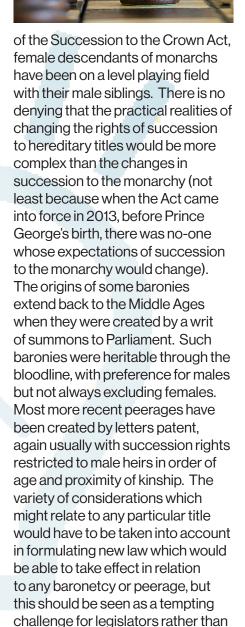


First come, first served? Women and primogeniture in the 21st century

t seems extraordinary that in the 21st century women continue to be discriminated against in the context of their right to inherit a peerage or other hereditary titles. There was welcome news last month (reported in The Times on 20 February 2021) that the Government is finally proposing to abolish male primogeniture in this context, and plans to introduce a new bill of reforms in the next Queen's speech in Autumn 2021. Of course, this particular inequality is hardly a pressing personal concern for the vast majority of us. The impact of such inequality may only come to mind during escapist moments of watching Downton Abbey or Bridgerton. In fact though, the real impact is significant; even though only a few women are directly affected, the discrimination itself is a matter of public interest, and it disentitles first-born female children of the hereditary peers who still have a seat in the House of Lords from taking up a role in our political system.

The proposed reforms are, to put it mildly, overdue. It is to be hoped that the Government's move will be more effective than several Private Members' Bills introduced in Parliament during the last 30 years with the same purpose, all of which foundered in the early stages. In proposing new laws, MPs and peers have emphasised the importance of abolishing male primogeniture in order to build fairness, modernity and equality in our society, and highlighted the symbolism of making such a change within the aristocracy so as to demonstrate the importance of women in society.

The Royal Family has led the way; since the coming into force in 2013



A vocal group known as 'Daughters' Rights' has been gaining ground in its aim to achieve equal rights for women to stand in House of Lords by-elections for hereditary peers. It

an insurmountable obstacle.



has submitted a case to the ECHR in relation to the succession rights of daughters of 5 peers who would, if they were male, inherit their fathers' titles. The case is being led by Lord Pannick QC, and rests on Articles 3 and 14 of the Convention. It is to be hoped that changes in UK law will make that particular case unnecessary, although other modernisations will also need to be considered in order to avoid discrimination for children who are adopted, or who are born as a result of sperm or egg donation or surrogacy, and indeed possibly to abolish the age discrimination inherent in primogeniture itself.

The fact remains that titles attract national and international press and publicity, and to that extent are in the 'shop window' of the UK. Correcting the antiquated inequality of women in that context would be a welcome and symbolic step forward in achieving equality for women across society, and might have the added advantage of resulting in more women in the upper house.

Constance McDonnell QC