Parliamentary Committee Witnesses: Representation and Diversity

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Issues of diversity in elected bodies have received considerable attention in recent years, in particular with regard to the characteristics of elected representatives. This article explores a rather different dimension relating to representation and diversity, the witnesses that appear before parliamentary committees in their scrutiny of government actions and legislation. It draws on Pitkin and Saward’s conceptions of representation and the case of witnesses who provide oral witnesses to the Scottish Parliament’s committees. The article suggests that the application of such ideas to the selection and characteristics of witnesses, and in particular to the views expressed by MSPs and parliamentary officials, is helpful in highlighting the different understandings of and aspirations for ‘representation’, including the variety of perceptions of the advantages and disadvantages of these.

Keywords: diversity; gender; parliaments; participation; Scottish Parliament; representation

# Introduction

Issues of diversity and representation in legislatures have been prominent in recent years, particularly with regard to the characteristics of elected representatives and the extent to which they reflect wider society. Some have extended feminist arguments about the representation of women to non-electoral elements of democratic processes (for example, Agustín, 2008; Rumbul, 2016). This article takes such ideas forward to consider an important feature of the work of legislatures, the witnesses that appear before parliamentary committees as part of their scrutiny of government actions and legislation. Drawing on interviews with Members of the Scottish Parliament (MSPs) and officials about witnesses to the Parliament’s committees, it shows that ideas associated with the influential conceptions of representation developed by Pitkin (1967) and Saward (2010) are reflected in the views of those involved in the selection and questioning of witnesses, can help in understanding important aspects of selection of committee witnesses, and may also provide potential arguments for those who seek to address imbalances of representation among witnesses. While the focus here is primarily on gender, such ideas might be applied more broadly, although issues of intersectionality would potentially add further dimensions and complications (Celis & Mügge, 2018).

Pitkin identified forms of representation, including unattached interests, symbolic, descriptive and substantive, that have been widely used to help understand how representation can (and sometimes should) work, and to both the elected sphere and beyond, including by feminists (Childs & Lovenduski, 2013). However, more recently feminists have identified a number of limitations of Pitkin’s conceptualisation, including that the relationship between women’s descriptive and substantive representation is ‘complicated, mediated and probablistic’ (Childs & Lovenduski, 2013, p. 3), and there are a variety of arguments about gendered representation that stand in opposition to those of the second-wave of women’s movements that underpinned much writing on the topic (for example, Badran, 2000; Childs & Webb, 2012). Pitkin has also been criticised for a focus on the representative, rather than the demands of those who might be represented (for example, Saward, 2010; Severs 2010), with Saward adding significantly to debates on representation by considering it as a dynamic process of claim-making and the reception of claims, and consequently emphasising the makers of representative claims and the audience to which those representations are addressed, a formulation which would appear to have the potential to fit well with aspects of committee evidence-gathering.

Although there has been increasing academic interest in committees in the United Kingdom’s legislatures, until recently relatively little attention has been paid to the ways in which they engage with external actors, let alone how they might relate to issues of representation and diversity. However, in addition to their scrutiny and oversight functions, it is possible to argue that committees’ interactions with external actors can constitute an important linkage with civil society (Hough, 2012) by allowing the public to engage directly with their elected representatives (Reader, 2015), that this is a potential form of representation between elections (Pedersen, Halpin & Rasmussen, 2015), and that oral witnesses to committees are visible to commentators and the public (Bochel & Berthier, 2019) and indeed may reflect institutional representative claims (Judge & Leston-Bandeira, 2018). Committee activities also provide a potential site within which individuals and organisations can have a say in the scrutiny of government policies and actions, although institutional structures can clearly both facilitate and obstruct the representation of marginalised groups (Weldon, 2002).

In the Scottish Parliament, committees undertake both executive and legislative oversight, and can even introduce legislation. They are able to hold the Scottish Government, public bodies and other organisations accountable for their actions. The committees can invite, and indeed require, witnesses to submit written and oral evidence, although there are some statutory limitations on that power, and in practice it has not yet been used.

Interest in the diversity of the voices heard by the Parliament’s committees can be traced back to its founding principles, which included openness and participation (Mitchell, 2010). A number of recent developments have been intended to support these, such as the Parliament’s *Public Engagement Strategy* and *Diversity and Inclusion Strategy*. The Commission on Parliamentary Reform (2017) emphasised the importance of diversity and equality, including for committee evidence. From a different perspective, the highlighting of sexual misconduct by the #MeToo movement during 2017 and 2018, including in the Holyrood and Westminster legislatures, added an additional layer of awareness of gender issues. The creation of Scotland’s first gender-balanced cabinet, and legislation setting an objective of equal gender representation on the boards of public bodies, also served to highlight diversity and representation concerns.

This article builds upon these debates and developments by outlining briefly what is known about committee witnesses in the United Kingdom’s legislatures, and in Scotland in particular. It then explores the views of MSPs and parliamentary officials, relating these to a variety of conceptions of representation, and considers how they contribute to understanding the current complexion of witnesses and possibilitiesfor change.

# Methods

The article draws upon 38 in-depth interviews, undertaken between March and October 2017, with 16 MSPs (representing four political parties and of whom nine were female) and 22 parliamentary staff involved in identifying potential witnesses, including committee clerks, Scottish Parliament Information Centre (SPICe) researchers and others, of whom 14 were female) (Table 1). The interviews, typically lasting for around 30 minutes, covered topics such as the process and reasons for choosing witnesses, questions of representation, inclusion and diversity, and wider public engagement, in addition to the value and use of oral, written and informal forms of evidence (Bochel & Berthier, 2018). The analysis for this article examined the interview notes for both explicit and more indirect references to respondents’ arguments about representation and the different forms that it can and should take.

Table 1. MSPs and officials interviewed

|  |  |
| --- | --- |
| MSP committee convener | MSP 3 (F), MSP 4, MSP 5, MSP 6, MSP 8, MSP 9, MSP 10, MSP 11 (F), MSP 12 (F), MSP 15 (F) |
| MSP | MSP 1 (F), MSP 2 (F), MSP 7 (F), MSP 13 (F), MSP 14, MSP 16 (F) |
| Clerk | Official 2 (F), Official 6 (F), Official 8, Official 9, Official 10 (F), Official 12 (F), Official 14, Official 17 |
| SPICe researcher | Official 3 (F), Official 4 (F), Official 5 (F), Official 7, Official 11 (F), Official 13, Official 15, Official 16 (F) |
| Other official | Official 1 (F), Official 18 (F), Official 19 (F), Official 20 (F), Official 21 (F), Official 22 (F) |

In addition, the Enquiries Team in SPICe collated a database of more than four-and-a- half thousand committee witnesses for the parliamentary years 1999-2000, 2015-16 and 2016-17. Those years were chosen as the first year of the parliament, the final year of session 4 and the first year of session 5 (since 2017-18 annual figures have been provided to the Conveners Group, while the Equalities and Human Rights Committee has been given responsibility for receiving annual updates). Witnesses were identified from the minutes for each meeting and were recorded for each agenda item.

The research received ethical approval through the University of Lincoln’s standard processes.

# Committees and witnesses

While there has been significant growth in attention to the work of parliamentary committees, and perhaps their impact in particular (for example, Benton & Russell, 2013; Thompson, 2013; White, 2015), and despite the drawing together of information and expert opinion and placing of it in the public domain being widely recognised as one of their strengths (Benton & Russell, 2013; Berry & Kippin, 2014), there has, until recently, been relatively little consideration of the ways in which committees engage with external actors and obtain information. Some research has, however, shed light on aspects of the selection and characteristics of witnesses.

## The United Kingdom Parliament

Berry and Kippin (2014) highlighted issues around the characteristics of select committee witnesses at Westminster. Their analysis of witnesses for one month showed that only one-quarter were women, although they recognised that when committees invite ministers and senior officials from government departments and agencies, or indeed witnesses from some private and not-for-profit organisations, they may be limited in any attempt to achieve a gender balance. Geddes (2018) noted the prominence of witnesses from charities and campaign groups, and business, trade and professional associations; he also found that witnesses from the private sector were most likely to be male, while those from the non-profit sector, although still largely male, were more likely to be female. He suggested that the desire to achieve a politically balanced set of witnesses generally outweighed considerations about social diversity. Similarly, research for the House of Commons Liaison Committee (2015) noted emphases on achieving a range of viewpoints, including representatives from major organisations and groups, and from individuals whose written submissions suggested that they might make an original or distinctive contribution.

From 2016-17 the House of Commons Sessional Return has included statistics on select committee witnesses by gender. For that session women accounted for 28 per cent of witnesses (24 per cent of ‘non-discretionary’ (ministers, heads of public bodies, etc.) and 32 per cent of ‘discretionary’ witnesses). The Liaison Committee (2018) subsequently recommended that where there were three or more discretionary witnesses there should not normally be all-male panels, and set a target of at least 40 per cent of discretionary witnesses being female by the end of the Parliament, a position it reiterated the following year (Liaison Committee, 2019). The Sessional Return for 2017-19 showed that women made up 35 per cent of all witnesses and nearly 40 per cent of discretionary witnesses.

In one of the few comparative studies in this field, examining the parliaments of Denmark and the Netherlands as well as Westminster, Pedersen, Halpin and Rasmussen (2015) suggested that parliamentarians consider both issues of representation and information quality when selecting external actors to give evidence. They argued that where there is open access (for example, with calls for evidence), interest groups tend to dominate and evidence is concentrated in the hands of fewer actors, while closed access procedures (based on invitation) mobilise different types of actors, such as experts and private companies, and evidence tends to come from a broader number of actors.

## Northern Ireland and Wales

The National Assembly for Wales had values such as equality and diversity prominent among its guiding principles, together with high levels of women’s representation among elected members. However, Rumbul (2016) found that during the first three assemblies there was a marked gender imbalance in terms of committee witnesses, with 27 per cent being women, and ‘only a very slight upward trend’ (p. 71) over time. Similarly, Maxwell’s (2017) examination of five committees in each of the devolved legislatures showed that male witnesses typically outnumbered female witnesses by two to one. Both Maxwell and Rumbul found that imbalances were greatest in policy areas such as agriculture, business and transport, and smallest in fields such as education and health.

# The Scottish Parliament

In its early years, the Scottish Parliament was widely seen as having a distinctively ‘female face’ (Mackay, 2006, p. 171). The use by the Labour Party of ‘twinning’ (two constituencies together selecting one woman and one man as candidates), in particular, contributed to higher levels of female representation (37 per cent of MSPs were women in 1999 and 39.5 per cent in 2003), although that has declined, with 34.9 per cent of MSPs in 2011 and 2016 being women. The institutional framework of the Parliament also contained mechanisms intended to enhance participation, perhaps particularly for women, such as ‘family friendly’ working hours, an Equal Opportunities Committee, and the inclusion of equal opportunities as one of four key principles. Both the Parliament and the Scottish Government committed to mainstreaming equality, including gender equality, across all areas of work (Mackay, 2006). From 2014, the Scottish Cabinet had an equal number of female and male ministers, and in 2020 women formed a majority of the Cabinet. However, Mackay (2014) has suggested that over time there has been something of a reversion, and that the institutions and their internal processes and interactions have remained gendered.

The Parliament’s committees have substantial responsibilities and powers, although they are also subject to a number of constraints, including the resources available to them, a lack of control of the legislative element of their work, and the influence of the parties (Cairney and McGarvey, 2013). Nevertheless, it has been argued that, in line with broader aspirations to make the Parliament more open, inclusive and transparent (Megaughin & Jeffery, 2009), they were designed to enhance the role of civil society in the legislative process (Bonney, 2003), but also that the ‘usual suspects’ remained the dominant players giving evidence to committees (Halpin, MacLeod & McLaverty, 2012; Pedersen et al., 2015). Halpin et al. (2012) also noted that the process typically sought to involve groups seen as having some sort of representative mandate, while relatively few individuals were invited. At the same time, they recognised that committees had sought to innovate in terms of engagement, for example by holding different types of events and round-table discussions.

Davidson and Stark also recognised the aspirations for a more open and participative approach, but suggested that committees ‘have deliberated more with stakeholder groups than members of the public’ (2011, p. 178; see also Maxwell, 2017), and while aware that such an approach can have benefits, noted that it could be associated with the development of ‘an exclusive class of participants who deliberate among themselves at the expense of a truly inclusive political dialogue’ (2011, pp. 179-180). Similarly, Carman (2014) has highlighted the influence that resources, such as social class, time and access to technology, have on participation in Scottish public life.

More recently, the Commission on Parliamentary Reform (2017) argued that committee scrutiny has ‘become too focused on seeking views at committee meetings allowing those with time and resources a potentially greater influence on scrutiny and decision taking… at the expense of hearing from those more “remote” from Parliament’ (p. 13). Following that report, a Committee Engagement Unit was established within the Parliament to promote broader engagement using a wider range of methods.

## Witnesses and representation in the Scottish Parliament

Although practice in selecting witnesses varies across committees and topics, in general, the committee clerks, often together with SPICe researchers, draw up lists of potential witnesses, and the conveners and members may discuss these, including making additional suggestions. Of course, oral witnesses are only one means for committees to gather evidence, and in addition to these and written evidence, many committees do considerable work to hear other voices, including through informal visits, breakfast sessions and other activities (Bochel & Berthier, 2018). As noted later, MSPs and officials generally see these activities as valuable, not least because they provide different views from those typically received in written and oral evidence.

The data collated by SPICe showed that during the first year of the Parliament’s existence, 1999-2000, 25 per cent of witnesses were female, a figure that had increased to 36 per cent in 2015-16, 38 per cent in 2016-17 (Bochel & Berthier, 2019), and 42 per cent in 2018-19 (Bochel & Wall, 2019). As with other legislatures, there was considerable variation by committee. For example, in 2015-16, the Finance and Constitution and Rural Economy and Connectivity Committees had less than twenty per cent female witnesses, while for the Equalities and Human Rights Committee the figure was over sixty per cent. Broadly speaking, areas such as health and social care and education have tended to see more female witnesses, and not-for-profit organisations provided significant proportions of witnesses who are women, while the Scottish Government, trade unions, local authorities and private companies were more likely to send men (Bochel & Berthier, 2018; Bochel & Wall, 2019).

There are, of course, a variety of factors that can skew these figures in different directions, including ‘supply’, such as the gender balance among ministers and senior officials who appear as witnesses, and who organisations decide to send to speak on their behalf. There are also both ‘inward’ and ‘outward’ facing pressures, the former being what those inside the Parliament might see as most appropriate for their needs, and the latter reflecting a recognition that the activities of Parliament are inevitably seen and interpreted by those outside, including the media, civil society organisations, and indeed wider society, and that these can, and perhaps should, in turn, influence how Parliament behaves.

Moving beyond gender, there are also concerns within the Parliament, including as reflected in the official documents noted earlier, about other groups, with young people, disabled people, and those from BME backgrounds being identified as not well represented, particularly away from topics seen as ‘core’ to their interests. There have consequently been increasing efforts and support for committees to engage more with the community and a wider range of people.

The remainder of this article examines the views of MSPs and officials and the ways and extent to which they reflect different understandings of representation in relation to the selection of witnesses to committees.

## Conceptions of representation

In interviews, many respondents alluded, directly or indirectly, to a variety of different forms of representation in relation to committee witnesses which can usefully be understood by drawing on Pitkin and Saward’s conceptions of representation, around which the bulk of the following discussion is centred. Although the interviews were primarily qualitative, and the following sections explore in greater depth how MSPs and officials saw ‘representation’ and its role, it is worth noting here that the most commonly identified ideas were those that can be linked with Pitkin’s descriptive representation (more than half of respondents), unattached interests (more than one third), substantive (one quarter) and symbolic (just under one quarter) representation, followed by arguments that reflected Saward’s idea of representative claims (just over one-fifth). In addition, reflecting the findings of other work, such as that by Halpin et al. (2012), Davidson and Stark (2011) and the Commission on Parliamentary Reform (2017), half of respondents referred to the importance and role of ‘representative bodies’, both positively and also raising questions about the nature of such representation. Interestingly, officials were somewhat more likely to mention multiple forms of representation than MSPs, and to emphasise substantive, symbolic and descriptive forms of representation.

While there were frequently normative judgements about preferable conceptions of representation among respondents (as discussed in several of the sections below), ideas of representation were also at times presented as a means to other ends, perhaps most obviously through arguments from some that having witnesses who were more representative of Scottish society would provide additional insights into policy and legislation and thus result in better scrutiny. This reflected the more general view expressed by many respondents that the key factor in witness selection was that they should enable good scrutiny.

### Descriptive representation

Supporters of descriptive representation assert that the composition of a representative body should reflect the society it serves. While Pitkin acknowledged that it can lead to a focus on the characteristics of representatives, rather than their actions, it was taken up by Phillips in *The politics of presence* (1995), and has been supported by many advocates of greater representation of groups such as women and ethnic minorities within legislatures. Indeed, Cowley (2013) has suggested that ‘The idea that the politics of presence is important is now a widely, if not wholly, accepted part of political discourse in the United Kingdom’ (p. 139).

Given the prevalence of such arguments, including with regard to the proportion of women MSPs following the creation of the Scottish Parliament, and that there was also considerable debate at the time of the interviews for this research about the Scottish Government’s proposal for a 50/50 gender target for the boards of public bodies, it is perhaps unsurprising that many respondents highlighted issues of descriptive representation in relation to committee witnesses. These concerns varied from perceptions of the underrepresentation of women and other groups (‘It matters because we need to get a cross-section of people – gender, race, religion, etc.’ (*MSP 12*); ‘Some people in here roll their eyes when you say there is a problem’ (*MSP 14*)), through the availability of data with which to assess the position, to the causes and potential ways of addressing them, as with, ‘We should be able to do things like flag up the gender balance of witnesses, note that we are looking for witnesses who are representative of society, etc.’ (*MSP 16*).

However, there was little support for a rapid move towards gender equality among witnesses, with many arguing along the lines that ‘We need to encourage and enable women more, rather than having a directive’ (*MSP 2*), and ‘we need to tackle the gender balance. I am not in favour of quotas, however’ (*MSP 8*). The three most prominent arguments against imposing change were associated with, firstly, the need for committees to have high-quality witnesses; secondly, the freedom of external bodies to choose who to send as witnesses; and thirdly, a desire not to focus simply on gender. Even strong proponents of greater diversity argued that, ‘… we can and should look as hard as we can, but I would rather have someone who can give the answers’ (*MSP 7*), ‘We do not try and control who organisations send’ (*Official 5*), and, ‘If we were to go straight to 50/50… we would simply replace men with very similar women… and it would not affect social and ethnic inequality, for example’ (*Official 11*). Others noted more practical challenges, such as having to find witnesses who are available, often at fairly short notice, and that ‘We have to maintain political balance. We also have to have some organisations as they are the representative bodies in Scotland’ (*Official 6*), and, ‘there are some people that you have to hear from… it can be hard to get people beyond the usual voices’ (*Official 3*). However, as highlighted in later sections, this was also seen as problematic by some respondents, for example, because ‘The trouble is that there are too many “go to” organisations from a Parliament point of view’ (*MSP 2*).

Interestingly, while these ideas reflect the concerns of writers such as Evans (2015), that simply increasing the number of women present does not necessarily address diversity among women and ideas of intersectionality, and there was also support for the view that in a democratic system substantive representation, as discussed below, is more important, there was no reflection of other criticisms of descriptive representation, such as those of Kymlicka (1996), that it can potentially ‘freeze’ differences between groups, limit the autonomy of representatives, and raise questions over accountability mechanisms between groups and their representatives.

### Substantive representation

Pitkin characterised substantive representation as ‘what goes on during representing, the substance or content of acting for others’ (1967, p. 114). During the early years of the Scottish Parliament, and perhaps reflecting the attempts to design greater representation for women, in particular, into the new institution, Mackay (2006) argued that ‘The substantive representation of women does not rest solely, or even primarily, with women representatives. Instead, a broader focus is needed taking into account government performance, the institutionalised voice of women and channels of accountability’ (p. 185). However, while recognising the limitations of such approaches, Childs and Lovenduski (2013) have noted that ‘Much feminist theory suggests that women’s substantive representation is much more likely to be undertaken by the (relatively few) women representatives in legislatures (p. 497). It can therefore be suggested that the substantive representation of women, and indeed of other groups, as committee witnesses, matters, and that it is frequently likely to depend on individual witnesses’ appearance, interests and willingness to speak about topics.

Around one-quarter of interviewees, and particularly MSPs, were clear that substantive representation mattered for them, and there were also considerable associated concerns about women largely appearing as witnesses to particular committees, and potentially primarily with regard to ‘women’s issues’, with one arguing, for example, that, ‘It is not just the numbers that are important, but also what people are giving evidence on’ (*Official 1*), and similarly for other social groups. There was also significant emphasis on other dimensions of substantive representation, including a desire to hear more from people affected by policies, with suggestions that on some topics it was important to have ‘a split between those who will be impacted on and those with a professional view’ (*Official 13*), and that ‘we have tried to invite “ordinary folk” who policy has an impact on’ (*MSP 1*). A number noted that simply achieving descriptive representation would not be sufficient, and that the Parliament needed to consider ‘whether we want particular types of people versus the knowledge that they can bring to the committee’ (*Official 10*).

As with descriptive representation, questions of substantive representation were tempered by the view that the requirements of the scrutiny functions of committees would and should influence who will be heard for particular inquiries, so that for many interviewees, the benefits of a greater diversity of witnesses, were ‘…not just about gender… but it is more about having a different set of views coming before the committees’ (*Official 18*). Equally, many recognised that appearing before a committee might entail potential challenges and vulnerabilities for some witnesses, and referred to those, informal, elements of the Parliament’s and committees’ work that mean ‘that people can get their comments on the record but not attributed’ (*MSP 4*).

### Representation of unattached interests

Reflecting the important scrutiny activities of committees, more than one-third of both MSPs and officials highlighted the need to draw upon expertise and expert opinion, as with the statements that, ‘I want the best person, the most knowledgeable person, to give the best possible advice’ (*MSP 5*) and, ‘The main thing of importance to me is the quality of who appears, there are all sorts of diversity, and I do not care who appears (what their characteristics are), so long as they bring something to the discussions’ (*Official 14*). In a number of instances this was presented by officials as what MSPs wanted, with more than one making points such as, ‘For some members, having the “best” people is the most important thing, rather than perhaps concerns about representativeness’ (*Official 12*).

This position echoes Pitkin’s identification of the representation of unattached interests. She drew on the writings of Burke, and the implications that rather than the interests of groups, government ‘should rest on wisdom and not on will’ (Pitkin, 1967, p. 169). For her, this position largely precluded democratic responsiveness to the electorate, and she suggested that such views are not widely shared in the modern world, but in the Scottish Parliament (and elsewhere) elected members are, understandably, seeking such advice to inform their understanding. Indeed, while the role of experts and expertise in policy making and scrutiny is clearly contested, the importance of ‘unattached interests’ is perhaps reflected in beliefs such as in the value of rational deliberation among experts, and that expertise and technocracy can in some circumstances be trusted ‘precisely because “they are not like us”’ (Caramani, 2017, p. 62), as seen in incidences of ‘technocratic’ governments in some countries in southern Europe and Latin America, and in attempts to encourage the use of ‘evidence-based policy’.

### Symbolic representation

Although Pitkin suggested that symbolic representation is one form of ‘standing for’, feminists have tended to find the idea that women can be symbolically represented ‘intuitively unsatisfactory’ (Childs & Lovenduski, 2013, p. 491). Nevertheless, some saw the development of new and powerful symbols with the creation of the Scottish Parliament. Mackay (2006) argued that these included ‘the recognition of women as political actors and leaders through their concrete presence as backbenchers, committee convenors and ministers’ (p. 178), and that the presence of women was seen as normal and unremarkable.

In the same way, around one-quarter of interviewees highlighted the potential power and importance of a symbolic message, as with the argument that, ‘If the Finance Committee is men hearing from men, what does that say about the way that we see women?’ (*Official 18*). Others suggested that positive symbolism, in the sense of people with particular identities appearing before committees to give evidence, could itself contribute to change in helping ‘break down some of the barriers’ (*Official 1*), and that ‘it gives them confidence about the Parliament (they know that they can come here, that we listen, and so on), and it sends a message outside the Parliament’ (*MSP 12*). Similarly, some argued that with the aim of achieving a balance of witnesses who might be more representative of Scottish society, an emphasis on gender was a useful symbolic ‘starting point. Then we can build up on other forms of diversity’ (Official 19).

### The representative claim

Recognising the critiques of accounts of representation such as Pitkin’s, Saward (2010, 2016) has proposed an alternative understanding focused on ‘making, receiving, accepting and rejecting claims’ (Saward, 2010, p. 36). While the formal electoral process provides a legal and procedural basis for a claim to representation for elected politicians, the making of claims and their acceptance by the represented is important (for example, Willis, 2018). Saward also argues that the representative limits of elected institutions ‘can by their very nature leave open the possibility for non-elective representative claims that can call on differing notions of interest and (not least) equality’ (2016, p. 250). Unelected actors can therefore make representative claims, and these can be assessed as having a degree of democratic legitimacy where ‘there is evidence of sufficient acceptance of claims by appropriate constituencies under reasonable conditions of judgement’ (2010, p. 145).

Clearly, participation in non-electoral elements of democratic processes requires structures to engage with, and parliamentary committees provide one obvious and potentially important mechanism, and it might be argued that ‘presence’, either as individuals or representatives of organisations, is important in such arenas. Saward suggests that to be viewed as representative claims need to be acknowledged in some way by the ‘audience’ and convey the ‘impression of making the absent thing or person present’ (2010, p. 42), although Severs (2012) argues that claim-making alone may not be sufficient, and that it is necessary to consider what it is that makes a claim substantive in terms of making the interests of the absent thing or person present.

For the Scottish Parliament, as with other legislatures, in addition to elected members there are clearly many other groups claiming to represent particular interests, including those of women and other social groups. While only around one in five respondents directly alluded to such concerns, the role of such groups in voicing claims were often seen as useful, as with, ‘… we try and focus on the middle layers… groups who have good links with other organisations’ (*Official 2*). Some interviewees highlighted examples where committees had used, and in some cases made significant efforts to access, organisations working with particular groups, such as children in care or refugees, where the representation of those interests was seen as important (in a number of instances, and for a variety of reasons, these were sometimes facilitated through informal evidence sessions, rather than through formal appearances as witnesses). In addition, committees seek to pay attention to ‘representative bodies’ or other significant stakeholders (Pedersen et al., 2015). However, as discussed below, interviewees’ views of the extent and validity of some of these claims to representativeness varied considerably.

### ‘Representative bodies’

For both MSPs and officials, an organisation being a ‘representative body’ or key stakeholder was seen as an important characteristic that often brought value to committee hearings (see also, Halpin et al., 2012), with around half mentioning this. This clearly conceptualises representation in a very different way from Pitkin and even Saward, although the idea of the making and testing of such claims was frequently brought up by respondents. Indeed, among the potential issues that interviewees identified were how representative such bodies might be of those they claim to represent, and on what that representation is based, as with, ‘The fact that they are a representative body is helpful, but there can be issues about how representative they are, who of, etc.’ (*Official 8*), and, ‘It is really important to understand how representative bodies work… what are their internal structures, how do they consult… what if they do not have agreed policies on particular issues?’ (*Official 13*). In such instances it may be hard to identify the sense in which representation has taken place.

The perceived importance of ‘representative bodies’ also raised issues in respect of other aspects of representation. Some respondents argued that the characteristics of witnesses is a matter for those organisations, rather than for Parliament (including that as a result, ‘We might ask an organisation for a representative, rather than a particular name, but it often becomes the chief executive’ (*Official 2*)). Others suggested that it is sometimes appropriate to reach beyond the most senior people in organisations, and that in some instances, front line workers or users, for example, might make appropriate witnesses. There were also views expressed that it could be suggested to organisations that they consider diversity when choosing who to send as witnesses, as indeed has happened since 2019. Some committees had taken a firmer line, so that for one inquiry, ‘We went to [named organisations] and were clear that while those who provide the support are important, it was important for us to speak to the people themselves’ (*MSP 7*).

As Geddes (2018) notes, hearing from representative bodies and key stakeholder groups can bring efficiency benefits, reducing the need for committees to collate information from a range of voices. In addition, attempts to hear representative claims from particular claims makers might be seen as a way of mitigating the apparent shortcomings highlighted by concerns about descriptive and substantive representation. Equally, a substantial proportion of interviewees argued that there is a need to test the claims made by such groups, perhaps along the lines of Saward’s arguments.

### Representation and witness selection

With regard to the selection of witnesses, the overriding priority for most interviewees was that witnesses should enable good scrutiny. Ideas of representation are therefore only one among many influences, given that decisions are made by differing combinations of MSPs and officials, varying across committees and inquiry topics, and also being subject to other factors such as timescale, attempts to produce ‘balanced’ panels in terms of the views presented, perceptions of witnesses’ ability to ‘perform, in the sense of giving members and clerks confidence in them, and witness availability (Bochel & Berthier, 2018; see also Geddes, 2018).

Nevertheless, as noted above, representing an issue or sector, including as a representative body, was frequently mentioned and widely valued, albeit often accompanied by some degree of scepticism about the nature of that representation. Beyond that, while many respondents favoured greater diversity among witnesses, with MSPs frequently making clear a desire to hear other voices (‘the “usual suspects” are usually large organisations with white men’ (*MSP 3*)), there was no clear consensus on whether the emphasis should be on socio-economic characteristics or a greater range of viewpoints.

As noted above, even among those most favourable to descriptive or substantive representation, there was little support for quota-type arrangements, and while some conveners made clear their view that committees ‘should not default to policy and PR people’ (*MSP 4*), others argued that Parliament should not be ‘interfering in the work of others… for the sake of gender balance’ (*MSP 5*), although there were strong arguments that organisations that provide witnesses should take equality and diversity issues into account, and that the Parliament should work harder to find more and different people. However, concerns about different, and perhaps wider representation were also reflected by many interviewees arguing for less formal means of gathering evidence, such as visits and private sessions, as useful methods for providing committees with additional information, particularly for groups who are less likely to appear as committee witnesses, such as those that ‘policy has had an impact on’ (*MSP 3*), harder to reach groups and frontline workers. However, while these may be valuable in informing committees, from the perspective of supporters of substantive, descriptive and symbolic representation the fact that such activities may be less likely to get on the formal record means that in at least some respects they are problematic.

# Conclusions

The views of MSPs and officials in the Scottish Parliament can clearly usefully be understood using Pitkin’s conceptions of representation, with elements of descriptive, symbolic and substantive representation frequently being drawn out by respondents as both things to strive for and as having some influence on witness selection. The emphasis on experts and expertise also echoes Pitkin’s characterisation of the representation of unattached interests.

Saward’s very different arguments about the nature of representation can also be seen in the idea that claims of representation and how they relate to the ‘represented’ should be tested, not least in the views that were expressed by some interviewees about ‘representative’ bodies, which, while frequently seen as of great value to the work of committees, also raised concerns about how and to what extent they actually represent particular interests and the form that such representation takes. At the same time, the desire of some to access groups that claim to represent harder-to-access groups of the population often reflected an awareness of the shortcoming of current socio-economic representation among witnesses.

These views can, unsurprisingly, be seen as influencing the complexion of committee witnesses, and are reflected in the tensions between the different requirements of committees, including the ‘inward’-looking elements, such as the need to access expertise, experience and a range of political and other views, and the more ‘outward’-facing pressures associated with being visible to the media and wider society, although the former have tended to dominate. Nevertheless, many who argued for a more diverse set of witnesses frequently suggested that they would actually supplement and reinforce the scrutiny role of committees, for example by providing a wider variety of knowledge and experience and offering different perspectives and views to test the actions and proposals of government. The combination of ideas of representation and the need for effective scrutiny of government action and legislation therefore provide opportunities for those who seek to argue that legislatures should be hearing from a wider range of voices.

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