



HOUSE OF LORDS

6 December 2007

The Life Peerages Act – women and change in the House of Lords since 1958
by the Lord Speaker, The Rt Hon Baroness Hayman¹

“Women ... are not suited to politics, for the following reasons. They are often moved by their hearts more than they are by their heads, and the emotional urge which exists in a woman’s make-up does not help towards good judgement. ... Many of us do not want women in this House. We do not want to sit beside them on these Benches, nor do we want to meet them in the Library. This is a House of men, a House of Lords. We do not wish it to become a House of Lords and Ladies.”² The Earl of Glasgow, speaking in a debate leading up to the passing of the Life Peerages Act 1958.

50 years on, while House of Lords reform may be the never-ending story of British political life, we can take stock of where the Life Peerages Act 1958 has led us, and attempt to answer the question “Where will this emancipation end?”³ asked by one of the 30 refusenik peers who voted against the admission of women to the House in 1958. 30 does not sound many, but you have to remember that average daily attendance in 1957 was 110, not the 415 of last session.

The House today has 147 women members. We have a woman Leader of the House – indeed three out of the last four Leaders have been women – a woman Convenor of the Crossbench Peers and a woman Opposition Chief Whip.

Over 40% of the Appointment Commission nominations in the last three years have been women and, while women make up only about 20% of the paper membership of the House, they are more frequent attendees than men and constitute 33% of the frontbenchers in the Lords. A couple of days ago I observed the lonely figure of Lord Howell of Guildford sitting on the Conservative frontbench as the only man surrounded by six women peers at question time.

In many ways, the opponents of the Bill were absolutely right. It has indeed been a very steep and slippery slope, and the other “horrificing thoughts” that troubled some male hereditary peers at the time have also come true. We have followed “the vulgar examples set by Americans of having female ambassadors”⁴ and even “drawn [judges] from the ranks of the ladies”⁵. But it has been a long battle and one that was not actually won for women hereditary peers in 1958; they had to wait until the Peerage Act 1963, which dealt primarily with the disclaiming of hereditary peerages. The 1958 Act ensured only that there should be no discrimination against women in becoming life peers. It did not end the discrimination against hereditary peeresses as they were then known – we will return to nomenclature later – which had gone on since the earliest days of the House and was deeply entrenched.

Indeed, in 1855 the mere presence of women in the galleries caused some consternation. Lord Redesdale complained that the numerous women visible after a well-attended debate had created a frivolous atmosphere and even dissuaded one of his colleagues from speaking. He went on, “The habit of surrounding a house of debate with that which was, no doubt, most beautiful, but which here was out of place, made your Lordships’ House look more like a casino than anything else.”⁶

In the early 20th Century the suffragette movement, however, considerably changed the atmosphere, and forced the re-examination of the rule that women were disqualified from membership of the Lords. The Sex Discrimination (Removal) Act 1919 stated that “A woman shall not be disqualified by sex or marriage from the exercise of any public function”.⁷ The applicability of this provision to the Lords was tested by Viscountess Rhondda who, after the death of her father, attempted to take a seat in the Lords, and brought her case to the Privileges Committee. She argued that the words in that Act did away with

any bar on women being members of the Lords. After the Attorney General saw no case against her taking her seat, the Privileges Committee reported in her favour. But before the House could approve the report the Lord Chancellor, Viscount Birkenhead, not renowned for his advocacy of women's emancipation, got in on the act. The Committee was reconvened and, after some stormy sessions, found against her. The Lord Chancellor's argument, eventually accepted by the majority of the Committee, was that the admission of women to the Lords was such an important change that it could only happen after legislation expressly permitted it.

I wondered whether the Committee for Privileges would have come to a different view if it had had a woman Law Lord serving on it. Then I wondered whether that would have even been possible. Little did I know what a knotty legal problem this was – so much of a conundrum that the first woman Law Lord, Baroness Hale of Richmond, has written an article entitled “Am I really a Law Lord?”⁸

With this requirement in mind, Viscount Astor, the husband of the first sitting woman MP, introduced private members' bills to allow peeresses into the House of Lords from 1924 to 1928. None proceeded, in spite of some close divisions. In 1932 the Government announced plans for extensive reform of the Lords, including the creation of life peers. These talks came to nothing and, as has been the case so often throughout the last century, the anticipation of a large-scale reform stalled attempts at more incremental changes. What's more, although many women's groups were supportive when asked about the issue of allowing women into the Lords, they felt that other issues affected the everyday lives of women more than the rights of hereditary peeresses.

After the Second World War the question of women's membership of the Lords resurfaced. In 1949 the Lords passed a resolution calling for the admission of women, though consideration of the issues became entangled with the passing of the Parliament Act 1949. In the end that Act too ended up dealing only with powers and not with composition.

In 1952 the accession of a female monarch gave a powerful boost to the proponents of admitting women peers. The following year a bill allowing for the creation of ten life peers of either sex was introduced to the Lords. Once again, its progress was suspended in anticipation of all-party talks about reform which yielded nothing. This further putting off of the admission of women would have pleased Lord Llewellyn, who revealed in the debate that “One of the difficulties I find about political women, as perhaps I may term them, is that they are inclined to be “bossy.” We cannot afford to be bossy in your Lordships' House. We are not “bossy” and let's not introduce a “bossy” element into the House.” That point made, he sought to develop his argument by reference to women MPs: “My second point is that many of these ladies ... had a tremendous number of bees in their bonnets. It was easy enough in another place, where Mr Speaker can rule members out of order, to prevent these bees buzzing irreverently; but there are difficulties in this House.”⁹

Interestingly, the Judicial Committee of the Privy Council had taken a different view in 1929 in relation to a second chamber, the Canadian Senate, modelled on the House of Lords. When I was in Ottawa in the autumn they proudly showed me the statue of the five women from Alberta who had taken the case for female membership of the Senate under the British North America Act 1867 through the Canadian courts and all the way to London – the “Women are Persons” case. With a degree of startling clarity the Lord Chancellor of the day, Lord Sankey, said “to those who ask why the word [person] should include females the obvious answer is why should it not?”¹⁰ And with that, “the women are persons” battle was won in Canada if not in the UK.

Here, we had to wait for 1958. The Life Peerages Bill was given Royal Assent on 30 April and on 24 July the first 14 life peers were announced, four of them women. Unsurprisingly, given the fact that the issue of the hereditary women peers was still to be resolved, two of the four were aristocrats, Baroness Swanborough (the Dowager Marchioness of Reading) and Baroness Ravensdale of Keddleston (the second Baroness Ravensdale).

The first women life peers were determined to be known as women peers. They did not want that much maligned “House of Lords and Ladies” or to be lady members as in the Commons. And there were other issues to be addressed. A sub-committee of the House of Lords’ Offices Committee was established “to inquire into and make recommendations upon certain matters which might arise on the passing of the Life Peerages Bill.”¹¹ That’s shorthand for lavatory provision – an issue which can still provoke strong feelings in the House today. And because men were barred from wearing hats when speaking, the *Companion* had to be changed to allow the determined female hat-wearers to do so,¹² although one member still in the House today tells me he tried to subvert the *Companion* to making it obligatory, rather than permissible, for women to wear hats.

But what about the other two women of the class of 58: Barbara Wootton and Katherine – Kay as she was known – Baroness Elliot of Harwood?

Baroness Wootton of Abinger was an extraordinary woman. She took a first class degree in economics at Cambridge when women were still barred from the award of a BA. At 29 she became a Justice of the Peace. She was a lifelong rationalist and agnostic. That meant that, when she appeared clad in her robes, the first woman peer to take her seat, she added a double horror to those in the chamber who had never approved of the idea of women in the first place when she insisted on affirming rather than taking the oath. She was a doughty parliamentary performer, and one of her greatest achievements was to steer Sydney Silverman’s Murder (Abolition of Death Penalty) Bill through the Lords – no easy task in 1965 – and on to the statute book.

Kay – Lady Elliot – was the first woman to speak in the House,¹³ the first to propose the Humble Address,¹⁴ and the first to introduce a Private Members’ Bill¹⁵ which, interestingly, found her collaborating with its sponsor in the House of Commons, another woman – one Margaret Hilda Thatcher, MP.

Lady Elliot’s was a fascinating life. Her father was born in 1823. She was the half-sister of Margot Asquith and often played in Downing Street with the Asquith children – her contemporaries. She remembered dropping toys onto the heads of suffragettes demonstrating outside No. 10 when she was an eight year old child, so perhaps not a feminist in her earliest days. Her husband, Walter Elliot, MP, was in charge of protecting the House of Commons during the war and it was he who made the fateful decision, for which we should all be grateful but which could not have been easy, to abandon the Commons’ chamber to the fire that was consuming it and concentrate all the brigade’s strength on saving Westminster Hall.

There were more “firsts” to follow. The first woman to chair a Committee was Priscilla Tweedsmuir, Baroness Tweedsmuir of Belhelvie, a former MP and Foreign Office Minister, who chaired the European Communities Committee and as a Minister had been at the forefront of the cod wars of the 1970s. The first woman Leader of the Liberal Democrats in the Lords was Baroness Sear, Leader from 1984 to 1988. Having been made a peer in 1971, she made an early impact by sponsoring the Sex Discrimination Bill 1973, and persisting with it after it had been talked out in the House of Commons. The Bill was eventually taken up by the Government and became the Sex Discrimination Act 1975.

Baroness Beaumont was the first woman peer to be part of a husband and wife team in the Lords – her husband was the hereditary peer Lord Howard of Glossop¹⁶ – a tradition which continues to this day where we have at least four couples, sometimes not all on the same benches, in the House.

There have also been a formidable group of widows, particularly of politicians, in the House – Baroness Gaitskill, Baroness Macleod of Borve, Baroness Spencer-Churchill and more recently Baroness Sharples – the widow of the assassinated Governor of Bermuda – and Baroness Smith of Gilmorehill – John Smith’s widow.

They all made their mark on the chamber and are an interesting illustration of how good an environment the Lords has proved for women who for a variety of reasons have not devoted their early careers to climbing the greasy pole of party politics, but who undoubtedly contribute to Parliament in ways enhanced by their outside experience.

Then there was the first woman Convenor of the Crossbench Peers, Baroness Hylton-Foster. She was the widow of a Speaker of the House of Commons, Sir Harry Hylton-Foster and the daughter of one, Clifton Brown (later the first Viscount Ruffside). Lady Hylton-Foster was also a stickler for discipline and, I am told by one of the hereditary peers still sitting in the House today, used to dig her biro into the ribs of any neighbour on the Crossbenches if she felt her to be misbehaving. But she undoubtedly contributed formidably to the building of the Crossbenchers as a political force in the House.

The first whip in the Lords was Baroness Phillips in 1965, the mother of Gwyneth Dunwoody, MP – another formidable woman parliamentarian – though in another place. There was the first Chief Whip, Baroness Llewelyn-Davies of Hastoe. She was greatly respected in the House, particularly as a woman of her word.

The first woman to be a Minister of State in the Lords was Baroness Serota, Harold Wilson’s Minister for Children. Then we had the first woman Leader of the House, and indeed the only other woman in any of Margaret Thatcher’s cabinets, Baroness Young, named both Peer of the Year and *The Spectator’s* Parliamentarian of the Year in 2001.

And it goes on today with the first woman Law Lord, Baroness Hale of Richmond, and the first woman Attorney General, Baroness Scotland of Asthal. In fact, the only grouping in the House not to be infiltrated yet is the Bishops’ bench!

And while in six centuries there was never a female Lord Chancellor (though one still may appear, perhaps in the Commons), as far as my own position is concerned it gives me some quiet satisfaction that, should a man break through the glass ceiling to succeed me, he will be known as the first male Lord Speaker.

Those pioneers were formidable women. Many worked well into their 80s and 90s, often oblivious to suggestions that it was time to give way. Lady Elliot persisted in attending Sub-Committee D meetings in total contravention of the rotation rule. A farewell party had to be manufactured for Lady Wootton to convince her that she could no longer continue to sit on the Woolsack as a Deputy Speaker. These women had battled for many years and were not going to give up just because of old age or physical infirmity. Baroness Castle of Blackburn was still devastatingly cruel to the Government only months before she died: in December 2001, she had this to say: “No one would have guessed, on listening to the Minister galloping her indistinct way through her brief, that we were today taking part in a debate on one of the crucial turning points in the development of pensions policy in this country. It is all very low key, is it not? Everybody is keeping it down. The Government have very cunningly timed this

debate to take place two days before we rise for the Christmas Recess, when all our minds, including mine, are on whether we have wrapped all our presents, sent all our Christmas cards and yet decorated the Christmas tree.”¹⁷ Even the gentle and much-loved Baroness Faithfull never gave up. She was in the House the day before she died. Viscount Cranborne in his tribute to her spoke of remembering “in particular my noble friend’s look of deepest distress when she used to come to see me to explain that on one particular issue on which she was an acknowledged expert, once again she could not support the Government. But her distress in no way deflected her from her absolute determination to pursue what she thought was right.”¹⁸

A study in 1983 concluded “women peers blended quickly and unobtrusively into the day-to-day life of the Upper House.”¹⁹ I’m not sure about the unobtrusive but settled they were. But if the “vexatious question” of women had been settled by the 1958 and 1963 Acts, much remained in dispute. Neither the 1911 nor the 1949 Parliament Acts had satisfied the proponents of radical reform, dealing as they did, despite early plans for comprehensive approaches, only with powers. The 1958 and 1963 Acts dealt only with composition.

The opposition to the Life Peerages Act had not only come from the right. Many in the Labour party opposed it precisely because they feared that life peers, including women, would breathe new vitality into an institution which they believed to be illegitimate and hoped was moribund. As Jennie Lee succinctly put it in the Commons in February 1958, “I am no more in favour of women being members of the House of Lords than men because I do not believe in the House of Lords”.²⁰ Like others before or since she was eventually reconciled to the upper House and, as Baroness Lee of Asheridge, was an active contributor to Lords business.

So if we fast forward a decade from 1958 we see the Wilson Government bruised by the inbuilt Conservative majority in the Lords and frustrated by the obstacles it was placing in the way of the Government’s legislative programme. A major package of reform was introduced. The Parliament (No. 2) Bill of 1968, however, met a sticky end, as so many other proposals have done, mainly due to the alliance of Michael Foot and Enoch Powell, who were equally opposed, from different viewpoints, to what they considered an unsatisfactory compromise. The Bill was dropped in order to find time to take through Barbara Castle’s industrial relations plans. Frustratingly for the Government, that Bill too failed and Richard Crossman, Lady Bracknell-like, records in his diaries his frustration at the carelessness of having mislaid not just one piece of legislation but two.

10 years on in the mid-1970s we again see the Labour party in office suffering a series of debilitating defeats by the Conservative majority in the Lords. I can remember night after night in the long, hot summer of 1976 dealing with Lords’ amendments to bill after bill – pay beds, dock labour scheme, aircraft and shipbuilding nationalisation. In 1977 the party moved to a position of proposing abolition.

Pat Llewelyn-Davies earned the affection and gratitude of many in this House when she spoke in defence of the Lords. *The Times* of 6 October 1977 describes the scene of a debate on the abolition of the House of Lords at that year’s Labour party conference: “Just as everyone was deciding that balance was not to be had on this occasion and that it would take a mighty courageous peer to raise his head above the battlements, into the front line charged the elegant but formidable Lady Llewelyn-Davies of Hastoe, Government Chief Whip in the Lords”. The motion in favour of abolition was passed by more than 6 million votes to 91,000; and the only surprise was where the 91,000 had come from.

During the 1980s it was a Conservative Government which felt the power of the Lords and had reason to rue the relative weakness of whips in that chamber and the growing influence of the Crossbench Peers – a crucial development in the independence of today’s House. During Mrs Thatcher’s time in

Downing Street she suffered only four defeats in the Commons but over 150 in the Lords. The numbers voting in these divisions were often very high – the first amendment to the bill introducing the poll tax saw a turnout of 501. So the Lords was alive and well and performing the role of counterbalance to an elected chamber where the Government had a large majority.

In the late-1990s, when the Labour Party focused again on the House of Lords, the issue was one of legitimacy rather than abolition – unicameralism was no longer on the agenda. The way forward was seen as expulsion of the hereditary peers as a prelude to stage two of reform. The House of Lords Act 1999 was the subject of hundreds of hours of debate but it passed, without the use of the Parliament Acts, thanks to the Weatherill amendment which brought in 92 hereditary peers to remain as a token of good faith until stage two was completed.

Analysis of the 1999 Act has always focused on the expulsion of the hereditary peers and that was of course hugely significant. But equally significant have been those who have come in since 1999. 50% of the present House has come in during the last ten years, and it is not only in the representation of women that the diversity of the country is reflected. On my calculation we have twice the proportion of ethnic minority peers than there are MPs in the House of Commons. As regards religion, of course there are the 26 Church of England Bishops, but there are also Catholics, Jews, Methodists, Presbyterians, Muslims, Hindus, Buddhists and a Parsi. The House's record is particularly strong in enabling those with a range of disabilities to contribute to parliamentary life. This week two of our Muslim peers, one our youngest member, Baroness Warsi; the other Lord Ahmed, from different sides of the House were instrumental in securing the release of Gillian Gibbons, the teacher jailed in Sudan. But the issue of legitimacy of course remains, and we are due another White Paper in the new year.

But no-one disputes what I would characterise as the performance rather than the powers of the Lords. The Joint Committee on Conventions of the UK Parliament, chaired by Lord Cunningham of Felling, recommended no change in powers or conventions (on the basis of course of no fundamental change in composition). In evidence to the Joint Committee, the Government said it “welcomes the active scrutiny that the Lords undertake of both primary and secondary legislation”.²¹ The White Paper of February 2007 said “The current conventions have helped deliver a House of Lords which is effective, and plays an important and valuable role in our legislative procedures.”²² If you want examples of that you only have to look at this week's business in the chamber. There were Committee of the whole House debates on the Human Fertilisation and Embryology Bill, with contributions from hugely distinguished doctors, scientists and ethicists, not least the Minister himself.

The select committees remain the envy of many other legislatures. We have an elaborate and comprehensive committee system complementary to that in the House of Commons. Up to 20 committees or sub-committees on policy are in action at any one time, engaging over 160 members of the House, and the reports are influential – war making powers, climate change, pandemic influenza, water management, apprenticeships – all have influenced both public and Government thinking in the recent past.

The efficacy of the chamber as a legislature owes much to the wider expertise and greater professionalism of members over the last 50 years and their readiness to engage in the work of the House, as well as keeping meaningful ties with the voluntary sector, business, academia, medicine, the armed services, science and many other fields outside the House.

And since the early 1980s the House has been discovered by interest groups and lobbyists as fertile ground for briefing on bills and tabling amendments. The combination of timetabling and whipping in the Commons means that it is often in this House that substantial changes to legislation are made. In

the 2005–06 session the House tabled over 10,000 amendments to bills, of which 3,249 were made. Some were reversed in the Commons, but research by the Constitution Unit at University College, London, has shown that a progressively higher proportion of disagreements between the Houses are now resolved in a way which meets the concerns expressed in the Lords.²³ The House has furthermore carved a niche for itself in issues relating to civil liberties.

Of course we don't please everybody. I was present at a meeting of the Parliamentary Labour Party in my pre-independence days to hear one colleague in the Commons demand not many years ago "one Lord one lamp-post". Lord Steel of Aikwood's House of Lords Bill, debated last Friday, 30 November 2007, which would end the by-elections for hereditary peers, provide for retirement from the House and create a statutory appointments commission, shows that even the incrementalists accept there is more to do. Perhaps history teaches us that, up to now at least, the House of Lords gives more credence to the theory of evolution than that of intelligent design. I leave you to judge whether the sum of the evolutionary changes – in which women have played such a crucial role – has actually been a revolution in the House today as compared to 50 years ago.

Footnotes

1. This article is based on a lecture given by the Lord Speaker to the Mile End Group of Queen Mary, University of London, on 6 December 2007.
2. HL Deb., 31 October 1957, col. 690.
3. HL Deb., 3 December 1957, col. 710.
4. Ibid.
5. Ibid.
6. HL Deb., 18 May 1855, col. 138.
7. Section 1.
8. Baroness Hale of Richmond, *The House of Lords and Women's Rights or Am I really a Law Lord?*, Legal Studies, Vol. 25, No. 1, March 2005.
9. HL Deb., 4 February 1953, col. 220.
10. *Edwards v Attorney-General for Canada* (1930), AC 124, at 138.
11. Third Report of the Select Committee on House of Lords Offices, session 1957–58.
12. First Report of the Procedure Committee, session 1965–66.
13. HL Deb., 4 November 1958, cols 160–67.
14. HL Deb., 30 October 1962, cols 6–13.
15. The Public Bodies (Admission to Meetings) Bill 1960.
16. Lord Howard of Glossop was already a member of the House when Baroness Beaumont took her seat under the Peerage Act 1963 on 4 December 1963. Their son Miles succeeded to his mother's title in 1971 and his father's in 1972, and then in 1975 succeeded his cousin as Duke of Norfolk.
17. HL Deb., 18 December 2001, col. 161.
18. HL Deb., 13 March 1996, col. 849.
19. Gavin Drewry and Jenny Brock, *The Impact of Women on the House of Lords* (1983), Centre for the Study of Public Policy, University of Strathclyde.
20. HC Deb., 13 February 1958, col. 611.
21. Report of the Joint Committee on Conventions, session 2005–06, Volume II, Ev 3.
22. *The House of Lords: Reform*, Cm 7027, page 20.
23. Meg Russell and Maria Sciara, *The Policy Impact of Defeats in the House of Lords* (2007).