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Organized out of politics? Parliamentary scrutiny of the substantive representation of women in UK governments' legislative programmes 1945–2012



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SYNOPSIS

The present analysis heeds recent calls for a refocusing and reconceptualising of the substantive representation of women (SRW). It examines the parliamentary scrutiny of Westminster governments' legislative programmes. The findings show that whilst the proportion of SRW legislative proposals remains small (<1%), there has been a substantial increase in the amount of attention/visibility given to the SRW. Interventions are made by male and female parliamentarians (numerically more men; proportionately more women). Whilst the number of actors making such interventions has increased over time, the more striking finding is the increase in the substance and detail of interventions. This suggests: (a) the extent, quality and focus of SRW interventions are shaped by the interplay of 'critical actors' and overall presence of women parliamentarians; and (b) 'critical actors' need to be seen more in terms of the key role of particular individuals rather than all who act to bring about women-friendly policy change.

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Introduction

The substantive representation of women (SRW) has traditionally described the situation whereby politics enables women's needs and concerns to be reflected in public policy-making and law (MacKay, 2008). As Pitkin (1967, p. 209) states, it can be conceived of as 'acting in the interest of the represented, in a manner responsive to them'. Earlier empirical studies of women's representation have tended to concentrate upon the relationship between the presence of women parliamentarians and substantive representation – specifically, whether and how having women present as elected representatives translates into the SRW (see for example, Reingold, 1992; Childs & Withey, 2004; Chaney, 2006). A core debate in this work has been concerned with the relative importance to the SRW of 'critical mass' (broadly, the overall number of women parliamentarians present in a given legislative setting) and 'critical actors'. The latter have been defined as those 'who act

individually or collectively to bring about women-friendly policy change' (Childs & Krook, 2009, p. 127). As the following discussion reveals, the present analysis makes two original, empirically-based contributions to theorising in this area. It suggests that the extent, quality and focus of SRW is not a 'zero' sum game in terms of critical mass versus critical actors. Rather, the present argument is that interventions are shaped by the *interplay* of 'critical actors' and overall the presence of women parliamentarians. Moreover, it underlines that 'critical actors' need to be seen more in terms of the key role played by particular individuals rather than all those acting to bring about women-friendly policy change.

The foregoing is consistent with calls for a refocusing of analysis of the SRW whereby, as Celis, Childs, Kantola, and Krook (2014, p. 152) observe, it can thus be characterised as 'an active, multifaceted, and contingent process, driven by a broad swathe of actors with various views on group issues and interests' (see also Childs, Webb, & Marthaler, 2010; Montanaro, 2012; Celis & Childs, 2013; Chaney, 2013, 2014, 2015). A key aspect of this is anticipatory and is concerned with

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deliberation and criticality whereby political representation is conceived of as 'an ongoing process of making and receiving, accepting and rejecting claims – in, between, and outside electoral cycles' (Chaney, 2014; Saward, 2010, p. 36). The present focus on the scrutiny of government legislative programmes is consonant with this 'turn' in conceptual thinking. It also links to work on agenda-setting (Baumgartner & Jones, 1993), symbolic politics (Brysk, 1995; Sarcinelli, 2008) and the formative phase of policy-making (Cf. Albæk, 1995). This is because government legislative programmes provide details of future Bills and policy (or, as Saward styles it, 'the making of claims') and, prior to implementation, these are shaped by parliamentary deliberation (or the 'accepting or rejecting of claims' – to borrow again from Saward).¹

Policy theory outlines how legislative programme debates and associated parliamentary deliberation have a key agenda-setting function (Cobb & Elder, 1971; Cobb & Ross, 1997; Kingdon, 1984; Schattschneider, 1960; Wood & Vedlitz, 2007). As Vliegthart, Walgrave, and Meppelink (2011, p. 369) explain, 'the basic premise of th[e...] agenda-setting approach is that political decision making requires political attention – taking the form of resources, time, personnel, etc. – and that *shifts in attention are a precondition for policy change*' (emphasis added). The present study is consistent with this view. It posits that a move away from androcentric policy-making towards more gender-equal practices is a desired form of policy change. Yet the advancement of the SRW depends upon governments paying sufficient attention to it in their legislative programmes. In liberal democratic systems it also requires opposition and back benchers to devote sufficient attention to the SRW in parliamentary scrutiny as they press their policy claims on government. Both are prerequisites for policy change because legislative programmes are part of a process whereby, as in Schattschneider, (1960, p. 57), 'some issues are organized into politics whilst others are organized out'.

As a burgeoning literature attests (for example, Banyard, 2011; Paxton & Hughes, 2013), women are foremost amongst groups traditionally 'organized out' of politics. Accordingly, this study heeds Celis et al.'s (2014, p.152) call for 'a systematic, case-driven empirical approach to defining and exploring women's issues and interests and the sources and potential impact of claims making, where "representation" is recognized as an active and creative process with multiple intersecting dimensions'. This paper's findings are presented in two parts. The first centres on the attention afforded to the SRW in successive governments' post-war legislative programmes. The second analyses attention to the SRW in the plenary scrutiny of the programmes in parliamentary 'First Day Debates'.

At Westminster governments' legislative programmes are outlined in a speech to the UK parliament. This is delivered by the head of state (and officially known as 'the Address' – but more commonly referred to as the Queen's or King's Speech). It is foremost amongst parliamentary agenda-setting mechanisms. Delivered at the outset of each parliament, and in the face of a plethora of competing policy claims on government, it sets out proposed measures to tackle the issues that the executive has deemed most deserving of attention. They are thus a powerful indicator of the priority the executive attaches to the SRW. Accordingly, the following analysis will examine how and to what extent governments' post-war legislative programmes are concerned with the SRW (research question 1)

The SRW is integral to the pursuit of participative democracy and ensuring a voice for all citizens (Pateman, 1970). As such it is also at the core of measures to secure gender equality. As Kardam (2004, p. 88) notes, this contested concept can be defined as 'basic principles for... the prohibition of discrimination against women and the active promotion of equality between the sexes. [... whereby] the latter explicitly recognizes unequal power relations between women and men'. Inter alia, this requires equal resource allocation, rights and participation in representational structures and processes, including the conduct of public business and policy-making. Thus, governing parties' treatment of the SRW in their legislative programmes has a legal compliance dimension for it is an indicator of the future public policy compatibility with requirements under gender equality legislation. In the UK examples include the sex equality duties in the Equality Act (2010, Section 66) that require government to promote gender equality in the exercise of public functions (including policy making), and the Equal Treatment of Men and Women Directives of the European Parliament and Council (EC Directives 2004/113/EC and 2006/54).²

The SRW is also about symbolic politics and the promotion of cultural change (Brysk, 1995). As Sarcinelli (2008, p. 389) explains, 'substantive policy can be communicated, implemented, or averted by symbolic politics ... [this] means the strategic use of signs to meet society's requirements of political orientation'. Applied to the SRW this perspective suggests that, in addition to policy outcomes and legal compliance issues, key importance attaches to the extent and manner to which the SRW features in parliamentary agenda-setting and deliberation – for it reflects the contemporary political values and the priorities of law makers. In other words, its 'visibility' is a statement by parliamentarians as to what issues are deserving of attention.

In order to engage with conceptual thinking on the SRW attention in the second part of the findings section (see below) considers parliamentary scrutiny of the governments' legislative agendas in the first day of – what in Westminster parlance is referred to as – the 'Debate on the Address' 1945–2012 (following the convention in Hansard – this is henceforth abbreviated to 'First Day Debates', or FDDs).³ These are dedicated plenary sessions that follow the Head of State's annual address to parliament setting out the government's legislative programme (Cf. McKay, 2003, p. 291). The first – (rather than subsequent days) of the Debate on the Address – is purposively selected here because of its general nature. It is concerned with critiquing the legislative programme as a whole. Thus, in these singular plenary sessions attention is paid to the Speech's entire content and orientation *in toto* – thereby setting out the merits and limitations of the measures proposed by government, crucially, revealing what parliamentarians feel are key omissions. For this reason FDDs provide comparability between parliaments as they are a standardised procedural mechanism of fixed duration and scope.⁴

This paper's use of deliberativeness to explore the SRW is apposite because attention to the language of parliamentary debates allows an appreciation of how policymakers formulate and construct problems and provide insights into agenda-setting power (Fischer & Forester, 1993, pp. 5–7). Whilst it is important to acknowledge that at times a debate can be highly stage-managed, an advantage of discourse analysis over other

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