



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

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### **Report Analysing Intersectionality in Gender Equality Policies for the United Kingdom and the EU**

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## **Contents**

- 1. Introduction**
- 2. Questions about intersectionality and gender equality from the literature**
- 3. Intersections in equality legislation and machinery**
- 4. Intersections in non-employment policy**
- 5. Intersections in intimate citizenship**
- 6. Intersections in gender-based violence**
- 7. Civil society**
- 8. Comparisons and discussion**
- 9. Conclusions**

## 1 INTRODUCTION

This report addresses the nature and implications of the intersection of multiple inequalities for the quality of gender+ equality policies. It considers how inequalities and their intersections are conceptualised; the extent to which context matters in the (re)production of inequalities; whether taking intersectionality into account changes what is meant by gender equality; and what attention must be paid to other structural (in)equalities in the making and implementing gender equality policies.

The report starts with a brief review of the way that questions concerning the implications of intersectionality for gender equality policies have been posed and addressed in the literature. The report identifies the main inequalities that have been understood to intersect with gender inequality in UK policy. The various meanings of intersectionality that are used in this field are identified. This section investigates the relative significance of intersecting inequalities in the UK that are most relevant to the four policy areas. It asks about the meaning of intersectionality and the range of terms that indicates it.

The evidence to answer these questions is drawn from the material in the issue history, country context study and the documents selected for detailed analysis. It uses the summary coding of the documents, presented at the end of the LARG country reports. This means that the concept of 'significance' rests primarily on the presence of these terms in the documents.

This analysis is conducted separately for the equalities machinery and legislation, non-employment, intimate citizenship and gender-based violence. The implications of intersectionality for gender equality policies within these four arenas are separately identified. A further section addresses the role of civil society. Final sections compare the policy areas and changes in them, discuss their implications and conclude.

## 2 QUESTIONS ABOUT INTERSECTIONALITY AND GENDER EQUALITY FROM THE LITERATURE

The importance of taking intersectionality into account in order to analyse gender equality adequately has become a feminist orthodoxy, although there remain significant differences as to how this should be best achieved (Acker 2000; Anthias and Yuval-Davis 1992; Bhopal 1997; Brah and Phoenix 2004; Carbin and Harjunen 2007; Collins 1998; Davis 1981; Felski 1997; Jakobsen 1998; Lundstrom 2006; Lykke 2004; Medaglia 2000; Mirza 1997; Mohanty 1991; Phoenix and Pattynama 2006; Verloo 2006; Yuval-Davis 2006).

There is a question as to what is meant by intersectionality, since interpretations of this concept are varied in both theory and practice. A second question concerns the diversity of the potential implications of intersectionality for gender equality policies.

What is intersectionality? Analysis and reviews of EU gender equality policy rarely comment on intersectionality, with the apparent implication that it is not a major or integral concern of these policies (Braithwaite 1999; Daly 2005; Lombardo and Meir 2006; Mósesdóttir et al 2006; Verloo 2005). However, it is not unusual to find that groups of the most disadvantaged women have been given special or additional attention in such programmes, though this is rarely labelled as attention to intersectionality (Braithwaite 1999). This means that there must be caution in any conclusion about the absence of consideration of intersectional issues unless this has been investigated using the full range of concepts that overlap with that of intersectionality, for example, 'disadvantaged women' (Braithwaite 1999) and 'vulnerable' women (Department for Communities and Local Government 2007). It is necessary to investigate what is meant by intersectionality and to consider a range of adjacent terms and concepts in order to be fully inclusive of the range of meanings and practices.

What implications of intersectionality? The question is not only whether taking intersectionality into account strengthens gender equality policies, but rather what forms of engagement with intersecting inequalities have better, worse, or simply different outcomes for the quality of gender equality policies (Walby 2007). Issues include:

- Whether outcomes are stronger by addressing simultaneously the multiple inequalities that people may experience;
- Whether outcomes may be stronger as a result of broader coalitions of more numerous actors that are more powerful;
- whether the differences between the forms of inequalities means that attempts to address them using the same equality institutions or machinery will be weaker than if these are treated more separately;
- whether treating different equalities using the same machinery leads to the replacement of the broader concept of mainstreaming by the narrower concept of non-discrimination;
- whether the focus on gender equality is diluted by the attention paid to other inequalities;
- whether the terms and meanings shift away from the explicit naming of gender equality and the terms used in the development and implementation of the policies are degendered;
- whether gender equality becomes merely a tool for other policies rather than an end in itself.

- The goal or focus on gender equality becomes lost, everybody 'else' is doing gender but nowhere is gender the *key* focus; gender is everywhere which paradoxically leaves gender nowhere.
- A disproportionate focus on one inequality rather than another at their point of intersection may make invisible the concerns and priorities of one group;
- A focus on one disadvantaged group at the intersection may be used to stigmatise rather than assist that group.

Are the inequalities sufficiently similar that there could or should be the same legal instruments, and shared governmental institutional mechanisms (Verloo 2006)? Verloo (2006: 214) identifies as concerns: 'the assumed similarity of inequalities, the need for structural approaches and the political competition between inequalities' and recommends the development of an equalities strategy that challenges a 'one size fits all' approach, that addresses the different constitution of inequalities, their interconnections, the potential for competition between them, and the need to go beyond individual to more structural remedies. Verloo argues that the 'one size fits all' approach to address multiple inequalities is based on an incorrect assumption of sameness/equivalence of the social categories connected to inequalities and of the mechanisms and process that constitute them (Verloo, 2007: 211). "Different inequalities are dissimilar because they are differently framed". Policy strategies must therefore be "ground...not only in the similarity, but also the distinctiveness of inequalities" (2006: xx).

Will there be a dilution to the lowest common denominator, losing expertise and focus (O'Conneide 2002)? Are the differences sufficiently great they are best addressed with separate remedies? This question is central to the changing policy architecture around inequality. In order to address it, it is necessary to know not only about legal mechanisms, but also to fully understand what generates the unequal social relations themselves. Implicit in the Commission's (2004) paper is an assumption of ontological similarity of the inequalities, in which the same institutional mechanisms are equally relevant to each. Yet, the EU has led the development of gender equality policies that go beyond shared notions of non-discrimination. For example, narrowing the gender gaps in employment has involved developing policies to facilitate the balancing care and employment, for instance through the promotion of flexible working hours. Such a policy engages with the mechanisms that generate gender inequality within employment in a way that is not reducible to the notion of 'combating discrimination'. In the field of disability, the development of the policy that employers should engage in the reasonable accommodation of disabled workers by minor changes in the physical environment is specific to this field and hardly relevant to other inequalities. This issue requires an in-depth understanding of the constitution of each of the inequalities; their differences as well as commonalities. Does the use of a common rather than distinctive framework within which to address multiple and diverse inequalities tend to lead to a narrowing of the focus to employment, since this is the area where there is legal competence for all of the grounds?

Is the newer and wider ranging equality process of 'mainstreaming' undermined by the renewed emphasis on the older concept of non-discrimination? While combating discrimination was the starting point of much EU policy on inequality, recent developments, especially in gender equality, have widened the range of generative mechanisms beyond that captured by the term discrimination. This is exemplified in the development of the concept

and strategy of mainstreaming in which equality is to be included as a concern in all policy development. But in the search for a common to each of the six grounds, and the apparent assumption of their ontological similarity, there is the repeated use of the term 'discrimination' in the 2004 Commission Green Paper rather than that of 'mainstreaming'. While mainstreaming, which developed in relation to gender, is being applied to ethnicity and to a lesser extent to disability, it has not been extended to the newer grounds of religion, sexual orientation and age. What are the implications of this tension between mainstreaming and non-discrimination for gender equality policy in the context of intersectionality?

Are there significant variations in the actual and preferred meaning of gender equality consequent on the intersection of gender with other social inequalities? Is the notion of a general standard of gender equality (United Nations Convention on the Elimination of Discrimination Against Women, the UN Beijing Platform for Action, the EU) challenged by taking the diversity consequent on intersecting inequalities into account? There is a tension between gender equality meaning sameness, the equal valuation of different contributions and implying a transformative project (Rees 1998), though this dilemma may not extend to all grounds. Does the likelihood of one or other of these three strategic interpretations of the meaning of equality vary by the intersection of gender with other inequalities? How and why does the meaning of gender equality vary between different intersections of gender with other inequalities? Does the shift towards a generic concept of equalities or towards diversity dilute the meaning of equality in relation to gender equality or strengthen it?

Crenshaw (1989, 1991) positions the concept of intersectionality as a way out of the theoretical and political dilemmas of the concept and political practice of identity. Crenshaw first used the concept of intersectionality as a tool to indicate the multiple ways in which the interactions of gender and race limited Black women's access to the American labour market, and how a lack of understanding this intersection lead to the marginalisation of Black women and Black women's experiences (Crenshaw, 1989).<sup>1</sup> The experiences faced by women of colour, Crenshaw argued, were "not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are currently understood" (Crenshaw, 1991: 1244).<sup>2</sup> Accordingly, academic, political and civil societal engagements with the intersections of gender and race/ethnicity has not been sufficiently scrupulous, one identity category is treated as dominant, and others as biased where social power "works to exclude or marginalise those who are different" (Crenshaw, 1991: 1242). Groups at the very intersection of two or more identity categories are left out of focus in both analysis and politics. Concretely, Crenshaw argues that Black women and/or ethnic minority women, or 'women of colour', i.e. a group at the intersection of gender and ethnicity, become marginalised as a group, and their experiences as women of colour biased. They "face limited options of political communities formed either around ethnicity or around gender, rather than political action that engages with the particular difficulties at the intersection".

Where the material permits, these questions are addressed for each of the four policy areas in turn.

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<sup>1</sup> Crenshaw, Kimberlé (1989) Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics. *U. CHL LEGAL F.* 139.

<sup>2</sup> Crenshaw, Kimberle (1991) "Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Colour". *Stanford law Review*, Vol. 43, No. 6 (July 1991), pp. 1241-1299.

### 3 INTERSECTIONS IN EQUALITY LEGISLATION AND MACHINERY

Until recently, equality legislation in the UK has not actively aimed to target multiple discrimination or multiple inequalities. Separate acts deal with gender, race/ethnicity, religion/belief, age, disability and sexual orientation separately. Gender in 1975, race in the Race Relations Act 1965, disability in the Disability Discrimination Act 1995, religion/belief in Employment Equality (Religion or Belief) Regulations 2003, sexual orientation in the Employment Equality Act 2003 and the Equality Act 2007 (goods & services), and age in the Employment Equality (Age) Regulations 2006. Moreover, the legislation on gender, religion/belief, sexual orientation, age and the amended race relations act from 2006 was enacted to implement EU directives based on provisions in the Amsterdam treaty giving member states mandate to protect on other inequality grounds than sex (racial/ethnic origin, religion/belief, disability, age and sexual orientation). The UK legislation targeting inequality grounds is still separated, but a bill is expected in the autumn (2008).

The framing of discussions on intersectionality and gender equality in the UK takes place in the context of a major restructuring of the equality machinery, in which the Commissions responsible for equalities of gender, ethnicity and disability have been merged into a single body that is given the additional responsibility for inequalities of age, religion/belief and sexual orientation.

#### *The machinery up until October 2007*

Until October 2007, there were three separate commissions for gender, race and disability. The Equal Opportunities Commission (EOC) was established by the Sex Discrimination Act of 1975. The 1975 Act, combined with the Equal Pay Act 1970, which came into force in 1975, made illegal discrimination against women in employment. The responsibilities of the EOC were to promote, analyse, monitor and support the equal treatment of all persons with regard to sex. It had powers to assist victims of discrimination to take cases through the courts, to produce and commission surveys and research, to conduct formal investigations, to engage in awareness raising, to launch campaigns and to make recommendations to government. The Race Relations Board was established in the 1965 Race Relations Act, and was transformed into the Commission for Racial Equality in the 1976 Race Relations Act. The 1965 Act made illegal discrimination on grounds of race (or colour, ethnic or national origins) in public places. In 1968 the Act was extended to make illegal discrimination in employment and in the provision of goods and services (which includes housing and education). The 1976 Act made indirect as well as direct discrimination illegal, and provided redress through employment tribunals and courts. The Race Relations (Amendment) Act 2000 places on public authorities a statutory duty to promote racial equality, not merely to avoid discrimination. The Disability Rights Commission (DRC) was established in 2000 (under the 1999 Disability Rights Commission Act).

#### *Multiple inequalities and the pre-2007 equality machinery*

The overall architecture of the equality institutions as outlined above would appear to confirm the view that each inequality was treated as separate, since there are separate institutions for each equality strand for policy development (governmental unit), implementation (Commissions) and consultation (e.g. WNC). However, there are two major challenges to this

assumption of separation of strand activity: first, some institutions were shared between the equality strands; second, the practice of the institutions sometimes included engagement with intersectionalised groups.

First, the implementation of the anti-discrimination law in employment, a key policy instrument for equalities, was contained within a system that had an overarching class logic, since all inequalities shared the same class-led system of specialised employment tribunals where all employment discrimination cases were heard.

Second, the pre-2007 Commissions did not ignore either the additive multiplication of inequalities or intersectionalised groups. In particular, the EOC had specific projects that addressed women in minoritised ethnic groups. The consultation machineries did not ignore intersectionalised groups either. For example, the Women's National Commission had several of its sub-groups and working groups that addressed women in minoritised groups, especially Islamic women.

So, while the most visible part of the architecture of the equalities system that developed between 1965 and 2007 appeared to develop on the basis of addressing separate and increasing numbers of inequalities, this was not the only model utilised. There was an element in which class was treated as the overarching inequality, in the employment tribunal system through which all legal claims about discrimination in employment would pass. There were elements of additive inequality and of intersectionality in the approach of the separate equality Commissions and consultation machineries, when they addressed the additional inequalities and vulnerabilities of specific groups of women at the intersection of gender and ethnicity, and gender and religion.

#### *The creation of the Equalities and Human Rights Commission*

The law making provision for the dissolution of the existing equality commissions and the creation of the new body was passed in February 2006 (the Equality Act) and the 'Equality and Human Rights Commission' was established in October 2007. The Commission has the responsibility to promote equality and human rights as well as good relations between groups.

In her parliamentary statement on the second reading of the Equality Bill, Meg Munn referred to the potential of the new body to attend to the fact that people do not have only one identity or characteristic and it is argued that bringing together the equality strands with human rights will offer protection to the most vulnerable in society (Munn, 2005). With this merger, gender equality is targeted alongside other inequalities as part of a human rights framework. The government White Paper *Fairness For All: A New Commission For Equality and Human Rights* on the establishment of the single equalities body made the case (amongst other arguments) that one body would be more effective in tackling multiple discrimination (intersectionality).<sup>3</sup>

The Equal Opportunities Commission responded broadly supportive of the proposals, including the potential strength of the new body in delivering effectively on intersectional

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<sup>3</sup> Department for Trade and Industry (with Department for Constitutional Affairs, Department for Education and Skills, Department for Work and Pensions, Home Office) (2004) *Fairness for all: a new commission for equality and human rights*  
[http://www.womenandequalityunit.gov.uk/equality/project/cehr\\_white\\_paper.pdf](http://www.womenandequalityunit.gov.uk/equality/project/cehr_white_paper.pdf)



issues. The EOC did however express some concerns. The main areas of concern relate to the adequacy of resources of the new Commission, its remit and powers to tackle gender inequalities (highlighting the impact of inequalities in caring responsibilities), and the need for integrated equality law.

#### *Governmental machinery*

While the Commissions have been merged, the governmental policy units have not been merged. There has been the formation of a new government Department, the Government Equalities Office, which incorporated the former 'Women and Equality Unit' and was established in July 2007<sup>4</sup>, becoming a department in its own right in October of 2007 (GEO, 2008). This addresses gender and sexual orientation, but the units for the other inequalities are still embedded in other government departments: race and religion/faith in Communities and Local Government; disability and age in the Department for Work and Pensions. These are the Departments where the largest policy initiatives relevant to these inequalities are being addressed. This means that Ministerial responsibility for equalities is also divided and dispersed.

#### *Consultation Units*

There are a range of ways in which consultations with civil society are organised by government. These include specialised bodies permanently established to engage in this consultation as well as specific bodies set up to engage in specific consultations.

In the case of gender, there remains a special unit, the Women's National Commission (WNC), to assist in providing this interface. At the point of establishment of the EHRC, there was a light touch review of the WNC; which it survived and the commission has recently been strengthened with additional commissioners, and resources.<sup>5</sup>

#### **Range of meanings**

The range of frames or meanings of gender equality policy requires asking questions such as: What is included and what is excluded in general gender equality policies? This section deals with the framing of gender equality in such policies: what frames are used? Is gender equality an end in itself, or utilised as a means towards some other policy goal? What is that other policy goal? Is gender equality understood as a vision or as a strategy? (Booth & Bennett, 2002). Finally, this section identifies the dominant conceptualisation of gender equality in general gender+ equality policy: equal treatment based on assumptions of the ultimate sameness of women and men; the equal valuation of different contributions by women and men; or the transformation of gender relations (Rees 1998; Verloo 2005; Walby 2005). The explicit aim is the capture the range of meanings of gender equality in general gender equality legislation and machinery, thus contributing towards the larger question: what is the meaning of gender equality?

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<sup>4</sup> Number10.gov.uk (2007) 'Written ministerial statement on machinery of government: equalities office 26<sup>th</sup> July 2007', available at:

<http://www.number-10.gov.uk/output/Page12689.asp>

<sup>5</sup> <http://www.equalities.gov.uk/news/prpage16.htm>

**Table 1: Framing in legislation and machinery: analysis from LARG reports**

Legislation

| <b>FRAMING</b> | <b>Equality</b> | <b>Human Rights</b> | <b>Economic Dev.</b> | <b>Cap/well -being</b> | <b>Crime &amp; Justice</b> | <b>Health</b> |
|----------------|-----------------|---------------------|----------------------|------------------------|----------------------------|---------------|
| Law            | Sole            | -                   | -                    | -                      | -                          | -             |
| Policy         | Major           | Marginal            | Minor                | -                      | Marginal                   | Marginal      |
| Debate         | Significant     | Marginal            | Significant          | Marginal               | Marginal                   | -             |
| Civil society  | Major           | -                   | Significant          | -                      | -                          | -             |

Machinery

| <b>FRAMING</b> | <b>Equality</b> | <b>Human Rights</b> | <b>Economic Dev.</b> | <b>Cap/well -being</b> | <b>Crime &amp; Justice</b> | <b>Health</b> |
|----------------|-----------------|---------------------|----------------------|------------------------|----------------------------|---------------|
| Law            | Major           | Major               | -                    | -                      | -                          | -             |
| Policy         | Marginal        | Marginal            | Major                | -                      | -                          | -             |
| Debate         | Significant     | Significant         | Significant          | -                      | -                          | -             |
| Civil society  | dominant        | Marginal            | Marginal             | -                      | -                          | -             |

*Inclusion-Exclusion*

The key areas covered by the general gender equality legislation, as provided by the governmental gender equality unit in Britain, show how the scope of issues is broadening (see the UK Country Context study). However, gender+ equality legislation and policy predominantly focus on employment related issues such as equal pay, non discrimination in the labour market, parental leave, pensions and flexible working hours (WEU, 2007; Country Context) and here, the impact of the EU on UK legislation becomes visible (Strid, Armstrong & Walby, 2007b). The general gender equality legislation originally included the two 1970s acts implemented to transpose EU directives on Equal pay: the Equal pay Act 1970 and the Sex discrimination Act 1975. The two acts enforced equal pay for men and women for equal jobs, and prohibited sex discrimination in employment in relation to pay and working conditions (Women & Equality Unit, 2007). In 1999 the Sex discrimination regulations broadened the inequality grounds to include not only the gender ground but also gender reassignment and transsexuality. Policy wise, legislation was still limited to employment related issues. From 2002 and onwards, the legislative grounds slowly broadens, but the real change appears around 2004 when both more inequality grounds are included, and the policy area covered by the gender machinery expands beyond employment. Most notably, sexual orientation and gender based violence become included into general gender equality, albeit sexual orientation more so than gender based violence (Strid, Armstrong & Walby, 2007b).<sup>6</sup>

<sup>6</sup> Employment Equality Act (sexual orientation) 2003 prohibits discrimination on grounds of sexual orientation; the Domestic violence act 2004 includes breach of non molestation order as a criminal offence; makes common assault arrestable offence, police no longer need a warrant and gives same sex cohabiting couples rights in relation to domestic violence. the Civil partnership act 2004 gives civil partners' rights similar to married couples (exception in survivors pensions at the time, no exception anymore). The Gender recognition act 2004 regulates rights in parenthood, social security benefits etc. for gender reassigned people. Employment and gender is however is still in focus, and a major change in parental, paternity and maternity leave is being handled by the Women & Equality unit by the 2006 Work & families act. One year late, the broadening in area, inequality is full when the Equality Act 2006 establishes Commission for Equality and Human Rights, discrimination in goods & services, gender duty on public bodies

### *Meanings*

The terms used in general gender equality policies to denote gender equality range from human rights, anti-discrimination, protecting the most vulnerable, equal opportunities and fairness. Equal opportunity is predominantly present in legislation and policy documents concerning the legal framework, whereas the human rights discourse is dominant in the area of the gender machinery.

The main framing/meaning of gender equality in the policy documents in this area is equality and equal opportunities, implying that gender equality, ethnic equality; religious equality and so on, could be to be understood as individual's having equal opportunities towards something. It is not necessarily 'real' equality, i.e. outcome oriented and empirically measurable outcomes that are in focus, but the opportunity, the possibility, the capacity, to equality and the very process of equality. The end result, the goal, is something else. Gender equality as equal opportunities reflects a liberal ideology and its reluctance towards state intervention in citizens' lives. Equal opportunities guarantee a minimum equality as a point of departure, how citizens make use or utilise the equality of opportunity is not for the state to interfere with.

In addition to the process of streamlining, a major issue has been the shift from a passive duty not to discriminate on the grounds of gender, to an active and positive duty on public authorities to promote equality between women and men. The 2006 Equality Act creates a statutory duty on all public bodies/authorities to actively promote gender equality.<sup>7</sup> A similar general statutory duty on public bodies to not only eliminate unlawful racial discrimination but to and promote equality of opportunity and good relations between persons of different racial groups was already in place since the Race Relations (Amendment) Act 2000.<sup>8</sup>

### *Conclusions:*

Gender equality is mainly interpreted as having two distinct and separate meanings in this area: Equal opportunities and general equality (both underlining individual, liberalism, non-state interference). While the collection of documents analysed under legislation frames gender equality mainly as equal opportunities, the collection of documents analysed under gender machinery uses a different framing, that of a general concept of equality – not necessarily gender equality.

Simultaneously, gender equality is predominantly understood as a means towards some other policy goal rather than as an end in itself. Gender equality legislation positions gender equality slightly more as a strategy rather than as a vision, and that strategy is equal treatment. The vision is sameness. Vision is never seen as difference. In sum, the vision of sameness is to be realised through a strategy based on equal treatment. The analysed documents on the gender machinery do however position gender equality quite differently: here, gender equality is a vision, not a strategy. The vision is transformation.

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<sup>7</sup> See *Equality Act 2006* at [http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga\\_20060003\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf)

<sup>8</sup> *Race Relations (Amendment) Act 2000*, chapter 2 paragraph 1.  
[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000034\\_en\\_1#pb1-1g2](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000034_en_1#pb1-1g2)

*Intersectionality*

In the UK policy context, intersectionality, or multiple discrimination grounds, encompass gender, ethnicity/race, marital/family status (not a legislative ground, but frequently mentioned as an inequality) class, sexual orientation, age and to a marginal extent religion/belief. All these inequality grounds are based in specific legislation, with the exception of class and marital status. The inequality grounds are thus treated in separate pieces of legislation, but not in machinery, policy or civil society texts. There is however an attempt to streamline the legislation as well so that a single equality law would encompass all inequality grounds.

**Table 2: Intersectionality in general Gender Equality Law (GL) and Gender machinery (GM)**

| Intersectionality | Ethnicity | Religion | Class | Sexual orient. | Age   | Disability | Marriage/ family status | Nationality/ migrant status |
|-------------------|-----------|----------|-------|----------------|-------|------------|-------------------------|-----------------------------|
| GL-Law            | -         | -        | -     | -              | -     | -          | -                       | -                           |
| GL-Policy         | Major     | -        | Minor | Major          | Minor | Minor      | -                       | -                           |
| GL-Debate         | Minor     | -        | Minor | -              | -     | -          | Minor                   | -                           |
| GL- Civil society | Minor     | Minor    | Major | -              | -     | -          | -                       | -                           |
| GM-Law            | Minor     | Minor    |       | Minor          | Minor | Minor      | Minor                   | Minor                       |
| GM-Policy         | Minor     |          | Minor |                |       |            |                         |                             |
| GM- Debate        | Minor     | Minor    |       | Minor          | Minor | Minor      |                         | Debate                      |
| GM-Civil society  | Minor     | Minor    | Minor | Minor          | Minor | Minor      | Minor                   |                             |

*Intersectionality is named in various ways in*, but the term intersectionality as such is rarely used in legislative documents, governmental policy documents, parliamentary debates or civil society texts. The most frequently used terms to denote intersectionality include: multiple discrimination, interacting inequalities, multiple identities, multiple characteristics, multiple disadvantages or simply inequalities/ equalities. There is a range of terms that might indicate intersectionality. The framing of problem and target group in the diagnosis contain various groups at the points of intersections, e.g. barriers experienced by women from particular minority ethnic groups, Muslim women, low-income families, black and ethnic minority women, worklessness, child poverty, lone parents low-income families, links between motherhood and single mothers, part-time low paid work and women's poverty in older age, honour killings, honour crimes, culturally specific crimes, female genital mutilation, communities; honour killings, cultural background, communities, and culture.

Policy developments run parallel to theoretical developments of the concept and understanding of intersectionality: the existence of multiple types of social inequalities is well established and empirically documented but the inclusion of multiple inequalities remains largely a sub discipline in academia. Public policy identifies multiple inequalities, and the multiple disadvantaged suffered as a political problem. Nevertheless, a majority of policy instruments target each inequality ground separately and seem to ascribe a specific set of policy instruments to a specific inequality ground (gender: increasing women's employment, combating the gender pay gap; sexual orientation: equal partnership rights for gay and lesbians; age: pensions etc.)

In the texts analysed the intersection of gender with other inequalities is minor, and the most commonly intersecting equality strand is ethnicity and class. The inequality grounds are mainly approached as separate grounds. This does however not mean that inequality grounds other than gender are not present in the policy documents – quite the opposite. Nor does it mean that the importance of understanding the intersection of inequalities is unrecognised. Rhetorically, intersectionality plays a major role in UK policy documents. The problem is that there seems to be little understanding of how to make and implement policy to take intersectionality seriously. Problem statements refer to intersecting inequalities, and the lack of coherent legislation and policy targeting multiple discrimination, but objectives and policy actions appear to do little to target groups at the intersections.

The point to be raised is that the inequalities are not treated as intersecting and constituting multiple disadvantages, they are treated as different grounds and targeted in singular ways. Programmes to be implemented to target multiple discrimination or multiple inequalities rarely exist. A multiple number of programmes targeting inequality grounds separately do however exist. The one exception to this is programmes targeting ethnic minority women, and programmes targeting lone mothers.

### **Implications of intersectionality in general gender equality legislation and gender machinery**

#### *Moving towards single equalities: streamlining of legislation*

Policy is seemingly moving towards simultaneously targeting a range of inequalities. In the recent years, a number of governmental policy documents (Towards Equality and Diversity, 2001; DTI 2002; Home Office 2004; The Equality Review, The Discrimination Law Review) have increasingly identified multiple inequality grounds as a problem, and the need for social groups suffering multiple inequalities to be supported. Further, single equality legislation has been announced and a consultation carried out (Discrimination Law Review). The establishment of a single equalities body in 2007, the Equality and Human Rights Commission marks the most recent policy instrument towards the targeting and combating of multiple inequalities. What does this mean for gender equality? Which multiple inequalities are included and seen as significant? How do they intersect? Again, it is too soon to comment but it is worthwhile considering the following statement:

*“often the things that work to remove barriers for one groups of people will work elsewhere”*  
(CEHR, 2006)

This optimistic ‘one size fits all’ view of one can be contrasted with the argument of Verloo (2006; 2007) and others who propose that this is unlikely to be the case.

There is also the question of the motives underlying the integration of the legislation. While having so many different pieces of legislation is unwieldy and confusing, and there would be benefits to those trying to implement and follow the legislation, civil society groups will be keen to ensure that streamlining does not mean diluting the existing legislation.

Given the relatively new equalities machinery, it is difficult to comment upon the implications in terms of both the extent to which the body attends to intersectionality, and in terms of the impact on gender equality policies. It is possible that the motives for such a move may be to

be skewed in the direction of cost-cutting or reducing 'administrative burdens' (GEO 2007; 2008) rather than being concerned with more adequately addressing intersecting equalities. In relation to the equalities legislation, the new bill is eagerly awaited- and has been for some time.

*Some concerns around the inclusion of intersectionality in policies*

It could be assumed that the inclusion of intersectionality is positive in terms of the quality of gender equality policies. The more inequalities considered, the better; the more the category 'women' is differentiated to take into account differences according to ethnicity/race, dis/ability, social class, religion, age, and sexuality the better. However, is this always the case? As noted above, there are concerns over the integration of equalities machinery.

Various scenarios are possible: It may be that in an attempt to tackle cases of inequality on multiple grounds, there is a dilution of strand specific expertise that is developed over time; It is also possible that some strands take precedence, though at the same time it could be that other interests such as those of 'business' come to take priority; An attempt to reach all the goals- of equality, rights and good relations- may place in jeopardy attention to the more contentious points or 'hotspots' that (maybe inevitably) arise when trying to reach some consensus across the equality grounds. Some civil society groups (e.g. WNC) expressed reservations around the setting up of a single body in relation to the potential conflicts between gender and religion for example.

One of key arguments put forward for the new single body was (as well as providing institutional support for those strands without – religion, age and sexual orientation) that it would be able to tackle multiple discrimination in a way that the existing commissions could not. Though how far this was the case is questionable, given that for example, the Equal Opportunities Commission did take into account differences amongst women, particularly in its later work.

It is also argued in the policy paper that a single commission can pursue a more coherent approach. But coherence depends arguably on having agreement on goals, implying consensus on definitions of for example what constitutes gender equality? It will be interesting to monitor over the longer term whether indeed there is a loss of impetus with regard to challenging wider gender inequalities?

Whilst there is some evidence of the Commission working to challenge inequalities in areas other than employment and care work (e.g. with its support for Southall Black Sisters and the report, published with the End Violence Against Women coalition *Map of the Gaps*). Whether this attention to violence against women will be sustained over the long-term and seen as key by the Commission in working towards gender equality remains to be seen.

There is also the question of whether the influence of the capabilities approach, as evidenced in, for example, the *Equalities Review*, will have consequences for the broader agenda of the Commission.

Given that the EHRC has been established for less than a year, it is difficult to assess what the implications of having such an integrated body are for gender equality as compared with the earlier single strand machinery. Some limited conclusions can be drawn:

In terms of the potential, it could be argued that in theory at least, the scope of an integrated body to 'do intersectionality' is better than that which could be achieved when strands each have their own body, if only for practical reasons.

It is also obviously preferable for those strands previously without such a body have their interests represented.

A further barrier to making an assessment concerns the criteria to be used; beyond those already established which relate more to the strength of such bodies, how can the quality of the machinery be judged? This question in itself is worthy of research and would, if the answer were to be singular, rest on some level of consensus regarding what is 'progress'.

Perhaps the optimistic scenario is that sufficient consensus can be forged to move forward on challenging all inequalities and to combine insights from across strands, without becoming sidelined by conflicts, overtaken by 'business objectives' (cost-cutting and reducing administrative burden) or forcing false comparisons across strands that are differently constituted.

## 4 INTERSECTIONS IN NON-EMPLOYMENT POLICY

### Introduction

The area of policy here described as non-employment concerns the tax-benefit system, care-work, work-life balance and equal treatment. In the UK context the primary policy drive in these areas is that of making work pay. This has implications for those groups, often but not always specific groups of women at the intersection with major social divisions, who have traditionally been seen as legitimately not employed.

A major aim of Labour's welfare reform has been to ensure that the option of employment, whether low paid or not, is always preferable financially to not working. At the same time as the restructuring of the tax-benefit system, New Labour introduced the National Minimum Wage which, as well as concerned with justice, also ensured that employers would not take advantage of the new system to pay lower wages. The focus has been on getting various target groups back into employment by making work pay. This has involved a series of 'New Deal'<sup>9</sup> labour activation policies which have widened in scope to apply to those groups who were previously 'legitimately non-employed' e.g. older workers, lone mothers, and disabled people. While these initiatives have been cautiously welcomed by some groups, concerns have been expressed by, for example, one parent family NGOs and disability groups, which have objected to the increase in the coerciveness of the policies.

A further important area has been the reform of the pensions system in the UK to ensure that there is recognition of the unpaid care work of women who have taken time out of the labour market so that they are not penalised upon retirement. This has involved extensive lobbying by women's groups such as the Women's Budget Group, the Fawcett Society and other NGOs including Age Concern.

In relation to care work the main issue has been lobbying by various actors to increase provision of childcare, with the UK lagging behind other EU member states in provision. There has also been a strong coalition in support of greater provision of childcare, with trade unions, NGO's and semi-state actors such as the Equal Opportunities Commission arguing that childcare is a crucial element enabling women's engagement in paid work. The organisation of childcare within the UK is mix of public (through nurseries attached to schools) and private provision<sup>10</sup> (where parents paying for formal child care are reimbursed through childcare tax credits). The issue of elder care has become increasingly visible, and is likely to become more prominent if government continues to promote employment amongst older individuals (given the key role of older women in providing informal and unpaid care, Gray 2005<sup>11</sup>).

In terms of the reconciliation of work and family life, the key issues are maternity, paternity, adoption and parental leave<sup>12</sup>, and 'flexible' working hours (and length of working hours). The DTI ran a 'work-life balance' campaign in 2000<sup>13</sup> and over the period covered by QUING there

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<sup>9</sup> <http://www.dwp.gov.uk/working/newdeal.asp>

<sup>10</sup> [http://www.direct.gov.uk/en/NI1/Newsroom/DG\\_10038080](http://www.direct.gov.uk/en/NI1/Newsroom/DG_10038080)

<sup>11</sup> Gray, Anne. 2005. The changing availability of grandparents as carers and its implications for childcare policy in the UK *Journal of Social Policy* 34 (4):557-577.

<sup>12</sup> [http://www.guardian.co.uk/uk\\_news/story/0,,400697,00.html](http://www.guardian.co.uk/uk_news/story/0,,400697,00.html)

<http://www.guardian.co.uk/guardianpolitics/story/0,,374164,00.html>

<sup>13</sup> <http://www.dti.gov.uk/ministers/archived/johnson200901.html>



has been the gradual transposition of EU Directives into domestic law through series of Acts with phased implementation. There has been support for improved conditions of leave from trade unions, the EOC and women's / parents' groups and opposition from employer bodies such as Confederation of British Industry. The working time directive in particular has met with resistance from employers in the UK.

In addition, the EOC, women's NGOs and trade unions have continued to lobby on the long-running issue of equal pay. In the UK there continues to be a large gender pay gap (Olsen and Walby 2004<sup>14</sup>) despite the Equal Pay Acts (1975 and 1984). Over the period there have been several landmark court cases and unions, women's organisations, and the EOC have worked to raise awareness of the significance of the issue. One of the key matters under dispute is that of the voluntary nature of the Equal Pay Reviews- with employers' bodies arguing this is sufficient and the Equal Opportunities Commission and unions wanting to make these audits compulsory. The issue of equal pay is of central importance in considering non-employment given that it influences whether and to what extent women are employed and impacts upon pensions in the longer term (as well as having implications for UK productivity).

### **Range of meanings of gender equality**

The following section addresses the meaning of gender equality in non-employment and asks what the general coverage of non-employment is: what is included and what is excluded? What is the framing of gender equality in non-employment policies? How is gender equality approached in non-employment policies; is gender equality an end in itself, or utilised as a means towards some other policy goal? What is that other policy goal? Is gender equality understood as a vision or as a strategy? (Booth & Bennett, 2002). Finally, this section identifies the dominant conceptualisation of gender equality in (non)employment: equal treatment based on assumptions of the ultimate sameness of women and men; the equal valuation of different contributions by women and men; or the transformation of gender relations (Rees 1998; Verloo 2005; Walby 2005).

The most frequent framings used in the documents were equality followed by economic development. The frequency of equality as a framing is partly due to the inclusion of the gender pay gap as a sub-issue (where an equality framing would be expected), also the use of equality as a broad framing did not necessarily include a focus on gender (as in the issue of childcare where a large focus is on equalising outcomes amongst children, and in the issue of tax and benefits where one of the aims is full employment to alleviate poverty).

**Table 3: Framing in legislation and machinery: analysis from LARG reports**

|                     | <b>Equality</b> | <b>Human Rights</b> | <b>Economic Development.</b> | <b>Cap. /well being</b> | <b>Crime and justice</b> | <b>Health</b> | <b>Other</b> |
|---------------------|-----------------|---------------------|------------------------------|-------------------------|--------------------------|---------------|--------------|
| <b>Tax benefits</b> |                 |                     |                              |                         |                          |               |              |
| Law                 | Major           | Major               | -                            | -                       | -                        | -             | -            |

<sup>14</sup> Olsen, Wendy and Sylvia Walby (2004) 'Modelling gender pay gaps'. EOC Working Paper.

|                              |                   |          |                  |                      |   |       |                       |
|------------------------------|-------------------|----------|------------------|----------------------|---|-------|-----------------------|
| Policy                       | Significant       | -        | Major            | Minor                | - | -     | -                     |
| Debate                       | Major             | Minor    | Significant      | -                    | - | -     | -                     |
| Civil society                | Sole              | -        | -                | -                    | - | -     | -                     |
| <b>Care</b>                  | -                 | -        | -                | -                    | - | -     | -                     |
| Law                          | Significant       | -        | Minor            | Significant          | - | -     | -                     |
| Policy                       | Significant       | -        | Significant      | Minor                | - | Minor | -                     |
| Debate (x2)                  | Major<br>Marginal | Marginal | Marginal         | Marginal<br>Marginal | - | -     | Education<br>marginal |
| Civil society                | Significant       | -        | Minor            | Minor                | - | Minor | Choice<br>dominant    |
| <b>Work life<br/>balance</b> |                   |          |                  |                      |   |       |                       |
| Law                          | -                 | -        | -                | -                    | - | -     | -                     |
| Policy                       | Minor             | -        | Significant      | Minor                | - | -     | Choice<br>minor       |
| Debate (x2)                  | -                 | Marginal | Dominant<br>Sole | Marginal             | - | -     | -                     |
| Civil society                | Sole              | -        | -                | -                    | - | -     | -                     |
| <b>Equal<br/>treatment</b>   |                   |          |                  |                      |   |       |                       |
| Law (x2)                     | Sole<br>Sole      | -        | -                | -                    | - | -     | -                     |
| Policy                       | Major             | -        | Major            | -                    | - | -     | -                     |
| Debate                       | Dominant          | -        | Minor            | -                    | - | -     | -                     |
| Civil society                | Sole              | -        | -                | -                    | - | -     | -                     |

### *Conclusions*

Gender equality is both relevant and not relevant in policies relating to (non)employment. Where gender equality is seen as relevant, this is mainly due to the potential influence and voices of civil society where, gender equality seems to have the meaning of gender equality as an end in itself, i.e. gender equality as the primary policy goal rather than a means to an end, and as a vision only, i.e. a large scale view of the future. In terms of the vision in civil society texts, (gender equality as equality through sameness, equal valuation of different contributions or transformation) there is an emphasis on transformation.

In policy text and legislation, as well as in parliamentary debates, when gender equality is considered relevant, it is seen as both a policy means (to another goal) and an end in itself, and as both a vision and a strategy.

In equal treatment policies and legislation, gender equality is however relevant since the focus is on the gender pay gap.

Though a gender equality framing is absent in many of the texts, this probably provides a misleading picture in the sense that gender equality overall appears to have been of increasing relevance under the Labour government (since 1997), and with the work of the Women and Equality Unit. In other words, the analysis of this collection of documents is unable to capture the significance of longer term shifts.

The extent to which there is de-gendering in the texts, whereby groups such as lone parents which are known to be gendered (i.e. the majority of this group comprising of lone mothers), also results in the lack of an explicit focus on gender. For example, the use of a broader equality frame is prevalent in the area of the tax and benefits system, with the concern to boost the income of 'lone parent families', together with other 'target groups' (e.g. disabled people) with low rates of labour market participation.

Another popular norm for the issues is in terms of economic development, often alongside the use of an equality frame. For example, equal pay is seen as beneficial for the economy, as is full employment and policies to improve employees' work-life balance. The emergence of a choice frame, captured fleetingly in the texts analysed, could be interpreted as a potential threat to movements towards greater gender equality in employment, with the acceptance of women's (or rather mothers') concentration in part-time employment as reflective of 'women's choices'. This seems to be the implicit message in the governmental document on equal pay, in which part-time employment in itself is largely seen as unproblematic, with criticism directed at the quality of part-time employment.

### **Identifying intersecting groups**

The main intersections are identified using two methods. First, an analysis of the summary coding of selected policy documents. Second, an analysis of the issue histories, a qualitative analysis of the policy documents, and material from the country context study.

Using the summary coding of the policy documents the main intersections are shown in the table below. In relation to the intersection of gender with other inequalities, the main points of intersection, though not always explicitly named: gender and family status (i.e. whether or not mother of dependent child/ren) and class (i.e. whether living in low-income household and claiming benefits). Overall, there is less of a focus on ethnicity, age, disability and sexuality.

**Table 4: Intersectionality in Non-employment**

| <b>Intersectionality</b> | <b>Ethnicity</b> | <b>Religion</b> | <b>Class</b> | <b>Sexual orient.</b> | <b>Age</b> | <b>Disability</b> | <b>Marriage/ family status</b> | <b>Nationality/ migrant status</b> |
|--------------------------|------------------|-----------------|--------------|-----------------------|------------|-------------------|--------------------------------|------------------------------------|
| <b>Tax benefits</b>      |                  |                 |              |                       |            |                   |                                |                                    |
| Law                      | -                | -               | -            | -                     | -          | -                 | -                              | -                                  |
| Policy                   | Minor            | -               | Major        | -                     | -          | -                 | Minor                          | -                                  |
| Debate                   | -                | -               | -            | -                     | -          | -                 | Minor                          | -                                  |
| Civil society            | Minor            | -               | Major        | -                     | Minor      | -                 | Minor                          | -                                  |
| <b>Care</b>              |                  |                 |              |                       |            |                   |                                |                                    |
| Law                      | -                | -               | -            | -                     | -          | -                 | -                              | -                                  |
| Policy                   | -                | -               | -            | -                     | -          | -                 | Major                          | -                                  |
| Debate                   | -                | -               | -            | -                     | -          | -                 | -                              | -                                  |
| Debate(i)                | -                | -               | -            | -                     | -          | -                 | -                              | -                                  |
| Civil society            | -                | -               | -            | -                     | -          | -                 | Major                          | -                                  |
| <b>Work life balance</b> |                  |                 |              |                       |            |                   |                                |                                    |
| Law                      | -                | -               | -            | -                     | -          | -                 | Major                          | -                                  |
| Policy                   | -                | -               | Minor        | -                     | -          | -                 | Major                          | -                                  |
| Debate                   | -                | -               | -            | -                     | -          | -                 | Minor                          | -                                  |
| Debate(i)                | -                | -               | -            | -                     | -          | -                 | Minor                          | -                                  |
| Civil society            | -                | -               | Minor        | -                     | Minor      | -                 | Minor                          | -                                  |
| <b>Equal treatment</b>   |                  |                 |              |                       |            |                   |                                |                                    |
| Law                      | -                | -               | -            | -                     | -          | Minor             | -                              | -                                  |
| Law(i)                   | -                | -               | -            | -                     | -          | -                 | -                              | -                                  |
| Policy                   | Minor            | -               | Minor        | -                     | Minor      | Minor             | Minor                          | -                                  |
| Debate                   | -                | -               | Minor        | -                     | Minor      | -                 | Minor                          | -                                  |
| Civil society            | -                | -               | Minor        | -                     | -          | -                 | Minor                          | -                                  |

Using a wider range of sources, it is possible to identify the specific groups at stake in the discussion of these intersections. Within the policy field of non-employment several groups are identified at the point of intersection with gender inequality, including: older women, carers, disabled/sick, migrants, refugees and asylum seekers. Some of these may be seen, unusually, as legitimately non-employed, though this can also be contested and be undergoing change.

Older people: Older women may currently be described as ‘legitimately non-employed’. However, following the equalisation in pension age between men and women this status is being undermined. This group is a focus of growing interest because older women are a key provider of care (for both elderly relatives and young grandchildren). Thus an increased rate of employment for this group means a potential decline in the supply of care. In relation to older men, research indicates the existence of a large number of men who previously worked in heavy manufacturing industries who are now classified as disabled or sick ‘non-employed’. This group seems to attract little focus in terms of research or policies.

Carers: Current research tends to focus on parents, particularly working mothers, but there is a heterogeneity and diversity of experiences within the wider category of people who provide care.

Disabled / sick: Disabled / sick people represent a group where there is an increasing policy focus with recent government initiatives aiming to increase their participation in employment.

Migrants- refugees and asylum seekers: A growing body of work addresses the issue of non-employment amongst migrants (as a result of either immigration status or discrimination). The research has emphasised the way the citizenship rights of this group are undermined due to non-employment. This has particular gendered dimensions (e.g. the implications for women experiencing gender-based violence in terms of their lack of rights and access to services).

### **Gendering and degendering**

The connection between poverty and 'worklessness' tends to be selective in dominant discourses within the UK- focusing on particular groups (e.g. 'lone mothers') while other issues receive less attention (e.g. the continuing lack of childcare, the position of women as primary caregivers). In addition, the current government concern with the eradication of child poverty, together with the use of categories such as 'families' and 'households' in statistics, continues to obscure the gendering of poverty.

The extent to which there is de-gendering in the texts, whereby groups such as lone parents which are known to be gendered (i.e. the majority of this group comprising of lone mothers), also results in the lack of an explicit focus on gender. For example, the use of a broader equality frame is prevalent in the area of the tax and benefits system, with the concern to boost the income of 'lone parent families', together with other 'target groups' (e.g. disabled people) with low rates of labour market participation.

### **Implications of intersectionality in non employment**

The extent to which gender equality overall is seen as a cause for concern seems sometimes overshadowed by focus on particular groups of women which sometimes seems to detract from larger issues or the 'bigger picture'.

An intersectional approach to specific groups can lead to either their inclusion or their stigmatisation. An example of this is the low employment rate amongst specific groups of minority ethnic/religious (Bangladeshi and Pakistani) women. In some locations this is seen as a problem generated by Islamic culture which meant that such women would 'choose' not to be employed; while by contrast the Equal Opportunities Commission framed this as an issue of discrimination against these people on grounds of both their sex and their religion/ethnicity.

There has also recently been an increased government focus on the extent to which women from BAME (Black, Asian and Minority Ethnic) groups hold high positions and are represented politically. This is sometimes framed in terms of women being important in fostering social or

community 'cohesion' and thus may place women in a gender stereotyped role; at same time however, it can also highlight exclusions from 'public sphere' and discrimination against women from minority ethnic groups. A focus on intersectionality may therefore be associated with multiple implications in terms of the quality of gender equality policies.

Gender equality in and for itself is mainly found in equal pay debates, but even here there is a tendency towards gender equating to motherhood (e.g. attention to mothers' concentration in part-time lower paid employment). The issue of equal pay is intersectional in the sense of being about class, gender, and possibly marital / family status. However, framing it as such could be potentially divisive, if attention is on the split between higher and lower paid women (the latter who may be employed by the former), rather than on the pay differential between women and men. Focusing on single mothers with low-income who are not in the labour market does not allow attention to broader inequalities in distribution of care work i.e. the extent to which all women across different class positions continue to assume primary care giving responsibilities, and how this in turn is related to position in paid employment.

## 5 INTERSECTIONS IN INTIMATE CITIZENSHIP POLICY

### Introduction

Intimate citizenship concerns the policies of the state that regulate intimate relations, including partnerships, sexuality and reproduction. These are state interventions in areas that may or may not be conceived as private. The focus in this Quing project is on the relations between adults, not on the relations between adults and children or on generational issues. Intimate citizenship includes three main topics: divorce, marriage and separation; sexual orientation discrimination and partnering; reproduction including abortion and assisted reproduction. These topics include the following sub-topics:

- divorce, marriage and separation: conditions under which divorce is legally possible; the regulation of post-marital relations; child custody; matrimonial property (including pensions);
- sexual orientation discrimination and partnering: discrimination in age of consent; discrimination in employment and in the sale and supply of goods and services e.g. adoption; civil partnerships (including partner rights on crossing borders for residence, employment, education);
- reproduction including abortion, contraception, and assisted reproduction: limitations to legality and availability of abortion and contraception; discrimination in assisted reproduction on the basis of sexual orientation and partnership status; crossing borders for abortion or assisted reproduction.<sup>15</sup>

A strong theme in this collection of literature is research relating to the recent Civil Partnership Act. Broadly speaking, there is ambivalence amongst academics. While the Act is welcomed in respect of allowing recognition of same-sex partnerships previously denied, there is concern that it has resulted in a loss of radicalism and that the status of heterosexuality and marriage has been reinforced (thus suggesting integration into the mainstream rather than being transformative). A further concern is that a gender focus, and a wealth of feminist critique, is becoming lost in literature which concentrates predominantly on sexualities.

Other issues explored in the research on intimate citizenship include:

- The status of women in the context of changing family forms (e.g. increasing rates of divorce and co-habitation). This work has examined issues such as women's long-term financial prospects and access to pensions;
- The position of migrant women and their (lack of) citizenship status which has implications for their capacity to leave violent relationships;
- Women's reproductive rights and their access to contraception and abortion.

### **The range of the meanings of gender equality in intimate citizenship**

Equality, not necessarily gender equality, is a significant frame in intimate citizenship. It is the major framing mainly because of civil partnership and equal treatment of LGBT people; secondly, equality is the second most important framing of abortion. Equality is not at all present in the child support documents. Health is a marginal but the second most important framing, where abortion is the area that most strongly frames the diagnosis and prognosis in

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<sup>15</sup> Issue Histories, p. 7. Strid, Armstrong & Walby (2007) Timelines of policy debates: Ireland. QUING: Quality in Gender+ Equality Policies. Deliverable No. 19

terms of health. Yet again, health is not present in the child support documents. The third most common framing is economic development, which is the framing that is predominantly used in the documents on child support. The fourth most common framing is capacities & well being, again predominantly because of the child support documents. Human rights are barely present, the only exception is the human rights of the unborn child in one of the debates on abortion. Crime & justice is also almost completely present, but is a major framing in the legislation on child support.

**Table 5: Framing of gender equality in intimate citizenship**

| <b>FRAMING</b>           | <b>Equality</b> | <b>Human rights</b> | <b>Economic development</b> | <b>Capacities &amp; well-being</b> | <b>Crime &amp; Justice</b> | <b>Health</b> |
|--------------------------|-----------------|---------------------|-----------------------------|------------------------------------|----------------------------|---------------|
| <b>Civil partnership</b> |                 |                     |                             |                                    |                            |               |
| Law                      | Sole            | -                   | -                           | -                                  | -                          | -             |
| Policy                   | Sole            | -                   | -                           | -                                  | -                          | -             |
| Debate                   | Dominant        | -                   | -                           | -                                  | -                          | Marginal      |
| Civil society            | Sole            | -                   | -                           | -                                  | -                          | -             |
| <b>Child support</b>     |                 |                     |                             |                                    |                            |               |
| Law                      | -               | -                   | Minor                       | Significant                        | Major                      | -             |
| Policy                   | -               | -                   | Significant                 | Significant                        | Minor                      | -             |
| Debate                   | -               | -                   | Sole                        | -                                  | -                          | -             |
| Civil society            | -               | -                   | Major                       | -                                  | -                          | -             |
| <b>Abortion</b>          |                 |                     |                             |                                    |                            |               |
| Law                      | -               | -                   | -                           | -                                  | -                          | Sole          |
| Policy                   | Marginal        | -                   | -                           | -                                  | Marginal                   | Dominant      |
| Debate1                  | -               | -                   | -                           | -                                  | -                          | -             |
| Debate2                  | Minor           | -                   | -                           | -                                  | -                          | Dominant      |
| Debate3                  | -               | Major               | -                           | Major                              | -                          | -             |
| Civil society            | Major           | -                   | -                           | -                                  | -                          | -             |

Gender equality is not relevant to intimate citizenship issues in the UK context, gender equality is to an even greater extent than gender based violence not construed / understood as relevant to the policies analysed here. Gender equality is only understood as relevant in a minority of the analysed texts, legislation on civil partnerships, and in the civil society document in the area of abortion.

Even though gender equality is not relevant to intimate citizenship, legislation on civil partnerships and the civil society document on abortion still use gender equality as both a means to a policy goal and as an end in itself. Gender equality as an end in itself is slightly stronger than gender equality as a means to an end.

There is a balance between gender equality as a strategy and gender equality as vision in the law on civil partnership, while the civil society text on abortion frames gender equality as a sole vision for the future. Vision here means that gender equality is relevant as a large scale



view of the future, and gender equality as a strategy means that gender equality is understood as relevant in terms of practical policy initiatives and actions. The vision of gender equality is first and foremost that of sameness, and secondly there is a vision of a transformation of gender relations/society. The immediate strategy or tactics to reach gender equality as sameness is solely that of equal treatment.<sup>16</sup> (Q11). Vision and strategy put together then makes visible that the vision of equality through sameness should be realised via a strategy based on equal treatment such as for instance anti discrimination legislation and policies.

### **Identifying intersecting groups**

Using the summary codes, the main intersections are shown in the table below. There are minor intersections of gender and all other inequalities but disability in the area of intimate citizenship. The main two intersections relevant are family/marital status (e.g. lone mothers and non residing parent) and sexual orientation – both mainly due to the documents on civil partnership. Ethnicity, class and nationality/migrant status are all minor, followed by religion as even less present. Disability is not present in any of the documents. Class is only relevant in the documents on child support in within the topic of Divorce, marriage and separation, but is, to a minor extent, present in the debate on civil partnership.

Civil partnership in general is the area where most inequalities intersect. The area where intersectionality is least present is abortion.

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<sup>16</sup> Compare to gender equality in gender based violence, where equal treatment is the least explicit strategy towards gender equality. In gender based violence, vision and strategy put together makes visible that the vision of equality through sameness should be realised via a strategy of transformation/transformed gender relations.

**Table 6: Intersectionality in Intimate Citizenship**

| <b>Intersectionality</b> | <b>Ethnicity</b> | <b>Religion</b> | <b>Class</b> | <b>Sexual orient.</b> | <b>Age</b> | <b>Disability</b> | <b>Marriage/family stat</b> | <b>National/migrant</b> |
|--------------------------|------------------|-----------------|--------------|-----------------------|------------|-------------------|-----------------------------|-------------------------|
| <b>Civil partnership</b> |                  |                 |              |                       |            |                   |                             |                         |
| Law                      | -                | -               | -            | Major                 | -          | -                 | Minor                       | Minor                   |
| Policy                   | Minor            | Minor           | -            | Major                 | Minor      | -                 | Major                       | Minor                   |
| Debate                   | -                | Major           | Minor        | Major                 | -          | -                 | Major                       | -                       |
| Civil society            | Minor            | -               | -            | Major                 | -          | -                 | Major                       | Minor                   |
| <b>Child support</b>     |                  |                 |              |                       |            |                   |                             |                         |
| Law                      | -                | -               | Minor        | -                     | -          | -                 | Major                       | -                       |
| Policy                   | -                | -               | -            | -                     | -          | -                 | Major                       | -                       |
| Debate                   | -                | -               | Minor        | -                     | -          | -                 | Major                       | -                       |
| Civil society            | -                | -               | Minor        | -                     | -          | -                 | Major                       | -                       |
| <b>Abortion</b>          |                  |                 |              |                       |            |                   |                             |                         |
| Law                      | -                | -               | -            | -                     | -          | -                 | -                           | -                       |
| Policy                   | -                | -               | -            | -                     | -          | -                 | -                           | Minor                   |
| Debate1                  | Minor            | -               | -            | -                     | -          | -                 | -                           | -                       |
| Debate2                  | Minor            | -               | -            | -                     | Minor      | -                 | -                           | -                       |
| Debate3                  | -                | -               | -            | -                     | -          | -                 | -                           | -                       |
| Civil society            | -                | Minor           | -            | -                     | -          | -                 | -                           | -                       |

A strong theme in the literature on intimate citizenship concerns the implications of the Civil Partnership Act. While the Act is welcomed in recognising same-sex partnerships previously denied, but there is some concern that it is linked to a loss of focus on gender equality.

Other intersections in intimate citizenship identified in the wider range of sources include:

- The status of women in the context of changing family forms (e.g. increasing rates of divorce and co-habitation). This work has examined issues such as women’s long-term financial prospects and access to pensions;
- The position of migrant women and their (lack of) citizenship status which has implications for their capacity to leave violent relationships.

### **Gendering and degendering**

Intimate citizenship in the UK does not explicitly invoke gender in the sense that the categories women and men are not found literally in the policy documents or legislation relating to intimate citizenship. Gender is however implicitly invoked: a significant part of the various documents are degendered, i.e. the language and categories used in legal, political and civil societal language are known to be gendered. The only documents that do not invoke gender either implicitly or explicitly is the debate document on child support within divorce, marriage and separation. The use of gender is mainly in a degendered way and gender is invoked as a social category. The only exception to gender as mainly social is the policy

document on civil partnership, which only marginally invokes gender as social and is only marginally degendered. The main use of gender in this document is gender as biological.

### **Implications of intersectionality in intimate citizenship**

The implications of intersectionality for gender equality within the policy area of intimate citizenship are not very apparent. The main problem is that gender is hardly visible within intimate citizenship. In policy on civil partnership, sexual orientation is not understood as intersecting with gender. The form of equality that is being seen as a goal within civil partnership is simply equality, not gender equality. The inequality norm here is married couples, not men and women. Equality is for gay couples to achieve the same rights and same treatment as heterosexual couples. Any implications by or for gender and gender equality is left invisible.

Dealing with the intersection of multiple inequalities could potentially strengthen gender equality within the policy area of Divorce, Separation and marriage. The sub issue analysed is child support, and without taking the difference in social circumstances and economic positioning and reality of working-class and non working-class mothers child support policy will not generate gender equal outcomes. An intersectional approach to child support would potentially better produce policies targeting groups that would otherwise not be targeted. However, within child support, lone mother, lone parents, and economically disadvantaged groups are already present, so one could argue that the already, to some extent, multiple inequality sensitive policies, do improve the potential for gender equality. Nevertheless, gender and class, gender and ethnicity etc, are not explicitly targeted: intersectionalised groups are not not targeted in policy, but they are being made somewhat invisible through language. So, in short, the implications of intersectionality for gender equality in intimate citizenship are that intersectionality potentially could strengthen gender equality.

### **Some concerns around the inclusion of intersectionality in policies**

- Gender would appear to be lacking from the area of intimate citizenship.
- Intersectionality is not really visible in the policies, but different inequalities are.
- Marital status may not really be about marital status, but about partnering & parenting. In child support it is not the question of whether or not the parents are married that is dominant, but whether or not they are partners taking joint financial responsibility for their child. In Civil Partnership, it is the rights that come with marriage that is being demanded. However, marital status as the main inequality intersecting with sexual orientation in civil partnership is not necessarily an accurate description. Civil partnership is the demand for the same rights for homosexual couples as for heterosexual couples, not marital rights per se.

## 6 INTERSECTIONS IN GENDER BASED VIOLENCE POLICY

### Introduction

Policy and legislation on gender based violence encompass a range of forms of violence: domestic violence, sexual assault including rape, sexual harassment, stalking, forced marriage and trafficking. With the notable exception of the 2007 National Action Plan (Home Office, 2007a), trafficking and prostitution are rarely addressed as gender based violence but are occasionally addressed in terms of force, i.e. forced trafficking for sex exploitation, or financial gaining from exploitation of prostitutes.<sup>17</sup> In the UK, this policy area has primarily been driven by cutting back crime and punishing offenders. The implications for how to approach gender based violence; within the civil law system, or within the criminal law system. In turn, this has implications for those groups found at the intersection of multiple inequalities. Groups that have had a history of being marginalised, multiply disadvantaged and multiply vulnerable.

There is no single comprehensive legislation in the UK such as a Violence Against Women Act, covering gender based violence/violence against women specifically as such. There is however a range of legislation and policies against violence in general and abuse which provides sanctions and remedies for domestic violence and a range of legislation (and policy) which covers physical and sexual harassment (Family Law Act, 1996). From the change in governments to New Labour in 1997, there has been an increasing amount of legislation, policy, regulations and frameworks in the area of gender based violence and predominantly but not exclusively in the areas of domestic violence and sexual assault.

Much of the recent research into gender-based violence in the UK has been funded by Home Office, which sets constraints on the research conducted and the way it is reported (e.g. in terms gender-neutral language and a focus on 'what works' within the criminal justice system). This has tended to mean that there are simultaneously significant positive policy developments at the same time as a loss of explicit naming of gender equality.

### **The range of the meanings of gender equality in gender based violence**

The following section addresses the meaning of gender equality in gender based violence and asks what the general coverage of gender based violence is in relation to gender equality: what is included and what is excluded? What is the framing of gender equality in gender based violence policies, what frames are being used? How is gender equality approached: as an end in itself or utilised as a means towards some other policy goal? What is that other policy goal? Is gender equality understood as a vision or as a strategy? Finally, this section identifies the dominant conceptualisation of gender equality in gender based violence policy: equal treatment based on assumptions of the ultimate sameness of women and men; the equal valuation of different contributions by women and men; or the transformation of gender relations (Rees 1998; Verloo 2005; Walby 2005).

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<sup>17</sup> The interministerial groups led by the Home Office to cover all aspects of VAW "such as domestic violence, forced marriage, honour killings, female genital mutilation, sexual offending and rape, prostitution, and human trafficking" (Reprot to CEDAW, 2007).

Gender equality as a term is not often used in UK policy documents on gender based violence, with the exception of ministerial forewords and executive summaries. Gender is never present in legislation (LARG report, Issue Histories).<sup>18</sup> Primarily, gender equality is not construed/understood as explicitly relevant to the policies, laws, debates and civil society texts analysed here, although exceptions exist. In the few gender based violence policy documents where gender equality is explicitly either a means or an end, gender equality is rarely the end goal of the policy. The primary goal is to prevent and cut back crime – gender equality is possibly a means to that other policy goal (Home Office, 2003a, 2002, 2001a, 1999; HoC, 2003, 2002). In the Domestic Violence, Crime and Victims Act 2004, policy consultation proceeding it and the debates surrounding the act the main problem presented is the lack of legal protection for victims of violence and, more importantly, that offences under previous legislation (1996 Family Act) have been regarded as civil offences, whereas in the new 2004 Act such offences fall under criminal law. The Domestic violence, crimes and victims act makes breach of a non-molestation order a criminal offence, enabling the police to arrest for breach of a non-molestation order without the need for the courts to attach a power of arrest, or for the victim to apply to the civil court for an arrest warrant (an individual would only be guilty of a criminal offence if he is aware of the existence of the order.). In the Government's 2003 policy proposal on domestic violence set out in *Safety and Justice* (Home Office, 2003a) the problem definition is slightly extended from protecting to supporting victims of violence, and also includes a formulation on preventing domestic violence. Nowhere in these debates and policy is gender equality named as either a source to or as an outcome of domestic violence – gender equality is however mentioned as a means to another policy goal – cutting down crime. The problem of domestic violence is described as both personal and social; economical and crime oriented – but not as either a barrier to gender equality or as a consequence of the lack of gender equality and unequal power positions of women and men.<sup>19</sup>

#### *End/means, Vision/strategy*

Gender equality is predominantly wanted as an end in itself by civil society (Women's Aid, 2003b; EVAW; Fawcett) or not wanted at all (Ref from Issue histories + select docs). Where gender equality is relevant to policy (either as a goal or as a means) there is a balance

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<sup>18</sup> See for instance 2004 the Domestic Violence, Crime and Victims Act <http://www.opsi.gov.uk/ACTS/acts2004/20040028.htm>; Home Office (2003a) *Safety and Justice: The Government's Proposals on Domestic Violence*. <http://www.archive2.official-documents.co.uk/document/cm58/5847/5847.pdf>; House of Commons debate on the Domestic Violence Bill, Volume No. 407 Part No. 411 column 374-392 18 Jun 2003 [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030618/debtext/30618-09.htm#30618-09\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030618/debtext/30618-09.htm#30618-09_head0); Sexual Offences Act 2003 <http://www.opsi.gov.uk/ACTS/acts2003/20030042.htm>; Home Office (2001a) *Setting the Boundaries: Reforming the law on sex offences*. The recommendation of the Review for public consultation in Home Office <http://www.homeoffice.gov.uk/documents/vol1main.pdf?view=Binary>; House of Commons debate on Sexual Offences Law Reform. 19 Nov 2002. [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo021119/debtext/21119-05.htm#21119-05\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo021119/debtext/21119-05.htm#21119-05_head0); Forced Marriage (Civil Protection) Act 2007 [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070020\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070020_en.pdf); Home Office, Forced Marriage Unit (2005) "Forced Marriage — a Wrong Not a Right" Consultation paper on whether to create a new criminal offence of forced marriage. <http://www.endviolenceagainstwomen.org.uk/documents/forcedmarriageconsultation.pdf>; Forced marriage Bill 26 January 2007, <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70126-0006.htm>

<sup>19</sup> The Beijing Platform for Action states that "violence against women is a manifestation of the historically unequal power relations between men and women which have led to domination over and discrimination against women by men and to the prevention of women's full advancement" (paragraph 118).

between gender equality as a strategy and gender equality as vision. Vision here means that gender equality is relevant as a large scale view of the future, and gender equality as a strategy means that gender equality is understood as relevant in terms of practical policy initiatives and actions.

The vision of gender equality is first and foremost that that of sameness, and secondly there is a vision of a transformation of gender relations/society. The immediate strategy or tactics to reach gender equality is mainly that of gender transformation, for instance the changing of standards for men as well as for women, Secondly the strategy towards gender equality includes the implementing of special programmes, for instance refuges and rape crisis phone lines for women. The least explicit strategy towards gender equality is equal treatment, for instance to combat discrimination. Vision and strategy put together than makes visible that the vision of gender equality through sameness should be realised via a strategy of transformation/transformed gender relations.

#### *Framing/meaning*

Gender equality has multiple, and sometimes contradictory meanings. Looking at governmental policy and legislation on gender based violence, it would appear as if gender equality is simply a matter of punishing perpetrators, and to punish them to the extent that is has a deterrent effect on future potential offenders. Simultaneously, gender based violence does not constitute a criminal offence in itself – offenders can be prosecuted with a range of other crimes, for instance common assault. That the framing of gender based violence is almost solely that of crime, punishment and justice thus seem a little paradoxical when there is no criminal offence, this is present both in how the problems of gender based violence are understood, and in how these problems should be addressed through various policy tools and measures (Home office 2003a, 2002, 2001a)

Secondly, focus is on service provision to victims. Little is said about how to prevent gender based violence from occurring in the first place, and focus is on how to prevent a second phase of gender based violence through rehabilitation and through punishing individual offenders to prevent repeat crime (Home Office, 2001b).

The way in which governmental policy links gender based violence to gender equality is ambiguous. Firstly, it is not really clear whether or not gender based violence is understood as a question of gender equality. Gender based violence is rarely explicitly linked to gender equality, neither as a vision nor strategy. Secondly, the process of degendering is blurring the gendered character of gender based violence. Rhetorically, gender based violence is social and public problem relating to inequality, but the policy actions and methods suggested and implemented to deal with gender based violence imply that it is really perceived of as individual behaviour of crime rather than social structures. Existing gender regimes are not challenged through policies on gender based violence.

While crime framings exert a major influence over governmental policy on gender based violence as crime and justice, this is not to say that other conceptualisations are not visible. The dominance of crime and justice still leaves room for a human rights discourse in UK policy on gender based violence. When New Labour came to power in 1997, a series of measures were taken slightly shifting gender based violence discourses towards human rights. Such measures were mainly influenced by the international community – the 1995 Beijing Platform for Action and the incorporation of the European Convention on Human

Rights and Fundamental Freedoms into domestic law. To talk about a “domestication of internal human rights law” (Kantola, 2004: 18) may however be slightly exaggerated. The Human rights strategy, gender based violence and violence against women is a violation of human rights gained some influence in the UK at approximately the same time as in other countries, i.e. shortly after the Beijing Platform in 1995. What is interesting to note here though, is that the human rights discourse seem to be re emerging in women’s organisations due to the restructuring of the gender machinery.

Where the human rights discourse is dominantly influenced by the international level, the health discourse is EU language. Even though alternative strategies such as the public health framing has not been as dominant as a strategy in the UK as it has been in the EU, the links between domestic violence and health are clearly articulated by civil society organisations such as Women’s Aid (website ref. *isn’t there something on this also in SWs the costs of DV and in Kantola, 2004?*). [Use DAPHNE & Women’s Aid on women’s health]

The documents analysed use rather similar framings of the problem and of the solution to the problem. Crime and justice is the predominant framing of both of these. A second framing, but in comparison to crime & justice almost invisible, is equality and then human rights.

**Table 7: Framing of gender equality in gender based violence**

| <b>FRAMING</b>           | <b>Equality</b> | <b>Human rights</b> | <b>Economic developm.</b> | <b>Capacities &amp; well-being</b> | <b>Crime &amp; Justice</b> | <b>Health</b> |
|--------------------------|-----------------|---------------------|---------------------------|------------------------------------|----------------------------|---------------|
| <b>Domestic violence</b> |                 |                     |                           |                                    |                            |               |
| Law                      |                 |                     |                           |                                    | Sole                       |               |
| Policy                   | Marginal        | -                   | -                         | -                                  | Dominant                   | Marginal      |
| Debate                   | -               | -                   | -                         | Marginal                           | Dominant                   | Marginal      |
| Civil society            | Dominant        | Marginal            | -                         | -                                  | Marginal                   | -             |
| <b>Sexual assault</b>    |                 |                     |                           |                                    |                            |               |
| Law                      |                 | -                   | -                         | -                                  | Sole                       | -             |
| Policy                   | Significant     | Minor               | -                         | -                                  | Major                      | -             |
| Debate                   | Marginal        | -                   | Marginal                  | -                                  | Dominant                   | -             |
| Civil society            | -               | Minor               | -                         | -                                  | Dominant                   | -             |
| <b>Forced marriage</b>   |                 |                     |                           |                                    |                            |               |
| Law                      | -               | -                   | -                         | Marginal                           | Dominant                   | Marginal      |
| Policy                   | Minor           | Significant         | -                         | Marginal                           | Significant                | -             |
| Debate                   | -               | Major               | -                         | Minor                              | Significant                | -             |
| Civil society            | Minor           | -                   | -                         | Significant                        | Significant                | Marginal      |

Crime discourses are very much present in civil societal understandings of gender based violence. But civil society also adopts alternative discourses on gender based violence. Looking at the area of domestic violence, the key issue for women’s organisations and feminist activists in the UK, there has been multiple strategies to frame gender based violence as to maximise the policy outcome. From the 1970s and onwards, access to housing, health, crime, human rights and equality have all been developed as alternative framings and

strategies to map gender based violence onto policy making (see for instance Women's Aid and EVAW). Domestic violence has been key since the early campaigns carried out by Women's Aid (National Women's Aid Federation) in the late 1970s. Domestic violence has been treated as almost a universal barrier to gender equality – any woman could experience domestic violence and any man could be the perpetrator of domestic violence. Domestic violence has, as a universal phenomenon, been treated by Women's Aid as a reflection of an unequal power distribution between women and men – not between working class women and working class men, or between ethnic minority women and ethnic minority men. Domestic violence could and should be tackled by a redistribution of various societal (public and private) resources and by improving women's social, political and domestic positions.

#### Conclusions:

The meaning of gender equality in gender based violence is a rather awkward question, mainly because when analysing governmental policy and legislation, gender based violence does not appear to have anything to do with gender equality. For one thing, gender based violence does not seem to exist, but rather domestic violence (see Krizan 2005 for degendering) and sexual assault. Gender based violence is framed as crime and justice, not necessarily gender equality. Simultaneously, gender based violence is entering the mainstream gender equality policy making agenda. This paradox rests on, or can be explained by, that the gender machinery brought gender based violence into the merged machinery, while simultaneously policy documents on gender based violence were developed prior to the merger, and specifically deal with crime, not gender.

#### **Identifying intersecting groups and themes**

The main intersections are identified using two methods. First, an analysis of the summary coding of selected documents. Second, an analysis of issue histories, a qualitative analysis of policy documents and civil society texts, and material from the country context study.

Using the summary coding, the main intersections are shown in the table below. In relation to intersections with gender, the main points of intersection, though not always explicitly named, include: gender and ethnicity and gender and age. Other intersections are also present, most notably religion and national/migrant status. Overall, class, sexual orientation, marital/family status and disability are less in focus.

There are few intersections of gender with other inequalities in the analysed documents. The intersections relevant to this question include ethnic or racial inequality, e.g. reference to minority ethnic or 'racial' groups (include Roma); religion, e.g. reference to minority or non-dominant religious groups, or to the moral preferences of the majority religion; class inequality, e.g. reference to lower-skilled, unemployed or economically disadvantaged groups, social exclusion / inclusion (plus other country specific terms that are used to signal social class); sexual orientation, e.g. reference to gay, lesbian or bisexual orientations; age, e.g. reference to older people, or youth; disabled people; marital/family status (e.g. lone mothers); nationality/migrant status and possible other inequalities.



The only inequalities intersecting with gender to a more than a marginal extent are ethnicity and age, albeit they both only intersect in minor ways. Forced marriage marks a clear exception where ethnicity and religion are two major intersecting inequalities (policy and debate). As with the gender equality framing question above, the civil society text within domestic violence is also an exception to the majority of documents as ethnicity is seen as a major intersecting inequality. A further exception is the law in sexual assault in which age and disability are two major intersecting inequalities.

Current political interest in the potential for community building, which faith communities and partnerships between government and voluntary bodies can have, means that there is currently a wealth of literature exploring the roles of religious groups at local level in community development and their social capital forming potential (Farnell et al 2003; Smith, K 2004; Furbey et al 2006). Government interest can be seen both in its publication of a major report *Working Together: Co-operation between Government and Faith Communities* in 2004 (Home Office Faith Communities Unit, February 2004), and in the commissioning of a *Review of the Evidence Base on Faith Communities* (Beckford, James A. et al 2006) completed in 2006.)

**Table 8: Intersectionality in gender based violence**

| <b>Intersectionality</b> | <b>Ethnicity</b> | <b>Religion</b> | <b>Class</b> | <b>Sexual orient.</b> | <b>Age</b> | <b>Disability</b> | <b>Marriage/family stat</b> | <b>National/migrant</b> |
|--------------------------|------------------|-----------------|--------------|-----------------------|------------|-------------------|-----------------------------|-------------------------|
| <b>Domestic violence</b> |                  |                 |              |                       |            |                   |                             |                         |
| Law                      | -                | -               | -            | Minor                 | -          | -                 | Minor                       | -                       |
| Policy                   | Minor            | -               | Minor        | -                     | Minor      | -                 | -                           | Minor                   |
| Debate                   | Minor            | -               | -            | -                     | Minor      | -                 | -                           | Minor                   |
| Civil society            | Major            | Minor           | Minor        | Minor                 | Minor      | Minor             | -                           | Minor                   |
| <b>Sexual assault</b>    |                  |                 |              |                       |            |                   |                             |                         |
| Law                      | -                | -               | -            | -                     | Major      | Major             | -                           | -                       |
| Policy                   | Minor            | -               | -            | Minor                 | Minor      | Minor             | -                           | -                       |
| Debate                   | Minor            | -               | -            | -                     | Minor      | Minor             | -                           | Minor                   |
| Civil society            | -                | -               | -            | -                     | Minor      | -                 | Minor                       | -                       |
| <b>Forced marriage</b>   |                  |                 |              |                       |            |                   |                             |                         |
| Law                      | -                | -               | -            | -                     | -          | -                 | -                           | -                       |
| Policy                   | Major            | Major           | -            | -                     | Minor      | -                 | -                           | Minor                   |
| Debate                   | Major            | Major           | -            | -                     | Minor      | -                 | -                           | -                       |
| Civil society            | Minor            | Minor           | -            | -                     | Minor      | -                 | -                           | Minor                   |

Using a wider range of sources makes it possible to identify the specific groups at stake in the discussion of these intersections. Several groups are identified at the point of intersection within the policy field of gender based violence but one group especially stands out: ethnic minority women (often named women in communities). Other named, less visible groups

include asylum seekers, refugees, migrant women and children (always non-gendered, never as boys or girls though).

Ethnic minority women:

Migrant women: (a version of ethnicity)

Asylum seekers: (as a version of ethnicity)

Refugees: (as a version of ethnicity)

Children

Intersectionality in the UK policy context seems to mean multiple discrimination and or multiple disadvantage (Selected docs list, LARG study). The grounds for the disadvantage or discrimination is not necessarily understood mutually constitutive, but more likely as additive (ref to LARG doc) or even separate (law). There is however a shift taking place, where the understanding of intersectionality is moving from that of separate inequality grounds towards additive, and in the civil society context towards mutually constitutive (Fawcett, EVAW, NAWO, Southall Black Sisters + ethicised organisations). Other meanings of intersectionality also occur, for instance references to the most vulnerable, including lone parents (women); ethnic minority groups / especially women; children in relation to poverty and the disabled and class. More recently, gender based violence lobbying have been using equal access to health care and anti discrimination as a strategic approach to fund service providers and civil society organisation working to combat gender based violence (EVAW, Equality and Diversity – ECHR).

Intersectionality is generally not treated as central to policy. The intersection of gender & ethnicity marks the exception, particularly in the policy area of forced marriage. To some extent, this exception is also present in policy on domestic violence. In many cases, intersectionality is central to problem definitions, but it is not part of the solutions. Generally multiple disadvantages and discrimination are targeted in introductions and forwards of policy documents, and described as a structural problem located within the polity. However, the policy actions proposed rarely target the intersection of multiple inequalities, and on the rare occasions when they do, the prognosis and policy actions are not aiming to transform the discriminatory structures. Policy actions are in the form of special programs targeting for instance lone parents or women in ethnic minority communities.

The three main reoccurring levels, or locations, of the diagnosis and prognosis include the polity (the political system or regime); society (social relations and social structures); and thirdly the individual level where individual citizens, parliamentarians, politicians are addressed. Intersectionality, when addressed, is described as a structural problem of multiple discrimination in the polity and society, but the prognosis and the proposed policy actions and measures address individual women and/or individual men. The diagnosis and the prognosis more often than not, do not overlap – or there is inconsistency in the balance between diagnosis and prognosis. Multiple inequalities and their intersection is however not present as merely a reference to such groups being consulted. A focus, or at least attention to, structures and structural component is visible only in the diagnosis, and left invisible in the prognosis. Multiple discrimination is thus not construed as the central problem, but rather a marginal one. When addressed as a problem, it disappears in the proposed policy actions.

The focus on intersectionality is largely ephemeral, and not embedded in the polices.

Crime discourses are very much present in civil societal understandings of gender based violence. But civil society also adopts alternative discourses on gender based violence. Domestic violence has been treated as almost a universal barrier to gender equality – any woman could experience domestic violence and any man could be the perpetrator of domestic violence (see also the review on Sexual Offences 2003). Domestic violence has, as a universal phenomenon, been treated by Women’s Aid as a reflection of an unequal power distribution between women and men – not between working class women and working class men, or between ethnic minority women and ethnic minority men.

Gender equality as a term is not often used in UK policy documents on gender based violence, with the exception of ministerial forewords and executive summaries. Gender is never present in legislation (LARG report, Issue Histories).<sup>20</sup> Primarily, gender equality is not construed/understood as explicitly relevant to the policies, laws, debates and civil society texts analysed here, although exceptions exist. In the few gender based violence policy documents where gender equality is explicitly either a means or an end, gender equality is rarely the end goal of the policy. The primary goal is to prevent and cut back crime – gender equality is possibly a means to that other policy goal (Home Office, 2003a, 2002, 2001a, 1999; HoC, 2003, 2002).

### Gendering and degendering

Women and men rarely exist in policy documents on gender based violence. Victims and perpetrators do. With the exception of ministerial forewords and executive summaries, the process of degendering seems complete. It is important to ask why civil society also adopts degendering, to some extent. Is degendering for instance a thought out strategy where gender based violence may become more of a general problem, rather than seen as a problem for women? Or is it yet another version of the process of silencing as argued by Crenshaw when black women’s experiences of domestic violence is not articulated? While Crenshaw’s dilemma is over what is the right strategy in relation to domestic violence at the intersection of gender and race, where drawing attention to it may increase the stigmatisation of the minoritised racial group, but silencing is to the detriment of the women who have suffered the violence, degendering could possibly be conceptualised in similar terms. The

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<sup>20</sup> See for instance 2004 the Domestic Violence, Crime and Victims Act <http://www.opsi.gov.uk/ACTS/acts2004/20040028.htm>; Home Office (2003a) *Safety and Justice: The Government’s Proposals on Domestic Violence*. <http://www.archive2.official-documents.co.uk/document/cm58/5847/5847.pdf>; House of Commons debate on the Domestic Violence Bill, Volume No. 407 Part No. 411column 374-392 18 Jun 2003 [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030618/debtext/30618-09.htm#30618-09\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030618/debtext/30618-09.htm#30618-09_head0); Sexual Offences Act 2003 <http://www.opsi.gov.uk/ACTS/acts2003/20030042.htm>; Home Office (2001a) *Setting the Boundaries: Reforming the law on sex offences*. The recommendation of the Review for public consultation in Home Office <http://www.homeoffice.gov.uk/documents/vol1main.pdf?view=Binary>; House of Commons debate on Sexual Offences Law Reform. 19 Nov 2002. [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo021119/debtext/21119-05.htm#21119-05\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo021119/debtext/21119-05.htm#21119-05_head0); Forced Marriage (Civil Protection) Act 2007 [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070020\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070020_en.pdf); Home Office, Forced Marriage Unit (2005) “Forced Marriage — a Wrong Not a Right” Consultation paper on whether to create a new criminal offence of forced marriage. <http://www.endviolenceagainstwomen.org.uk/documents/forcedmarriageconsultation.pdf>; Forced marriage Bill 26 January 2007, <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70126-0006.htm>

question is then, whether feminists have addressed this and found a solution or not. In the UK, there is an interesting coalition of civil society groups that has attempted to address this.

### **Implications of intersectionality on gender based violence**

Potentially, the inclusion of multiple inequalities could lead to the strengthening gender equality. Recognising the various and sometimes different experiences of violence within the groups women has at least led to the naming of specific forms of violence, such as forced marriage and honour crimes. There has been a shift from the marginalisation to the visibility of ethnic minority women in gender based violence policy, and with this there is also a shift from silencing to the voice of ethnic minority women – most notably through civil society coalitions but also in public policy where ethnic minority civil society has been invited and requested to have an active role in working groups and in the preparation of legislation seen as particularly addressing the experiences of ethnic minorities.

A fear, however, is that the increased attention to one particular groups is at the expense of other groups, i.e. a further marginalisation of other groups. Much focus of gender based violence policy is either 'woman' in general, or Black Asian Minority Ethnic Women. The question is where do we find disabled groups or classed groups?

The extent to which other inequalities than gender are present in gender based violence is rather marginal, but not non-existing. Inequalities named/mentioned as having an impact on gender equality, or as being a part of gender equality, include first and foremost ethnicity/race and age. It appears as if the way in which ethnicity and age intersect with gender is additive rather than mutually constitutive which in turn would imply that the intersecting of gender with other inequalities has little impact on the meaning of gender equality. Gender becomes almost synonymous with woman, and 'woman' has no ethnicity. When taking ethnicity as the point of departure, another patterns becomes visible. Ethnic communities are gendered, when ethnic minority organisations represent their communities in governmental consultations, they do this as both an ethnic minority and as a gendered group (Forced marriage consultation in particular). In the responses to the forced marriage consultation, there is not a major difference in the alternatives or strategies used by civil society groups. Both women's organisations and women's ethnic minority organisations wanted to avoid a criminalisation of forced marriage, and refer to available criminal sanctions within already existing legislation. The organisations share the fear that criminalising forced marriage will turn forced marriage into an ethnic minority problem rather than a problem of violence against women (domestic violence is preferred framing).

The organisations categorised as ethnic/religious minority organisation (without knowing if these are women's organisations or not) are also opposing criminalisation of forced marriage. Women's organisations and women's ethnic minority organisation have prepared joint submissions to the Home office consultation, and have reached some kind of consensus on what to submit (End Violence Against Women & Southall Black Sisters). Women's ethnic minority organisations have clearly taken, been given, the lead on forced marriage – the major, usually dominant women's organisations (EVAW, Fawcett, Women's Aid & WNC) either introduce their submission by expressing support for Southall Black Sister's or NEWHAM's positions, or choose not to submit a separate document to the consultation

(EVAW) or remain silent (Fawcett). The strategy used by feminist civil society could be understood as a way of dealing with the dilemma of stigmatising and silencing as presented by Crenshaw in 1991 over what is the right strategy in relation to domestic violence at the intersection of gender and race. On the one hand, drawing attention to the racial dimension of domestic violence may increase the stigmatisation of the minoritised racial group, but on the other hand, silencing is to the detriment of the women who have suffered the violence.

There is a range of possible implications of intersectionality for gender equality: intersectionality could potentially strengthen gender equality taking the specificity of various groups of women into account when, for instance, best practice would include information, counselling etc in various languages. Also, when special trainings for the police and judicial systems are designed, religion and cultural history should be part of that training. Intersectionality could also, quite paradoxically, weaken gender equality as it tends to blur the visibility of gender itself. Gender becomes one of many inequalities rather than a more dominant one. This may, on the other hand, be both good and bad. When combined with degendering, the fear is obviously that the hierarchal positioning and unequal power share of women and men is rendered invisible. Gender based violence may not be efficiently combated when degendered and simultaneously treated as completely mixed up with other inequalities. The structures of inequality, and their explanatory bases are necessarily not the same within the range of inequalities, and so would, consequently, not the solution to combating gender based violence be either.

## 7 CIVIL SOCIETY

How does intersectionality work in civil society organisations? Is there organisation by strand or do civil society organisations take into account multiple inequalities? Is there a 'hierarchy' amongst the equality strands and are some combinations (e.g. gender and ethnicity) more common than others?

Civil society in the UK is generally organised by strand. There are organisations focusing on gender equality, age, social class, ethnicity and so on. This structure of civil society is encouraged not only by the form of governmental consultation processes, but also by European Union actors such as the European Commission and the European Social and Economic Council (CEC, 2002).<sup>21</sup> Ethnised and racialised groups have traditionally organised separately and are established and run by women, participating at all levels of the organisations. There is however a coalition of women's organisations organised by issue and long-term campaigns, most notably the End Violence Against Women campaign which comprises organisations across strands and across inequalities. There are specialised civil society organisation in gender and/or women & ethnicity, partly multiethnic/multi minorities, and partly focusing on specific ethnicities, especially in the area of gender based violence.<sup>22</sup>

However, the organisational structure does not exclude the possibility of taking multiple inequalities into account. Women's organisations, ethnic minority organisations, religions organisations, trade unions etc are organisationally divided by strand, but do not exist without interacting with their political and civil societal environment. Especially women's organisations in the UK are organised through cross strand coalitions and campaigns. Leading gender based violence organisations constitute part of the membership of the leading ethnic minority women's organisations, and such organisations are in turn members of the leading general women's organisation, of which the trade unions are members. Civil society organisations are therefore not isolated from each other, but meet at various points (Network analysis would be interesting here). One question relevant to consider for future analyses is: if there is a coalition of women's organisations around various issue (for instance gender based violence, abortion, equal pay) does this produce a hierarchy amongst the equality strands? Are some combinations, e.g. gender and ethnicity, more common than others?

### *Religion/belief*

Current political interest in the potential for community building, which faith communities and partnerships between government and voluntary bodies can have, means that there is currently a wealth of literature exploring the roles of religious groups at local level in

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<sup>21</sup> European Commission (2002) General principles and minimum standards for consultation of interested parties by the Commission COM(2002)704. See also The Commission's minimum standards for consultation

<sup>22</sup> For instance the Ashiana Network (formerly known as the Ashiana Project) provides temporary, safe and supportive housing to women who are homeless as a result of domestic violence. The service is specifically for South Asian, Turkish and Iranian women. NAWP is a community based women's organisation providing specialist support services for women and children from South Asian communities. Southall Black Sisters (SBS) provides welfare and support to Asian and African-Caribbean women that have experienced various forms of violence and/or abuse. SBS also runs campaigns and develops policy around issues of violence and/or abuse affecting Asian and African-Caribbean women. Karma Nirvana is an Asian Women's project that provides support to South Asian women and children escaping domestic violence. Iranian and Kurdish Women's Rights Organisation (IKWRO) aims to offer help and support to Farsi and Kurdish speaking women who are suffering domestic violence, are at the risk of "honour" killings and forced marriages.

community development and their social capital forming potential (Farnell et al 2003; Smith, K 2004; Furbey et al 2006). Government interest can be seen both in its publication of a major report *Working Together: Co-operation between Government and Faith Communities* in 2004 (Home Office Faith Communities Unit, February 2004), and in the commissioning of a *Review of the Evidence Base on Faith Communities* (Beckford, James A. et al 2006) completed in 2006.)

#### *Consultations and civil society responses*

It is interesting to note the way in which government consultations divide civil society into strands: Consultation on the forced marriage bill had no category constituting women's ethnic minority organisations but either women's organisations or ethnic minority organisations, this despite the fact that one of the leading organisation in the UK for ethnic minority women victims of domestic violence – Southall Black Sisters – co-drafted the Forced Marriage Bill. Most consultations split civil society voices into either gender (or sometimes women's organisations) or ethnicity/race.

Overall, civil society organisations do seem to be better at 'doing intersectionality' than state bodies. This may be related to their having a less rigid organisational structure which can lend itself to greater networking and possibility of alliances and coalitions. At the same time, civil society groups, while dynamic, are also often established over a number of years fostering expertise in their area. This can be contrasted with formal institutions where equality units within government have often been short-lived and moved frequently around different departments (e.g. the Women and Equality Unit).

Also, unlike state bodies, NGOs are often at the 'frontline' delivering or being involved with service provision, giving them direct experience of the problems that various groups confront. This practical and pragmatic knowledge should not be underestimated.

However, there is the issue of whether civil society groups are better at 'doing intersectionality' because the area in which they are working is limited i.e. they are often not attempting to cover all strands. Rather, they are usually primarily focused on one strand and then proceed to run other strands through this. This means that rather than trying to 'do everything' they can develop the expertise necessary to attend to the subtleties and nuances that an intersectional focus requires.

## 8 COMPARISONS

### Summary

The most frequent specific intersections that emerge in policy and related documents as relevant to gender+ equality policies in the UK are: marital status and ethnicity/race. In addition there is some reference to age, class and sexual orientation. These vary only a little between policy areas. See Table 1.

**Table 5: Inequalities by policy area**

| Area         | First inequality | Second inequality | Third inequality   |
|--------------|------------------|-------------------|--------------------|
| General      | ethnicity        | class             | sexual orientation |
| Non employ   | marital status   | age               | class              |
| Intimate cit | marital status   | age               | sexual orientation |
| Violence     | ethnicity        | age               | -                  |

The groups most often named at these intersections are shown in Table 2.

**Table 6: Groups at the intersection**

| Area                  | Social groups   |
|-----------------------|---|
| General:              | Women in communities; Southall black sisters; Muslim women, young disabled people, Black or minority ethnic lesbians and gay men; Pakistani and Bangladeshi women |
| Non employment:       | Muslim women; Pakistani and Bangladeshi women; Black and ethnic minority families.  |
| Intimate citizenship: | Women in communities; women in Northern Ireland;  |
| GBV:                  | Ethnic minority women; added difficulty for ethnic minority women, Black and Asian women  |

- The equalities legislation is becoming consistent with the equalities machinery, i.e. moving towards integrated legislation and integrated equality body.
- Intersectionality is rhetorically central to the policy, but marginal in policy actions. It is most often visible as a reference to groups at the point of intersection being consulted.
- There is no specific tendency for intersectionality to be present in particular types of documents, apart from the more visibility of multiple inequalities in civil society texts.
- While there may be increased focus on some groups at intersections, especially ethnic minority women, there is at same time a tendency to de-gender discursively (e.g. lone parents).



- Intersectionality enters the equation when particular groups represent a 'barrier' to reaching gender equality goals, e.g. full employment in the area of non-employment, and would appear to be forced onto the agenda by civil society groups within intimate citizenship and gender based violence. In the latter policy area, intersectionality has largely been raised by NGOs.
- There is a focus on different employment rates amongst women by minority ethnic or religious group. This was framed by the Women and Equality Unit, now the Government Equalities Office. The office is also raising the issue of equal political representation of ethnic minority women in Parliament.

## **8.1 Changes in intersectionality across the QUING areas**

The most significant turning point in relation to gender equality policies generally was the change in government in 1997, from the Conservative to Labour Party. More specific turning points relating to each of the QUING areas are discussed below.

### **8.1.1 Legislation and machinery**

More specific turning points relating to general gender equality policy and machinery is the shift from legislation and machinery on separate equality strands to integrated legislation and machinery. As noted above, the integration of the semi-state and governmental equality machinery has taken place, though the Single Equality Bill bringing in integrated equality legislation is not due until the autumn (2008).

However, whether integration necessarily means intersectionality is an issue that will only be able to be explored in the future. Likewise, a strand organisation did not preclude an intersectional focus, with the previous gender equality body, the EOC, having focused on groups at the intersection of gender and ethnicity for example.

What is also interesting is how intersectionality and multiple discrimination, and the capacity of the new single body to engage with interacting inequalities, was used as a key argument in favour of the new integrated body. Groups at the intersections are often identified (e.g. 'Muslim women'), but the significance and specificity of their experiences of inequality is often not detailed. Nevertheless, given that intersectionality was used as a key point of argumentation for the establishing of a new body, relatively more attention is given to gender intersecting with other equality strands than across the other areas analysed.

### **Cohesion and equality**

A recent legal case of the NGO Southall Black Sisters vs. Ealing Council is interesting in relation to the potential consequences of different forms of intersectionality and how these are operationalised in practice. Ealing council procedures to limit funding unless services provided regardless of gender / ethnicity etc. threatened to exclude specialist services. Southall Black Sisters are an organisation focusing on violence against women and were established to meet the needs of black (Asian and African-Caribbean) women.

Southall Black Sisters received support from the new Equalities and Human Rights Commission. Ealing council decided to withdraw its case which meant that a full judgement was not made but SBS did secure a shorter judgement that is expected to take the form of guidance to ensure that local authorities comply properly with racial and other equalities legislation; One of the key principles being that there is no necessary dichotomy between cohesion and specialist services. The council agreed to continue funding SBS at the previous level until it completes the process of commissioning based on any new decision on domestic violence services. It also agreed to pay the costs of legal representation for the SBS, and the costs of the EHRC.

As SBS states, this case raises 'important questions about the meaning of equality and cohesion.' In the light of the case, it will be interesting to observe in the longer term the procedures followed by local authorities in funding specialist groups.

### **The positioning of social class**

Although the legal remit of the equalities body does not include class, there has been an increasing recognition of the importance of social class in a period of widening inequalities (e.g. in a statement in July 2008, the Chair of the EHRC Trevor Phillips stressed the need to tackle the causes driving inequality<sup>23</sup>).

#### **8.1.2 Non-employment**

With regard to non-employment, the Labour government has been focused on increasing the rate of employment amongst various groups, including women. This has involved increasing the provision of childcare (intersection of gender and family status) as well as moving towards increasing the employment rate amongst lone parents (mothers) of increasingly younger children (gender and family / marital status). Class is also present, albeit implicitly. However, other equality strands rarely intersect with gender.

Since the previous QUING analyses however, there has been more focus on ethnicity and gender, with government targets to increase the representation women from Black and Asian Minority Ethnic groups. The meaning of this focus though is unclear though; whether concerned with gender equality as an end in itself or only as a means to the end of serving the social cohesion agenda in the policy area of 'race and faith'.

#### **8.1.3 Intimate citizenship**

With regard to intimate citizenship, the QUING period builds on an earlier period marked by 'the normalisation' of homosexuality. This includes not only legalisation of homosexuality and the removal of section 28, but also the attempt towards equality as sameness and equal treatment by, most notably, the institutionalisation of homosexual relationships in a way

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<sup>23</sup> 'Fight class divide, says Phillips' (21.7.08), BBC news  
[http://news.bbc.co.uk/1/hi/uk\\_politics/7518207.stm](http://news.bbc.co.uk/1/hi/uk_politics/7518207.stm)

similar to heterosexual relationship. The overarching goals appear to be equality and sameness.

#### **8.1.4 Gender based violence**

The most significant change with respect to intersectionality in gender based violence is the institutionalisation of ethnic minority violence and the naming of groups at the point of intersection. There are a visibility and voice of ethnic minority women, including the naming of the specific forms of violence, civil society coalitions and the inclusion of ethnic minority women's organisations in policy making. Ethnic minority groups take and are simultaneously given the lead on issues regarded as especially relevant to ethnic minority women Ethnic minority groups are being addressed specifically in consultations, named in consultations when dealing with issues regarded as especially relevant to ethnic minority women. There are special programs & trainings for the policy and justice system targeting ethnic minority women and the police/judicial system's treatment of ethnic minority women

## 9 CONCLUSIONS

Returning to the question 'what are the implications of intersectionality for the quality of gender equality policies', what can be concluded?

Conclusions from the analysis conducted thus far are limited to tentative statements given that while the material used is significant in its scope, it only represents a small amount given the size of the overall area (and time span).

But, in general, seems that if done carefully, intersectionality is positive, however, if done as part of cost cutting / integration - without the resources- then we may see potentially negative impact on the quality of gender equality policies.

Drawing from the preceding discussion, it can be seen that:

- The meaning of gender equality- in terms of its presence or absence as a frame in policy documents – varies across policy areas, and across type of documents. In general legislation, gender machinery and non-employment the main framing is equality. Economic development is second in general legislation, whereas human rights is second in gender machinery. Both economic development and human rights are marginal in non-employment. In intimate citizenship the main framing is marital status expressed as partnering. Equality is absent in intimate citizenship. Crime and justice is the main framing in gender based violence, an area where all other framings are either marginal or absent.
- Presence and absence of intersectionality across the policy areas tends to be mixed. The range of strands considered tended to be limited largely to ethnicity, class and marital/family status. In general legislation ethnicity and class are the dominant inequalities intersecting with gender, while in gender machinery class is less visible but still important. Ethnicity is the main inequality intersecting with gender. In non-employment, marital status is the most significant inequality intersecting with gender, class is the second. Sexual orientation is missing completely. In intimate citizenship the only major inequality is sexual orientation, gender is lacking as an inequality. IN gender based violence, ethnicity and gender is the main intersection. Second is age.

Civil society groups appear to have capacity to address the subtleties and nuances of multiple inequalities. In part, expertise and experience may explain this inclusion, but possibly also the organisational structure of civil society where alliances are formed around issues and campaigns. Coalitions of civil society groups are often used for lobbying state institutions and for specific campaigns.

It also seems that the inclusion of multiple inequalities is more present in women's organisations than in organisations based on for instance disability or sexual orientation. This raises the question of whether the issue of intersectionality and quality rest on 'who' is doing intersectionality? And if a women's 'gender first' organisation, have the ability to run intersectionality through gender, without losing sight of gender equality.

General gender equality is dominated by the change in gender machinery, from separate commissions for the inequality grounds to an integrated commission addressing all inequality grounds and the attempts to streamline legislation in a similar way. It could be assumed that the inclusion of intersectionality is positive in terms of the quality of gender equality policies. The more inequalities considered, the better; the more the category 'women' is differentiated to take into account differences according to ethnicity/race, dis/ability, social class, religion, age, and sexuality the better. However, is this always the case? As noted above, there are concerns over the integration of equalities machinery. The structure of the machinery and the future legislation implies that there may be an underlying assumed similarity of inequalities,

Gender equality is mainly interpreted as having two distinct and separate meanings in this area: Equal opportunities and general equality (both underlining individual, liberalism, non-state interference). While the collection of documents analysed under legislation frames gender equality mainly as equal opportunities, the collection of documents analysed under gender machinery uses a different framing, that of a general concept of equality – not necessarily gender equality.

For non-employment the main points of intersection, though not always explicitly named are gender and family status (i.e. whether or not mother of dependent child/ren) and class (i.e. whether living in low-income household and claiming benefits). Overall, there is less of a focus on ethnicity, age, disability and sexuality.

Gender equality is both relevant and not relevant in policies relating to (non)employment. Where gender equality is seen as relevant, this is mainly due to the potential influence and voices of civil society where, gender equality seems to have the meaning of gender equality as an end in itself, i.e. gender equality as the primary policy goal rather than a means to an end, and as a vision only, i.e. a large scale view of the future. In terms of the vision in civil society texts, (gender equality as equality through sameness, equal valuation of different contributions or transformation) there is an emphasis on transformation. Though a gender equality framing is absent in many of the texts, this probably provides a misleading picture in the sense that gender equality overall appears to have been of increasing relevance under the Labour government (since 1997), and with the work of the Women and Equality Unit. In other words, the analysis of this collection of documents is unable to capture the significance of longer-term shifts.

The extent to which there is de-gendering in the texts, whereby groups such as lone parents which are known to be gendered (i.e. the majority of this group comprising of lone mothers), also results in the lack of an explicit focus on gender. For example, the use of a broader equality frame is prevalent in the area of the tax and benefits system, with the concern to boost the income of 'lone parent families', together with other 'target groups' (e.g. disabled people) with low rates of labour market participation.

Another popular norm for the issues is in terms of economic development, often alongside the use of an equality frame.

In intimate citizenship, gender equality is not relevant in the UK context. Gender equality is only understood as relevant in a minority of the analysed texts, legislation on civil partnerships, and in the civil society document in the area of abortion.

Even though gender equality is not relevant to intimate citizenship, legislation on civil partnerships and the civil society document on abortion still use gender equality as both a means to a policy goal and as an end in itself. Gender equality as an end in itself is slightly stronger than gender equality as a means to an end.

In terms of the inclusion of inequalities, gender based violence is dominated by the intersection gender and ethnicity and gender and age. The material suggests that the inclusion of violence against ethnic minority women in policy if not contradicts Crenshaw (1991) then at least points towards a potential shift in that there is an ongoing process of naming and the visibility of the ethnic minority women's experiences of violence. There is no longer a complete silencing or marginalisation of such experiences. In part, this could potentially be explained by civil societal campaigns and structure. For one thing, where Crenshaw argued that black women "face limited options of political communities formed either around ethnicity or around gender, rather than political action that engages with the particular difficulties at the intersection" this is no longer the only case in the UK. Political communities and civil society organisations organise around the very intersection of gender and ethnicity (for instance Southall Black Sisters). Addressing possible explanations will, however, require more in depth analysis.

### **Best practice?**

The above discussion points to some of the potentially negative dimensions of an intersectional approach; when would such an approach have positive implications for the quality of gender equality policies?

Some starting points may be the following: Where category is assumed from beginning to be inclusive of difference, and where informed by expertise from research (not merely rhetorical). Where there is sensitivity to differences within category without the solidification or necessarily acceptance of these differences.

From reviewing the data, it seems that civil society groups may be better positioned in terms of having such expertise, acquired over long period, and cognisant of complexities 'on the ground'.

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