
Consv	Female	49	4	5
Lab	All	256	17	22
Lab	Male	170	11	20
Lab	Female	86	6	25
LibDem	All	56	8	23
LibDem	Male	49	6	27
LibDem	Female	7	2	13

Source: CWD

Nb doesn't include Mensch, McIntosh or Yeo (latter deselected).

Appendix 2

PSA Women and Politics Briefing Paper on Labour Party Leadership Election Processes

Brief: To identify electoral procedures that will deliver on the Labour Party’s commitment to deliver a sex-balanced Leadership team. This brief does not evaluate Labour party nomination procedures or the composition and/or weighting of eligible electors. Note: as with any effective positive discrimination mechanism, critics will be able to identify candidates who may have been more successful under the previous procedures.

We identify **four** ways in which the principle of a sex-balanced Labour party leadership might be achieved:

1. Two-round election (i) Open leader, single sex deputy shortlist;
2. Two-round election (ii) Open leader and open deputy;
3. Single Sex shortlists for both leader and deputy;
4. ‘Dream Ticket’.

Each of the four models has both advantages and disadvantages. *We suggest Model 1 would be the most appropriate.* It importantly ensures an independent mandate for the deputy whilst providing a real opportunity for a woman to be elected as leader. Moreover, it has the distinct advantage over Model 2 of keeping separate candidacies for leader and deputy - we do not assume all candidates would wish to stand for both leader and deputy.

Table 1: Advantages and Disadvantages of 4 models for sex-balanced Labour Party Leadership

	Criteria of Evaluation	Two Staged (i) Open leader; single sex deputy	Two staged (ii) open leader; open deputy	Single Sex shortlists leader/deputy	‘Dream ticket’
Positive attributes	Independent mandate for deputy	yes	yes	yes	no
	Keeps lists for deputy leader separate from leader	yes	no	yes	no
Negative attributes	Losing candidate may have received more votes than winning one	no	yes	yes	no
	Forces all candidates to stand for leader	no	yes	no	no
	Requires agreement of other candidates	no	no	no	yes
	Uses single Sex shortlists	yes	no	yes	no
	Increases time	yes	yes	no	no
	Increases costs	yes	yes	no	no

Model Descriptions

Two-round election (i) Open leader, single sex deputy shortlist: election of leader first; election of deputy via a single sex shortlist (of the opposite sex) following the election of leader

In round one the winning candidate becomes party leader; from a shortlist comprised of candidates only from the opposite sex to the newly elected leader, the top ranking deputy candidate in the second round of elections is duly elected.

Advantages: *most importantly*, it ensures an independent mandate for the deputy; keeps separate candidacies for leader and deputy (we do not assume all candidates would wish to stand for both); candidates do not require the ‘agreement’ of other candidates to put themselves forward.

Disadvantages: extends timing of the selection as it involves two rounds; will increase costs due to two election times; critics of single sex lists will not be predisposed towards it; it might be said that women will be less likely to be elected as leader – although this is not a given.

Two-staged election (ii), where top ranking man/woman proceed to the second round to determine leader/deputy position

Advantages: at each stage voters must vote for both a male and a female candidate (should both stand at both rounds), or the ballot paper will be deemed as spoilt; avoids criticism of explicit single sex shortlists; candidates do not require the ‘agreement’ of other candidates to stand; might be said that both leader and deputy have mandates given they both participate in both elections; ensures that women and men candidates take part in both rounds.

Disadvantages: Forces all candidates to stand for leader even if they only wish to be elected as deputy leader; as with model (1) there are time and likely financial costs; *most importantly*, it is possible that the number of votes for the candidate who becomes deputy in the second round may be less than the second ranking candidate of the opposite sex in the first round, thereby reducing their mandate/legitimacy.

Single sex shortlists for both Leader and deputy

There would be two sets of candidate lists: one male and one female for the leader; one male and one female only for the deputy. The top ranking leadership candidate wins; the top ranking deputy of the opposite sex wins.

Advantages: single election time; candidates can stand for both leader and deputy leader.

Disadvantages: most importantly, the number of votes for the ‘winning’ deputy may be less than the total number of votes cast for the ‘top ranking’ deputy candidate from the same sex as the newly elected leader.

‘Dream ticket’

Prospective leader/deputy come together and offers themselves as a slate

Advantages: ballot is at a single time point; provides for a cohesive leadership team; can combine, but does not guarantee that the leader/deputy reflects intra-party differences.

Disadvantages: *most importantly*, it removes the independent mandate from the deputy; may reduce the likelihood of leadership team reflecting differences across the party; may position women as the deputy more often than as leader, although this is not a given.

Table 2: Models of Gendered Party Regulation for UK Political Parties

Regulatory intervention	Minimalist	Medium	Maximalist
Registration	<p>Party constitutions to contain commitment to equality in women and men's political participation and representation;</p> <p>Formalized, transparent and equal opportunities compliant candidate selection procedures;</p> <p>Publication of candidate role expectations;</p> <p>Formal campaigning code of conduct;</p> <p>Routine monitoring and public reporting of party membership and party positions by sex;</p> <p>Routine monitoring and public reporting of selection outcomes</p>	<p>Candidate selection costs limited;</p> <p>Childcare and travel costs accepted as campaign costs;</p> <p>Routine reporting of audit showing gender regulation compliance; maternity, paternity and care leave policy</p>	<p>50% Sex quota for party leadership and parliamentary teams</p> <p>50% Sex quota for all party positions/internal bodies</p>
Monetary State funding	<p><i>State funding to be reduced</i> in the absence of provisions for women's policy development, women's participation in the parties and as candidates and MPs</p>	<p><i>State funding to be maintained</i> where there is:</p> <ol style="list-style-type: none"> (1) formal, accountable and integrated women's policy development and gender audit provisions; (2) women-only candidate training; (3) women party member capacity building and training; (4) equality and diversity training for party agents; (5) candidate mentoring and internships; (6) diversity training for selection committees; (7) Sex quotas at the short-listing stage 	<p><i>State funding to be enhanced when:</i></p> <ol style="list-style-type: none"> (1) a set percentage of the parties' policy development fund is ring-fenced for gendered analysis/audits; (2) formal/explicit inclusion of women's concerns in manifestos; (3) sex quotas for party agents; (4) provision of candidate diversity 'search directors' and 'party champions' for women (and other under-represented groups); (5) Party quotas for selection committees; (6) Party quotas for selection outcomes; (7) increases in membership and women membership numbers

<p>Non-monetary funding</p>	<p><i>Reduced no.s of PPB/PEBs</i> where women constitute fewer than 20 % of candidates overall and, or less than 30% women candidates in vacant held seats</p>	<p><i>Current no.s of PEBs/PPBs</i> where women constitute fewer than 25% candidates overall and, or fewer than 40% women candidates in vacant held seats</p>	<p><i>Additional PEBs/PPBs</i> where women constitute 40% candidates overall and 50% women candidates in vacant held seats</p> <p><i>Enhanced campaigning materials\allowances where:</i></p> <p>(1) parties engage in targeted campaigns for women voters;</p> <p>(2) parties engage in mobilization campaigns for women voters and party members</p>
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