

## CHAPTER 1

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# CHAPTER 1

## **Introduction**

The way that public services are governed, resourced and delivered is crucial to women's lives. The provision of state funded care services, where they exist, represents perhaps one of the most transformative advances in gendered social relations and equality for women. But the cost of providing public services has, for decades, been a concern for governments around the globe, which is periodically intensified in times of economic crisis. The responsibility for either directly providing or commissioning publicly funded care services is most often devolved to the local state, making it a key site of feminist activity, but also the front line for public spending cuts more recently referred to as austerity measures. This book contributes to research on the history of social policy, legislation, strategy and practices for promoting gender equality within and through the local state. It is intended to be a timely contribution to debate on how transformational feminist political strategy can be sustained in the context of neo-liberal encroachment on welfare and public services in the name of austerity. In this chapter we introduce the lens through which we engaged with our research subject: the transformative potential, for women's equality within the governance and provision of public services, of a particular piece of legislation, the gender equality duty, in the context of continuity and change in gender equality work in local government.

## **The research**

The research project which forms the basis of this book began in 2006 when the two authors shared the belief that something significant was about to happen in the struggle for gender equality in the UK. This was the enactment of a new piece of legislation, the gender equality duty (GED), which we and many activists believed heralded a ground breaking step forward for women's equality. This optimism was shared by the Equal Opportunities Commission (EOC), the body that had been set up to champion gender equality in the first wave of equality legislation in the 1970s, who described the GED as the most important advance in women's equality in Great Britain since the Sex Discrimination Act 1975 (EOC, 2006). The legislation was ground breaking for a number of reasons, feminist and legal, that are discussed throughout the book.

The GED, like the other two equality duties for race and disability that preceded it, applied only to public authorities, which again felt significant to the authors as our research and our own feminist activism has focused on the welfare state and public services as a site of central importance for women's equality. Women's equality can be enabled by government funded services that support women's self-organisation and autonomy, free women from unpaid care in the family, provide substantial opportunities for paid work and provide safer environments for women to live in. Moreover, women's participation in local democracy and management are a means to challenge predominant constructs of gender, sexuality, race, and class within welfare services, and to promote equality through redistribution of resources.

The GED was designed to promote equality in relation to both employment and service delivery thus recognising the centrality of both for women's equality. These principles are generally accepted by feminists and policy makers in the 21<sup>st</sup> Century, but they were established only following the struggles of what has become known as second wave feminism. Much of the fight for improvements in women's lives during this period took place within and around public services. This context is important for understanding why the GED had the potential to be what Cockburn (1989) described as transformative. The GED and the other two duties for race and disability were combined in the Equality Act 2010 into a single public sector equality duty that also encompassed other equality strands on religion and belief, age, sexuality, pregnancy and maternity. Although the expansion to these additional equality strands looked positive, the timing of the Equality Act coincided with the election of another strident neo-liberal government and the potential contained in the GED has been eroded successively since 2010. It is, therefore, equally important to understand why the loss of the GED and of what the public sector equality duties hoped to achieve represents, in our view, such a setback for equality, particularly women's equality.

Although the public sector equality duties are a particularly British phenomenon, we argue that the conceptual and political development they represented and their subsequent demise has repercussions for the way that the global struggle for equality is played out. Our analysis is particularly relevant at a time when equality legislation and policy are recognised to be failing, and the organisation of public services and

local government are rapidly changing in the context of global economic crises. Women are the disproportionate casualties of reduced public service expenditure, which threatens to undo much of the work of promoting women's equality in and through public services and local government. The plight of women's equality in UK local government is all the more poignant because the introduction of the GED in 2007 seemed to herald the next positive phase in promoting equality for women as users and producers of public services. Instead the current economic outlook for public services and for women in developed and developing worlds looks bleaker than at any time since the post-war period.

The GED and other public sector equality duties share many of the characteristics of reflexive legislation (Fredman, 2001; McCrudden, 2007; Hepple, 2011). The concept of reflexive legislation has its roots in theories of evolutionary law developed by US academics (Nonet and Selznick, 1978; 2001) and reflexive law in Europe (Teubner, 1983). Nonet and Selznick propose an evolutionary spectrum, in which legislation moves through phases of development from restrictive to autonomous and eventually to responsive law. Restrictive law is coercive, designed to protect the individual pursuit of private interests and therefore benefits powerful elites. Autonomous law represents greater legal intervention required by the development of welfare states to regulate markets and provides a legitimising function which can be lost in restrictive law. Autonomous law simply separates substantive and procedural aspects of the law with the judiciary controlling the procedural whilst powerful polities still control the substantive. The autonomy of the law is still therefore partial. In contrast, the role of responsive law is to redistribute power by allowing for greater participation of those who will be affected by the law, making it more democratic (Selznick and Cotterrell, 2004); a quality we argue was intended to be a defining feature of the public sector equality duties.

Building on the work of Nonet and Selznick, Teubner (1983) develops the concept of reflexive law, arguing that such legislation requires a consideration of the interplay between the law and changing social structures. Teubner describes reflexive legislation as seeking to "...design self-regulating social systems through norms of organisation and procedure. Reflexive law, unlike formal law, does not accept 'natural' subjective rights. Rather, it attempts to guide human action by redefining and redistributing property rights." (1983: 254-5). These theories have largely been

gender neutral but they have some resonance with feminist arguments, that the state has both coercive and liberating potential, which we draw on throughout the book. Interestingly Nonet and Selznick argue that responsive legislation, because it redistributes power, is risky for state elites, which holds some further resonance with our analysis of the political reaction to the GED and its successor the public sector equality duty. Our research, therefore, provides a rare empirical study of these theoretical dynamics as they relate to women's equality work in the local state to implement the GED.

### **Research methodology**

The research study that forms the core of this book, funded by the British Academy, set out to investigate how the GED was being implemented in five local authorities in England<sup>1</sup>. Each local authority was unique, in terms of geographical location and history, political administration, development of operational strategy for implementing equality policy, history of feminist organising, and at a different stage of implementation of the GED. We were interested in how equality practitioners had engaged with changing political and economic contexts to develop strategy and practices for promoting equality. More specifically we investigated the structures and drivers that had been used to implement the GED within local authorities, the key actors and formal and informal processes through which gender equality was negotiated, along with the interpretive/policy instruments and knowledge resources from which they drew. Our aim was to contribute to feminist research on how women's and gender equality could be advanced in, through and sometimes against the local state. Our research methods consisted largely of qualitative interviews with a range of actors (an elected member, senior executive officers, service delivery managers, trade unionists, equality officers, voluntary sector activists) who were engaged at a number of levels with the implementation of the GED in each of our case study authorities. We supplemented this data with documentary analyses of equality schemes and policies drawn up in relation to the GED. The book places our empirical research in its lived historical context and Chapter 4 draws on oral history interviews conducted by Margaret Page with equality activists working in the local state and beyond in the 1980s and 1990s.

Equalities advisors within the case study organisations viewed the research as a timely opportunity for more in-depth discussion of the likely impact of a single

equalities approach and provided access to key personnel and documents to inform the research. However, since the research was completed, reorganisation and cuts in funding have led to the disbanding of two of the equality units, while the future of the third was uncertain. Regional equality networks in the fourth case study have lost their funding. This loss of resource in the form of knowledge and experience of practice and strategy for promoting equality and implementing legislation raises serious concerns and questions about the future.

Feminist activism is the focus of this book, but we recognise that feminism is not a unitary concept. The labels of radical, socialist and liberal feminism have been used, mostly by academics, to distinguish different feminist approaches. We utilise and explore these distinctions throughout the book. Interestingly, in the course of our research all of the women and some of the men we interviewed described themselves as feminists without feeling the need to locate this within a particular approach. We support arguments that the distinctions between different feminisms are often blurred when feminism is put into practice. None-the-less if we, as academics, were to label our feminism, it would fall closest to socialist feminism. In our view world-wide feminist struggle cannot be separated from the economic context of capitalism and political context of neo-liberalism. This is not to say that what happens between women and men within the private sphere is unimportant, but this too, we argue throughout the book, is influenced by the economic and political most often via differentiated intervention by the state .

Although as authors we share a similar feminist perspective, we bring experience and scholarship from different back grounds. Margaret Page brought to the research project her memories of doing equality work in local government a variety of different roles during the period preceding the research study. She had been one of the first two women's equality advisors in a women's unit in a Left Labour London local authority in the 1980s, and had experienced the difficulty of negotiating contested visions for transformative change that informed equality work at that time. As co-author and researcher she wanted to find a way of writing that captured how equality practitioners had actively engaged with changing contexts in their strategies and practices, and the values, aspirations, and passions that inspire and constrain equality work. Hazel Conley's experience is grounded in working-class politics and socialist-feminist activism in the trade union movement. As a researcher her interests have

concerned the multiple roles of the state, but particularly as the major employer of women. Her more recent work has focused on equality legislation, particularly the GED and Public Sector Equality Duty, as both barrier and enabler for feminists and trade unionists.

Our methodological approach, inspired by feminist action inquiry (Reason and Bradbury, 2001; Maguire, 2001; Marshall, 1999) enabled us, within the research and through the co-authoring process, to adopt a critical and reflexive stance towards experiences of promoting women's equality that we brought to the research. As co-researchers we travelled to and from jointly held interviews and responded differently in the moment to what we saw. Conducting the field work together stimulated lively dialogue between us that informed our conversation with research participants, within interviews and informal discussions, as we each spoke from experiences in activist and professional roles that were located in different temporal and political contexts. This dialogue has continued into our co-authoring, as we discuss and analyse reports on the impact of austerity measures and of proposed welfare reform on women, the use of the equality legislation by activists and local strategies for resistance. A core strand of inquiry has been our conceptualisation of feminist struggle in relation to the local state. 'In and against the local state', a term first coined by the London Edinburgh Return Group in 1979, captures the outward facing stance which emerged from the first initiatives to mobilise state power to promote women's equality in the 1980s. Newman's (2012) concept of 'working the spaces of power' refers to how women who had entered politics and positions of power following the marketisation of public services, and accompanying changes in accountability and governance, were able to hold the tension between their vision of feminist equality and organisational accountabilities and values. What metaphor would adequately capture the project of mobilising state power to promote and protect gender equality in a context of neo-liberalism and concomitant movements for citizen and gender empowerment? This question goes to the heart of the dialogue we have maintained throughout our research and are taken up within each chapter of our co-authored text.

Our research and co-authoring partnership is grounded in a shared stance of feminist activism and the analysis we develop draws from feminist research in social policy, organisation studies, sociology and industrial relations. As co-authors we held two lenses in our approach to the research and the analysis of the data. The first was an

inquiry into how the legislation, the GED, might take forward the struggle for gender equality in local government. Alongside this was an inquiry into how practitioners were interpreting the GED, within a changing political context. These two lenses were grounded in our distinctive experiences of holding in tension activism, our institutional loyalties and allegiances, and the methodological and disciplinary frameworks that we each brought to the research and co-authoring. In each of these our stance is one of aspiration for a transformative approach to gender equality work in local authorities, while asserting the need to hold open radical scepticism for its potential, in any specific context.

### **The book**

The book begins with the theoretical context of our research on gendered social relations in welfare states generally and the local state specifically before moving on to the presentation of our empirical data in Chapters 4 and 5. Our concluding chapter considers our research findings and the prospects for transformative feminist activism in the context of economic austerity.

Chapter 2 introduces the key themes that are explored in greater detail throughout the rest of the book. It examines gendered social relations at the level of the welfare state as the conceptual site of public service provision. The chapter takes an international perspective and emphasises how political choices, rather than economic disasters, affect women's lives in particular ways. Feminist theory has traditionally distinguished between the coercive state that reinforces male breadwinner models of the family that disadvantage women and the liberating state where social policy and legislation are used to defamilise (Lister, 1994) structures that lock women into the 'private sphere'. Whilst we argue in the following chapters that the distinction between the coercive and liberating state is blurred because the coercive power of the state is necessary to realise its liberating potential, we also argue that in either its coercive or liberating mantle the state treats women differently to men and some women differently to others. This is a fundamental social relation that is obscured by equality discourses where women as a distinct social category are often absent. In addition we have emphasised feminist arguments that identify other dimensions to the politics of difference relating to ethnicity, religion, sexuality, marital status, age, disability, citizenship and place of birth, which determine how the state relates to women. We argue that whilst the tensions between the coercive and liberating state



have provided a space for feminist activism to develop both locally and internationally from within and outside of the state, the politics of difference has added a complexity to organising that has not been easy to translate into strategy and is an on-going challenge for feminist movements.

In Chapter 3 our theoretical focus moves to the local state to investigate how the research debates presented in Chapter 2, on the history of feminist engagement with welfare and public services, have been taken up in the specific context of feminist equality practice in local authorities in Great Britain. The chapter provides an historical account, drawn from feminist research, of how feminist activists in Great Britain have worked 'in and against the state' to develop public services that benefit women during the first decades of women's and gender equality work, beginning in the 1980s and ending with the introduction of the Public Sector Equality Duty in 2010. It demonstrates that in its first phases, the vision for women's equality within public services was firmly located within broad Leftist alliances to extend local democracy. The practices that were pioneered broke new ground in developing institutional structures and processes to promote the participation of women from a wide range of backgrounds in the governance, design and delivery of public services. We show that in the face of political adversity, feminist equality practitioners engaged strategically with a changing political landscape in which modernisation and marketisation were political ideologies used by both Conservative and Labour governments to restructure the organisation and ethos of public services. The chapter focuses on the architecture that equality practitioners developed to embed equality legislation within the political and management structures of local government and public services and analyses how modernisation of the local state led to shifts in the rationale for doing equality work from 'municipal feminism' to a justification predicated on a business case. The GED emerged from this seemingly inhospitable political context as a glimmer of hope for feminist activists and the chapter considers its short but promising history before charting its incorporation into a weakened form in the Equality Act 2010. The chapter offers a conceptual base and a context for the two chapters that follow, where we present research findings that investigate dilemmas and challenges experienced by equality practitioners as they reflect on their lived experiences of doing women's and gender equality work, attempting to harness

the coercive power of the state for the benefit of women, prior to and during the implementation of the GED.

In Chapters 2 and 3 we discuss the potential and risks of harnessing state power to promote women's equality and how these highlight the inevitable tensions between feminist movement aspirations and state administrations nationally and locally. In Chapter 4 we begin our empirical investigation of the risks and opportunity that came with the contested nature of equality work, the collective vision, passion and resilience required to sustain it, and how this both supported and placed its own limitations on what was essentially a collaborative political project.

The chapter presents the findings of a co-inquiry with feminists who in a variety of roles were actively promoting gender equality in Left Labour local authorities during the moment of municipal feminism in the 1980s up to implementation of the GED in 2007. The participants reflect on the transformational feminist stance that inspired their gender equality work, the political tensions and conflicts they negotiated and the strategies and practices they developed. Their narrative brings to life the conceptual discussion of risk and opportunity of feminist engagement with the local state in Chapters 2 and 3. While based on memories that were partial and specific, they affirm the contribution that women's and gender equality work made to the development of an extended local democracy in which women in diverse local communities played an active part, and in which resources were directed towards services to meet women's specific self-defined priorities. This chapter shows that while women's equality work in these early decades prefigured in many ways the business case and 'customer focus' that was introduced as part of the modernisation of public services, it differed in its radical challenge to gender relations. Re-imagining gender equality, and engaging with the politics of difference, was at the core of the vision of the early women's equality work. We show in Chapter 5 how this vision developed in the transition from politically driven to business discourses of equality.

Chapter 5 presents our analysis of the empirical data that is at the core of our research project. In it we investigate the potential of state power, in the form of the GED, to promote transformational agendas for gender equality in the local state. In five case studies we analyse accounts from a range of local authority personnel and independent activists on the strategies and practices they have developed to

implement the GED in the local state. We analyse the dilemmas they experienced and achievements they describe. A core theme is how practitioners worked the relationship between transformational vision, located within feminist organisation and socialist democracy, and predominant neo-liberal business practices and equality discourses.

The research findings confront us with a paradox: the GED has enabled equality practitioners to develop mechanisms for embedding legal compliance and reward systems for promoting gender equality within business practice in local authorities, but independent feminist and community based organisation of the previous period has faded. Within local authorities, the predominant equality discourse is liberal and generic and gender equality is often interpreted as equivalence of need between men and women. The focus of gender equality work is on internal systems for mainstreaming gender equality into corporate and service based management processes, supported and encouraged by national benchmarking systems. The stance of equality advisors was no longer adversarial 'in and against the state' but closer to being 'tempered radicals' (Meyerson and Scully, 1995), with loyalty to both their organisation and to feminist goals of women's equality. In the five case studies participants speak of strategy and practices they had developed to work the interface between feminist equality and neo-liberal discourses of equality, to negotiate legal, political and institutional accountabilities. The case studies demonstrate the precariousness of feminist achievements in a period of changing political administrations, restructuring and cutback in resources for equality work. The chapter marks the end of a period where there was a fit between explicitly feminist agendas and socialist political institutions committed, however inadequately, to a transformative equality project within the local state. We return full circle to reliance on political networks to defend institutional mechanisms and forms of promoting equality that have been developed, in the context of radical change in the governance and resources available to the local state.

In our final chapter we return to 'the dream' of gender equality; the utopian imagination in feminist activism that drove the early phase of equality work within and against the local state. Drawing on the work of post-structuralist and socialist feminists, we consider these arguments in relation to the politics of difference. We continue the theme of intersectional coalition building and what this might mean in

relation to moving beyond building single utopias in the local state. The chapter returns to the metaphor with which the book began, ‘harnessing’ the coercive power state for liberatory purposes to promote women’s equality in the local state. We reflect on how we might describe feminist engagement with state power and institutions in the context of austerity, rising social divisions and inequalities. We consider the challenge to neo-liberalism from emerging social movements, new forms of feminist activism and how far reflexive legislation might be a force for transformational change.

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<sup>1</sup> The Duties are different in Scotland, Wales and Northern Ireland (see Chapter 3)